

# LEADERSHIP TEAM EVALUATION OF PETITION TO FORM THE OXFORD DAY ACADEMY CHARTER SCHOOL

Petition Submitted: March 30, 2016  
Public Hearing: April 20, 2016  
Determination Date: June 15, 2016

## **I. INTRODUCTION**

On March 30, 2016, the Sequoia Union High School District (“District” or “SUHSD”) received a petition to form the Oxford Day Academy Charter School (“ODA”).

The Charter Schools Act of 1992 permits school districts, county boards of education, and the State Board of Education (“SBE”) to grant charters for the operation of charter schools. (Education Code section 47600, *et seq.*) Charter schools “are part of the public school system,” but “operate independently from the existing school district structure.” (Education Code sections 47615(a)(1), 47601.) Charter schools are established through submission of a petition by proponents of the charter school to the governing board of a school district, county board or to the SBE. The governing board must grant a charter “if it is satisfied that granting the charter is consistent with sound educational practice.” (Education Code section 47605(b).) Nevertheless, a governing board may deny a petition for the establishment of a charter school if it finds that the particular petition fails to meet enumerated statutory criteria and adopts written findings in support of its decision to deny the charter. (*Ibid.*) A charter school, as proposed by ODA’s petition, operates as separate legal entity from the district.

Currently, the District sponsors two independent charter schools (Summit Prep Charter and Everest Public high schools) and enjoys cooperative relationships with each of them. In addition, the SUHSD sponsors East Palo Alto Academy (EPAA) as a dependent charter school. Under its charter, EPAA’s employees are employees of the District while the school maintains a degree of autonomy through its governance structure. As a dependent charter, EPAA has completed its second year as an integral part of the District with supplemental support from Stanford University. The District also formally sponsored the Phoenix Academy in East Palo Alto for many years until it amended its charter and became a K-12 charter under the sponsorship of the Ravenswood City School District. More recently the SUHSD has worked in partnership with the San Mateo Union High School District and its independent charter school, Design Tech High School (d.tech), to facilitate its relocation onto the Oracle campus, which lies within the boundaries of the SUHSD.

The District is actively engaged in planning for a new small high school in East Menlo Park with a technology instructional focus in collaboration with the San Mateo County Community College District.

Further, as part of its districtwide instructional program, the District offers a middle college program at Canada College, an independent study program, six school-within-a-school academy programs at its four comprehensive high school campuses, and is actively revamping its continuation high school program.

As demonstrated from the foregoing, the District recognizes that many students benefit from participation in alternative programs that are tailored to individual learning styles and needs. The District also recognizes, however, that alternative programs must be well conceived and provide for a rigorous academic program materially similar to that offered in more traditional settings.

It is with this perspective and background that staff provides the following analysis and recommendation regarding the Oxford Day Academy charter petition.

## **II. PROCEDURAL BACKGROUND**

Pursuant to Education Code section 47605(b), the District’s Board of Trustees (“Board”), must, within 30 days of receiving a charter petition, “hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.” Education Code section 47605(b) also requires the board to “either grant or deny the charter within 60 days of receipt of the petition.” The Board held the public hearing on April 20, 2016, and received input on the Petition from teachers, parents and other community members. The Board will take action to grant or deny the Petition at its June 15, 2016 meeting.

## **III. LEADERSHIP TEAM COMPOSITION**

The following members of the District’s Leadership Team (along with the District’s outside legal counsel and financial experts) conducted a full review of the Petition according to their respective area of expertise:

<b>Team Member</b>	<b>Area of Review</b>
James Lianides, Superintendent Bonnie Hansen, Assist. Supt., Educational Services Isabel Cervantes, Director, EL, AVID & Special Programs	Educational Program
Deborah Toups, Director, Special Education	Special Education, 504 plan
Jacquelyn McEvoy, Assist. Supt., Human Resources	Human Resources and Student Services
Enrique Navas, Assist. Sup., Chief Business Official	Budget, Fiscal, and Facilities
Carmina Chavez, District Parent Coordinator	Verification of Petition Signatures

## **IV. REVIEW OF THE PETITION**

Education Code section 47605(b) sets forth the following principles for governing boards to consider in reviewing charter petitions:

- 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 establishment of charter schools should be encouraged.
- A school district governing board shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice.

- The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
  - (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
  - (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
  - (3) The petition does not contain the number of signatures required by statute.
  - (4) The petition does not contain an affirmation of each of the conditions required by statute.
  - (5) The petition does not contain reasonably comprehensive descriptions of each of the required elements of a charter petition.
  - (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school.

The Leadership Team was also guided in its analysis by the SBE regulations for the evaluation of charter petitions (hereinafter “regulations”). Where relevant, the content of the Education Code and regulations are stated or paraphrased with respect to each required element of the Petition in italics.

The following proposed findings of fact have been grouped for convenience under aforementioned grounds for denial, however, certain findings of fact may support more than one ground for denial.

## **V. ALIGNMENT WITH STATUTORY CRITERIA**

The Leadership Team’s evaluation as set forth below is aligned with the criteria for a successful charter petition as they appear in the Education Code.

### **1. THRESHOLD LEGAL REQUIREMENTS OF EDUCATION CODE SECTION 47605(A)**

*The Education Code requires that charter petitions identify a single charter school that will operate within the geographic boundaries of the District, unless certain conditions are met.*

The Petition proposes to form a charter school located at an unspecified site within District boundaries. Education Code section 47605(g) requires a charter petition to provide information regarding the facilities to be used by the school. The Petition fails to identify a specific site in which the proposed charter school will be located. This is required under Ed Code 47605(g) “*The description of the facilities to be used by the charter school shall specify where the school intends to locate*”. ODA has indicated that it does not intend to submit a Prop 39 facilities request in its first year of operations (“Year 1”) and, based on its enrollment projection, would not, in any event, qualify for district facilities in Year 1.

The ODA petition does identify the St. Francis de Assisi church as a possible school site and includes a letter from the parish priest stating that the church is considering letting the charter school use the facilities there. However, the letter is very brief and it does not set forth a specific commitment to allow the charter school to use the church’s facilities.

Nothing in the petition nor any subsequent correspondence from ODA, indicates that the church has made any formal offer of facilities, identified specific facilities that ODA may use or what the terms of such use would be. Of significant concern to staff would be the degree to which the facilities would be exclusive or shared. ODA's program requires access to facilities from 8:00 AM to 5:00 PM daily, Monday through Friday. The church facilities identified in the June 3, 2016 ODA response have current church use during these times and if current church activities take precedent, it will have a detrimental effect on the ODA instructional program and its ability to meet minimal instructional minutes. A second significant concern relates to the Establishment Clause of the First Amendment. Staff notes, for example, that there is a large religious figure in the church hall that ODA identifies as an instructional space. While some charter schools do make use of church property as a school site, these issues do need to be addressed in the written agreement governing the facility use.

The petition and subsequent ODA correspondence also state that ODA is still considering other locations but no details are provided regarding these possible locations.

In addition, District staff continues to have concerns regarding how students will access laboratory science (assuming that the school was able to operate at the church site), which ODA identifies as integral to its instructional program. In its June 3, 2016 response to concerns raised by District staff<sup>1</sup> ODA indicates that one of the church portables could be utilized for laboratory science. Staff does not find this practicable because neither of the two available portables has access to water or other utilities, vents, and specialized furniture necessary for a high school laboratory science program. ODA also suggests that it would consider cross-registering students in local community college courses for laboratory sciences, but even putting aside the organizational and logistical challenges of such an arrangement, ODA does not include transportation and registration costs associated with such cross-registration in its budget. In offering a free public education, ODA cannot require that students pay community college fees.

## **2. SIGNATURE REQUIREMENT**

Education Code section 47605(a)(1) contains the signature requirements for a charter petition:

The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

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

### **Parent Signatures**

Because the Education Code requires that petition signatories attest that they are "meaningfully interested" in enrolling their children in the proposed Charter School, the District only counts as valid signatures those corresponding to parents with students who are of eligible age to enroll in the grades offered by the proposed charter school in its first year of operation, 2017-2018 (i.e., 9<sup>th</sup> grade). These students would be the current seventh graders listed on the signature pages of the ODA petition.

The total number of verified signatures representing eligible students for the Charter School for 2017-2018 is 58 students. Since ODA's enrollment target in Year 1 is 68 students, this does meet the 50% of estimated number of first year students set forth in Ed Code 47605.

### Teacher Signatures

The petition includes the signatures of eight teachers. Below is a table of the credentials held by these individuals and the credential expiration dates.

1) Multiple subjects / ELD (English Learners)	9/1/2018
2) Single subject – social studies	4/1/2016
3) 30-day Substitute Teaching permit	10/1/2015
4) Multiple subjects	3/1/2020
5) Multiple subjects	7/1/2020
6) Educational Specialist (Special Education)	8/1/2019
7) Multiple subjects	11/1/2014
8) 30-Day Substitute Teaching permit	2/1/2017

Only one of the teachers listed above holds the proper single subject credential to teach a core subject in a high school and this credential is currently expired. A multiple subjects credential is appropriate for elementary school teachers, whereas single subject credentials are necessary for high schools. Ed Code 47605 states that "Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to what a teacher in other public schools would be required to hold."

The language in Ed Code 47605 requires that the number of teacher signatures must be at least 50% of the number of needed first year teachers. The ODA petition indicates that three teachers will be required in year 1. Only one of the above listed eight teachers is qualified to teach core academic instruction in high school.

Since Ed Code 47605 states that the signature requirement can be met by either the requisite number of parent signatures or teacher signatures, ODA has met this requirement based on the parent signatures. It did not meet the requirement based on teacher signatures.

As noted, under the Education Code, ODA is not *required* to provide signatures on its charter petition from any teacher. However, given the key role that teachers would play in implementing the program described in ODA's charter petition, and other matters described herein, staff believes that the Board should consider whether the lack of signatures from teachers eligible to teach at ODA reflects on whether it is reasonably likely that ODA will be able to implement its proposed program.

### **3. EDUCATIONAL PROGRAM [EDUCATION CODE SECTION 47605(B)(1)]**

*Education Code section 47605(b)(1) permits a school board to deny a petition to establish a charter school that presents an "unsound educational program." The SBE regulations clarify an unsound*

*educational program to be one that involves activities that would present the likelihood of physical, educational, or psychological harm to the students, and/or would not likely be of educational benefit to students. (Cal. Code Regs., tit. 5, section 11967.5.1(b)(1), (2).)*

Staff's findings under Ed Code 47605(b)(1) are embedded in its analysis of the 16 Elements and the Summary.

**4. SIXTEEN REQUIRED CHARTER ELEMENTS SET FORTH IN EDUCATION CODE SECTION 47605(B)(5)**

Following is the Leadership Team's analysis of each of the 16 elements required by Education Code section 47605(b)(5).

**A. Element One: A Description of the Educational Program [Education Code, section 47605, subd. (b)(5)(A).]**

*The Education Code requires a description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. (Ed. Code, section 47605(b)(5)(A)(i).)*

*The regulations require the educational program description to include a framework for instructional design that is aligned with the needs of the target student population, as well as descriptions of the following: the basic learning environment, and the instructional approach, including the curriculum and teaching methods that will enable the school's students to master the content standards for the core curriculum areas and to achieve objectives specified in the charter. (Cal. Code Regs., tit. 5, section 11967.5.1(f)(1).) The regulations further require an explanation of how the charter school will identify and respond to the needs of students who are not achieving at or above expected grade levels, how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above, or below grade level expectations, and other special populations, and the charter school's special education plan. (Ibid.)*

**1. Proposed Curriculum/Framework for Instructional Design:**

ODA's proposed curriculum/framework for instructional design will not result in students mastering content. While the ODA charter describes a program in which students will receive there is limited time in tutorial instruction, it also reflects that students would spend the majority of the school day in learning studios that are too large, grossly unstructured and facilitated by non-credentialed staff.

In describing the time students will spend in tutorials, the Petition sites Benjamin Bloom's *The Two Stigma Problem: The Search for Methods of Group Instruction as Effective as One-on-One Tutoring*, which found that students who learned in a tutorial setting were twice as successful as those who learned via large-group instruction.

However, in the Petition's sample *Day in the Life of a Teacher* (Petition, p. 225.), a teacher is able to meet in a tutorial setting with four groups of four students a day. Allowing for a shortened school day on professional development Wednesdays, applying the ODA model, students will get tutorials once a week. Thus, in English, math, social studies and science, students will receive 45 minutes of small group tutorial once a week, for a total of three weekly hours of tutorial 1, Students would

and work independently in a classroom of 34 students, overseen by two paraprofessionals, for the other remaining thirteen weekly hours of core content time.

The Petition acknowledges that students working effectively in an independent mode independently is an aspirational state and claims the following:

“Entering students will begin with a much more teacher-driven school experience. In many ways, this starting point will look very similar to a high quality project-based learning model in a traditional school. Teachers will offer a gradual release of control as students demonstrate the mindsets, behaviors, and skills required to take more ownership. After at least one semester under the entering conditions, students will be granted different levels of autonomy as they are individually”. (Petition, p. 52.).

However, none of this is possible in the instructional framework designed by ODA and proposed in its petition. Ironically, ODA cites Benjamin Bloom’s work as evidence that their academic model is sound. However, best known for his Taxonomy, Bloom’s six stages to critical thinking require far more teacher direction than 45 minutes a week.

As William Huitt explains in *Educational Psychology Interactive*, “The major idea of the taxonomy is that what educators want students to know (encompassed in statements of educational objectives) can be arranged in a hierarchy from less to more complex. The levels are understood to be successive, so that one level must be mastered before the next level can be reached. As University of California, Los Angeles Professor Dr. Barry Ziff writes of successfully executing Bloom’s pedagogy, “it takes a great deal of time and effort on the part of the teacher to organize and implement” ODA’s academic structure, as described in the petition, provides time for neither.

a. Insufficient Mapping of Instructional Design:

There are many inconsistencies and conflicts contradictions in the mapping of the Petition’s instructional design which, in the aggregate, raise significant concerns about ODA’s ability to implement its program. For example, while the Petition indicates that the teachers (Petition, p. 225.), and SELCS (Petition, p. 226.), will begin their instructional day with students at 8:00 AM (Petition at pp. 225-26), it also reflects that has the students will start their school days at 9:00 AM. (Petition, p. 220.)

Further, the petition states that in the afternoon, it has SELCS will work working with studio students until 5:00 PM (Petition, p. 226.), and also beginning SELC check-ins at 4:40 PM. (Petition, p. 224.). Over the course of a week, this would amount to a decrease of one hour and forty minutes of SELC-facilitated studio time for ODA students.

