

Draft

RE: AIMS Response to Substantial Governance Factors and Serving All Students Who Wish to Attend

American Indian Model Schools (“AIMS”) is in receipt of a Report and Notice Regarding American Indian Public Charter School II Pursuant to Education Code Section 47607(e) (“Notice”) from Oakland Unified School District (“OUSD” or the “District”), dated September 27, 2023. The Notice purports to be a notice of substantial governance factors and not serving all students who wish to attend American Indian Public Charter School II (“AIPCS II” or the “Charter School”), consistent with Education Code Section¹ 47607(d). AIMS writes in response² to the Notice, specifically to provide its corrective action plan (“CAP”) by the District-mandated deadline.

The AIMS CAP is a thorough, meticulous, and comprehensive response to the allegations in OUSD’s Notice. AIMS is a learning organization, one that operates transparently, and we welcome the opportunity to improve practices before seeking renewal of the AIPCS II charter during the next fiscal year. We are proud to have gathered an accomplished CAP team, which is committed to working in partnership with the AIMS Board to resolve any remaining concerns.

AIPCS II is a High-Performing Charter School

Prior to the COVID-19 pandemic, AIPCS II, was designated as “high-performing” by the California Department of Education, relative to its charter renewal tier. AIPCS II earned this distinction because its historically underperforming student subgroups outperformed the same subgroups at the state level. AIMS has a remarkable track record of success, which spans over 27 years, during which we continue to secure admission for 100% of seniors into college, including all students with individualized education programs (“IEP”).

Upon return to full-time instruction after the pandemic, AIPCS II focused on the success and support of students, while maintaining financial stability. The Charter School achieved strong academic standing, garnering prestigious accolades such as the California Pivotal Practice Award (2022), California Honor School standing (2021) a Distinguished School Award (2023), and was designated a Gap Buster School with an annual academic growth of 97 days in Reading and 124 days in Math above the norm (2023) . These awards and successes alone demonstrate our capacity as a strong and sustainable organization.. Our commitment to serving students has always been paramount and, as a matter of law, remains untarnished. The CAP documents steps AIMS has taken and will take in response to the alleged violations in the District’s Notice.

¹ All statutory citations herein are to the Education Code, unless otherwise indicated.

[Heading]

It is essential to clarify that OUSD's Office of Charter Schools ("OCS") issued the Notice, alleging that AIPCS II committed violations, with no mention of our lengthy, proven track record and capabilities. This characterization is a misuse of the term, as OUSD's concerns primarily revolve around administrative and procedural matters, rather than substantive violations that would compromise the well-being of our students or the integrity of our educational programs. OCS's primary focus should be on assisting us in addressing these administrative challenges and fostering a supportive partnership, which is critical to our shared goal of providing the best education for all Oakland students. We must also emphasize that OUSD's failure to fulfill its legal duty to designate at least one staff member as a contact person for the Charter School, as mandated by Section 47604.32, means that OUSD cannot be covered by the protections outlined in California Education Code Section 47604(d).

OCS's relentless pursuit of AIMS has created a culture of fear. It is essential that AIMS does not feel apprehensive about seeking support and raising concerns, as open communication and collaboration are critical for the betterment of our educational community. OCS's punitive, combative approach, however, makes that a certainty. We must ensure there is no retaliation or harassment from OCS and OUSD for raising concerns or asking for help. It is our shared responsibility to ensure that Oakland students receive the quality education they deserve, and this can only be achieved through a supportive and collaborative relationship between AIMS and OCS.

In spite of the challenges we have faced, AIMS remains unwavering in our commitment to resolving the issues raised in the Notice, in good faith. Regardless of the difficulties of the past, our primary goal is to ensure that our students receive the best education possible, enabling them to achieve better lives for themselves and their families.

We sincerely hope that in addressing the Notice, neither AIMS nor its employees, students or families will be subjected to unwarranted mistreatment or reprisals from the District. Such actions could not only harm AIMS but also hinder our ability to fulfill our mission of providing quality education and opportunities to our students. AIMS is committed to working collaboratively with OUSD and other stakeholders to ensure that our educational community remains a supportive and conducive environment for all, free from any unjust mistreatment or harmful repercussions. It is essential that we all share this commitment to the well-being of our students and the success of our educational mission.

Allegations of Not Serving All Students Who Wish to Attend are Untimely and Are Not Legally Cognizable

The District's Notice alleges that AIMS and AIPCS II are not serving all students who wish to attend, as that phrase is used in Section 47607(e). However, such allegations cannot be made until after the conclusion of the year immediately preceding the final year of the charter school's term. (Section 47607(d).) That would mean the allegations cannot lawfully be raised until July 1, 2024, at the soonest. To lawfully nonrenew a charter under Section 47607(e) for not

serving all students who wish to attend, a chartering authority must first undergo the procedures set forth in Section 47607(d). Those procedures, again, cannot legally begin until after the penultimate year of a charter school's term. OUSD was approximately one year too early in bringing these allegations.

AIMS has addressed each allegation of not serving all students who wish to attend, in its CAP. For the avoidance of doubt, AIMS did this in order to be voluntarily responsive to the District, and not because it is legally required to. Indeed, AIMS is not legally required to respond because the allegations are untimely and do not follow legal procedures. OUSD did not follow the steps in Section 47607(d), and so cannot nonrenew AIPCS II's charter under Section 47606(e) upon an allegation of not serving all students who wish to attend.

Description and Purpose of AIMS CAP Advisory and Monitoring Committee

AIMS has taken a proactive and transparent approach to responding to the CAP, by assembling a dedicated committee of highly qualified individuals who not only possess expertise in their respective fields but also maintain a solid connection to both AIMS and the broader OUSD community. The primary purpose of this committee is to foster open and genuine feedback, while actively monitoring AIMS' progress, addressing OUSD's concerns, and facilitating corrective actions as necessary. This commitment to oversight, transparency, and stakeholder engagement underscores AIMS' dedication to creating an inclusive, compliant, and thriving educational environment that benefits the entire Oakland community, ultimately reinforcing trust and accountability in the educational processes and outcomes of AIMS charter schools.