

TO: Superintendent Vital and AUSD Board of Education

FROM: Debbie Wong, Assistant Superintendent  
Rob Siltanen, Director of Educational Options

DATE: December 11, 2009

RE: Academy of Alameda Middle School  
Charter Petition Request

### **ACTION REQUESTED**

**Approve** the petition and charter to establish Academy of Alameda Middle School (AAMS), as revised. The proposed charter is amended from the filed petition to incorporate the included revisions, conditions, and deadlines below. The petition presents a sound educational program; the petitioners are likely to successfully implement the program set forth in the petition; the petition contains the required signatures and affirmations; and the petition contains reasonably comprehensive descriptions of all of the 16 elements required by the California Charter Schools Act.

### **SUMMARY**

Staff recommends that the AUSD Board of Education approve the petition for Academy of Alameda Middle School, to open in Fall 2010, under the California Charter Schools Act.

### **PROCEDURAL BACKGROUND**

- 1) Representatives from AAMS submitted the AAMS petition on October 27, 2009 at a regularly scheduled Board of Education meeting.
- 2) A public hearing was held on November 10, 2009. Representatives from the lead petitioning group presented.

### **STATUTORY BACKGROUND**

#### ***Pursuant to Education Code § 47605***

Charter law outlines the criteria governing the approval or denial of charter school petitions. The following excerpt is taken from the Charter Schools Act, Education Code § 47605. This excerpt delineates charter approval and denial criteria:

*A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:*

- 1) *The charter school presents an unsound educational program for the pupils to be enrolled in the charter school*
- 2) *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition*
- 3) *The petition does not contain the number of signatures required*

- 4) *The petition does not contain an affirmation of each of the conditions described in Education Code § 47605(d)*
- 5) *The petition does not contain reasonably comprehensive descriptions of the 16 required charter elements.*

## **DISCUSSION**

Staff convened a petition review team comprised of leadership within the District, which subsequently conducted an evaluation of the petition pursuant to the Charter Schools Act and with the application of the Alameda Unified School District Charter School Board Policy and Administrative Regulations.

### **(1) The petition presents a sound educational program.**

The AAMS educational program is not unsound.

The petition proposes curriculum that is aligned with California state standards (page 27).

The instructional design and curriculum outlined in the petition require the use of various research-based pedagogical strategies and tools including body/brain compatible learning (page 20), Strategic Instruction Model (page 31), and Pure Reading (page 40).

The petition describes a master schedule that will support student development and maximize learning. Examples include block scheduling for social studies and science, courses aligned during the week to optimize learning time (mornings), and “morning opening” to build a community of learners (page 37).

There is an explicit plan for low achieving (page 46) as well as high achieving students (page 49) in addition to support for all students through an advisory class in order to develop adult and student relationships (page 26).

### **(2) The petitioners are demonstrably likely to successfully implement the program set forth in the petition.**

The petitioners and Board members are extremely capable individuals with considerable experience in public education generally and in Alameda specifically.

### **(3) Petition Signatures**

Pursuant to CA Education Code Section 47605(a)(1)(B), the petition contains the signatures by a number of teachers that is equivalent to at least one-half the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

### **(4) Required Affirmations**

Pursuant to CA Education Code 47605(b)(4) the petition contains an affirmation of each of required conditions contained in CA Education Code Section 47605(d)(1).

**(5) The petition contains reasonably comprehensive descriptions of the 16 required charter elements**

**Sixteen Elements Table**

<b>Element</b>	<b>Inadequate</b>	<b>Reasonably Comprehensive</b>	<b>Statutory Reference</b>
Description of the educational program of the school, including what it means to be an “educated person” in the 21 <sup>st</sup> century and how learning best occurs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(A)
Measures pupil outcomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(B)
Method by which pupil progress is to be measured	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(C)
Governance structure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(D)
Qualifications to be met by individuals employed at the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(E)
Procedures of ensuring health & safety of students	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(F)
Means for achieving racial and ethnic balance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(G)
Admission requirements, if applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(H)
Manner for conducting annual, independent audits and for resolving exceptions or deficiencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(I)
Suspension and expulsion procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(J)
Manner for covering staff members through the State Teachers’ Retirement System, Public Employees’ Retirement System or federal social security	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(K)
Attendance alternatives for pupils residing within the district who choose not to attend the charter school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(L)
Employee rights of return, if any	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(M)
Dispute resolution procedure for school-authorizer issues related to charter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(N)
Statement regarding exclusive employer status of the school	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(O)
Procedures for school closure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	E.C. § 47605(b)(5)(P)

**RECOMMENDATION**

Staff recommends that the Alameda Unified School District 's Board of Education **approve** the petition for Academy of Alameda Middle School. The petition satisfies the five legally required categories of *Education Code § 47605*:

- (1) *The charter school presents a sound educational program for the pupils to be enrolled in the charter school;*
- (2) *The petitioners are demonstrably likely to successfully implement the program set forth in the petition;*
- (3) *The petition contains the numbers of signatures required;*
- (4) *The petition contains an affirmation of each of the conditions described in Education Code § 47605(d);*
- (5) *The petition contains reasonably comprehensive descriptions of the 16 required charter elements*

This approval is for the charter program and operation in its entirety as proposed and revised herein. Any subsequent material revision of the provision of this charter may be made only with the approval of the District as charter authorizer (*Education Code § 47607(a)(1)*). Any material revision to any charter component must be proposed and considered according to the standards and criteria in *Education Code § 47605 (Education Code § 47607(a)(2))* and in applicable Board Policy and Administrative Regulations.

The term of this charter will be from July 1, 2010 through June 30, 2015, the maximum period allowed under the California Charter Schools Act (*Education Code § 47607(a)(1)*). The District will not accept a charter renewal request more than one year prior to the expiration of the charter.

A charter may be revoked by the authority that granted the charter if the authority finds that the charter school committed a material violation of any of the conditions, standards, or procedures set forth in its charter (*Education Code § 47607(c)(1)*). The Board of Education's approval of this charter shall incorporate the text revisions, conditions on opening and associated deadlines listed below as a condition of the charter.

The District retains the authority to delay opening for a period of up to one year, if any of the conditions on opening are not satisfactorily met by the associated deadlines. Not meeting any one of the conditions on opening and associated deadlines set forth in this approval may be grounds for revocation as set forth in the California Charter Schools Act (*Education Code § 47607(c)(1)*).

Pursuant to AUSD Governing Board Policy, BP 0420.4, if the school does not open on or before September 30, 2012, it will be considered a demonstration of petitioners' lack of capacity to implement the program set forth in the petition and the District will initiate charter revocation procedures.