The Petition also says that ODA will start the first year (2017-2018 school year) with a freshman class of 68 (Petition, p. 28.), and yet the school’s website says the same 2017-2018 freshman class will have 105 students. This inconsistency regarding ODA’s plans for first year enrollment calls into question the reliability of many of ODA’s claims and assumptions with respect to the feasibility of its programming and its budget.

The Petition describes a proposed curriculum that is dependent in the first year on the hiring of six teachers in the school's first year of operation, but the financials section of the petition but only budgets for three teacher positions (Petition Financials, p. 5.).

Appendix D of the petition describes a day in the life of Marie, who is a second semester ninth grade student. As described in the petition, in the course of her day, Marie works with her art teacher or her Spanish teacher (Petition, p. 220.), her English teacher and then her math teacher (Petition, p. 222.), followed by her social studies teacher and then her science teacher. (Petition, p. 223.)

In accordance with the University of California's admissions minimum qualifications, Marie's schedule is appropriate for meeting UC A-G entrance requirements. However, as described in the petition, ODA is not staffed to allow the student so that she can take these classes.

Appendix E, in turn, describes a day in the life of an ODA English teacher. The Petition explains that, "instead of classrooms, students collaborate in multi-grade, interdisciplinary learning studios." (Petition, p. 12.) In addition, the Petition asserts that ODA students' graduation requirements will have them taking require them to take four years each of English, social science, mathematics, and science, as well as three years of a world language and one of visual and performing arts. The school also requires three electives and four years of physical activity. (Petition, p. 62.)

In light of these graduation requirements, the budget proposed by ODA in its petition is only make the Petition's proposed teacher budget half of what it needs in order to support its graduation requirements. The sample daily schedule for a credentialed English teacher includes time for teaching two learning studios, with the rest of the teacher's work day absorbed by tutorials, the Harkness Table, small-group instruction for EL students and prep time. With six subjects to be taught and a teacher allotted only the time to teach in one subject area, the Petition's budget of three teachers will not provide the needed staffing. (Petition Financials, p. 5.)

Lack of a consistent instructional map calls into question ODA's preparedness to open a successful school.

b. Course Work Does Not Meet State or AP Standards:

The Petition's examples of course content for UC A-G credit and AP credit does not meet the Common Core State Standards or AP curriculum. Descriptions of course content would leave ODA graduates academically unprepared for college and the workplace. For instance, in grades 9 and 10, there are ten Common Core Standards to teach literature reading and ten for reading informational text. For writing, there are an additional ten standards.

The Petition states, "students will experience ELA and social studies curriculum though 'book clubs'" (Petition, p. 51.), reading books chosen based on "level and interest". (Petition, p. 56.). Grammar and syntax is to be taught through online programs, which staff believes will result in students trying to make sense of grammar and syntax without meaningful context and without accountability. There is no mention of how students will be taught writing. With 45 minutes of group tutorial per week and the remainder of social studies and English instruction transpiring through book clubs and independent work.



With little teacher interaction and curriculum not closely aligned to the Common Core, students will not acquire the multitude of skills required by the Content Standards. In addition, the College Board requires that Advanced Placement (AP) courses adhere requires adherence to a very stringent course of study. Students at ODA seeking AP credit are to do so by independently completing extra assignments “via small group instruction and individual learning time.” (Petition, p. 91.). There is not further detail or consideration given to as to how the supplemental AP curriculum will mirror that of the College Board’s AP requirements.

c. Unrealistic Scope and Sequence for Students with Low Literacy and Numeracy and No Targeted Assistance to Improve Either:

While the Petition makes clear its high expectations for student achievement, it offers no plan for how it will assist students with literacy and numeracy deficits. The school’s goals include 100% of students completing UC A-G requirements (Petition, p. 95.). However, the Petition does not meaningfully address how it will get students far below grade level to this goal. One paragraph of boilerplate language states that ODA will follow requirements pursuant to Ed Codes and LCAP (Petition, p. 63.). Interventions listed all come in the form of extra time (Petition, p. 64 - 66.), much of which is not accounted for in the school’s budget. There is no description of literacy or numeracy support programs for students behind in base academic skills.

d. Lack of Focus Resulting in Lack of Fidelity

ODA’s Petition attempts to be all things new in research, which results in a plan that implements nothing with fidelity. Petitioners propose to offer a program in which students earn A-G credit doing relevant work in the community (Petition, p. 49.), design independent curriculum through teacher generated playlists (Petition, p. 51.), 80% pass AP tests with a three or better after doing differentiated, mostly independent course work (Petition, p. 95.), a classroom technology platform will be used for students to develop and monitor their learning trajectory, and the school will utilize instructional strategies such as learning studios, design studios (Petition, p. 12.), tutorials, social-emotional learning and workplace management (Petition, p. 13.).

Each of these initiatives, taken individually, would be a significant undertaking in terms of curriculum development, professional development and instructional materials. Yet, with its lean staffing, lack of mapping and an inadequate substandard budget, Petitioners would be hard-pressed to develop and implement the program as described in the Petition.

2. Special Education Program and Section 504 Compliance:

Charter law allows for a charter petitioner to choose to be part of the District as an LEA for special education purposes or to be their own LEA with a Special Education Local Area Plan (SELPA). The second option allows for much more control of special education by the charter petitioner. As its own LEA, ODA is responsible for all aspects of the delivery of special education services to its students with disabilities.

ODA has language indicating **incongruence** with respect to their choice for the delivery of Special education services in several places in the document. The response back from ODA did not clarify their intention and indicates that the responsibilities will be worked out through a Memo of Understanding (MOU) after approval of the petition. While items can be clarified in an MOU, the current petition needs to **clearly** state that if they choose to be under the District for purposes of Special Education, then they will operate as a school within the district under the direction of district administration. If this is not the case, then ODA needs to become its own member of a SELPA. The incongruence is seen in the following examples:

- ODA wants to be solely responsible for NPS placements like they would function as a separate LEA for special Education. However, this would fall under the jurisdiction of the SUHSD as the provider of special education services.
- ODA wants to be in control of its own due process hearings as would be the case for a separate LEA. However, as an LEA under SUHSD, this would fall under the jurisdiction of the District as the provider of special education. Not to mention that an inexperienced staff conducting due process hearings could prove to be very expensive for the District.
- ODA wants to represent itself at the SELPA meetings. Again this is incongruent with the request that SUHSD provide special education services. SELPA representation is mainly composed of Directors/Administrators over Special Education in an LEA that operates separately for special education. ODA has not indicated that there will be an administrator over Special Education until Year 3. The Director over Special Education for SUHSD would continue to function as the representative for all schools within Sequoia (including ODA) as the SELPA representative.
- The charter has identified a special education instructor for their program; again this aligns with an LEA who operates separately from the District. However, the District needs to post the position, make sure who applies has the appropriate credentials, interview, and hire at the realistic FTE for the position. The amount of work the first year would serve approximately 7 – 10 students, which is no more than .4 FTE.
- There are several references in the document regarding “work closely with the SELPA”. Again, this aligns more with a charter petitioner working separately as an LEA. The SUHSD would be working closely with ODA to make sure students with disabilities have well-written IEPs and are making adequately yearly progress on their IEP goals.

If Sequoia is to be in charge of Special Education, then the charter will need to comply with the District special education program. While the response from ODA indicates that a Memo of Understanding will be developed **after** approval of the petition, the District needs the charter petitioner to clearly articulate its knowledge of its own obligations and responsibilities in the petition.

Lastly, to clarify the funding that the District would receive from the charter operating under the District for special education, ODA will reimburse the District their pro-rata share of the encroachment on the Special Education funding.

### 3. English Learner Instruction

While the ODA petition indicates that the school they will meet all the applicable legal requirements for EL (Petition, p. 82.), it does not clearly defined specific services. For example, while it outlines the state guidelines for reclassification, it does not indicate specifically how it will meet such standards or which performance measurement it will use to support reclassification.

Specifically speaking, on page 88 of the petition, with reference to the bulleted guideline number four, ODA on pg. 88 indicates that the school they will determine a student's performance in Basic English skills as compared to an "empirically established range ... upon the performance of English proficient students of the same age". It does not state the name of such performance measurement nor does it give the range.

In fact, bullet number 5 on the same page implies that the California English Language Development Test (CELDT) score will be the leading/determining factor of reclassification, which is not what the state guidelines imply. In addition, the type of EL instructional supports described in the petition are reading, writing, and speaking, with no mention of *listening*, which is also a domain that the State requires schools to teach and assess, and which is part of CELDT.

Furthermore, nowhere in the ODA petition is there any analysis regarding is there anything with respect to the new English Language Development (ELD) standards, or regarding as well as the newly adopted ELA/ELD Frameworks, which speak of the difference between "Designated and Integrated ELD".

Direct Vocabulary Instruction is also highlighted in the ODA petition on (Petition, p. 82.) However, the petition it does not specifically identify programs or other means explicitly indicate how or what program(s) if any that will be used for this focus area. It is axiomatic no secret that vocabulary is key to the development of English language competency. However, simply stating that it will be incorporated into a school's program is not enough to establish that it is reasonably likely that ODA's plan in this area can be implemented. of a plan.

Finally, ODA makes mention of its dual goals of English acquisition and respect for the mother tongue (Petition, p. 83.) It is critical to indicate that the "dual obligation" we have by law is to provide "access to core" and "English Language Development" in a manner that students reach English proficiency in a timely manner. Throughout the Service for EL section, it is mentioned that ELs will receive instruction in English with differentiation as needed. However, it is not clear, when, where, how ODA will ensure students receive English Development in an effective manner.

**B. Element Two: Measurable Student Outcomes; and**

**C. Element Three: Method of Measuring Student Progress [Education Code, sections 47605, subd. (b)(5)(B), (C).]**

*Regarding the descriptions of Measurable Pupil Outcomes and Measuring Pupil Progress, the Petition must meet the legal requirements of Education Code section 47605, subdivisions (b)(5)(B), (C) and California Code of Regulations, title 5, section 11967.5.1, subdivisions (f)(2), (3) regarding the identification of outcomes and assessment tools and plans. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils*

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

*The SBE regulations provide that a petition should set out measurable student outcomes to be used by the charter school. (Cal. Code Regs., tit. 5, section 11967.5.1(f)(2)) The student outcomes should, at a minimum:*

*(a) specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed by objective means that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress;*

*(i) the frequency of the objective means of measuring student outcomes should vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources; and*

*(ii) objective means of measuring student outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and groups of students.*

*(b) include the school's API growth target, if applicable. (Ibid.)*

For their English, math and science objective assessment, the Petition states that it will use the CAASPP assessments and/or internal benchmark assessments. (Petition, p. 93.) Said measure is problematic because students do not take the CAASP until spring of their junior year. This will leave the school with no external measurement of student progress in English, math or science until the summer before senior year, when the CAASP results will arrive. This trend continues with the Petition's goal that "80% of students will pass an AP exam with a score of 3 or higher". (Petition, p. 93.) AP exams happen at the end of junior or even senior year, leaving ODA little or no time to adjust instruction based on data.

As internal assessment, in English, math, science and social science, the Petition states that the measure to be used will be that "90% or more of students will earn a passing grade of C or above". (Petition, p. 93 - 94.) Using grades as an assessment of student progress is always at least somewhat subjective. In this case, where the Petition does not adequately address staff development around norming and calibration, it is an even more dangerous litmus of student progress. What students receive internally as grades to indicate their success does not necessarily measure up to what they need in any given subject area for "real life" academic success. This is also true of ODA's assessment for students being college ready being measured by 100% of students completing UC A-G, since this is directly tied to grades. (Petition, p. 95.)

**D. Element Four: Governance Structure, Including Parental Involvement**  
**[Education Code, section 47605, subd. (b)(5)(D).]**

*Education Code section 47605(b)(5)(D) requires the Petition to describe the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. The regulations consider whether the proposed governance structure evidences that the charter school will become and remain a viable enterprise through organizational and technical designs,*

*whether there will be active and effective representation of interested parties, including, but not limited to parents and guardians, and whether the educational program will be successful and parental involvement encouraged in a variety of ways at all levels of the program. (Cal. Code Regs., tit. 5, section 11967.5(f)(4).)*

The petition adequately addresses the governance structure of the school and conforms with all legal requirements. It provides an organization chart, describes the decision making process, and describes avenues for stakeholder involvement.

**E. Element Five: Employee Qualifications [Education Code, section 47605, subd. (b)(5)(E).]**

*The regulations governing charter school petitions consider whether general qualifications for the various categories of employees (e.g., administrative, instructional, instructional support, non-instructional support) are identified, whether the qualifications ensure the health and safety of the school's faculty, staff, and students, and the academic success of the students; whether positions that the charter school regards as key in each category are identified and specify the additional qualifications expected of individuals assigned to those positions; and whether all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary. (Cal. Code Regs., tit. 5, section 11967.5(f)(5))*

The Petition's employee qualifications section does contain a list of key positions, along with job descriptions and qualifications for those positions. However, this section of the Petition lacks a reasonably comprehensive description of a staffing plan that is likely to successfully deliver the academic goals for students set forth in the Petition.

**Certificated Staffing**

ODA has articulated a certificated staffing plan that responds to increasing student enrollment over a three-year period of growth beginning with 3 teachers serving 68 students in year one and growing to 10 teachers serving 270 students in the school's fourth year of operation.

Although this staffing level for classroom instruction provides an appropriate classroom student to teacher ratio for the proposed instructional program, the Petition lacks clarity regarding how ODA will ensure that all teachers are appropriately credentialed and qualified to teach specific subject matter at the high school level.

The Petition does not differentiate between teachers who possess single subject credentials and those who hold a multiple subject credential. In fact, only one of the potential teachers has a single subject credential and that credential has expired. A candidate who possesses a multiple subject credential must obtain either a supplemental authorization or a single subject credential to be highly qualified to teach at the high school level. To obtain the additional certification, the candidate must show subject matter competency through college credits or examination and take any required course work. The Petition does not discuss how the school will facilitate this process with prospective teachers.

The Petition also refers to the use of "emergency" credentials as a last resort. ; However, however, emergency credentials are not available for single subject teachers

and are only available in the following three areas: CLAD permits, Resource Specialist permits, and Library Media Teacher Services permits.

Another challenge for the school is how its choice for providing a retirement plan for teachers (i.e., ODA's decision to not participate in the State Teachers Retirement System (STRS)) will affect its ability to recruit, and hire, and retain teachers. ODA's apparent intent to focus on the hiring of teachers who have who have retired through the STRS system is itself problematic in that teachers who have retired through the STRS system are limited. Retired STRS teachers have a limit on in their earnings in a STRS school and there are penalties for retired teachers who exceed the limit.

