Meeting Date: November 6, 2019

Meeting Location: California Suite
101 Twin Dolphin Drive
Redwood City, California

Board Members Present: Susan Alvaro, Hector Camacho, Jr., Jim Cannon, Beverly Gerard, Rod Hsiao, Ted Lempert, Joe Ross

Staff Officials Present: Nancy Magee, Secretary
Claire Cunningham, Chief Deputy County Counsel
Jennifer Perna, Executive Assistant

Other Staff Present: Vanessa Castro, Joel Cruz, Joy Dardenelle, Mefula Fairley, Jennifer Frentress, Jeneé Littrell, Patricia Love, Lori Musso, Sarah Notch, Denise Porterfield, Wendy Richard, Carlos Salcido, Theresa Vallez-Kelly

1. OPENING ITEMS

A. Call to Order

Board President Hector Camacho, Jr. called the meeting to order at 7:05 p.m.

B. Approval of Agenda

After a motion by Ms. Gerard and a second by Mr. Lempert, the Board unanimously (Alvaro, Camacho, Cannon, Gerard, Hsiao, Lempert, and Ross) approved the November 6, 2019, agenda as presented.

2. PUBLIC COMMENT

There were no persons wishing to address the Board.
3. **INTRODUCTION OF SAN MATEO COUNTY (SMC) YOUTH COMMISSION LIAISON TO THE COUNTY BOARD OF EDUCATION**

   A. **2019-2020 SMC Youth Commissioner to the County Board of Education, Sydney Mufarreh, Mills High School**

   Superintendent Magee introduced Sydney Mufarreh, SMC Youth Commissioner to the County Board of Education. Ms. Magee stated Sydney is a senior at Mills High School and will be sitting with the Board at the dais, as part of the Board, for six meetings throughout the school year.

   Ms. Mufarreh stated she is passionate about education and political science, and hopes to study these fields in college as her major and minor, respectively. She shared she has been on the San Mateo Youth Commission for three years, including past terms serving as Chair and Vice-Chair of the Education and Economic Development Committee and currently serving on the Civic Engagement Committee. Ms. Mufarreh stated she one day hopes to serve on the Board and thanked the Board, Superintendent Magee, and Chief Deputy County Counsel Cunningham for allowing the San Mateo Youth Commission to participate in the work of the San Mateo County Board of Education.

   Ms. Alvaro welcomed Ms. Mufarreh and noted that Board Member Lempert was instrumental in launching the San Mateo Youth Commission many years ago. Mr. Lempert shared he was thrilled Ms. Mufarreh would be joining the Board and said he never dreamed how powerful and impactful the Youth Commission would be in representing county agencies.

   Board President Camacho welcomed Ms. Mufarreh and stated he was looking forward to working with her in the coming year.

4. **RUBY BRIDGES WALK TO SCHOOL DAY PRESENTATION**

   A. **Receive Presentation on Ruby Bridges Walk to School Day from Students in the South San Francisco Unified School District**

   Board President Camacho introduced Theresa Vallez-Kelly, Coordinator, Safe Routes to School, who reminded the Board that students from Martin Elementary School had attended a Board meeting last year to share about their idea and passion for Ruby Bridges Day. She said no one could have guessed that it was the beginning of a movement to make Ruby Bridges Day a state and national celebration. Ms. Vallez-Kelley also shared that she and Vanessa Castro, Project Specialist, Safe Routes to School, had attended a statewide conference earlier that day and had spoken about Ruby Bridges Day to Dr. Nadine Burke-Harris, Surgeon General of California.

   Ms. Vallez-Kelly then presented the Martin Elementary Safety Patrol who spoke about the lasting impact, contributions, and legacy of Ruby Bridges. They also described their journey to create Ruby Bridges Walk to School Day. The students shared their ultimate goal for all schools across the United States to celebrate Ruby Bridges Day and invited the audience to join them this year on November 14.
RUBY BRIDGES WALK TO SCHOOL DAY PRESENTATION (continued)

B. Adopt Joint Resolution No. 19-51 Endorsing the Annual Ruby Bridges Walk to School Day in San Mateo County

After a motion by Ms. Alvaro and a second by Mr. Ross, the Board unanimously (Alvaro, Camacho, Cannon, Gerard, Hsiao, Lempert, and Ross) approved Joint Resolution No. 19-51 Endorsing the Annual Ruby Bridges Walk to School Day in San Mateo County.

Board President Camacho recognized Martin Elementary School fifth-grade teacher Ms. Deborah Carlino, who spoke of the courage of Ruby Bridges and her family. Ms. Carlino shared she was proud of her students and their families who are affecting positive change in the world.

Mr. Cannon thanked Ms. Carlino for attending the Board meeting these last two years.

5. INTRODUCTION OF NEW STAFF

A. Carlos Salcido, Coordinator, District Improvement and Support, Instructional Services Division

Associate Superintendent Jennifer Frentress introduced Carlos Salcido, Coordinator, District Improvement and Support, coming from Milpitas Unified School District with experience as a Principal and in providing services and programs for students who are English Learners. She shared Mr. Salcido has deep experience in bilingual education, language acquisition, and instructional coaching, and will be an asset in assisting local districts as part of SMCOE’s Local Control Accountability Plan (LCAP) team.

Mr. Salcido thanked the Board and Superintendent Magee for the opportunity to serve the students in San Mateo County. He talked about learning how much a student’s ethnicity, economic status, language, and zip code can play a part in determining academic success and shared facing similar barriers. Mr. Salcido said there were key people in his life who did not let the school system limit his success. He said he became a bilingual teacher to serve students and to work on the system from within. He said he is excited to be a part of the SMCOE team supporting school districts in their continuous improvement efforts in order to deliver equitable outcomes for all students.

6. APPROVAL OF MINUTES

A. October 16, 2019, Regular Board Meeting

After a motion by Mr. Hsiao and a second by Mr. Lempert, the Board unanimously (Alvaro, Camacho, Cannon, Gerard, Hsiao, Lempert, and Ross) approved the Minutes of the October 16, 2019, Regular Meeting as presented.
7. **CONSENT AGENDA**

   B. Adopt Resolution No. 19-52 Supporting and Commending the Efforts of the County, Municipalities, and School Districts to Reduce the Availability and Use of E-cigarettes by Youth in San Mateo County

After a motion by Mr. Hsiao and a second by Ms. Gerard, the Board unanimously (Alvaro, Camacho, Cannon, Gerard, Hsiao, Lempert, and Ross) approved the Consent Agenda.

8. **OXFORD DAY ACADEMY CHARTER PETITION RENEWAL**

   A. **Staff Report and Analysis of Oxford Day Academy Charter Renewal Petition**

   Board President Camacho stated in order to provide the public the benefit of hearing a) SMCOE’s staff report and analysis of the Oxford Day Academy (ODA) charter renewal petition and b) ODA’s response, public comment would be heard after agenda items 8A and 8B and before item 8C, at which time the Board would take action. He then introduced Superintendent Magee to present the Staff Report and Analysis of the Oxford Day Academy charter renewal petition.

   Superintendent Magee began by thanking the community members who participated in the public comment process. She also thanked the SMCOE staff who worked on the analysis of the petition for renewal and acknowledged Senior Administrator Mefula Fairley who led the team. Superintendent Magee said the review team included staff members from all divisions within the SMCOE. She reviewed the timeline of the review process and described the complexity of reading, understanding, and analyzing a vast array of information. She related the SMCOE staff has been working closely with ODA since the charter petition was first approved and had worked in partnership to help launch and move the school into successful implementation.

   Superintendent Magee explained there were six criteria considered during the analysis of the ODA Charter renewal petition but that she would only focus on those criteria deemed by staff as not meeting the standard for approval. She began with Criterion 3, in which petitioners must provide a comprehensive description of various elements of their program. Superintendent Magee stated the petition was missing information in the following areas: a Comprehensive School Safety Plan, bullying and cyberbullying policies, an in-depth competency-based grading plan, a comprehensive credit recovery plan, and an articulation plan with its partner district, Sequoia Union High School District (SUHSD). Superintendent Magee stated that due to these missing or inadequate descriptions, Criterion 3 did not meet the expected standard.

