



Alameda Unified School District
Excellence & Equity For All Students

DATE: JANUARY 4, 2008

**TO: ARDELLA DAILEY, SUPERINTENDENT
MEMBERS OF THE BOARD OF EDUCATION**

FROM: CHARTER SCHOOL EVALUATION COMMITTEE

SUBJECT: EVALUATION OF THE NCLC CHARTER PROPOSAL

On November 9, 2007 the District received a Charter Proposal from Community Learning Center Schools, Inc. The proposal describes a K-12 educational program, to be known as NCLC, which is an outgrowth of the highly successful ACLC program. The new Charter School would initiate a K-5 program while expanding capacity for grade 6-12 enrollment in the ACLC model.

It is proposed that NCLC commence instruction in the fall of 2008. The K-5 program “will serve a minimum of 128 learners initially and will grow in the future depending upon demand and facilities.” The 6-12 program would open in a grade 6-10 configuration serving 180 students. In three years, it would be planned to grow to approximately 280 students.

To analyze the charter proposal, Superintendent Dailey formed an Evaluation Committee made up of administrative staff members, as well as an outside consultant. Our charge was to evaluate the NCLC Charter Proposal in the light of current law, Board Policy and the Model Charter School Application adopted by the State Board of Education. As is the case in all charter evaluation, the final rubric was to be the Criteria for Denial as recited in the Charter Schools Act.

With all due respect to the ACLC staff that authored the Charter Proposal, it quickly became apparent that the NCLC Charter Proposal was seriously deficient. A summary of our initial findings, presented in the format of the Criteria for Denial, is attached.

**CHARTER SCHOOLS ACT
CRITERIA FOR DENIAL**

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

The NCLC educational program is not unsound, however, please note the findings pertaining to Required Element A.

2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

The petitioners are extremely capable individuals, however, please note the findings pertaining to Required Element D.

3. The petition does not contain the number of signatures required.

The required number of signatures has been submitted.

4. The petition does not contain an affirmation of each of the conditions (required by the Charter Schools Act).

The required affirmations have been submitted.

5. The petition does not contain reasonably comprehensive descriptions of all of the following (the 16 Required Elements).

Required Element A (Educational Program of the School): The petition does not contain a reasonably comprehensive description of this required element.

- The Charter Proposal states that “Learners in grades 9-12 should be able to (due to the current operating agreements) to take classes within the comprehensive high schools and we expect this relationship to continue with our new charter.” This assumption is highly speculative. The current operating agreement with ACLC pertains only to that charter. Taking classes at the comprehensive high school is possible in that case due to the location of ACLC on the Encinal campus. Even if an eventual operating agreement with NCLC provided for such an arrangement, there is no indication in the Charter Proposal as to how it might occur given the stated intent to submit a Prop 39 Facility Request for placement on an available elementary school site. It should also be noted that the budget does not seem to provide funds for transportation of students to a comprehensive high school campus.
- The Charter Proposal indicates that a Prop 39 Facility Request will be submitted for location of the NCLC program on a vacant elementary campus. However, the Charter Proposal does not address the educational suitability of such a facility for high school students, e.g., no lab or specialty classrooms, size of furniture and fixtures, etc.

- The NCLC Charter Proposal makes continual reference to the highly successful grade 6-12 program at ACLC. However, there is insufficient detail regarding the proposed K-5 program. At the Public Hearing, it was stated that, “We will develop the program...it will be in place next year.” This does not provide a reasonably comprehensive description of the educational program of the school.
- The Charter Proposal assumes that current District staff, whose expertise appears to be critical to the development and implementation of the K-5 program, will be granted personal leave upon hire with the inherent right to return to the District. At the Public Hearing it became clear that the District does not intend to grant personal leave for staff members to take a position at another California public school. Based upon that understanding, can it be assumed that these educational experts will submit resignations of their tenured AUSD positions to become at will employees at NCLC?
- In the Model Charter School Application, the State Board of Education recommends that the Charter Proposal “...Indicate how the charter school will identify and respond to the needs of students with disabilities (and) Fully describe the charter school’s special education plan...including the process to be used to identify students who qualify for special education programs and services...” By contrast, the NCLC Charter Proposal largely refers to the District services provided in accordance with the MOU pertaining to the ACLC program.
- The Charter Proposal states that “English language learners (EL) will receive placement and ongoing assessment through the Alameda Unified School District.” In fact, the education of EL students would be the responsibility of an independent charter school such as NCLC, not the responsibility of the District.
- The Charter Proposal indicates that “The new school will attract learners from groups that are historically academically low achieving.” The narrative goes on to predict that using the successful strategies of the ACLC program will “Close the Achievement Gap” in the Alameda Community. This lofty goal must be evaluated in the light of the ACLC experience, as discussed at the Public Hearing, whereby a disproportionate percentage of students of color are reported to drop out of the current program.

Required Element D (Governance Structure of the School): The petition does not contain a reasonably comprehensive description of this required element.

- In the Model Charter School Application, the State Board of Education recommends that the Charter Proposal “Describe respective roles of the governing body and administration, the domains for which each will be responsible, and how their relationship will be managed. In addition, provide details of how the charter school’s board will be developed, in terms of supplementing necessary skills and providing training in effective board practices.” The NCLC Charter Proposal does not provide a comprehensive description of the development and training of the various layers of governance. In addition, it is difficult to precisely comprehend just how the various layers of governance will efficiently work together.
- While it is clear that the NCLC Governing Board will have ultimate responsibility for the budget, the Charter Proposal provides few details about financial processes and record keeping. By contrast, the Model Charter School Application suggests that a reasonably comprehensive description would include “...the systems and processes by which the school will keep track of financial data and compile information...”

- In addition, the Model Charter School Application calls for “Budget notes that clearly describe assumptions and revenue estimates...” The proposed NCLC budget and projects do not include a set of assumptions by which the adequacy of the budget may be ascertained.

Required Element G (Racial and Ethnic Balance): The petition does not contain a reasonably comprehensive description of this required element.

- While the narrative in the Charter Proposal is well written, the likelihood to achieve racial and ethnic balance must be evaluated in the context of the ACLC program, upon which the proposed charter is constructed. As was discussed at the Public Hearing, ACLC student demographics, even after 12 years of operation substantially differ from those of the District, e.g., twice the percentage of white students. As previously noted, even to the present day, students of color reportedly drop out of the ACLC program at a disproportionate rate.
- The NCLC Charter Proposal includes a plan to deny promotion of K-5 students, who do not meet promotion expectations, to the 6-12 program. This decision further diminishes the likelihood of achieving a racial and ethnic balance which would reflect that of the District.

Required Element I (Financial Audit): The petition does not contain a reasonably comprehensive description of this required element.

- The Charter Schools Act provides that audit exceptions and deficiencies should be resolved to the satisfaction of the District. This is a vital part of legally required financial oversight by the charter authorizer. Even the Model Charter School Application references the need by this directive: “Describe...the anticipated timeline by which audit exceptions and deficiencies (if any) will be resolved to the satisfaction of the charter authorizer.” However, the NCLC Charter Proposal does not even include the District in this process. Under their plan, the resolution of audit exceptions and deficiencies would rest solely with the NCLC Governing Board and their auditor.