The ODA petition also includes a significant focus on community-based learning but the petition is unclear regarding who will be awarding credit for the school's community-based learning component – ODA teachers or staff members of the school's community partners.

The community partners named in the petition include The Primary School (TPS) projected to opening this year in 2016, the Knowledge is Power Program (KIPP), with a planned opening in 2017, and the Music, Mural, and Arts Project, which is the only community partner identified that is currently operational.

The Petition's proposed plan for the procurement of qualified CTE teachers in the community for the second year of ODA's operation implementation is not adequate to meet the school's needs in that it will require that community partners commit to the acquisition of CTE credentials. The proposed plan relies heavily on the willingness of the community partners to pursue CTE certification through a CTC approved program without financial support from ODA.

There is no supporting documentation or other evidence reflecting that the initial partners identified in the petition have committed to their staff members obtaining CTE credentials to support ODA's model. The Petition also includes erroneous information regarding CTE certification, including the misidentification of the San Mateo County Office of Education as a Commission-approved CTE program sponsor.

Although the requirements for the preliminary CTE credential are relatively minimal for someone with job experience in the identified CTE sector, applicants for such credentials they must enroll in an approved credentialing program and the clear credential requires coursework and the commitment of ODA to provide support for credentialing the candidates. It is unclear how ODA plans to meet those requirements.

The petitioner also states that these initial three sites initially identified in the petition were selected "because, by the nature of their work, most staff already hold the appropriate credentials or could obtain a supplemental CTE credential with little additional work." After researching the matter, staff has determined that this is incorrect. This is erroneous information. TPS and KIPP teachers hold either ECE teaching permits for pre-school or multiple subject credentials, neither of which qualifies them to teach subject matter at the high school level. In addition, there is no existing not a supplemental authorization process for ECE permits that would enable a pre-school teacher to teach high school unless those teachers pursue a CTE credential in Education, Child Development, and Family Services. A teacher with a multiple subject credential could get a supplemental authorization in Home Economics, Art, or Music, which are the subject areas that ODA has identified for its community partners. A

supplemental authorization requires between 10 and 20 college credits in the subject area and a related college major since an introductory level supplemental authorization would only allow the teacher to teach in grade 9.

Given the foregoing and the prominent role that community partnership/community based education and associated CTE credentialing plays in ODA's proposed program, staff finds that there are significant deficiencies identified in the petition that render it demonstrably unlikely that ODA will be able to implement the program set forth in the petition.

### Classified Staffing

The organizational chart for ODA is included as Figure 14 in the petition. The only classified staff position identified on this chart is In the organizational chart of the school (Figure 14), the only classified staff member listed is the office manager. There is no clear not a clear delineation in the petition of how the classified staffing necessary to support a school of 270 students will be rolled out. Specifically, staff notes that, initially, ODA plans to hire an administrative assistant (office manager) who will perform all clerical support functions for the school but there is no mention of any increased clerical support as the school grows. Also, the position of office manager is not included in the ODA budget.

Because of the extensive community experience component proposed in the ODA program, tracking of student time for ADA purposes and the maintenance of student records will be more time intensive than in a traditional school model and will likely require may require increased clerical support as the school expands. There is also, as discussed above, significant uncertainty a level of uncertainty regarding the location of the school and it is concerning that there is also no mention of other classified support staffing that may be needed for maintaining the facilities on a day-to- day basis. Staff research and experience indicates that Most small schools of 250 to – 300 students typically can only operate efficiently with a minimum classified support staff of from three to five people.

According to the Petition, the Social Emotional Coaches (SELCS) (a classified position) are a critical component of the delivery model for ODA, which is reflected in the job description for the position. The job responsibilities for SELCS include higher level skills and knowledge that are typically assigned to certificated staff members or classified management positions in a school. These SELC duties include matters such as “investigate and resolve student disciplinary matters” and “create, implement, and evaluate programs that increase student motivation.”

That being said, the qualifications for the job do not include any type of educational preparation, such as a college degree and/or certification. However, the SELC position is described in various parts of the petition as a classified counselor. For compensation purposes, the proposal equates this position to that of classroom paraprofessionals. However, the qualifications for the SELCS are significantly lower than the Title 1 qualifications for paraprofessionals, which include possession of that include an AA degree or the equivalent.

In addition, most local districts are experiencing a high level of turnover in these paraprofessional positions because of the low level of compensation and relatively high qualification standards. Given the key role to be played by SELCS in implementing

ODA's proposed model, the above matters This may pose significant challenges to ODA and may, in the totality of circumstances, render it demonstrably unlikely that ODA will be able to implement the program set forth in the petition becomes a challenge for the school since the model is built on the long-term connection between the SELC and a specific group of students over a four year period.

There is a budget line item for Year 1 for a technology specialist, however, in the body of the petition this position is not described nor is a job description provided.

**F. Element Six: Procedures to Ensure Health and Safety of Students and Staff  
[Education Code, section 47605(b)(5)(F).]**

*Education Code section 47605(b)(5)(F) requires the Petition to describe the procedures that the school will follow to ensure the health and safety of pupils and staff, including the requirement that each employee of the school furnish the school with a criminal record summary as described in section 44237. Among other items, the regulations consider whether health and safety procedures require criminal record summaries from employees, tuberculosis examinations of employees, student immunizations, and vision, hearing and scoliosis screening for students. (Cal. Code Regs., tit. 5, section 11967.5(f)(6).)*

On pages 145 and-146 of the petition, the petitioners outlines ODA's its procedures for food service and other auxiliary services safety, background checks on employees, mandated reporters, medications at school, CPR training, drug free/ alcohol free, smoke free environment, blood borne pathogens, and comprehensive sexual harassment policies and procedures.

The petition does not identify the specific procedures for relating to background checks nor does it indicate whether such procedures and whether they will conform to practices typically used by public of school districts. This lack of specificity is especially problematic is especially important given ODA's stated the reliance in the instructional program on outside/non-employee community partners in implementing its educational program.

This question was raised with ODA after the petition was initially submitted. ODA's response to the District, dated April 22, 2016, stated that "ODA plans to require all adults to submit to background checks and fingerprinting." It is not clear, however, especially in settings in which students are involved with outside community partners, whether ODA intends that this requirement applies to the adult working most closely with the student or applies to all adults with whom the student will have contact.

The petition states that food service will be provided by an outside agency (page 145). Given the uncertainty with facilities, it is not clear if the school will have access to refrigeration and how food will be kept fresh for students. There is also not a line item in the school's budget for the food service program and therefore, the District has no clear idea of how ODA's the breakfast and lunch program will be funded. Federal and state reimbursements for the free and reduced lunch program will not cover costs and it is not clear how the program would be administered.

The budget contains a \$500 monthly amount for custodial supplies. No amount is identified for custodial services. Given that over 70 people will be at the facility daily, this total budgeted monthly amount is manifestly inadequate and absent an ability to budget for more custodial supplies and services, ODA's program could present health



and safety concerns. Since the program requires that students spend 50% of their instructional time with community partners, how students will get to these locations also presents safety concerns. As framed in the petition,, it appears that Students will be unsupervised and on their own traveling to community partners or back to school.

**G. Element Seven: Racial and Ethnic Balance [Education Code, section 47605(b)(5)(F).]**

*The Petition must contain a description of the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district. (Cal. Code Regs., tit. 5, section 11967.5(f)(7).)*

Education Code section 47605(b)(5)(G) requires that Charter Schools achieve “a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

The first two pages of Element G of the petition outline ODA’s plan for Title I, Every Student Succeeds Act (ESSA) and other federal grant program compliance (Petition, p. 147-148.), none of which actually belong in G narration.

The four outreach strategies listed as ODA’s recruitment for a diverse student body are: a timeline for effective recruiting; outreach via community organizations;, brochures and commercials;, and an annual review of its racial and ethnic balance (Petition, p. 148-149.) The Petition goes on to name the five event locations where information sessions will be held, and all five of the sessions will be at events in East Palo Alto (Petition, p.149.) This is followed by a listing of 13 community organizations and centers that will host information sessions and flyer distribution. Of the 13 locations listed, all 13 are in East Palo Alto (Petition, p.149-150.)

Notwithstanding the foregoing, The Petition states that its plan is that the s for the school will “be open to all students living within SUHSD... but for ease of transportation will target primarily students from the northeastern [sic] part of the district.” (Staff notes that the northeastern part of the district is actually Redwood Shores.) It also states that ODA has “comprehensive learning experiences for academically low achieving students,”, specifically those in Ravenswood and Redwood City (Petition, p. 2125-28.) The Petition’s targeting of Ravenswood and Redwood City will not result in a school that reflects the communities of the district and will have the actual effect of increasing racial isolation in the Sequoia Union High School District.

**H. Element Eight: Admissions Requirements [Education Code, section 47605(b)(5)(F).]**

*The Petition must contain a reasonably comprehensive description of admissions requirements in compliance with the requirements of law. (Cal. Code Regs., tit. 5, section 11967.5(f)(8).)*

**1. Admissions Procedure:**

Admissions procedures are clearly described and conform with applicable state and federal laws.

2. Admissions Preference:

The petition describes the lottery process if interest exceeds space and lists preferences in enrollment based on a declining priority order:

1. Children of ODA staff
2. Siblings of current students
3. Students residing within the district
4. All other students wishing to attend the Charter School

**I. Element Nine: Audit of Financial and Programmatic Operations [Education Code, section 47605, subd. (b)(5)(I).]**

*Education Code section 47605(b)(5)(I) requires the Petition to describe the manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. The regulations consider whether audits will employ generally accepted accounting principles, and whether the Petition specifies who is responsible for contracting and overseeing the independent audit; whether the auditor will have experience in education finance; whether the process of providing audit reports to the chartering district, or other agency as the district may direct, is addressed, including timelines and procedures for addressing findings and/or resolving any audit exceptions. (Cal. Code Regs., tit. 5, section 11967.5(f)(9).)*

The petition describes the annual financial audit process beginning on page 158. The description adequately describes the procedures ODA will undertake in order to be in compliance with the regulations set forth in Ed Code 47605.

**J. Element Ten: Student Suspension/Expulsion Procedures [Education Code, section 47605, subd. (b)(5)(J).]**

*Education Code section 47605(b)(5)(J) requires the Petition to describe the procedures by which pupils can be suspended or expelled. The regulations consider numerous factors related to this charter petition element. Procedures must minimally identify a preliminary list of offenses for which students may (or must, where discipline is non-discretionary) be suspended or expelled; identify the procedures by which students can be suspended or expelled; identify the procedures by which parents, guardians, and students will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion; provide evidence that the petitioners reviewed the lists of offenses and discipline procedures and believe their lists provide adequate safety for students, staff, and visitors to the school and serve the best interests of the school's students and their parents/guardians; and provide due process for all students and demonstrate an understanding of the rights of students with disabilities in regard to suspension and expulsion; and outline how detailed policies and procedures will be developed and periodically reviewed and modified, as necessary. (Cal. Code Regs., tit. 5, section 11967.5(f)(10).)*

Although the Petitioners are not bound to follow the Education Code requirements for suspension and expulsion, the discipline procedure in the Petition conform with the grounds and procedures for student discipline contained in the Education Code with several exceptions. The procedures and policies relating to suspension and expulsion differ from those in the Sequoia Union High School District in the following ways:

1. The petition makes no reference to Ed Code 48900.2 relating to sexual harassment and makes no reference to Ed Code 48900.5, which prohibits suspension from school for the first offense of any violation of Ed Code not contained in 48900 (a) through (e). It is not clear whether ODA intends to adhere to these more recent provisions within the California Education Code.
2. Under “Discretionary Expellable Offenses” (page 172) the petition does not require a *dual finding* that both a substantive offense has occurred and that in which a secondary finding that other means of correction has failed to change the student’s behavior needs to accompany the expulsion order. Such a dual finding is required This is required of school districts seeking to expel students accused of certain forms of misconduct and it would promote fairness and uniformity for charter schools to also require such dual findings with respect to their students and would provide equal fairness to charter students when such cases arise. The lack of having a dual finding clause in the petition necessitates the petition should clearly describe its process of distinguishing a suspendable offense from an expellable offense.
3. The ODA expulsion policy states that the Board of Directors of ODA shall make the final determination with respect to an expulsion order and this policy does not allow for a student’s family to appeal the expulsion order to the Board of Trustees of the San Mateo County Office of Education. This appeal process beyond the local governing board applies to all public school districts in the state and is included in the charters of Summit and Everest.

The petition identifies the SELC as the staff member with greatest responsibility for student discipline. On page 133 of the petition a job description responsibility of the SELC is to “investigate and resolve student disciplinary matters”, “track student conduct and discipline data”, and to create programs to “reduce disciplinary referrals.” The SELC is a classified position that does not require a college degree and is described in ODA’s April 22, 2016 letter as a ”high performing instructional aide.” Responsibility for student discipline is not listed in the job descriptions of either the Head of School or the Assistant Head of School. The assignment of responsibility to a classified employee for addressing student disciplinary issues raises serious concerns in regards to the fair and consistent administration of student discipline at the school and calls into question whether ODA will be able to implement the program set forth in the petition.

Disciplinary procedures for students with disabilities, including the manifestation determination, is contained on pp. 163-165 of the petition. Also, on page 163 the petition addresses the periodic review requirement of disciplinary procedures.

**K. Element Eleven: Manner in Which Staff Will Be Covered by STRS, PERS, or Federal Social Security [Education Code, section 47605, subd. (b)(5)(K).]**

*Education Code section 47605(b)(5)(K) requires the Petition to describe the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. This requires, at a minimum, that the charter specify the positions to be covered under each system and identify the staff who will be responsible for arranging coverage.*

There is conflicting contradictory information provided in the Petition regarding ODA’s proposed plan for providing retirement benefits to its employees through STRS

participation. In the body of the Petition, ODA proposes two options for providing retirement benefits for employees. One of the options is the election of STRS as the provider for teacher retirement benefits. Although this option is discussed in the body of the Petition, in the Financials section of the Petition it clearly states on page 5: “The school will not be a member of the California State Teachers’ Retirement System (CalSTRS). In lieu of a STRS contribution, the school has budgeted to contribute to a 403b plan for all employees greater than .75 FTE . . .”