   Superintendent Magee described Criterion 4 as the analysis of the educational program. She reported that although ODA’s model is innovative and visionary, the review team found the instructional model that relies on personalized, blended learning and the use of Socratic dialogue for demonstrating mastery of standards unsound for students who are new to the U.S. and learning English. Superintendent Magee relayed the SMCOE team’s significant concerns regarding the program’s ability to provide instructional and intervention support for students who are not meeting standards, but especially for students with little to no English language literacy. Superintendent Magee continued that with a high attrition rate, high numbers of students who are deficient in
credits, the lack of an articulation plan with SUHSD, and an inappropriate educational program for Newcomers, the review team deemed the educational program unsound.

Superintendent Magee addressed Criterion 5 as the standard that determines if the program, as described in the petition and based on student outcomes to date, can be successfully implemented. She reported the SMCOE team found the petition did not meet the standard because the outcomes for students, past and present, do not reflect successful implementation or the likelihood of successful implementation, again based on issues with attrition, credit deficiency, and lack of an articulation plan with SUHSD.

Superintendent Magee spoke of the difficulties in launching a new school with an innovative model within a community that has been underserved for many years. She shared the SMCOE team discussed ways in which ODA could adjust its model to better support current ODA students, especially in the transitional ninth-grade year. Superintendent Magee explained ODA students have not yet participated in the Smarter Balanced Assessment Consortium (SBAC) standardized testing because ODA is currently serving its first class of 11th grade students who will take the test in the spring of 2020.

She noted that the charter petition uses Measures of Academic Progress (MAP) data to demonstrate that students are making growth in their academic program. Despite the growth indicated in the MAP data, Superintendent Magee shared the SMCOE team has serious concerns about the high number of ODA students with failing grades. She cited the data in the petition that in 2017-18 29% of ODA students were earning passing grades (C or better) in all core classes. This means that 71% of ODA students were failing at least one core class. Superintendent Magee stated that in 2018-2019 the data was more extreme with only 12% of students earning passing grades in all core classes. This data reinforced the concerns of the review team that many ODA students were falling far behind in earning credits.

Superintendent Magee reported the SMCOE review team analyzed all 34 transcripts of ODA’s current 11th graders. The review found that 16 of the 34 students were on track with credits within the ODA model. Superintendent Magee described the team’s concerns about the 18 of 34 who are not on track with credits. She added that student grade point averages (GPAs) were also analyzed for the 16 students who are on track with credits. The team found 12 students were achieving a 2.5 GPA or higher, and 4 showed a GPA below 2.5. Superintendent Magee said that for the students with the lower GPAs, they would not likely be four-year college eligible within the year, nor would the 18 students who are deficient in credits.

Superintendent Magee said the team also analyzed the transcripts of ODA’s current 10th grade students. Ten of 25 10th graders are on track within the ODA model and 15 out of 25 not on track. She noted the ODA model works to build student habits and skills over the course of all four years so it is important for students to commit to all four years in the program. When students choose to leave ODA after their first or second year, they are finding themselves in untenable situations with their progress towards high school graduation.
Superintendent Magee addressed ODA’s high attrition rate, reporting that 54 students have withdrawn from ODA since its opening in August 2016, and 29 students have transferred to SUHSD since July 2019. She shared SUHSD analyzed the transcripts of the entering students. The SUHSD review found that these 29 students were deficient by 43 credits, on average. Superintendent Magee explained students typically need between 180-220 credits to graduate high school.

Superintendent Magee explained the report included an outline of options for the Board’s action. She stated one such option was to renew the petition with conditions. She listed the following key conditions as identified by the review team, to be implemented in order for ODA to continue to educate their students with integrity and the promise of their vision:

- Implement a robust and comprehensive credit recovery plan within their model
- Assign credits for non-A-G courses
- Concentrate on a sound instructional model for students who are Newcomers
- Create a detailed and clear articulation plan with SUHSD
- Focus on implementation of competency-based grading with fidelity
- Re-design transcripts to include more information
- Seek technical assistance for developing systems for credit accumulation, transcripts, A-G approvals, and college application support

Superintendent Magee SMCOE staff is ready and willing to support ODA in successfully implementing its model to support historically underserved students. She re-iterated that SMCOE staff have dedicated their efforts to support the success of ODA since its inception. Superintendent Magee again thanked Senior Administrator Fairley and her team for the thorough, professional, and objective assessment of all relevant factors and in considering the difficulty of starting a new school and launching an innovative model.

Superintendent Magee shared additional information for the Board to consider when making its decision:

- Renewal must be for a five-year term
- More than oversight is required for ODA’s successful implementation
- Charter revocation involves staff review and investigation, data gathering and analysis, written findings and a public hearing
- Willingness of ODA to accept and cooperate with the level of technical assistance needed
- ODA’s plan to start its teacher university, another large project

Superintendent Magee stated she, along with the entire SMCOE review team, were present to answer questions about the review process and the staff analysis and findings.

Board President Camacho thanked Superintendent Magee for her report and invited questions from the Board on the staff report. Ms. Alvaro stated she would be more comfortable asking her questions after hearing from the ODA staff, who may be responding to her questions in their report. Board President Camacho added if this was a common feeling among the Board members, clarifying questions could be asked at this point regarding the SMCOE report.
Mr. Hsiao thanked Superintendent Magee and asked about a fifth-year of high school being added to the State Dashboard requirements. He stated it was the first time he heard this idea and asked for more information on SMCOE staff’s recommendation that ODA incorporate a fifth year into their plan. He also asked if it was realistic for high schools to adopt a fifth year, as it will affect finances and capacity planning. Associate Superintendent Frentress shared a fifth year is not uncommon, and in ODA’s original petition they anticipated that 75% of seniors would meet their graduation requirements by their senior year, leaving a fifth year implicit for the remaining 25% of students. She added a fifth year is also not uncommon for students who are new to the U.S. and learning English. She said these students spend their first year solidifying language acquisition and earning elective credits, focusing the next four years on credit-bearing classes.

Mr. Hsiao asked if high schools in California have the expectation that it might take five years to fulfill credits. Superintendent Magee explained the commitment for students to be college-eligible and college-ready upon graduation from the program on a competency-based model could take 3, 4, or 5 years. She added ODA leadership was open to the idea in her discussions with them. Mr. Hsiao reported he had seen statistics on the five-year graduation record, but was not clear that high schools were designing to serve students for five years.

Ms. Alvaro asked Deputy Superintendent Porterfield for clarification about ODA’s operational budget meeting the required standard and asking about the review team’s note that classroom furniture costs are included in fiscal year 2021 and 2022 for moving to a new facility. Deputy Superintendent Porterfield stated this finding recognized there will be increased costs at that point as ODA was looking at growing, but that possibility is countered by discussions of declining enrollment. Ms. Alvaro asked if the “but” indicated an issue regarding the question of growth, rather than with the budget itself. Deputy Superintendent Porterfield confirmed this was correct.

Ms. Alvaro questioned Superintendent Magee about finding out late in the process about the teacher university, and stated she recalled Dr. Dwinal speaking about this many months ago at a Board meeting. Superintendent Magee answered Dr. Dwinal did discuss the vision of the teacher university at a previous Board meeting, but the timing of it was not included. Superintendent Magee explained that the issue arose because with the opening of the teacher university, ODA would be required to bring a material revision request to the Board.