In addition, the Petition includes contradictory information regarding the second option that proposes that ODA employees “will have the option to participate in a 403b plan with up to 3% employer match.” (page 191) In the Financials section, it states: “the school has budgeted to contribute to a 403b plan for all employees greater than .75 FTE at a fixed percent of the employees’ compensation: 6% for the first year, 7% for the second year, and 8% for subsequent years.” (page 5 financials) There is not clarity as to what will actually be the ODA match in lieu of its participation in STRS and PERS.

Staff has determined that through June 2015, 90% of active charter schools in California have selected STRS as the retirement plan for their teachers to assist in recruiting and retaining highly qualified teachers. In San Mateo County, there have been 30 charters approved since 1993 with 14 charters still remaining active. Of these 14 schools, 12 participate in STRS as the retirement plan for teachers.

**L. Element Twelve: Student Attendance Alternatives [Education Code, section 47605, subd. (b)(5)(L).]**

*The Petition shall address the public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. (Cal. Code Regs., tit. 5, section 11967.5(f)(12).)*

The Petition states that no student will be required to attend the Charter School, and that students residing within the District may attend their assigned SUHSD school, or seek enrollment in another district school in accordance with the District’s transfer policy.

**M. Element Thirteen: Employee Rights [Education Code, section 47605, subd. (b)(5)(M).]**

*The Petition shall contain a description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. (Cal. Code Regs., tit. 5, section 11967.5(f)(13).)*

The Petition states that no District employee shall be required to work at the Charter School, and that SUHSD employees leaving the District’s employment to work for the Charter School would not have any automatic return rights to the District unless specifically granted through a leave of absence or other agreement by the District. It also states that the Charter School employees will be considered employees of ODA and not the District, unless otherwise agreed to in writing, and that employment at ODA does not confer any rights of employment with any other entity. This section of the Petition appears to meet minimal legal requirements.

**N. Element Fourteen: Dispute Resolution [Education Code, section 47605, subd. (b)(5)(N).]**

*The Petition must contain the procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter. (Subd. (b)(5)(N)) The procedures shall, at a minimum:*

- (a) describe how the costs of the dispute resolution process, if needed, would be funded; and*
- (b) recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter, the matter will be addressed at the chartering district's discretion in accordance with that provision of law and any regulations pertaining thereto. (5 C.C.R. section 11967.5.1(f)(14).)*

The Petition's dispute resolution procedure is initiated through the parties framing the issue in a "dispute statement." The District Superintendent and Head of School shall meet within five business days from receipt of the dispute statement. If the dispute is not resolved, then a group of two Charter School board members will meet with two District designees, the Head of School and the District Superintendent to attempt to resolve the dispute, within 15 business days of receipt of the dispute statement. Should the parties not resolve the dispute, the parties will jointly select a neutral third party mediator to conduct a mediation session, to be held within 60 business days of receipt of the dispute statement. The parties shall bear equally the costs of the mediator.

It is noted that the Charter Petition should provide District Superintendent the discretion to appoint a designee to perform the functions of the Superintendent under the procedure. This section of the Petition appears to meet minimal legal requirements.

**O. Element Fifteen: Exclusive Public School Employer [Education Code, section 47605, subd. (b)(5)(O).]**

*The Petition must also contain a "declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Rodda Act." (5 C.C.R. section 11967.5.1(f)(15).)*

Education Code section 47605(b)(5)(O) requires a charter petition to identify whether the Charter School or the school district shall be considered the exclusive employer of the Charter School's employees for the purposes of the Rodda Act, California collective bargaining law for public school districts (Government Code section 3540 *et seq.*) The Petition states that ODA shall be the exclusive employer of the ODA's employees for the purposes of the Rodda Act. This election is consistent with the proposed structure of the charter school, under which the ODA employees would be employed by ODA.

**P. Element Sixteen: Closure Protocol [Education Code, section 47605, subd. (b)(5)(P).]**

*The Petition must include a description of closure procedures, including a plan for disposing of any net assets and for the maintenance and transfer of student records.*

The Petition sets forth a closure procedure to be employed in the event that the Charter School closes. The procedure is initiated by official action of the ODA board identifying the reason for closure and the person responsible for closure-related

activities. The procedure also includes the required notification to the Charter School's parents and students, the District, County Office of Education, the Special Education Local Plan Area (SELPA), applicable retirement systems, and the California Department of Education. The Charter School board would also notify parents of suitable alternative programs. The Charter School would also compile a list of students, completed courses and school districts of residence, and would also provide the District with all copies of pupil records. The closure procedure also calls for an independent audit to be completed within six months of closure, and distribution of remaining assets in the manner set forth in the Articles of Incorporation (which call for any remaining assets to be distributed to a nonprofit entity "organized and operated exclusively for educational, public or charitable purposes.") The Charter School would remain solely responsible for all liabilities arising out of its obligations. This section of the Petition appears to meet minimal legal requirements.

**VI. WHETHER THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM DESCRIBED IN THE PETITION [EDUCATION CODE SECTION 47605 (B)(2).]**

*The regulations require consideration of whether a charter petition has presented a realistic financial and operational plan in determining whether petitioners are likely to be successful in implementing the charter program, including the areas of administrative services, financial administration, insurance and facilities. (Cal. Code Regs., tit. 5, section 11967.5(c))*

All of the findings set forth above are incorporated by reference into this section of the Report. Given these findings (which include, but are not limited to concerns regarding facilities, staffing levels of certificated and classified personnel, inadequate plans for community-based/out of school credits, and deficient budget planning), and for the reasons stated in connection with the findings, staff recommends that the Board conclude that it is demonstrably unlikely that ODA will be able to successfully implement the program described in its petition.

Staff has reviewed and provided an analysis of each of the required 16 elements of the petition. Staff has also incorporated the three responses by ODA to questions (dated April 22, April 29, and June 3) into the analysis of the petition and has included the information as additional information and clarification relating to the 16 Elements.

Further information relating to the Petition casts additional doubts that the Petitioners will be able to successfully implement the program.

**Budget Concerns**

- 1) On page 124, the petition lists the positions that will be in place in year 1. This list includes the position of Office Manager. On page 136 a job description is included for this position. However, this position is not budgeted (page 4 of 7 – budget). Per the job description the office manager is responsible for the daily operations of the front office, supports the Head of School with operations and compliance documentation. It is difficult to see how the school will function without this key classified position and it will need to be added to the budget.
- 2) There is a very small line item (\$2,500) in the budget for food service. This same amount is listed for 2016-17 during the start up phase before students arrive so it is not even clear if this cost is associated with student meals. The petition states that food service will be a contracted service, however a high percentage of the students will qualify for the free and reduced lunch program. This will require administration, safe handling of food, and accounting. The cost of a catered

program will be far greater than the reimbursement from state and federal sources. This will be a costly budget item that will far exceed the nominal budgeted amount.

- 3) Students will be spending approximately 50% of their instructional time with community partners. The petition anticipates them earning A-G credit for their activities. There is no line item in the budget to cover any costs associated with this key part of the instructional program.

Costs will include transportation, materials, possible stipends for community partners, credentialing fees, supervision, attendance monitoring, and evaluation of student work. On page 53 of the petition the out of school activities takes place under the direction of elective teachers and ROP teachers. Again, no budget is identified, nor is a budget identified in the June 3 response in which ODA states that the out of school activities would occur locally in charter and private elementary schools.

- 4) The petition states (page 64) that ODA will offer an intersession program and summer school for students that need additional support. There is no budget for these extra support services.
- 5) An amount of \$6,000 is included in the budget for custodial supplies and there is no staff or contracted service identified to actually perform the daily cleaning.
- 6) The furniture budget for year 1 in which at least three classrooms will be needed is listed at \$10,000. A set of new mid-range cost classroom furniture for one high school classroom costs approximately \$15,000. The furniture budget is not sufficient.

The analysis of the budget indicates that there many costs associated with the operation of the school are unaccounted for and, thus, expenses are understated. This will significantly drive up the projected first year expenses. First year revenues are projected at \$1,011,601 and first year expenses are projected at \$954,789. Given unbudgeted items listed above, ODA will very likely run a significant deficit or be forced to curtail services to students.

#### Out of Classroom Program Concerns

ODA has not presented a clear plan how supervision for out of the classroom activities will occur and whether the outside community partners are eligible or willing to obtain appropriate CTE credentials and whether they are agreeing to be the teacher of record for the students.

The petition does not clarify if the charter school is supposed to operate as a classroom based program or as a non-classroom based program. This is significant in regard to two important processes, also not contemplated in the petition: attendance accounting and funding. Petitioners fail to exhibit their understanding of navigating these processes. And the fact that the description of the educational program (specifically, how, where and from whom the students will receive instruction) has evolved in follow up discussions with petitioners, raises significant concerns as to whether appropriate processes for funding and attendance accounting will be followed. If they are not, that would be devastating for the small high school program that is being contemplated.

If the program will operate to provide “classroom-based instruction”, such instruction only occurs when charter school students “are under the immediate supervision and control of an employee of the charter school who possesses a valid teaching credential” in accordance with the Charter Schools Act. (Educ. Code section 47612.5(e)(1).) Petitioner has stated that “students will be spending 50% of their instructional day outside the classroom and working under community partners to earn non-core credit.” It is staff’s understanding that the “community partners” will not be charter school employees, and will be working with students away from the school site. Therefore, compliance with the supervision

requirements of the Charter Schools Act will not be met. (June 3, 2016 correspondence from petitioner to Superintendent.)

If, however, the program will operate as a non-classroom-based instructional program, then there are specific funding processes that must be followed, but which are not addressed or acknowledged in the petition. (Educ. Code section 47634.2.) Further, even more strident attendance accounting processes must be in place than with a program that provides classroom-based instruction.

Again, in follow up communication with the District, petitioner addresses these attendance accounting processes by simply stating that:

We will work with site partners to establish systems for student check-in and check-out, as well as other necessary attendance systems. (June 3, 2016, correspondence from petitioner to Superintendent.)

Overall, in the petition and follow up correspondence with the District, petitioners have provided too fluid a description as to how the instructional portions of the program will work. As they evolve, the lack of acknowledgment, or outright erroneous implementation, of the fundamental processes of non-classroom-based and classroom-based instruction is troubling.

Based upon the lack of discussion or acknowledgement of these significant issues, it does not appear that the charter school will successfully implement the program contemplated in the petition.

#### Recommendation for Denial of Petition

Based on the foregoing, staff recommends that the Petition be denied based on the following:

- 1) The Petition presents an unsound educational program for students to be enrolled at the charter school.
- 2) It is demonstrably unlikely that the petitioners will successfully implement the program set forth in the Petition.
- 3) The Petition does not contain a reasonably comprehensive description of all of the items required by the education code section 47605.

Staff recommends that the Board denies the Petition and adopts the above findings of fact.



April 22, 2016

Dear Superintendent Lianides,

In response to the Sequoia Union High School District's (the "District") request for further information concerning the Oxford Day Academy ("ODA") charter school petition submitted to the District on or about March 30, 2016 (Board Agenda Item 13a on the April 20, 2016 District Board Agenda), please find below our responses. For your reference, we are also now in the process of responding to new questions raised by District Trustees at the April 20, 2016 hearing; we will share those responses with you in a separate document no later than Friday, April 29, 2016. We thank you and your team for your thoughtful consideration, and look forward to answering any additional questions that may arise.

**A. Impact on Current East Palo Alto Students and Existing/Projected Educational Programs**

We appreciate the District's concern that "the total number of students enrolled in [the] District from the East Palo Alto community has been on a slow decline in the last several years and it appears this trend will continue." We also recognize the District's concern that students choosing to enroll in ODA may somehow change the enrollment patterns at District schools (or at neighboring District schools). Despite these concerns, we remain optimistic that ODA will fill a real need by providing additional seats (as well as new pedagogical options) to the District's growing population.

As noted in an April 20, 2016 article of *The Almanac*, "A 2013 forecast commissioned by the [D]istrict predicted an enrollment surge starting around 2022, with a particular concentration at Menlo-Atherton High School."<sup>1</sup> Even as newer projections have forecasted more moderate growth than originally predicted, areas served by the Menlo-Atherton High School still anticipate a considerable population swell amongst high school-aged students<sup>2</sup>; as Menlo-Atherton High School is now the primary public comprehensive high school option for all residents of East Palo Alto, we believe that our launch could support and supplement District efforts to absorb the impending population surge for this high school community.

In addition, ODA is confident that its outreach efforts to the community have been adequate and effective (see ODA Petition, p. 16); these efforts include four town hall events held between

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<sup>1</sup> See <http://www.almanacnews.com/news/2016/04/20/today-update-on-menlo-park-high-school>

<sup>2</sup> See <http://almanacnews.com/news/2016/01/19/high-schools-enrollment-study-shows-low-income-families-leaving-area>

November 2015 and March 2016, twenty-five (25) small group and one-on-one meetings with community and parent leaders across the District and extensive canvassing and flyer distribution to families and interested parties.

The outcomes have been significant, including the following:

1. 300 signatures collected from parents of District students in grades 4-7, which would represent ODA's first class of 9-12th graders (ODA Petition, p. 16);
2. Evidence of 13 founding families committed to supporting future school efforts, including outreach and enrollment (ODA Petition, p. 15), and more families beyond the "founders" are also committed to supporting ODA;
3. The creation of a Parent, Youth, and Community Advisory Board (PYCAB) to solicit family voice / input and develop strong community presence (ODA Petition, p. 121);
4. Continued PYCAB engagement to develop new community ties and relationships over time (ODA Petition, p. 121); and
5. A robust recruitment plan for ODA in future years of operation (ODA Petition, p. 149-151).

This evidence shows that ODA will be able to draw a sufficient student population; we see no evidence that ODA will fail to draw students from either the Sequoia Union High School District or from local private schools. As an additional note, while we want to respect the district's request to learn more about the enrollment projections for ODA and have provided that detail here, we also recognize that a district's potential loss of revenue/and or changes to a district's enrollment patterns are not reasons an authorizer may use to grant or deny a charter petition.

Finally, we also appreciate the District's concern for racial isolation; ODA, like the district, is committed to a diverse study body that reflects the community. We see no evidence that a student's enrollment at ODA will impact the racial diversity of schools in the area either positively or negatively, or that ODA will otherwise racially isolate any specific population of students in the District or neighboring Districts. We believe this is especially true given the likely impact of current and projected gentrification patterns on East Palo Alto's racial demographics.

## **B. Facilities**

All charter schools are faced with the challenge of acquiring their own facilities or requesting District facilities when available. ODA will not request Proposition 39 facilities in the 2017-18 school year; our team believes its plans for identifying and acquiring an alternative facility are well thought out and will yield an adequate facility that will meet the needs of our students and school.

In particular, we believe ODA's current letter of intent with St. Francis Church is evidence of a reasonable and realistic facility for ODA's anticipated use. ODA also has a clear plan of action to acquire appropriate occupancy approvals from the City Planning Dept., including submission of a CUP application. Providing us further confidence, ODA's attorneys and their facilities vendors, including Placeworks, are skilled in handling commercial real estate matters.

Across the State of California, dozens of charter schools have occupied and continue to occupy church facilities. ODA's attorneys are aware of state and federal laws regarding such use and are confident that appropriate lease terms can be negotiated to accommodate these issues and/or any specific District concerns.

ODA's space and usage assumptions are based upon similar charter school operations. For example, Design Tech High School's square footage of teaching space per student in its first year of operations was 38.4 (5 classrooms \* 960 sq ft per classroom [5 \* 960 = 4,800 sq. ft] and 4800/125 students = 38.4).

With similar assumptions, ODA would require approximately 2,611.2 total sq ft in Year 1 ( $38.4 * 68 = 2,611.2$ ). The cost of such a facility at \$25/sq ft would be \$65,280 ( $38.4 * 68 * 25 = 65,280$ ), and the cost of such a facility at \$40/sq ft would be \$104,448 ( $38.4 * 68 * 40 = 104,448$ ). If ODA acquires facilities at the higher rate, the school can choose to lease a smaller space because not all students will be on campus at once. Therefore, ODA is confident the budget can accommodate ODA's facilities needs and that it has a realistic set of facilities assumptions. We are also confident that we can work with our facilities partner to develop necessary school features that may not yet exist in the current physical space, such as an equipped science laboratory.

We will monitor our space needs carefully through the growth phase and respond accordingly. If we do locate in St. Francis of Assisi's space, we may consider the addition of new portable properties and/or relocation to a new space in Year 3. At that time, we believe that several other local organizations could provide suitable spaces, such as the Boys & Girls Club; the YMCA; and the Youth Arts and Music Center (YAMC), which will be located in East Palo Alto when it opens in fall 2018. We hope to approach these organizations once our charter is approved, such that we will have ample time to identify a suitable facility partnership with appropriate zoning requirements in the event that we are not able to develop sufficient learning space on the St. Francis campus.

### **C. First Year Academic Program**

ODA will hire three teachers in Year 1 and is entirely confident we can meet highly qualified requirements for those individuals. During our first year of operations, we will limit non-core subject area courses as a means of ensuring that our limited number of teachers have the appropriate subject-area credentials for offered courses. The work of these teachers will also be supplemented and supported by ODA community partners whom we will help to secure CTE (Career Technical Education) credentials.<sup>3</sup> These individuals will support student field work, intersessions, and learning studio time; we are confident that the on- and off-site support of CTE-credentialed community partners, along with the help of SELCs and parent volunteers will allow our teachers to offer a high quality education to students in a sustainable manner, even during our startup years. AP-level coursework will not be offered in the first year of ODA's operation, as we do not anticipate the first year 9<sup>th</sup> grade class will have a need for AP coursework.

With regard to WASC, ODA will ensure that its model meets line-for-line alignment of WASC requirements, starting with approval of the charter. ODA will contact WASC as soon as the charter is approved to begin scheduling appropriate preliminary review and appropriate site visits in Spring of the 1st year of operation. ODA will, of course, immediately begin collecting and gathering evidence during the self-study process for a visiting committee. Once approved, WASC accreditation is retroactive, such that students enrolled in ODA's first classes will still be taking accredited coursework. ODA's attorney has long been a WASC visiting committee member and understands the process and requirements for WASC accreditation very well; in addition, the ODA team has members who are well experienced in the WASC accreditation process.

Regarding A-G approval, ODA will apply for A-G approval once certified (as required by statute) and will also be eligible for retroactive approval of coursework. ODA will develop the required course syllabi to meet UC/CSU A-G subject requirements and will ensure that requirements are met for each subject area. As noted on p. 50 ff. in the ODA Petition: "[All coursework] will be aligned with UC/CSU A-G requirements. We will be working closely with Arlene LePlante to make sure these real-world electives are developed in ways that are academically rigorous and aligned with A-G requirements. Ms. LePlante specializes in aligning real-world, experiential and expeditionary coursework with WASC accreditation and A-G requirements, and has used this expertise to guide organizations including Big Picture Learning and San Diego Unified School District. See the Letters of Support Tab for her letter of support

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<sup>3</sup> See Section E for further discussion of CTE credentialing.

[and CV].” ODA will also coordinate efforts with Nina Costales, High School Articulation Analyst for the University of California Office of the President.

#### **D. Fourth Year Academic Program**

ODA will provide a “menu” of options for accommodation that are all high quality and can adapt and target specific strategies to meet the needs of the school’s population. Pages 82-90 of the ODA Petition articulate the school’s strategies for supporting EL/CELDT populations. Included among those strategies, ODA will follow Sheltered Instruction Observation Protocol (SIOP), differentiated instruction, reading support, direct vocabulary instruction, academic English development, schedules for peer learning and increasing EL students’ production, use of appropriate supporting visuals, and academic acceleration through summer programming and intersessions.

Furthermore, as stated on p. 84 ff of the ODA Petition states: “Our tutorial-based pedagogy will be adapted to the specific needs of EL learners under the guidance of Professor Sara Smith at CSU-Hayward. Professor Smith focuses her research on the cognitive and linguistic development of EL youth; she also completed her PhD at the University of Oxford and, so, is intimately familiar with the tutorial system. See the Letters of Support Tab for Professor Smith’s letter.” Professor Smith will be supporting our school by working with teachers on curriculum development and modification, as well as by providing ongoing professional development for all ODA staff. We feel confident that her expertise will help us to build a powerful educational experience for students with EL/CELDT classifications.

These supports will be combined with classroom technology as a means of freeing up our 10 FTE teachers for tutorials, Harkness Tables, and differentiated student interventions. As noted in the ODA Petition, we are working closely with EdSurge’s Concierge service to identify the best suite of online content tools for different subject areas; continued pilot work will allow us to determine the appropriate processes and protocols around any and all selected content providers. These efforts will ensure that our students and staff benefit from robust and effective blended learning systems, and that teachers have the resources and bandwidth they need to serve all members of a diverse student body. As noted in Figure 9 of the ODA petition, entering students will receive a greater share of direct teacher and SELC supports; after our startup phase, these new students will also receive mentorship from older students around succeeding in the ODA model. We believe these ‘onboarding’ supports will allow all students to thrive in ODA, thus equipping us to achieve the goals listed on p.94-95 of the ODA Petition.

## **E. Credit for Work in the Community**

ODA's unique educational model is supported by the Charter Schools Act's support for innovation in education and, as mentioned above, Arlene LePlante's qualifications and skills are appropriate to ensure that ODA's "real-world electives are developed in ways that are academically rigorous and aligned with A-G requirements." As also noted above, Ms. LePlante "specializes in aligning real-world, experiential and expeditionary coursework with WASC accreditation and A-G requirements, and has used this expertise to guide organizations including Big Picture Learning and San Diego Unified School District."

Ms. LePlante will also help the appropriate ODA community partners secure CTE (Career Technical Education) credentials, which will ensure that these professionals may provide the same types of opportunities to students as a Regional Occupation Program (ROP) now that the ROPs have been eliminated. All adults working with students outside of the classroom setting will be trained and supervised by a certificated ODA staff member. In addition, ODA plans to require adults to submit to background checks and fingerprinting.

The appropriate community settings for electives coursework will vary depending on course content. In all cases, however, students will receive grades from a credentialed educator, and will be evaluated against state and/or national standards specific to that content area and/or individual CCSS standards. Similarly, course credit will be awarded only to those students meeting the requirements laid out in course syllabi; with the help of Ms. LePlante, we will ensure that all course syllabi-- including those for electives-- will be submitted to the appropriate UC/CSU bodies to receive approval for A-G accreditation. In this way, our real-world electives courses will be rigorous, standards-based, and A-G aligned; moreover, passing letter grades will be awarded only to those students meeting the appropriate standards.

## **F. Role and Qualifications of Socio-Emotional Coaches (SELCS)**

We believe the scope of SELC qualifications and duties is more similar in many respects to a high-performing instructional aide than a traditional high school counselor; we have budgeted compensation for this position accordingly. For example, Connect Community Charter School in Redwood City pays between \$30,000 and \$35,000 in base salary for an instructional aide (based on a 2,000-hour work year), and Design Tech High School pays between \$36,000 and \$40,000 in base salary (based on a 2,000-hour work year). Benefits will be offered with these positions, and ODA's budget reflects this additional compensation. ODA is confident that the pay is appropriate and sufficient for the position, and given that there are no special requirements or unique circumstances associated with the role, believes that staffing the SELC position will be

no more difficult than staffing instructional aide positions at other schools; as such, we will use similar recruitment channels for filling these positions.

#### **G. Qualifications and Recruitment of Teachers**

As evidenced in the Signatures Tab of the ODA petition, ODA has more than adequate meaningful teacher interest; those interested teachers are aware of our intended retirement benefits. Moreover, STRS contribution rates continue to significantly increase, and the State has no clear plans to accommodate the ballooning pension requirements of either STRS or PERS. As such, we have seen many charter schools in recent years opt for more realistic retirement plans with better guarantees of future solvency; based on responses and feedback from those teachers signing our petition, we believe we can follow in the footsteps of such charter schools without significantly impacting our teacher recruitment efforts.

As noted in Section C of this report, ODA will require all teachers to hold the appropriate subject-area credential, and will limit the scope of course offerings in Year 1 to ensure that all courses are taught by an appropriately qualified instructor.

#### **H. Special Education**

If ODA were supported as a school-of-the-district in Year 1 as outlined in our charter, ODA and the District would enter into an MOU for special education services that could address NPS placements, due process hearings, and any other District concerns. Additionally, the purpose of the District's encroachment would be to help cover the costs of Special Education services that exceed ODA students' funding apportionment.

If the District requested that ODA serve as its own LEA for Special Education purposes beginning in Year 1, ODA would actively seek membership in a SELPA such as the San Mateo County SELPA or the El Dorado County Charter SELPA. To that end, ODA has prepared and enclosed here a supplementary budget wherein ODA would be responsible for its own special education services in Year 1. ODA has already identified a trained special education instructor it would like to hire, either in Year 1 or thereafter, and this budget accounts for that position. Our Petition notes in the Assistant Head of School Job Description (hired in Year 3), that the Assistant Head of School will act as the designated special education administrator. During Years 1 and 2 of operations, ODA's Head of School will work with special education instructors to cover these responsibilities (and will receive all appropriate trainings to do so).

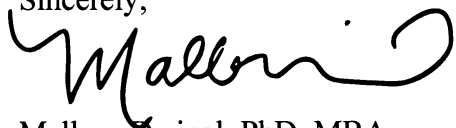
Assuming ODA operates as a school-of-the-district in Year 1, the MOU between the District and ODA can identify specific areas of responsibility and could outline a greater role for ODA in

recruiting and managing its own special education staff, defending or prosecuting its own due process hearings, being responsible for its own excess costs and taking on other responsibilities as necessary. Regarding any incongruities between the petition and District expectations, then, the special education MOU would alleviate District concerns and iron out associated details.

### **Conclusion**

In closing, we appreciate the opportunity to provide these responses to the District's requests for information; we also admire the deep commitment District staff members have shown to serving local students. We remain committed to open communication channels with District staff and look forward to responding to any other requests for information so that the District Board may obtain all the necessary information it needs to evaluate the petition against appropriate statutory criteria. Our team looks forward to collaborating with all members of the District throughout this process and beyond.

Sincerely,

A handwritten signature in black ink, appearing to read "Mallory", with a stylized flourish at the end.

Mallory Dwinal, PhD, MBA

Lead Founder, Oxford Day Academy

- Enc.: 1. Sample Special Education budget for Independent LEA purposes  
2. Special Education Instructor Job Description for Independent LEA purposes



# **1. Sample Special Education budget for Independent LEA purposes**

<b>Revenue</b>	Federal Revenue	\$0	\$0
	State Revenue	\$0	\$29,752
	Mental Health	\$0	\$0
	<b>Total</b>	<b>\$0</b>	<b>\$29,752</b>
<b>Expenses</b>			
	Certificated Staff	\$0	\$75,000
	Classified Staff	\$0	\$0
	Benefits	\$0	\$21,000
	Supplies	\$0	\$7,500
	Services & Other Operating Expenses	\$107,551	\$32,500
	<b>Total</b>	<b>\$107,551</b>	<b>\$136,000</b>

## **Assumptions:**

- Revenue based on membership in El Dorado Charter SELPA
- No federal revenue in Year 1
- State revenue of \$505 per ADA, with 5% administrative fee and 4% set-aside fee
- 1 Resource Specialist on staff at \$75,000 – RSP would be responsible for assessments, IEP meetings (in conjunction with an administrator), and service provision as appropriate
- Supply assumptions based on expectation of purchasing some material for assessments and some equipment to make IEP-determined accommodations (e.g., noise-cancelling headphones, larger computer screen)

- Services assumptions based on potential need for some contract service providers (e.g., Psychologist, Occupational Therapist, Physical Therapist, Speech and Language Pathologist). These funds could also be moved to Classified Staff if it was determined that a student needed an Instructional Aide (e.g., \$25/hr for 4 hours per day, totaling \$18,000, plus 10% for benefits - \$19,800)

## **2. Special Education Instructor Job Description for Independent LEA purposes**

Special Education Instructors (SEIs) employed at Oxford Day Academy will be responsible for supporting students with special education needs in our inclusive learning studios, and as needed during off-campus experiences.

### Duties:

- Raise achievement of special education students and students with educational gaps
- Work in conjunction with the Director of Curriculum and Instruction to facilitate the development, refinement, and implementation of accommodations and modifications to curriculum and related assessments to meet the academic needs of students eligible for special education services, as well as students demonstrating academic gaps
- Serve as an instructional resource for directors and teachers, for school initiatives and programs
- Plan, promote, and provide professional development that will improve instructional skills to include accommodations and modifications and state assessment decisions and underserved students with academic gaps, including training teachers on the use of interventions and analyzing student data to identify strengths and needs
- Regularly visit classrooms and model effective differentiated instructional strategies and lessons for teachers
- Assist in the process for the selection of instructional materials, visual media, and instructional software
- Participate in the evaluation of programs and instructional strategies
- Perform other duties as assigned

### Qualifications:

- Bachelor's Degree; Master's Degree Preferred
- Special Education and Teacher Certification
- Two or more years classroom experience teaching special education, preferably in a secondary setting and in an urban setting
- Professional development presentation experienced preferred
- Prior training in curriculum development and proficiency in content-area curriculum and instructional strategies preferred
- Demonstrated ability to work collaboratively and successfully
- Embody our core values, and demonstrate an understanding of how they relate to the execution of his/her duties

Dear Superintendent Lianides,

We are excited to work with you and your team as you analyze our charter petition. In that spirit, we have provided the documentation requested by Trustees of the Sequoia Union High School District (the "District"), at the April 20, 2016 board hearing for Oxford Day Academy ("ODA"). As appropriate we have included live links to multimedia pieces of our work; please see the bottom of this letter for a full list of those enclosed documents and materials.