Ms. Alvaro stated she would wait for Dr. Dwinal’s response as she believed the teacher university was a separate program from ODA and would not be under the auspices of the charter school. Superintendent Magee clarified the teacher university would have a separate Board and exist as a separate entity, but its existence would impact the charter school. She said Dr. Dwinal had informed the review team that if the teacher university were to be accredited, the enrollment goals of the charter school would be reduced from 200 students to 100. If the teacher university is not accredited, the school’s enrollment goals would remain at 200 students, and the school would move to a new facility to support a larger student population. Ms. Alvaro asked if the material revision involves enrollment numbers only. Superintendent Magee stated this was correct, along with whether a new facility will be sought. Superintendent Magee stated the review team wondered how this might impact the current program, and because this aspect of the plan was not addressed in the petition, the review team did not have much information to consider. Superintendent Magee explained the impact on student outcomes...
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would need to be explored in the material revision. Ms. Alvaro asked Dr. Dwinal to address whether ODA and the teacher university were interrelated during her presentation.

Mr. Lempert asked Superintendent Magee to comment on the articulation issue regarding students who transferred to districts other than SUHSD. Superintendent Magee answered at the public hearing there were discussions about students transferring to other districts without issue, and stated she had not seen the transcripts of student who transferred to other districts. She further clarified that the complications with the students transferring into SUHSD was a result of students with F grades and therefore with deficiency in credits. She added that ODA students with grades of C or better may have transferred to other districts without being credit deficit, but the transcripts that were reviewed by the SMCOE team contained multiple Fs and a corresponding low number of credits.

Mr. Lempert asked if staff looked into students who transferred to other districts. Superintendent Magee said the SMCOE team did not reach out to other school districts. She noted that of the 54 students who had left ODA there were only a very few students who enrolled in districts other than SUHSD. She asked Chief Deputy County Counsel Cunningham to address SMCOE’s ability to access the transcripts of the few students who transferred to other districts. Chief Deputy County Counsel Cunningham stated transcripts could be released to an outside entity because they are typically released to similar entities such as colleges, but her understanding was that other districts did not have issues because the transferring students had earned passing grades and the requisite number of credits. She added the failing grades are the issue.

Mr. Lempert asked if there was evidence of students transferring to districts other than SUHSD having an articulation problem. Superintendent Magee again said she was not aware of feedback from other districts expressing articulation problems. Chief Deputy County Counsel Cunningham added ODA shared letters from other districts all stating there would not be problems for students transferring from ODA with passing grades, which is also the case for SUHSD. She confirmed students transferring to any district from ODA with passing grades would not have issues with credit deficiencies.

Chief Deputy Counsel Cunningham again clarified the issue is whether there are problems with students transferring to other districts with failing grades and if so, how it was handled. Mr. Lempert asked if this was considered, and Superintendent Magee confirmed it was not. Deputy Superintendent Littrell added for a student who transferred to a particular district, there was no information listed as to the specific school the student transferred. She stated that SMCOE did not know which high school to contact, nor would the receiving school be able to disclose student information with such a short turn-around.

Mr. Lempert asked about the high school and A-G completion rate for similar student demographics at SUHSD. Superintendent Magee answered that staff compared data for students are ODA and students in SUHSD who live in East Palo Alto. She stated the data that the staff analyzed showed the A-G completion rates nearly the same for both groups. She said the data showed about 24% of students at ODA completing A-G courses in their 9th and 10th grade years, and nearly the same completion rate for students from East Palo Alto attending SUHSD.
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Board President Camacho commented on these statistics, stating 47% of ODA 11th graders are on track for graduation, making them A-G eligible, and at SUHSD 30% of African-American students are A-G eligible and 19.8% of Pacific Islander students are A-G eligible. He stated this makes the rates significantly higher at ODA from a numbers perspective.

Superintendent Magee shared SMCOE analyzed the specific data for students who reside in East Palo Alto. Mr. Lempert asked how this data relates to the recommendations in the staff report, and pointed out ODA’s program has been labeled unsound due to students not passing A-G courses while the same student groups at the traditional high school have similar statistics. Superintendent Magee agreed the statistics were nearly identical for ODA and Menlo-Atherton High School, with the same percentage of students from East Palo Alto completing A-G courses in each school. She noted the concern was in the fact that ODA students are significantly behind in graduation credits and exiting the program in large numbers. She said SUHSD students are not necessarily completing A-G courses but are still completing courses and earning credits to graduate.

Board President Camacho commented that while they are looking at East Palo Alto students only, students may be attending any of the district schools, although a big majority may be attending Menlo-Atherton High School. He stated students on pace to graduate are on pace for A-G completion, and ODA numbers are significantly higher than SUHSD for subgroup students when the data is disaggregated. Board President Camacho added A-G completion rates in the district are lacking and while ODA is not yet at 100%, they are outperforming the district significantly. Superintendent Magee explained this data was taken into consideration but students are leaving ODA early and entering SUHSD having to nearly begin their high school academics over again.

Mr. Lempert questioned the conclusion in the staff report that ODA has an unsound educational program. Superintendent Magee stated staff found the ODA instructional model, although innovative and personalized, for one because in serving an increasing number of students who are new to the U.S. and learning English, the Socratic instructional model does not support the needs of Newcomers. She said this finding along with the school’s high attrition rate, its high number of credit deficient students, and a lack of articulation with SUHSD all contribute to the finding. She added the staff report includes two pages of detailed recommendations necessary for ODA to adjust and successfully implement their program.

Mr. Ross commented on the number of students “failing” in their courses, causing an articulation problem. He recalled part of ODA’s grading strategy is to use an F where SUHSD might call the same performance a D. Mr. Ross asked if failing means earning an F rather than failing to learn. Superintendent Magee agreed with Mr. Ross in his interpretation. She said the challenge of the F being on the transcript requires students to remain at ODA for four years in order to be successful in benefitting from the school’s model. She added that students who leave ODA after one or two years are in a difficult position.

Superintendent Magee explained if a school gives a D as a grade, the student earns credits toward graduation. She shared staff explored with ODA the possibility of allowing Ds for 9th graders as a safety net to facilitate their transition into the ODA model while learning what it means to be a scholar and developing their habits for success. She said ODA was not willing to modify their
program because students will believe a D is “good enough.” She added SMCOE staff believe a small school like ODA can successfully communicate to students, parents, and the community that while a student might earn a D, it is not a college-going grade and students are expected to retake the course and earn at least a C which is evidence of content mastery in A-G coursework.

Superintendent Magee said this would allow students to continue earning credits towards graduation. She revisited the problem of 29 students leaving ODA between July and October of this year, explaining that many of them were so significantly credit deficient they had to be placed in a credit-recovery program at the continuation high school in SUHSD. Superintendent Magee stated these students no longer have the opportunity to pursue their traditional education.

Mr. Ross asked if a student from a school with a system of measuring students in ways other than grades where transcripts were filled with words instead of were to transfer to SUHSD what would happen. Superintendent Magee answered this issue could possibly be addressed by assigning a grade of “Proficient” or “Not Yet Proficient,” and when students accomplish their proficiencies they earn letter grades. She added the grades can also be translated to “Pass/Fail” where passes are As.

Mr. Ross asked what happens with students transferring from different systems without grades. Superintendent Magee confirmed students do not arrive without grades and most schools translate the lack of grades into something a traditional system can interpret.

Ms. Alvaro asked about the timeline of meetings. She said on October 18 the SMCOE team met with the ODA and SUHSD teams to discuss concerns and convened a follow-up meeting on October 24 with SUHSD, but without ODA. She asked for a reason for this. Superintendent Magee responded that staff had many additional clarifying questions for SUHSD for which the team needed to obtain the most accurate, current answers.

Board President Camacho thanked the Board for their questions, along with Superintendent Magee, Senior Administrator Fairley, and the entire team for the tremendous amount of work which went into the staff report. Superintendent Magee thanked the Board for their questions and their passion on this issue.

B. Response to Staff Report by Oxford Day Academy Staff

Board President Camacho introduced Dr. Mallory Dwinal and Dr. Irene St. Roseman to respond to the staff report. Dr. Dwinal stated her appreciation for everyone’s time and attention that evening and thanked SMCOE staff, supporters of ODA, those with concerns about ODA, and Board members. Dr. Dwinal shared she hoped all felt welcome to share their concerns.