For ease of reference, questions and answers are organized below in the order they were first introduced, and grouped by the first Trustee to raise a given item. We recognize that several District Trustees shared the same questions, but have listed each question only once for the sake of efficiency and readability.

#### **A. From Trustee Weiner**

*1. Your methods assume and require the academic foundation to achieve rigorous higher order thinking; how confident are you that this model will be accessible to students with considerable learning gaps? What will you do to address those gaps for students in your school?*

The recent success of the Pritzker College Prep Campus of the Noble Network of Charter Schools in Chicago, IL, provides us practice-based evidence that this rigorous form of instruction can work for students of all personal and academic backgrounds. Pritzker's student population is 98% minority and 89% low-income and, like ODA, no academic prerequisites or admissions tests are required for enrollment in their public charter school. The Pritzker Campus partnered with Philips Exeter Academy in Fall 2013 to move all instruction to Harkness Tables, a close variation on the tutorial method.<sup>1</sup> Shown in **Figure 1** of this document, the results were dramatic; as noted on the Noble Network website, "Not only did the Harkness freshmen cohort already reach college level reading scores two years ahead of schedule, they grew over 3 points in a single year – a historical network high!"<sup>2</sup>

As ODA plans to serve a student population similar to that on Pritzker's campus using closely related instructional methods, we feel deeply confident in the potential for tutorials to be accessible and cognitively accelerating for all students. We are also confident in our ability to execute on this form of instruction effectively as our founder, Dr. Mallory Dwinal, spent the 2014-15 school year observing trainings and collaboration between Philips Exeter and the Noble Network's Pritzker team; ODA will adopt many of their training techniques and milestones to prepare teachers, students, and families of all backgrounds for this work. Additionally, the University of Oxford has shared its tutorial training materials with Dr. Dwinal, as she is an alumna of their Department of Education; a modified version of this training will be provided to all ODA teachers to ensure tutorials are effective and meaningful for students of all backgrounds. Further details around how this method of instruction has been developed

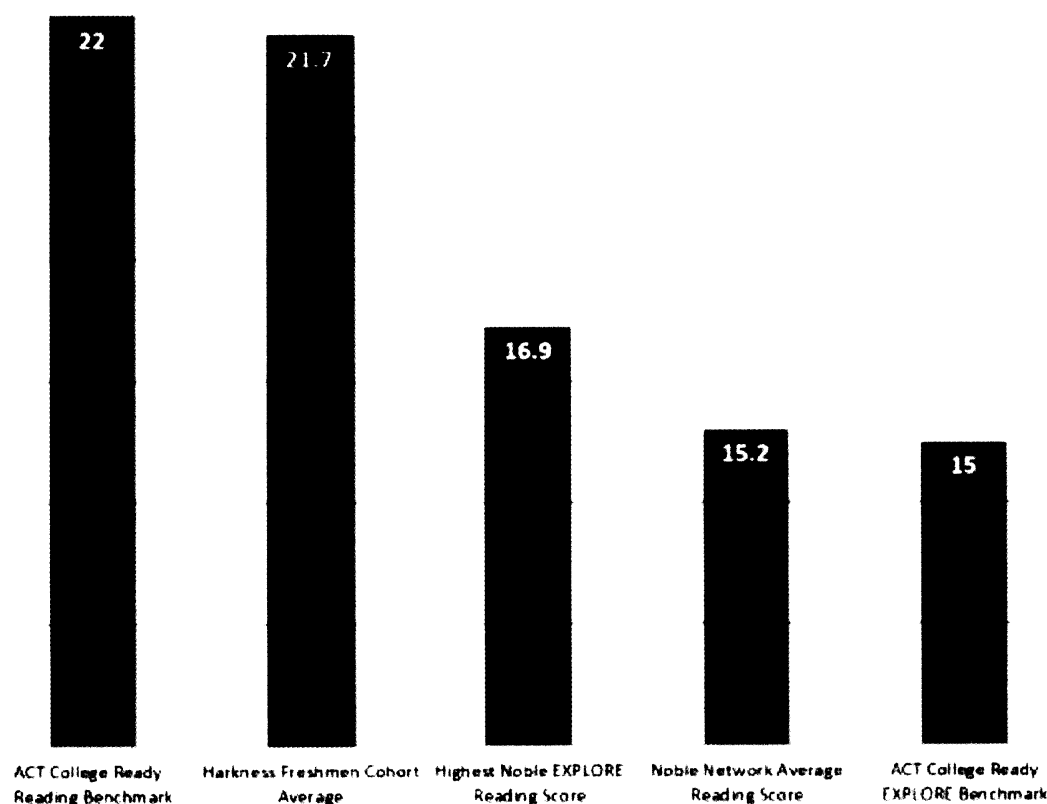
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<sup>1</sup> For more information on Harkness Tables, and how they will supplement tutorials at ODA, see Element A of the ODA Charter Petition.

<sup>2</sup> <http://thenobleacademy.noblenetwork.org/why-noble-academy> Last accessed April 27, 2016.

to fit ODA's specific instructional requirements can be found in the discussion of our pilot work (see Question 4).

**Figure 1.** Performance of Noble Network freshmen after Harkness Instruction vs. control groups<sup>3</sup>



We will use the best practices of the Philips/Noble partnership to modify Oxford training materials (and others) to our local needs and cultures. As outlined on p. 63-93 of our Charter Petition, we will also provide the appropriate supplemental instructional supports for academically low-performing students, CELDT/EL students, students with disabilities and Special Education needs, socioeconomically disadvantaged students, as well as academically high-achieving students.

As noted by Trustee Thomsen in our hearing on April 20, Benjamin Bloom's seminal work, *The 2-sigma Problem*, provides us further confidence in the theoretical foundations of this model, as well as the capacity for tutorials to reach and effectively serve all students. In that publication, Bloom's team reported that 90% of students receiving tutorial instruction "attained the level of summative achievement reached by only the highest 20% of the students under conventional instructional conditions" (p. 4).<sup>4</sup> They also found improvement in students' time on task (65% traditional settings versus 90+% in tutorial settings, as well as a dramatic qualitative improvement in students' attitudes and interests.

<sup>3</sup> Taken from <http://thenobleacademy.noblenetwork.org/why-noble-academy>. Last accessed April 27, 2016.

<sup>4</sup> Bloom, Benjamin S. "The 2 sigma problem: The search for methods of group instruction as effective as one-to-one tutoring." *Educational researcher* 13.6 (1984): 4-16.

Most importantly, “There were great reductions in the relations between prior measures (aptitude or achievement) and the summative achievement measures” (p. 4).<sup>5</sup> In fact, the correlation between prior and current aptitude-achievement measures changed from +.60 under conventional circumstances to +.25 under tutorial instruction. The findings have proved robust over time and population, and provide us confidence that, when appropriately scaffolded, this rigorous type of instruction can support learners of all backgrounds, needs and interests. Taken all together, the best practices from Pritzker, as well as the tutorial trainings provided by Oxford and personalized sub-group interventions and supports (listed on p. 63-93 in our Charter Petition) give us confidence that we will be able to produce similarly positive academic results for all students.

*2. In your charter petition, p. 63 mentions 14 days of academic acceleration; the experience of SUHSD (with their Compass program) has been that this is not enough time to achieve considerable gains. How will you use this time well?*

Similar to the District’s Compass program, the emphasis on our summer programming for low-performing students is on culture building, developing inclusivity, and building positive academic successes for students who might otherwise have few such experiences with school. While all students will receive this in their summer orientation in August, we believe an extra investment will provide a much-needed supplement for building engagement and investment amongst students who feel little commitment to school and/or have experienced little previous success with school. It is also important to note that this is one of many supports we plan to provide to students performing below grade level; please see p. 63-93 as well as **Figure 9** on p. 54 of our Charter Petition for further details on the additional supports we will provide.

*3. Stanford Law School has realized that experiential learning is hard to execute effectively because real-world experts do not necessarily have a grasp on curricular and pedagogical values-- they're not teachers. How will you address this challenge?*

As mentioned in our Charter Petition, Mr. Chris Balme and Mr. Ray Ruiz will support ODA with the development of meaningful experiential learning opportunities (see the Letters of Support Tab for copies of their letters); their support will ensure that all real-world electives coursework and any other student engagement with the professional world are high quality and pedagogically sound. Mr. Balme and Mr. Ruiz have extensive experience not only in coordinating real-world experiences for high school and first-generation early college students, but also in training external partners to provide high-quality, pedagogically-sound mentorship and instruction to these student groups. In addition to adopting the best practices of Mr. Ruiz and Mr. Balme, we plan to create mandatory orientations, as well as ongoing trainings and checkpoints with community partners to ensure that they develop the appropriate pedagogical practices for supporting student work; an ODA staff member will also monitor the quality of student-community partner interactions to ensure that every young person’s field experiences are enriching, rigorous, and aligned with the appropriate academic standards.

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<sup>5</sup> *Ibid.*

In addition to utilizing the expertise of these two individuals, ODA will also ensure that the appropriate community partners receive CTE credentialing. As a part of this certification process, each CTE credential candidate is assigned a mentor (by the CTE credentialing program) who acts as a coach for the entire preliminary credential period. The non-evaluative mentor has monthly contact (telephone calls, emails, google hangouts, etc.) with new teachers and face-to-face observation visits a minimum of once each semester. Mentors can include district employees, former teachers, and other non-evaluative administrators who complete CTE mentor training in order to provide candidates the tools and feedback necessary to excel in the teaching profession. We recognize the challenge in developing instructionally meaningful real-world learning partnerships, and believe that CTE training, coupled with the expertise and guidance of Mr. Balme and Mr. Ruiz will enable our community partners to provide pedagogically-aligned experiential learning opportunities.

#### *4. Can we see materials from your pilot work?*

To help District staff and Trustees to better understand the evolution of our model through pilot work, we have enclosed with this report the following materials from our pilot work:

1. **List of verified hypotheses from past pilot work:** A list of all hypotheses tested and verified specific to the requirements of the tutorial model.
2. **Pilot proposal for Startup: Education:** The proposal for testing systems and processes beyond the tutorial; ie, our proposal for the piloting of those supporting systems required to make tutorials work at scale.
3. **Presentation on initial assumptions:** A powerpoint articulating our initial assumptions about how size, time, and funding limitations would fit together in our model. Please note, this was prepared before pilot work began and, so, contains outdated assumptions. It is included only as an artifact that shows shifts in initial thinking. For example, teacher salaries were lowered but only on average and they are still regionally competitive and this allows for other staff to be compensated better.
4. **Quantitative logistical model:** A model built in Microsoft Excel to allow us to test the interactions between student-teacher ratios, teacher salary, and personalized student learning. Similar to Artifact 3 (Presentation on initial assumptions), this model was created in preparation for pilot launch and contains outdated assumptions. It is included only as an artifact to document our methods as well as the progression in our model over time.
5. **Sample work plan:** An initial work plan for pilot work conducted Sept - Nov 2015, created by students in grades 6-8 of all academic backgrounds (we worked with younger students in this project to ensure that it could work with students who do not yet have the full maturity we expect and rely on with high school students).

Based on pilot work completed thus far, we have also identified Otus as the platform we will use to create playlists in our space. Our liaison from Otus, Keith Westfield, has created a virtual tour<sup>6</sup> of their platform highlighting the method by which our teachers will create tailored playlists for different students.

## **B. From Trustee Thompson**

*5. In response to p. 184-185 (Element J) of your Charter Petition: if you are backfilling spots, will an expelled student ever actually be able to be readmitted? Won't their spot be taken when it's time for them to return?*

As part of a rehabilitation plan, the Board may decide that an expelled student may be considered for re-enrollment at ODA after a prescribed amount of time and/or the completion of specific tasks set forth in a rehabilitation plan. As a charter school, of course, any student on a current waitlist may apply for an open seat that is created when a student is expelled. Thus, even where a rehabilitation plan permits a student to re-enroll, ODA will abide by the terms of its charter and only allow an expelled student to enroll if there is a seat available pursuant to the enrollment caps specified in the ODA charter petition. It is our hope that these processes will ensure rehabilitated students have real and meaningful pathways to return to ODA, while also ensuring the financial viability of ODA (by not leaving seats unfilled for an extended period of time). Expelled students who wish to re-apply during the school's open enrollment (i.e., lottery) period may, of course, do so if the terms of the rehabilitation plan allow.

*6. In response to p. 154 (Element H) of your Charter Petition: It is not at the sole discretion of the ODA Board of Directors to change the size and capacity of ODA; they must comply with state statute.*

Trustee Thomsen is correct in noting that our Charter Petition states that "The Board of Directors shall have the sole authority to determine the size and grade-level breakdown of the student body at ODA" (p. 154). In accordance with state charter law, we mean that the ODA Board of Directors has discretion only insofar as what the board has already agreed to and submitted in our current charter petition (see **Figure ES1** on p. 14 for a chart on these enrollment statistics). This clause is included only to make clear that other, external bodies will not have the discretion to change ODA's enrollment numbers from what is set out in our charter petition; no increases in enrollment from what is listed in the Charter Petition will be permitted without a material change approval from the appropriate granting authority (ie, the district, county, or state body that approves ODA). Education Code, of course, allows a charter to expand to accommodate enrollment demand, but ODA will agree to abide by the enrollment caps as set forth in its charter petition.

*7. In response to p. 120 (Element D) of your Charter Petition: I think it would be beneficial to have an SUHSD liaison on the ODA board.*

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<sup>6</sup> In the enclosed documents list at the bottom of this letter, this item is listed as '6. Virtual tour of Otus playlists platform'. To engage with the playlist itself, follow these steps:

1. Visit [my.otusplus.com](https://my.otusplus.com)
  2. Create a Student Account
  3. After entering your student account, select 'Join a Class' using this code: cKu1y
- \*This code will allow you to be students in the class shown in the video(the one with the Freedom lesson).