Dr. Dwinal began by acknowledging the three criteria found to be unmet, and shared hopes to address those criteria with specificity without getting too detailed. She stated if any portions of the staff report remain unaddressed, she welcomes questions as ODA feels they have an answer to every concern. Beginning with Criterion 3, Dr. Dwinal shared the charter petition appendix has more than 120 pages of a Comprehensive School Safety Plan. Regarding its approval and implementation, she assured it has been implemented by the November 15 deadline for verification through Epicenter.
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used by San Mateo County. Dr. Dwinal informed bullying and cyberbullying are covered and addressed in ODA’s Uniform Complaint Procedure, and added under changing laws they will be setting up their own separate process outside of the Uniform Complaint Procedure to explicitly address both issues. She shared ODA would be addressing a comprehensive bullying and cyberbullying response, to be heard at their December 4 Board meeting.

Dr. Dwinal noted the county asked for resubmission of the charter renewal petition on September 11 with no mention of these issues, and she apologized that ODA assumed the criteria had been met. Dr. Dwinal stated a list of questions was provided by Chief Deputy County Counsel Cunningham on September 11, and ODA made sure to update the charter renewal petition to address all questions.

Dr. Dwinal spoke to Criterion 4 and Criterion 5, regarding an unsound program and likeliness to implement, providing data from the School Accountability Report Card (SARC) of Menlo-Atherton High School and data found online related to A-G eligibility, compared to their own. She reminded the Board that ODA does not yet have Smarter Balanced Assessment Consortium (SBAC) data, and shared that the MAP assessment is meant to predict SBAC outcome. She noted that any student scoring in the 60th percentile or higher in math is predicted to score proficient or better on the SBAC. She shared these results were seen in all students, including those who are new to the U.S. and are learning English. Dr. Dwinal stated the statistics show the number of students who scored in the 60th percentile or better in their junior year, and noted that is a full year ahead of their SUHSD counterparts. She stated although this is promising data, they are not satisfied with the fact that in the beginning of their junior year only 32% of students in math and 30% of students in English would score proficient on the SBAC. Despite this, Dr. Dwinal added it is higher in both cases than students at the end of their junior years for similar subgroups at Menlo-Atherton High School.

Dr. Dwinal then looked at graduation rates and shared her belief that a 16-year-old student new to United States and speaking no English, and perhaps not having math or literacy instruction in their native language, cannot be prepared for a high school diploma in two years. Dr. Dwinal related that when excluding data for this group of students, 83% of ODA students are on track to graduate on time in a four-year cohort. She added 83% of students would therefore be A-G eligible. Dr. Dwinal stated she was happy to speak to the specifics of their data. She said ODA has made written requests to SUHSD and SMCOE for SUHSD’s data, but the data has not been shared.

Dr. Dwinal shared data related to 9th and 10th grade proficiency for Latino students, African-American students, and East Palo Alto students at Menlo-Atherton High School versus ODA. She reiterated the 47% proficiency rate cited by Superintendent Magee included all English learner students new to the U.S. rather than the 83% proficiency rate when this group is not included. She added even using the statistic of 47% of students on track for graduation at the end of their sophomore year, ODA is still comparable to SUHSD.

Dr. Dwinal stated ODA metrics show 27 students have transferred to SUHSD since the school started, with 10 transferring at the end of their 9th grade year and 5 of the 10 having the credits to be credit proficient. She shared 13 of the 17 who transferred at the end of their 10th grade year should be credit proficient. Dr. Dwinal explained there were 9 students transferring out who were credit deficient, and were English learners and new to the U.S., along with 9 students who transferred in
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from SUHSD who arrived credit deficient. She shared the ODA and SUHSD numbers are inconsistent and she can only speak to ODA’s numbers because she has not seen SUHSD’s numbers.

Dr. Dwinal described her data showing 27 total students have transferred to SUHSD, which was 19 at the beginning of the school year, with 8 additional transferring as a function of hearing the concerns about credit deficiency. She spoke of conflicting reports regarding the number of transferred students and an inability to match the numbers cited in various reports. Dr. Dwinal said the reasons for student transfers include 3 students for sports opportunities, 2 students moved or had transportation issues, 12 students due to credit deficiency concerns, 6 students felt the model was not a good fit, and 4 students for other reasons. She shared data showing a total of 49 students transferring out of ODA, and the possibility that Superintendent Magee’s total of 55 may be because 5 students transferred multiple times between SUHSD and ODA and were double counted. Dr. Dwinal broke the transfer data down further, highlighting that of the 49 students who left ODA, 27 went to SUHSD, 12 moved away - all without transcript issues, 3 are being home schooled, 3 are in the juvenile detention system, and 4 left for other reasons, including the student who is now attending the program in England.

Dr. Dwinal discussed enrollment by grade level and explained the original plan was to have 35 students in each grade level for 9th, 10th, and 11th grades. She explained the smallest freshman class was admitted at the beginning of this school year, and since then 10 students have left, all due to credit deficiency concerns. Dr. Dwinal reiterated ODA’s numbers are different than those in the Staff Report and said they were working with the only data they could obtain.

Dr. Dwinal returned to the issue of an unsound program, stating the requirement that students remain at ODA for all four years in order to be eligible to graduate is untrue. She explained that comparable to students who spend their first two years at SUHSD, most ODA students, including English learner students who are new to the U.S., have sufficient credits at the end of their sophomore year and are on track to be eligible to graduate. Dr. Dwinal addressed the issue of attrition and again shared their numbers are different than what has been shared. She explained the number of students with credits and on grade level is higher than SUHSD’s numbers, and they feel a lot more can be done getting students where they need to be. Dr. Dwinal recognized for a school in its second year, even including students who are new to the U.S. and learning English and not allowing Ds, their students have enough credits that they are beating their peers coming in from 10th grade, which does not count A-G credit, but sheer graduation credits.

Dr. Dwinal mentioned at the October 18 meeting with SUHSD and SMCOE, the need for articulation and confusion regarding policy was discussed. Dr. Dwinal discussed formatting for D grade documentation and stated there is a challenge with this issue. She shared hearing from Principal Guillaume at East Palo Alto Academy that they do accept D documentation from both Summit Public Schools and Design Tech High School, but the problem is that ODA’s document has space for handwriting, but otherwise their documents could be accepted. Dr. Dwinal said their lawyer had designed the document, and they had no idea there was an issue. She recounted Dr. Zito’s remarks that ODA did not have enough PE credits, and shared that Summit Public Schools does not offer any PE because it is not required of charter schools. Dr. Dwinal said SUHSD has been accepting letters from Summit Public School vouching for the fact that students have
completed a given number of hours to waive PE credits. She shared confusion regarding issues with A-G retroactive eligibility and the formatting of D grades which have been described as problems for ODA and not for other charter schools which currently articulate with SUHSD. Dr. Dwinal reiterated being open to create an articulation plan with SUHSD and their efforts have shown no other districts have experienced credit issues for transferring students. Dr. Dwinal directed the Board to three separate examples of written confirmation from districts stating there were no issues with the structure of the credits.

Dr. Dwinal then paused to describe how education often strives to find fault and blame, and stated education needs to seek who has been harmed. She directed her comments to two members of the public, a former ODA parent and student, and stated she took personal responsibility for the student not being on track for graduation upon transferring. Dr. Dwinal apologized, stating this situation was not acceptable and not fair, and promised to do everything possible to discover the breakdown in their articulation.

Dr. Dwinal addressed charter revocation, sharing ODA would add provisions within their charter memorandum of understanding (MOU) to make it easy to shut them down if they do not at least match cohort identities regarding high school completion and academic proficiency. She made clear the issues coming to light are not issues ODA is trying to hide, but rather ODA was not aware of them until the public hearing. Dr. Dwinal described ODA is open to adding extra levels of accountability, even if redundant, because they have nothing to hide and want to be innovative and push boundaries, but it cannot come at the expense of students, their learning, and their futures.

Dr. Dwinal stated ODA’s program is academically sound and well implemented. She shared data regarding student performance on the first day of school Year 3 and Mid-Year 2, pointing out growth rates, student percentile rates, and all of the indicators of academic growth and academic performance. Dr. Dwinal stated ODA saw students leave but it was not a statistically different subgroup of students. Dr. Dwinal reported certain types of students are not systematically selecting out of ODA as a function of their academic proficiency.

Dr. Dwinal then spoke about innovation, which she stated was the purpose of a charter school, and provided a visual of their original model. She addressed Mr. Ross’ question at the previous Board meeting regarding ways in which ODA has changed, describing how the original model has changed. She elaborated about transitioning students into greater freedom, transitioning students into the pedagogical method, beginning with more direct instruction and working towards Harkness tables and tutorials, adding academic support for all students, response to intervention, and helping students understand competency grading. Dr. Dwinal explained all of the above is codified within the mission rubric.

Dr. Dwinal explained much needs to be learned about how to support English Learners, and admitted ODA was not equipped for the influx of these students. She discussed the goal of being legally proficient and meet the legal minimums of minutes needed and types of instruction needed. Dr. Dwinal stated ODA does not have all the answers yet, and they appreciate and welcome the offer and opportunity to be better on all fronts, especially on their deep concern for students who are new to the U.S. and learning English.
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Dr. Dwinal stated the purpose of a charter school is to innovate and try something new in hopes of getting structurally better outcomes for students not being served by the traditional system. She stated ODA genuinely believes they are making progress on that front. She added their belief in innovation makes them uncompromising on issues such as D grades, as they do not believe philosophically that D grades are a good fit for their program. She admitted being uncompromising can ultimately lead one to be wrong, but ODA owns that fact. Dr. Dwinal stated she realizes giving students passing grades would make problems go away, but their goal is not to avoid the fight, but rather is for students to understand they are worth that fight. She declared ODA will fight for students even when it is tough or produces data they could inflate by changing grades or lowering standards, because they know what their students are capable of and they are unapologetic and uncompromising on that issue.

Dr. Dwinal closed by stating she was thrilled to be in attendance that evening, she appreciated all who attended, and she looked forward to answering any questions.

Board President Camacho thanked Dr. Dwinal for her presentation and reminded the next step would be questions from the Board for Dr. Dwinal on her response report, followed by public comment, and the opportunity for the Board to engage in discussion and further questions if necessary.

Ms. Alvaro thanked Dr. Dwinal for her report and asked for further clarification on the teacher academy. Dr. Dwinal answered ODA and Oxford Teachers Academy are two completely separate 501(c)(3) entities with completely separate Boards and staff, with the exception of herself, who takes a $1 salary at ODA with the rest of her salary coming from Oxford Teachers Academy. She explained the institutions are meant to be very different. Dr. Dwinal explained there is no intention of starting a second or third ODA school, so one way to scale innovation was to create the Oxford Teachers Academy. She explained the original idea was to create a non-profit organization providing professional development and offering teacher training materials. However, the teacher shortage transformed the idea into an accredited teacher university granting bachelor degrees to individuals from communities with teacher shortages to become teachers for their schools. Dr. Dwinal explained Oxford Teachers Academy is in discussion with 11 different state departments of education and supporting national-level departments of education in 9 different countries since United States accreditation is different. She reiterated ODA is a contained unit with its own staff and budget, allowing them to figure out what works, pilot, innovate, and be a lab for analyzing results, while the Oxford Teachers Academy is a completely different mechanism.

Dr. Dwinal added ODA proposed to have 200 students, which financially was the smallest they could go and still be sustainable, but because the university does not yet have accreditation, they conservatively submitted a charter for 200 students. However, if the university becomes accredited, it will have enough supplemental cash flow by nature of its accreditation and being Title 4 fund eligible, would subsidize ODA and allow them to be financially viable year after year with only 100 students. She stated this is the goal, but it has not been submitted in the charter renewal petition as it would be premature without university accreditation. Dr. Dwinal clarified moving from 200 students to 100 students would be a material revision, and if accreditation comes through, a material revision would be submitted. Ms. Alvaro thanked Dr. Dwinal for her clarification.
Mr. Lempert asked about articulation and whether students transferring to districts other than SUHSD did not have issues upon transfer because they earned passing grades. Dr. Dwinal answered there were two levels of questions asked of the districts to which students transferred, the first being whether the transcript has enough credits, and if the student passed all classes can they enter on grade level. She explained all the districts did not have issues and students met all requirements, and reiterated there were no statistical differences between students leaving ODA. She cited 76% of ODA students left on grade level at the end of their sophomore year and 50% left on grade level at their end of their freshman year. Dr. Dwinal stated the numbers tracked for the 12 students who moved, and in all cases, whether the students had credits or not, there were 3 students of 9 who did not have enough credits and they are in remedial courses in other districts. She added in all 12 cases, including those 3 students, the districts said ODA provided adequate information to make a determination on credits, and the districts said the other 9 students were on grade level.

Mr. Hsiao asked about the 3 students who moved and were credit deficient, and if they were credit deficient because ODA does not record anything lower than a C. Dr. Dwinal said ODA sends documents with grade percentages along with their transcripts. She commented the 3 students had Fs so low they were not Ds. Mr. Hsiao asked if two versions of the transcripts were sent. Dr. Dwinal answered no, but there are updated transcripts they hope to provide to SUHSD with the necessary information. She explained the previous transcripts did not list courses without a “U” because they are not A-G courses, and did not meet minimum graduation requirements for ODA or the State, but the updated transcripts will show these courses to allow for SUHSD’s different graduation requirements. Additionally, she explained the updated transcripts will have grade percentages. Mr. Hsiao shared meeting with SUHSD Superintendent Streshly and discussing how receiving districts cannot change letter grades from official transcripts, and asked about receiving districts being given percentages. Dr. Dwinal shared she is open to finding out whether ODA is misunderstanding the issue or doing something wrong and confirmed Summit Public Schools and Design Tech High School have not had problems with this issue in the past.

Mr. Ross asked if Summit Public Schools and Design Tech High School have similar policies with regards to Ds, and Dr. Dwinal confirmed neither give D grades. Mr. Ross asked if those schools give percentages on the transcripts with a cover page for the percentages, and Dr. Dwinal confirmed that is what she has been told. He asked if the percentages can be added, which would be helpful. Dr. Dwinal confirmed that was ODA’s understanding and therefore the transcripts have been updated, and they are willing to update further if necessary.

Mr. Lempert asked about the 3 students in the other districts and what the districts said. Dr. Dwinal answered according to her analysis, the 3 students not on grade level were so far below, there was no need for D documentation.

Board President Camacho stated awareness that teacher grades cannot be changed and asked Chief Deputy County Counsel Cunningham if, according to Education Code, two grades are provided, a letter grade and a percentage, can the receiving district decide which to use? Chief Deputy County Counsel Cunningham answered the Education Code does not speak to this concern, but Section 49066 states when grades are given for any course of instruction, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil’s grade by
the teacher, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final. She added she reviewed the Education Code and the Title 5 of the California Code of Regulations to see if there was any guidance on this, and she must be missing something as she had heard anecdotally there are work-arounds developed that go along with the Education Code and the Code of Regulations.

Mr. Lempert asked what happens when students arrive from other countries. Chief Deputy County Counsel Cunningham answered she had never encountered that situation.

SUHSD Associate Superintendent of Educational Services Bonnie Hansen answered that SUHSD has given credit to every single grade received from ODA with no instance where they did not give credit for C grades. Ms. Hansen stated she cannot imagine other districts are giving credit for F grades and she feels other districts are giving the exact same credits as SUHSD. She explained it had been stated falsely that SUHSD is not giving credit to ODA students for courses taken and passed, and said SUHSD is not trying to harm students.