In full compliance with state laws, and in the interest of close collaboration with the District, ODA would welcome an SUHSD liaison to the ODA board. ODA is obligated to and would absolutely offer a seat on the ODA Board to a District representative; however, we strongly urge District legal counsel to review this idea, as the District representative must be a voting member of the ODA board, which could make the District liable for the debts or obligations of ODA.

*8. In response to p. 94 (Element A) of your charter petition: I don't think it's a good idea to compare/benchmark your outcomes against those of the district.*

We deeply appreciate this sentiment and recognize that our model is fundamentally different from the models provided by the district, and there is therefore no way to conduct an 'apples-to-apples' comparison. The logic to benchmarking does not come from any intention around competition; instead it arises from the recognition that SBAC testing is new and does not yet provide any clear indications of what scores reflect 'good' academic performance. We want to hold ourselves to a high standard of accountability while these indicators solidify, but will happily benchmark ODA student performance against references and benchmarks other than district performance (eg, state performance indicators amongst schools with similar populations).

### **C. From Trustee Jack**

*9. I worry about the stability of highly experimental schools and need more proof of concept. Help me imagine this in a way where I can see the stability and rigor of the model.*

We appreciate how difficult it is to imagine how all of the moving pieces of a new model 'fit' together. To that end, we believe this understanding is best triangulated by first reading about the five key elements of our model on p. 12-13 of our Charter petition; from there, **Figure 9** on p. 54 of the Charter Petition and the Day-in-the-Life description for students and teacher found in **Appendix D** (p. 220) provide an understanding of how these five tenets are brought to life each day. Zooming out to the aggregate view, **Appendix L** (on p. 247) and **Appendix M** (on p. 248) of the charter petition outline the ways in which these daily experiences (and daily instructional minutes) accumulate over the course of a school year.

To provide some further assurance in visualizing the academic soundness of the model, it is helpful to compare similarities between our approach and a traditional school day. Namely, ODA students receive the same amount of learning time with each of their core subject teachers each day as they would in many traditional schools; during a four-hour daily learning studio block, each student will have one hour with their math teacher, one hour with their English & Language arts teacher, one hour with their science teacher, and one hour with their history/social studies teacher. During these times, students are not just sitting in front of computers working on playlists; instead, playlists are used to supplement small-group instruction and interventions, socratic seminars / Harkness tables, and tutorials. Thus, while the pieces are assembled in a different way, those pieces most critical to student growth in core subject areas remain equally present as they would be at a traditional school.

We believe this different way of ‘assembling’ pieces of the school will allow us to provide an option that is equally rigorous and academically sound as the high quality programming already present in our comprehensive public high schools, but better suited to those students who do not thrive in a traditional setting or school schedule. Among these students, we believe our experiential approach will be especially beneficial to students who have left the school system as a function of grades, behavior, and/or juvenile justice requirements; in this way, we hope to expand the collective number of students effectively reached by local public education options.

We also recognize that ongoing conversations may be required to help district members fully visualize our instructional model, and welcome any further requests on specific questions and concerns, though again hope that all parties will consider the specific grounds for charter approval or denial when making their final evaluation.

*10. Tell me more about the criteria of the awards for which you were selected-- how did the White House and XQ decide that your work is ‘viable’ and ‘worthy’?*

The November 2015 White House Next Generation Learning Summit was meant to highlight those organizations already demonstrating viable means to deliver on the core principles of President Obama’s Next Generation High Schools Program. As outlined in the FY2016 budget request,<sup>7</sup> this includes schools that have found a rigorous and sustainable means for:

- Redesigning academic content and instructional practices to align with college and the workplace;
- Personalizing instruction and wraparound support services;
- Building "high-quality career and college exploration and counseling services" into schools;
- Expanding opportunities to earn college credit while students are still in high school;
- More career-related experiences and project-based learning;
- New and better ways of using learning time, such as creative uses of technology, competency-based progression for students, or revamped school calendars;
- Evidence-based professional development for educators.

Similarly, the XQ Super Schools competition has set selection criteria around the capacity of teams and feasibility of their plans in realizing a new and more effective way of educating high school students. Taken from their eligibility requirements, teams (including ODA) were selected for the semifinals as follows (highlighting added to promote clarity):<sup>8</sup>

*5. JUDGING CRITERIA AND PROCESS. Semi-Finalists (defined below), Finalists (defined below), and Contest Winners (defined below) will be selected from all eligible entries based on the creativity, thoroughness, viability as a public high school, alignment with the values of the Contest, community endorsement, likelihood of realizing the goals of the Contest, and*

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<sup>7</sup> See <http://www2.ed.gov/about/overview/budget/budget16/summary/16summary.pdf> for a copy of the budget request.

<sup>8</sup> See <http://xqsuperschool.org/eligibility> for a full copy of the XQ rules and requirements.

*commitment of Team Entrant participants and their supporters to implementing the proposed XQ Super School, as determined by the Contest evaluators, including the XQ Evaluators, Semi-Finalist Contest Judges, and Luminary Judges, as applicable (collectively, the “Contest Judges”). The judging rubrics used to assess Initial Entries, Semi-Finalist Entries, and Finalists have been expertly developed and the Contest Judges will be trained to use the rubrics fairly and consistently.*

*Initial Entries Judging: Initial Entries will be judged by XQ Evaluators. These evaluators will include invited volunteers, Sponsor’s employees, and/or independent contractors familiar with the mission of the Contest and trained in the rubric assessment of Initial Entries. XQ Evaluators will be supported by certain subject matter experts including, but not limited to, experts in the fields of training and labor force; education; adolescent learning; technological solutions; youth development; professional leadership; civil rights; and arts and culture. Such evaluators shall use judging rubric scores as the sole criteria for determining those Team Entrants who shall become semi-finalists and go on to the second round of evaluation (“Semi-Finalists”).*

We believe our selection for these accolades serve as further evidence to the thoroughness of our planning and the viability of our school model.

*11. Tell me more about how you’ve pivoted--- what has pivoted, and why?*

Nearly a year of pilot work and extensive community engagement have allowed us to make the appropriate pivots in our model. Some such changes include (but are not limited to):

- **Emphasis on Multiculturalism.** While ODA has always focused on real-world, applied service leadership, we were originally using STEM-focused content. We decided to pivot from this focus so as to not be redundant to the excellent new STEM school the District is working to launch in fall 2018. The decision to adopt a focus on multiculturalism (as opposed to the performing arts or some other theme) in place of STEM arose from an analysis of local need as well as feedback from numerous family and stakeholder focus groups.
- **Smaller school size.** Similar to many small schools, we originally planned to have approximately 100 students per grade level. We decided to move to a smaller size after recognizing that this (combined with students spending half of their day off campus) would allow us to fit within the space constraints of most youth-facing organizations (like the Boys & Girls Club, the YMCA, community recreation centers, etc.); we saw that this flexibility would bring us closer to local community partners, which seemed key to the success of our model during pilot work.
- **Design thinking project format.** ODA now plans to instruct students through semester-long, interdisciplinary design thinking projects; originally, however, we had planned instead on multiple shorter (4-5 weeks), subject-specific projects each semester. What we realized was that allowing students to tackle bigger, messier projects created greater levels of student investment and greater opportunities for rigorous complex learning; it also required more time to be done well. As a result, we have pivoted to going deeper on big, interdisciplinary projects.

- **Interdisciplinary learning studios.** We originally planned on having discrete classrooms for core subjects (math, English, science, and social studies), but realized that this disrupted student work time by requiring them to ‘pack up’ their projects and move them to the next classroom. As such, we have pivoted to the practices used at Harvard Business School, Khan Lab School, Acton Academy, and others, in which teachers rotate to students, who have a permanent learning space. We believe this inversion will create a greater sense of ownership and belonging amongst students in a shared learning studio, and that it will also allow for a greater levels of uninterrupted student work.

#### **D. From Trustee Sarver**

*12. Project-based learning is really tough in math, and requires intensive support from personnel. How will you pull this off? Is it just flipped classrooms?*

We do plan to use many of the systems and technology platforms traditional to ‘flipped’ math classrooms (such as Khan Academy, BetterMarks, and MathSpace), but these are not the only instances in which students will be working without the direct guidance of a teacher. We are also working with Quantum Camp, a Bay Area organization that develops self-directed math and science curriculum for homeschooled students. This organization design experiment-based lessons that recreate the historical progression of experiments and breakthroughs in math and in science. The benefit of this approach is twofold: first, this deductive process facilitates student exploration while still allowing student work to occur independent of direct teacher instruction. Second, it naturally lends itself to discussions of the history and politics of math and science; these themes will fit well with our emphasis on interdisciplinary instruction.

Having worked closely with Quantum Camp over the past year, they have agreed to help our teachers to develop similar content that has been tailored to the particular needs of our high school students. See enclosed for a sample math lesson and sample science lesson from the Quantum Camp curriculum,<sup>9</sup> as well as a non-binding letter of intent<sup>10</sup> to continue this developmental partnership with Quantum Camp as we build out a scaffolded high school level content that is aligned with CCSS and NGSS standards, AP-level content requirements, as well as UC/CSU A-G requirements for math and science coursework.

*13. I have some questions about your overall transition / ramp up plan. How will you transition to multi-grade learning studios after your first year if people are supposed to be with the same SELC all four years?*

As we grow in our first four years, a small number of students will have to transition to a different SELC. Our current SELC-student growth plan is shown in the enclosed document.<sup>11</sup> In year 3 of this

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<sup>9</sup> In the enclosed documents list at the bottom of this letter, this item is listed as ‘7a. Quantum Camp sample math lesson’ and ‘7b. Quantum Camp sample science lesson’.

<sup>10</sup> In the enclosed documents list at the bottom of this letter, this item is listed as ‘8. Quantum Camp letter of intent’.

<sup>11</sup> In the enclosed documents list at the bottom of this letter, this item is listed as ‘9. SELC-student growth plan’.

working plan, 11 rising 10th graders and 11 rising 11th graders would have to work with a SELC who had been in their learning studio in previous years but was not their primary point of contact; in year 4, 12 rising 10th graders would have to switch to a SELC who had not been in their learning studio before. In such cases, we will work with SELCs, students, and families, to ensure that the students who switch SELCs feel comfortable and satisfied with this decision. It is also important to note that the enclosed growth plan is subject to change as student, family, and SELC preferences become clear. After year 4, no student will have to switch SELCs during their time at ODA.

*14. How will you ramp up personnel for this new type of work? Will they have the bandwidth to manage all of the innovations alongside startup needs in early years?*

As mentioned in Question 1, we plan to use modified versions of the training materials and processes used at the Noble Network of Charter Schools, as well as professional development materials from Oxford University to ensure that all staff receive the appropriate preparation for engaging students in tutorials, Harkness Tables, and other rigorous forms of instruction. We feel confident that this approach will yield similarly high results to those reached by Noble Network's Pritzker campus (which teaches students of all ability levels exclusively through Harkness Table instruction).

In addition to providing this professional development, we will also create personnel bandwidth during our startup years by limiting offerings as appropriate. This includes limiting the number of non-core (ie, electives) course offerings, and potentially holding those courses on campus until our community partners are sufficiently well trained to receive students off site (as articulated in **Figure 9** on p. 54 of the Charter Petition, this practice will also be true for all incoming freshmen, so as to prepare them for the rigors and requirements of the professional world). We will not offer AP-level coursework in our first year of operation (as 9th graders are seldom ready for this level of rigor) as another means of limiting complexity during our early years.

Organizational supports will provide further support to personnel during startup years. For example, continued pilot work leading up to school launch will limit the number of unknowns personnel face when we first open and intersessions may be used during early years to give teachers extra time for professional development (and for pivoting pieces of our instructional methods as necessary). These flexible systems, coupled with support from individuals like Ms. Arlene LePlante, Mr. Ray Ruiz, Mr. Chris Balme will ensure that our limited number of staff members have the support, resources, and bandwidth they need to manage our startup and launch processes.

*15. You have a big stair-step ramp-up in year 3 (in terms of bringing in extra administrative support); can you 'hold on' that long? Will you have an adequately robust staff in years 1 and 2?*

Given extensive planning over the last 7 years, as well as the in-depth pilot work and community engagement work over the past year, we feel deeply confident that we have the resources and infrastructure required to succeed-- especially for working with a relatively small number of students (68 in year one and 134 in year 2). We will seek out partnerships and staffing solutions as they arise, and feel confident that our network is robust enough to provide the necessary expertise and support.

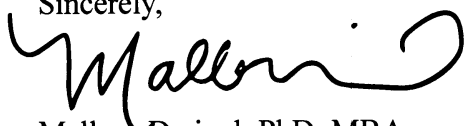
*16. How will your PYCAB committees handle the breadth and depth of expertise that they are supposed to manage? Things like facilities, high school transitions, etc, are really complex issues that usually require expertise from professionals in the field.*

Discussed on p. 14-16 of the ODA Charter Petition, our parent engagement results thus far provide evidence of meaningful parent interest and involvement in ODA. We believe this is because we have built our Parent, Youth, and Community Advisory Board (PYCAB) to engage stakeholders in a meaningful way and through channels that accommodate language, work schedule, and transportation requirements. We also think it important to note that PYCAB committees play a meaningful role in our decision making process, but committee members are by no means expected to hold the knowledge, skills, or expertise required around technical issues. Instead, PYCAB committee members will be involved in decision-making processes as appropriate, and with the technical guidance and training provided by our contracted providers around legal, financial, facilities, and other operational services, as well as through our membership to the California Charter Schools Association (CCSA).

### **Conclusion**

We appreciate this additional opportunity to communicate and collaborate with members of the District, and hope the District team will find this supplemental information useful. We hope to maintain these open communication channels with District staff and look forward to responding to any other requests for information. Thank you for your hard work and service to our community, and please reach out for any additional explanations and/or documentation.

Sincerely,



Mallory Dwinal, PhD, MBA

Lead Founder, Oxford Day Academy

### **Enc.**

1. List of verified hypotheses from past pilot work
2. Pilot proposal for Startup: Education
3. Presentation on initial assumptions
4. Quantitative logistical model
5. Sample work plan
6. Virtual tour of Otus playlists platform
- 7a. Quantum Camp sample math lesson
- 7b. Quantum Camp sample science lesson
8. Quantum Camp letter of intent
9. SEL-C-student growth plan

June 3, 2016

Dear Superintendent Lianides,

We appreciate you taking the time to carefully review our charter petition, and are pleased to provide the information requested in your email from May 26, 2016. Those responses are detailed below, along with active hyperlinks to corresponding supporting materials. We thank you and your team again for your thoughtful consideration, and look forward to answering any additional questions that may arise.