Ms. Hansen stated when students arrive from other countries they are given credits based on the number of hours students sat in courses, but these credits are not figured into GPAs because there is no better way to figure out the situation. She stated Education Code is not clear about what to do with the grades of students from other countries, but this is their practice. Ms. Hansen confirmed the students do get credits for the classes they have taken.

Mr. Hsiao apologized for the last-minute notice for which the SUHSD Superintendent was notified about the charter renewal hearing. Ms. Hansen stated she was able to answer any questions for her district. Mr. Hsiao explained there are no accusations that SUHSD is denying credits earned at ODA or has malicious intent.

Ms. Hansen stated Dr. Dwinal had said ODA was unsure about the discrepancies in how SUHSD was interpreting transcripts for their students as opposed to other charters interpreting them. Ms. Hansen confirmed SUHSD was interpreting the transcripts the same way as other districts, and SUHSD had no problems with the transcripts. Mr. Hsiao asked in the future, with a new transcript format, would that help facilitate smoother conversion of ODA grades to help SUHSD with proper placement. Ms. Hansen stated SUHSD wants students to graduate and although she does not make the final decision, after consultation with counsel, if there was any way to do it legally, she cannot imagine they would not give credit.

Board President Camacho commented the Board is looking at renewal of a charter going forward and they cannot look backwards at what has happened with transcripts, and asked if ODA chooses to remove grades and just put percentiles, what would the district do? Ms. Hansen answered this has happened with other charter schools and SUHSD calls the schools and asks for a grade equivalent.

Mr. Lempert asked if the law states what do to with students from other countries. Chief Deputy County Counsel Cunningham answered not that she has seen. Mr. Lempert shared he assumes districts do the best they can with a different system when dealing with other countries, and asked
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what is stopping SUHSD from doing the best they can as ODA has a different system. Ms. Hansen answered it is because of Education Code. Mr. Lempert asked if it violates Education Code to do so, and Ms. Hansen confirmed it was a violation to change a grade given by another teacher. Mr. Lempert clarified it was not changing the grade, it was looking at the percentage as another measurement from the teacher. Ms. Hansen stated the percentage is not a grade and explained SUHSD has always asked the other school for an actual grade. Chief Deputy County Counsel Cunningham added the problem with Education Code is that it specifically talks about the teacher issuing a grade, so if a student comes from another country where there is other information on the transcript, there is no teacher issued grade and no way to obtain one.

Mr. Lempert commented the point of charter schools is to create an innovative, courageous program that all schools can learn from, but the law says no, creating a technical roadblock. Ms. Hansen stated she was only responding to the question about grading on transcripts. She said SUHSD has two independent and one dependent charter in their district, and the charters feel they have great relationships with SUHSD. She added in SUHSD there are so many students that charters, whenever possible, need to work because the district has space constraints. Ms. Hansen stated there are many wonderful, innovative ideas at ODA but she has many concerns about the education that students are receiving that have nothing to do with law.

Mr. Ross asked Ms. Hansen if she had ever visited ODA. Ms. Hansen stated she had not. Mr. Ross described when he originally visited ODA he met two students who shared they received Fs as freshmen for the first time in their career and were shocked, and they believed the work they turned in would have earned As or Bs in their middle school. He shared the students are no longer earning Fs and feel the progress they have made. Mr. Ross commented ODA is using their grading system in a new, innovative, purposeful way and then there is a structural articulation issue. Ms. Hansen added this is one of the issues.

Ms. Hansen replied this can be solved, but this is just one little piece of many issues. Mr. Ross asked if they could discuss ways to solve the problem. Ms. Hansen answered yes, if her other concerns could be discussed, as well. Mr. Ross stated he was happy to hear all of her concerns but he wanted to stay focused on the question.

Board President Camacho stated that the petitioners have submitted a renewal petition for renewal, which has been reviewed by SMCOE staff, a report has been offered, and now questions are being directed to the petitioner and the Superintendent, unless there is a question directed to SUHSD which only they can answer. He asked if Mr. Ross had a direct question for SUHSD.

Mr. Ross asked Ms. Hansen to clarify her role at SUHSD, which she confirmed was Assistant Superintendent. He asked Ms. Hansen if it is agreed that a 75% at ODA is equivalent to a passing grade at SUHSD, is it not conceivable that that can be solved and SUHSD is open to that conversation. Ms. Hansen answered it is conceivable and they are open to that conversation.

Mr. Cannon stated that two years is not a long time to establish a school, and he has heard that ODA is willing to follow all of the recommendations in the staff report. Dr. Dwinal stated Mr. Cannon was correct. She explained ODA appreciates and is willing to accept all recommendations, with the exception of the D policy as ODA does not feel changing the policy is a fit with ODA’s philosophical
goals. Dr. St. Roseman added ODA started math credit recovery as students failing math was a huge problem last year, so a funder was obtained to provide for math tutors and math support classes to recover credits. Dr. St. Roseman shared one challenge was 18 students who took a morning final which ended at 11:30 am and did not wait to take their afternoon math recovery class final at 1:00 pm. She shared these students all earned Fs.

She added that this year every student who failed a class has been placed in English or math recovery classes, along with being given one-on-one support, additional advising, and the incorporation of more midterm meetings with parents, all steps they’ve taken to support and scaffold, as recommended in the staff report.

Board President Camacho thanked Dr. Dwinal and Dr. St. Roseman for their report, thanked Ms. Hansen for representing SUHSD, and thanked other board members of the district for being there.

Board President Camacho announced a brief recess at 9:25 p.m. The meeting resumed at 9:34 p.m.

Board President Camacho stated as there were no further questions from the Board, he would open the floor for comments from the public regarding the ODA charter renewal petition. Board President Camacho said each speaker was limited to two minutes.

The following persons addressed the Board:

- Nancy Wagstaff, Community Member, spoke in favor of the renewal
- Steven Russell, Community Member, spoke in favor of the renewal
- Chyanne Robinson, Student, spoke in favor of the renewal
- Tanisha Robinson, Parent, spoke in favor of the renewal
- Sofia Santiago, Student, spoke in favor of the renewal
- Anthony Rutiaga, Student, spoke in favor of the renewal
- Kassandra Saucedo, Student, spoke in favor of the renewal
- Lupita Ploncarte, Student, spoke in favor of the renewal
- Simone Kennel, Principal Menlo-Atherton High School, spoke against the renewal
- Jahkim Hendrix, Student, spoke against the renewal
- Nicole Steward-Crooks, Parent, spoke against the renewal
- Maggie Diaz, Student, spoke in favor of the renewal
- Amika Guillaume, Principal East Palo Alto Academy, spoke against the renewal
- Stephanie Ogden, Principal Redwood High School, spoke against the renewal
- Sharon Cravanas, ODA Consultant, spoke in favor of the renewal
- Patrisha Ragion, Parent, spoke in favor of the renewal
- Paul St. Roseman, ODA Consultant, spoke in favor of the renewal
- Bonnie Hansen, Assistant Superintendent SUHSD, spoke against the renewal
- Vanessa Sanchez, Parent, spoke in favor of the renewal
- Magdalena Diaz, Parent, spoke in favor of the renewal
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- Silvia Torres, Head Guidance Counselor Menlo-Atherton High School, spoke against the renewal
- Lileiti Grew, Parent, spoke against the renewal
- Heleine Grew, Student, spoke against the renewal
- Kimberly Nuñez, Student, spoke against the renewal
- Kyra Brown, ODA Teacher, spoke in favor of the renewal
- Ashley Romero, Student, spoke against the renewal
- Jacquie McEvoy, Assistant Superintendent SUHSD, spoke against the renewal

Board President Camacho thanked all members of the public for respecting the rules of decorum.

C. Discuss/Act on the Oxford Day Academy Charter Renewal Petition

Board President Camacho invited discussion and questions from the Board.

Mr. Lempert asked SMCOE staff to put aside the competency-based grading plan, the comprehensive credit recovery plan, and the articulation plan, and asked outside of these concerns, what is wrong with ODA and why the Board should not renew their charter petition. Mr. Lempert asked if something else was going on to make the ODA program unsound. Superintendent Magee thanked Mr. Lempert for his direct question and stated the staff report is lengthy and the analysis was also in-depth and lengthy, so to pick one issue is difficult. She shared that she and the staff understand what it takes to support first generation college-going students to actually get to college. She said it takes a strong vision and instructional plan, but that these need to be implemented with fidelity in a cohesive and consistent way. Superintendent Magee said staff questions the effectiveness of the interventions and supports being provided because students are not succeeding academically and do not seem to have a clear pathway to address this through credit recovery or other supports. Superintendent Magee shared ODA has two-week intersessions between quarters at which time students can come back and retake courses, but there does not appear to any accountability for that time.

Superintendent Magee then addressed the ODA model of competency-based grading, where once students demonstrate mastery of a standard they can move on. She relayed that Summit Public Schools employ competency-based grading and although it’s a different approach to learning for students, Summit’s model is successful because they explicitly develop a culture of habits of success. Superintendent Magee reported SMCOE staff has visited the ODA campus to observe the program and has received data and documents, but the two don’t always match up. She reported concerns about the way in which grading is being applied, and noted that in public comment from students, one can hear a punitive element for students who are not successful. This raises questions about whether the ODA culture is supporting students in a positive way to achieve goals. Superintendent Magee recognizes that ODA aspires to hold every student to very high expectations, but she reflected on how the school provides supports and interventions when they fail.

Superintendent Magee indicated ODA students are failing academically and there does not appear to be enough capacity within the school model to support their recovery. Mr. Lempert stated what he
just heard is true of every school and asked if there is something specific occurring which has not been shared. Superintendent Magee described this is not an adversarial conversation, but rather she is reporting the professional assessment of the review team. She explained it was a difficult report to write and that staff held off from making conclusions until every available piece of data had been collected and analyzed. Superintendent Magee added ODA did provide the data cited in the report.

Associate Superintendent Frentress spoke about English Learners, not just students who are new to the U.S. and learning English. She noted there is abundant evidence that one of the last skills obtained when acquiring a second language is the ability to speak and have oral skills, called the silent period. She noted ODA’s instructional methodology such as oral defense and Socratic seminars are not consistent with best practices for English Learners. She added it was not surprising these students might not earn credits with this learning model and that ODA was not adapting the strategies for the students they are serving. Associate Superintendent Frentress spoke about reclassification, and related students were not making progress to improve in language proficiency. On the other hand, Associate Superintendent Frentress added that stated inquiry processes do have some place in mathematics instruction, but for students who are behind, there need to be elements of direct instruction and intervention to fill the gaps, and she did see evidence of that.

Superintendent Magee explained the number of students who exited ODA in the amount of time they have been open is a concerning number. Additionally, ODA originally claimed the goal to enroll a certain amount of 9th, 10th, and 11th graders, but determined they did not have space for those enrolled students and in June shared a letter with families that suggested that for students who were not being successful, they might consider looking at other schools. She noted this led to an exodus of students.

Superintendent Magee stated SMCOE was not aware at the beginning of the review process how many students were exiting ODA, but that information surfaced in early October when SUHSD reached out with questions about the numbers of students entering their district from ODA.

Board President Camacho stated the Board would continue discussion among themselves at that point. Ms. Alvaro suggested the oversight team from the county office working with ODA include a Board member assigned to the team. She shared this would be helpful for the Board, for the SMCOE staff, and for ODA. Ms. Alvaro spoke of her heart going out to the students not getting their needs met or feeling harmed by ODA, but also hearing from students thriving at ODA with huge expectations for what they will accomplish, and her heart also going out to those students. Ms. Alvaro asked for the intent of charter school law regarding lab schools, specifically how much they should be able to try their model, how they will not be WASC-accredited when they only have two years of programming to date. She shared as a parent and volunteer in many schools, holding students accountable for their own work and learning, and therefore grades, is a service to students, because when students go on to college and employment they need to be self-directed. She explained allowing students to slide and passing them along does a disservice to students because eventually they will encounter a situation in which they will not be allowed to slide. Ms. Alvaro admitted she has never been a big fan of charter schools that claim to do better work than other schools, but shared she understands the concept of lab schools and was persuaded to believe ODA could deliver
an innovative, sound educational program, and still thinks they can. She said ODA has had less than three years to build their model and suggested the Board continue to support them.

Mr. Ross shared being struck by the talented educators in the room and feeling Amika Guillaume was the best Principal he had ever seen in action, setting an example for which schools in the community have a lot to learn. He expressed appreciation for her shared comments, along with the comments from Ms. Torres, the Head Guidance Counselor at Menlo-Atherton High School, who provided an open-minded and helpful contribution about her observations to the conversation, without making judgments. Mr. Ross stated her comments were productive. Mr. Ross added there is clearly more work to do and some of the best schools in the country were not successful in year two, and it takes time, work, community support, failure, grit, and resiliency to keep going. He expressed agreement with Ms. Alvaro that this model deserves a chance and needs time, along with scaffolding and support.

Mr. Ross shared when he visited the school he observed direct instruction, students teaching students, teachers teaching and students. He also witnessed more Newcomer student arrivals than expected, but all of whom appeared happy to be there. Mr. Ross added all students appear happy, which needs to be recognized in the Board’s decision, along with the fact that unhappy students left because the program didn’t work for them, which needs to be addressed as well. He stated he understands the grading issue for each side, but that grades are not the only way to create incentives for students. He feels ODA has a firm philosophy on the issue, and shared he looks forward to continuing that conversation.

Mr. Ross summarized he would not be as inclined to support ODA if lab schools were understood to mean an experiment on students, but as lab schools develop innovative programming, they must feel students are not being hurt along the way. He added he heard issues of concern that evening but also saw and heard stories that make him believe the things that are wrong are not so far that they cannot be addressed. Lastly, he thanked ODA, SUHSD, and all community members for their attendance because all must work together because ODA is a school serving students in the community. He said he is grateful for SUHSD’s support provided to ODA, and he knows the SMCOE staff and Board will continue to provide that as well.

Mr. Cannon thanked the SMCOE staff for the report and shared speaking with his wife 30 years ago, when she was a teacher and he was a Principal and School Board member, about the services provided by the County Office of Education and the successes experienced, all due to the staff at the time. He feels the same respect for the current staff and thanked them for their hard work creating an understandable report, a difficult task. Mr. Cannon shared his respect for the petitioners and their efforts for the betterment of children at their school. He reiterated his two thoughts mentioned earlier that two years is not a long time and issues seem fixable.

Mr. Cannon asked what it would look like to renew the petition with conditions. Chief Deputy County Counsel Cunningham answered there would be an amended MOU and reminded the Board that the staff analysis recommends that ODA implement D grades, an issue for which ODA refuses to compromise. She explained Board action must address this issue to say that is not something for
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which there is agreement. Chief Deputy County Counsel Cunningham also explained it would be worked out how expectations for conditions would be implemented, along with accountability systems for those conditions. She shared negotiation of the finer points of the MOU would take time, but suggested April 2020 for completion of the process, which provides adequate time in advance of the expiration in June 20, 2020.

Mr. Cannon asked for confirmation if the expressed concerns would be part of the memo and whether the Board would work with ODA to make sure the conditions were met. He reminded that some of the original agreements did not come to fruition, for example changing the number of students, and declared that could not happen anymore. Mr. Cannon insisted ODA must comply with the memo. Chief Deputy County Counsel Cunningham confirmed if ODA does not comply, there is a process in the Education Code for revocation of the charter, which is a significant process in and of itself. She added this was a separate process if SMCOE was to determine the MOU was not being adhered to. Chief Deputy County Counsel pointed out the Board and public were provided with draft resolution templates, one contemplating approval with conditions, and the other contemplating denial because the denial requires written findings to support the denial. She stated the template would need to be modified if the Board goes in the direction of conditional approval. Mr. Lempert asked if that would need to be done that evening and how specific the conditional approval would be. Chief Deputy County Counsel Cunningham confirmed it would be done that evening and answered the draft resolution had been written to incorporate the conditions of the staff analysis, one of which agreement will not be reached.