**A. Facilities**

*1) Per your response to previous questions ODA has not yet secured a site within East Palo Alto for the school. You indicate that ODA is still considering locating at St Francis de Assisi Church in East Palo Alto. Assuming no other facility becomes available, what specific spaces on the church property would you anticipate utilizing? What would be the plan to teach laboratory science in a facility in which you might not have exclusive use?*

Should we pursue the St. Francis of Assisi facilities option, we would use the large community hall as well as one of the two portables behind that hall. As mentioned in the last report, these areas would provide more than enough physical space in our first and second years of operations, and potentially in years 3 and 4 as well. As these spaces are already utilized for summer youth programming and after school academic supports, we are confident that they could be developed to meet our needs. The portable, in particular, is dedicated to academic support work with students, and could be utilized for laboratory science coursework. As a further option, we could consider cross-registering students in local community college courses for some of their laboratory science requirements.

*2) You state that there are dozens of charter schools that occupy church facilities. Please provide some examples of these and the steps the schools have taken to ensure a non-religious physical environment for students.*

Many charter schools across California have found ways to successfully occupy church facilities. The following serves as a short, non-exhaustive list of examples:

- University Preparatory Academy, San Jose, California
- NOVA Academy Early College High School, Santa Ana California
- Excel Prep Charter School, Moreno Valley, California
- Vista Heritage Charter Middle School, Santa Ana, California, an Orange County Board of Education approved charter school

- Scholarship Prep, Santa Ana, California, an Orange County Board of Education approved charter school
- REACH Leadership Academy, Riverside, California
- Success Academy, Fontana, California
- Taft T Newman Leadership Academy, San Bernardino, California
- Bay Point Preparatory Academy, Hemet, California, a State Board approved charter school
- Oakland Unity High School, Oakland, California
- KIPP San Francisco College Preparatory, San Francisco, California
- Aspire Eres Academy, Oakland, California

The first school on this list, University Preparatory Academy (UPA), is a very well known and well respected charter in Santa Clara County (it is a countywide benefit charter). They are located in one of the main buildings of the Cathedral of Faith church, but they have taken several steps to ensure appropriate separation from church and religion. The school entrance is separate (as could be the case in the St. Francis community hall and portable). UPA does not have any religious designations anywhere, it has no religious components to its curriculum or program and does no programming with the church. It does use some of the other church facilities, such as the gym, but again, it does not have any religious symbols or designations anywhere that encroach on the school facilities.

The National Alliance for Public Charter Schools (NAPCS) publishes an excellent resource for charter schools occupying religious facilities.<sup>1</sup> The guidance contained in this resource was developed with the assistance of charter school experts and attorneys. Because facilities represent a real challenge for charter schools nationally, the charter school community is keenly aware of the legal issues involved. To that end, ODA will have its experienced legal counsel review lease terms and ensure that church-state firewalls are appropriately addressed therein.

## **B. First Year Core Academic Program**

*1) What is your plan to offer all core subjects identified on page 41 in the petition (English, social studies, math, science, and foreign language) in Year 1 with three teachers will be credentialed in their subject areas? Your list of prospective teachers does not cover all core subjects in terms of credentialing.*

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<sup>1</sup> For further resources, see the NAPCS supplemental webinar recording and slide deck.



As noted in footnote 1 of Figure 7 (located on page 41 of the charter petition), the course offerings listed there represent the host of options available to students once ODA reaches full capacity; in the first years of operations, we will offer a limited number of these courses. We will prioritize content areas offered in these first years in a way that ensures students have access to the appropriate range of A-G courses in year 1 of operations (especially math and English, for which UC/CSU requires or recommends 4 years of coursework).

We will take several measures to achieve this. First, we will work with prospective teachers in the 2016-17 planning year to ensure they have the subject-specific credentials they need to cover the necessary range of core courses when we open in fall 2017. Second, as needed and appropriate, we will make coursework available through community college, four-year college, and/or online course providers. For example if we are only able to hire a math, English, and science teacher, students may be given the option to complete social studies coursework through a third-party provider. Schools such as Design Tech have successfully taken this approach to ensure all students have access to the academic programming they need in the first years of operation.

Third, it is important to note that ODA will likely receive additional startup funding that could cover the costs of hiring additional teachers in the first year of operations. We are currently working with the New Schools Venture Fund, the Charter School Growth Fund, and Startup: Education to obtain additional funding (*ie*, beyond that which is already listed in our financial documents) that could be used to hire additional teachers in year 1.<sup>2</sup> These teachers would then be supported by our other, already-secured funding streams in years 2 and beyond. We feel confident that the strategies mentioned above (around teacher credentialing, and third party course providers) will be sufficient to provide students with the teachers and academic programming they need, especially since our three founding teachers would be working alongside a Socio-Emotional Learning Coach (SELC) to support students; we also expect, however, that we will raise additional private funds to support our initial start-up years, and the hiring of additional teaching staff is one potential strategic use of this funding.

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<sup>2</sup> An overview of one such particular funding conversation is detailed in [this letter](#) from Liz Arney, a Managing Partner of the New Schools Venture Fund. A more general overview of these funding discussions can be found in [this letter](#) from Brian Greenberg, CEO of the Silicon Schools Fund.

2) *All school districts in the Bay Area are facing a major teacher shortage. Can you more fully describe ODA's recruitment and retention strategy given its different working conditions, salary, and benefit structure?*

We have worked diligently to build a model that is enticing to high quality teachers. We have found that our different working conditions, salary, and benefit structure are actually a unique draw for many teachers. Speaking first to working conditions, we offer a collaborative, project-based learning environment that is attractive to the growing number of teachers interested in this type of instructional model. We also offer a competitive salary scale, especially relative to the salaries offered in most charter schools and school districts. Finally, as noted on pages 190-191 of our charter petition, we plan to select the benefits plan that proves most attractive to prospective teachers. Based on my doctoral research in teacher recruitment and retention, our team is confident that this more relational environment as well as our meaningful teacher career ladder (with appropriate benefits and commensurate pay) will allow us to attract and then retain talented educators.

As an additional note, page 45 of our charter petition outlines our plan for continual, year-round teacher recruitment from numerous sources. Additionally, two of our board members, Ms. Shara Hegde and Ms. Rachel Cochran, have extensive backgrounds in teacher recruitment, development and retention (see Appendix A of our charter petition). We will draw from their expertise and networks to build our recruitment channels and retention policies. We are also working with teacher recruitment and retention expert Luke Henesy (from Bain & Company) to build out a robust set of selection processes that create high yield from a comprehensive search process.<sup>3</sup>

3) *Please define the scope of the non-core program you plan in Year 1 since you indicated that it would be limited because of staffing. How will this affect the academic progress of your students? Will they have access to a full curriculum?*

As mentioned in question 1 of this section, we are committed to ensuring meaningful academic progress for all students, including in year 1 of operations. While we will offer a limited number of courses in our early years of operation, this will not come at the expense of students' A-G or broader academic progress. For example, while freshmen may not have the option of AP Calculus in our first year, we do not believe this limit will actually hinder any incoming freshmen. As an additional example, students may not be

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<sup>3</sup> Mr. Henesy will also support the development of this search process. A summary of his work can be found [here](#).

able to choose which lab-based science they take in the first few years of operations, but they will have lab-based science offerings. We will prioritize our course development in ways that ensure all students from our inaugural class and beyond can graduate in 4 years with all of the necessary A-G and graduation requirements.

### **C. Credit for Work in the Community**

*1A)<sup>4</sup> Per the ODA petition, students will be spending 50% of their instructional day outside the classroom and working under community partners to earn non-core credit. The petition and your previous written responses do not identify any prospective “community partners” and do not describe specific credit earning activities that will be done under their supervision. In one part of the petition you state that a student will earn Spanish credit by volunteering in a pre school.*

Please see question 2 below for a list of preliminary community partners, as well as potential activities to be completed. Additionally, that question provides two sample syllabi that our CTE and experiential learning expert, Ms. Arlene LePlante, has developed with other schools in the past; both syllabi were approved for A-G accreditation. We will work with Ms. LePlante, our teachers, and community partner staff to ensure that all course work is effectively developed, implemented, and approved.

*1B) You state in a previous response that your consultant will assist community partners in obtaining CTE credentials. There are very specific industry sectors in which these credentials are available and there are very specific criteria under which they can be obtained. In all cases they require enrollment in a Commission approved sponsor, which are primarily public and private universities within California. While a person can obtain a preliminary CTE credential relatively easily, it also requires that the person be concurrently working toward a clear credential, which is minimally a 24 credit program with various competency tests and corresponding tuition costs. Are you anticipating that your community partners will be considering career changes to become teachers or remaining in their current positions?*

We will investigate training available for Level 1 and Level 2 credentials at the San Mateo County Office of Education (SMCOE), at the local community colleges, and/or through accredited colleges and universities to ensure that all prospective CTE teachers are in compliance with credentialing requirements. Based on the experiences of other

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<sup>4</sup> Note, I have broken this question into sub-items to ensure that I answer all parts.

experiential learning programs in California, such as the MetWest high school in Oakland, we anticipate that most of our CTE teachers will be from 1 of 3 sources:

- Real-world professionals (ie, professionals not working in K-12 instructional positions) who are ready to retire or nearing retirement and are interested in sharing expertise with students in the field
- Real-world professionals, especially in industries where there is a shortage of qualified entry-level employees, who recognize the importance of “paying it forward” and/or are involved in organizational corporate social responsibility and/or mentorship programs
- Newly credentialed single-subject teachers for whom teaching is a second career

In all cases, we will identify, select, onboard, and train these individuals in compliance with credentialing requirements and in alignment with the best practices of other experiential learning schools that rely on CTE educators.

*1C) Will ODA be sponsoring these community partners to obtain their CTE credentials? I cannot find a line item in the proposed ODA budget that addresses any costs associated with this critical part of the ODA instructional program.*

At this time, we do not anticipate sponsoring CTE credentials, as the experiences of other schools with similar models to ours suggest that this will not be necessary. We will carefully monitor our CTE staffing needs and pipeline, and will consider adjustments to this policy as required.

*2) The petition should address who these community partners might be, their locations, the process in which community partners will become credentialed, the CTE pathway areas they will cover, how the activities of students at these settings will meet the standards of the curriculum from which they will be receiving credit, the process to monitor attendance, and how students will travel to the various locations.*

We have confirmed three initial community partners for the 2017-18 school year as follows:

- **The Primary School (TPS)**, opening in East Palo Alto fall 2016. Students would work with staff of The Primary School to receive credit in the ‘Education, Child Development, and Family Services’ industry sector. Work could include, but

would not be limited to, ODA students i) learning and serving as a Teacher's Aide, ii) working with ODA teachers to learn foreign language or other content they then teach to small groups of TPS students, and/or iii) working with TPS counselors and aide workers to develop evidenced-based mentorship and 'buddy' programs with TPS students.

- **Knowledge is Power Program (KIPP)**, *opening in East Palo Alto fall 2017*. Students would complete similar work here as they would at TPS with KIPP staff and students.
- **Music, Mural & Arts Project (MMAP)**, *already operating in East Palo Alto*. Students would work with instructors from MMAP to receive credit in the 'Arts, Media, and Entertainment' industry sector. Work could include, but would not be limited to, i) beautification projects for the above partners or other local community sites, ii) working with MMAP staff to develop proficiency in musical performance and/or using musical instruments, and/or iii) working with MMAP staff to develop proficiency in other types of visual and/or performing arts. In keeping with our mission and vision, we would work to find ways for students to use these skills to serve their community (through teaching attained skills to others, performing publicly, etc.).

All three of these partner organizations would provide meaningful learning opportunities within the local community (East Palo Alto). Transportation within this small community should be manageable, though the exact transit requirements can only be determined after we have finalized our facility location. We plan to use a combination of public transit, walking, and school-coordinated private transit options as necessary. We will work with site partners to establish systems for student check-in and check-out, as well as any other necessary attendance systems.

Beyond the logistics around transportation and attendance, we will also work in each case to identify and fulfill credential requirements and to develop strong, standards-aligned curriculum. We have identified these three sites as initial partners because, by the nature of their work, most staff already hold the appropriate credentials or could obtain a supplemental CTE credential with little additional work. This will allow us the space to learn and develop best practices around CTE credentialing before we add on other partners who have less experience and fewer existing credentials in work with students.

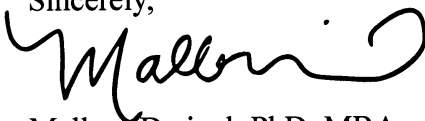
For all courses, our teachers and CTE consultant, Ms. Arlene LePlante, will utilize the California Department of Education's (CDE) extensive planning resources to develop rigorous, standards-based curriculum and aligned learning experiences (see, for example, [this CDE overview and guide](#)). As appropriate, we will also draw from the syllabi and curriculum Ms. LePlante has developed with other experiential learning programs; this [Spanish 1 syllabus](#) and [Veterinary Science Elective syllabus](#) provide two examples of real-world learning programs that received A-G approval under Ms. LePlante's guidance and support. We will draw from these, as well as from Ms. LePlante's broader experiences to develop similar rigorous and standards-based learning opportunities for students.

Finally, we will continue to work with Ray Ruiz and Chris Balme to identify and develop expanded options beyond year 1 of our operations. In all cases, we will develop alongside these new options the necessary logistical scaffolding around location and transportation, credentialing, CTE pathway area and curriculum standards, and attendance.

### **Conclusion**

We appreciate this additional opportunity share our vision for ODA, and hope the District team will find this supplemental information useful. We hope to maintain these open communication channels with District staff and look forward to responding to any other requests for information, both now and after the vote on June 15, 2016. Thank you once again for your hard work and service to our community, and please reach out for any additional explanations and/or documentation.

Sincerely,



Mallory Dwinal, PhD, MBA

Lead Founder, Oxford Day Academy

### **Enc.:**

1. [NAPCS church facilities guide](#)
2. [NAPCS church facilities webinar recording](#)
3. [NAPCS church facilities slide deck](#)

4. Letter from Ms. Liz Arney, Managing Partner of the New Schools Venture Fund
5. Letter from Mr. Brian Greenberg, CEO of the Silicon Schools Fund
6. Preliminary teacher selection processes
7. Preliminary teacher recruitment overview
8. CDE guide to CTE curriculum standards
9. Sample expeditionary learning syllabus: Spanish 1
10. Sample expeditionary learning syllabus: Veterinary Science Elective