Ms. Gerard shared having real concerns after hearing both sides, especially concerns after reading in the staff report about the number of students leaving ODA in such a short amount of time. She also expressed feeling uncomfortable that there is not enough intervention and follow-up for students having problems, even though some students said it was happening and others said it was not. Ms. Gerard stated there were several other issues in the staff report for which she was unsatisfied with ODA’s answers. She added there are several areas needing improvement and she agreed with Mr. Cannon that there are items agreed upon in the original MOU which have not happened. She noted her only way to vote for renewal would be with the conditions.

Mr. Lempert shared the best high Principal he had ever seen was Bonnie Hansen and he is pained by the divisive debate. He stated he was unsure what the charter school debate was about anymore, as when the bill came to Carlmont High School it was a very different conversation compared to today. Mr. Lempert expressed a desire to focus on students and make sure every English Learner does well, without experimenting on any student. He said he wanted a conditional approval but not with the grade issue, because he did not want any student to be hurt when they transfer.

Mr. Hsiao thanked the staff again for the thorough report. He expressed feeling alarmed and discouraged by some of the public voices in opposition to the charter renewal, especially students who stated they had been harmed academically and emotionally. Mr. Hsiao reminded ODA had been given a conditional approval of two years because it was a risky experiment and the Board wanted the opportunity to decide if the experiment was too risky and was harming students. He shared he visited ODA a few weeks back and both the students and Dr. Dwinal feel the school is not for every student because ODA depends on giving students independence and having them take agency for their own learning. Mr. Hsiao added if
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students are not ready for that, they will not benefit from the rich opportunity. He stated he was afraid ODA would be cream skimming and he referred to California Department of Education’s (CDE’s) Ed-Data database to see if comparisons were fair, and he saw that ODA is reporting a much higher number of underserved students compared to the district. Mr. Hsiao reported the data showed ODA has twice as many students on free and reduced-price meals, twice as many English Language Learners, and equal numbers of Special Education students, which might explain the high percentage of students for which the ODA approach does not work. He explained how ODA sets the success bar high as students need to think critically through a Socratic method and exercise independence.

Mr. Hsiao cited Ed-Data reports that for SUHSD two-thirds of students are University of California (UC)/California State University (CSU) eligible, but for the cohort of socially-economically disadvantaged students, that number drops down to 43%, very similar to ODA. He added the students have two more years to go so there might be some attrition. Mr. Hsiao summarized that students cannot be harmed and student harm must be minimized for students who stay with ODA and those that transfer. He stated he is glad ODA has a new transcript model but he still wonders if SUHSD will look at percentages rather than just letter grades for those below 70%. Ms. Hansen suggested a cleaner approach for transferring students would be ODA translating grades according to the traditional rubric (e.g., 90% or higher being an A, etc...) so they can keep their philosophy of no D grades for their students but SUHSD wouldn’t be asked to do something against Education Code.

Dr. Dwinal stated they would be happy to do that. Mr. Hsiao expressed respect for the SMCOE staff reporting that interventions are inadequate for socially-disadvantaged students and students who are new to the U.S. and learning English.

Mr. Hsiao summarized he wants to hear how ODA can be helped and how progress towards goals can be measured. He stated he was unclear about WASC-accreditation and asked if ODA will know that grades for all 9-12th grade A-G courses are WASC-accredited. Superintendent Magee answered that ODA is WASC-accredited for their 9th and 10th grade and are being WASC-accredited for their 11th grade this year with an upcoming visit on November 14. She added next year they would receive another visit from the WASC team for their 12th-grade year. Superintendent Magee stated if the 11th grade is accredited this year, there is retroactive approval for the A-G courses for the 11th graders.

Board President Camacho stated the Board was close to a motion and stated the decision would be made by the Board also in the roles of teachers, counselors, district employees, and parents.

After a motion by Ms. Alvaro and a second by Mr. Cannon, the Board unanimously (Alvaro, Camacho, Cannon, Gerard, Hsiao, Lempert, and Ross) approved the Oxford Day Academy Charter Renewal Petition with conditions that do not include asking them to change their policy on Ds and to include a Board member on the intervention team. A roll call vote confirmed the unanimous decision.

Board President Camacho thanked Superintendent Magee and her staff and expressed his appreciation for the tremendous amount of work done in a short period of time. He thanked SUHSD for their interest in serving students and ODA for their passion for education and for being open to suggestions. He also thanked SMCOE staff Carlos Salcido and Joy Dardenelle, for translation services throughout the evening and suggested translation support be available at future meetings.
9. **OFFICE OF THE SUPERINTENDENT**

   A. Superintendent’s Comments

Superintendent Magee shared the retirement event for Nirmala Dillman, Coordinator, Child Care Partnership Council would take place Friday November 8 from 4:30 to 6:30 pm at SMCOE. Superintendent Magee described Ms. Dillman as a phenomenal professional to be celebrated.

10. **EXCESS PROPERTY TAX FOR COUNTY OFFICES OF EDUCATION**

   A. Discuss Updates on Excess Property Tax for County Offices of Education

Mr. Ross referred to a letter in the Board packet that was revised and placed in the Board’s red folders along with additional materials including the Senate floor analysis of Senate Bill in 2014 that affected the excess property tax sweep to the trial court system. He stated the highlighted portions are of interest, including a court case which addressed the constitutional issue which might be at play. Mr. Ross reported that the Board’s signed letter will be signed by as many as 50-60 additional Board members in 10 other counties across the state and shared there has been strong contact with San Diego and Orange Counties. He thanked Superintendent Magee for the incredible amount of time spent working with County Superintendents across the state and with Capital Advisors.

Mr. Ross shared his last meeting with Capital Advisors, at which he was joined by Mr. Hsiao, was attended by former California State Superintendent of Public Instruction Jack O’Connell who said he would personally talk to Governor Newsom about the issue and promised it was a priority. Mr. Ross said the process is moving along, and he hoped to share more at the next Board meeting. Ms. Alvaro asked if their signed letter is the original or revised letter. Mr. Ross confirmed it was the revised letter approved by Capital Advisors and contains intentional technical edits which do not materially change the message. He offered to provide more explanation at the next meeting. Superintendent Magee confirmed both the letter in the Board packet and the letter posted online was replaced with the revised letter. Board President Camacho and Ms. Alvaro thanked Mr. Ross for his leadership on this issue. Mr. Ross thanked Mr. Hsiao for his support, especially in working with Senator Hill’s office.

11. **BOARD MEMBERS**

   A. Board Member Comments

**Ms. Alvaro**
Ms. Alvaro requested that an Outdoor Education Subcommittee report be agendized for the next Board meeting.

**Mr. Ross**
Mr. Ross shared it was unlikely he would be at the next Board meeting, but he would still like to agendize the excess property tax issue and he would talk to Mr. Hsiao about reporting out.
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BOARDS MEMBERS (continued)

Mr. Lempert
Mr. Lempert stated he would be in attendance at Ms. Dillman’s retirement event.

Ms. Gerard
Ms. Gerard thanked and expressed appreciation to the staff for their hard work on the extensive ODA report.

Mr. Hsiao
Mr. Hsiao agreed with Ms. Gerard’s comments and shared he appreciated the honesty, directness, and candor of the staff recommendations.

Mr. Cannon
Mr. Cannon agreed with both Ms. Gerard’s and Mr. Hsiao’s comments.

Board President Camacho
Board President Camacho thanked fellow Board members for taking this journey with him.

12. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 11:35 p.m.

Nancy Magee, Secretary
jlp