



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

OFFICE OF CHARTER SCHOOLS

Material Revision Handbook

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INTRODUCTION

This handbook is prepared by the Oakland Unified School District (“District”) Office of Charter Schools (“OCS”) to guide charter schools through the process for requesting a material revision to their charter. Charter school staff and governing boards should review and follow guidance and instructions provided in this handbook as they prepare to submit their material revision request. As a general rule, charter schools should consult with OCS whenever they are considering making changes to their charter that might constitute a material revision.

Please note, District staff does not advise the charter school on the development or content of petitions or material revisions beyond requiring certain District Required Language. Regardless of the contents of this handbook, charter school petitioners are ultimately responsible for complying with all applicable legal requirements, including the Education Code and corresponding regulations.

Material revisions of charters are governed by the standards and criteria in the Education Code (“Ed Code” or “EC”)¹. All charter schools authorized by the OUSD Board of Education (“OUSD Board”) must consult with OCS staff prior to implementing changes to their OUSD Board-approved charter. Material revision requests are expected to be submitted during the school year before the year in which the proposed changes are to take effect. Implementing material revisions to a charter without the prior approval of the District might be a material violation of the charter and/or grounds for revocation.

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¹ See EC §47605(a)(4), §47607(a)(3) and (4), and §47607(b)

MATERIAL REVISION PROCESS AND TIMELINE

Material revisions are governed by the standards, and criteria outlined in applicable sections of the Education Code. The following outlines the District's typical process for reviewing charter material revision requests.

1. Submit Material Revision Request *(typically during the school year prior to the proposed change)*

A complete material revision request must be submitted following guidance in the Material Revision Submission Requirements section below. Requests are expected to be submitted during the school year before the proposed changes are to be implemented. The charter school should communicate its intended submission date to OCS staff in advance.

2. Initial Public Hearing *(within 60 days of the submission date)*

The OUSD Board will typically hold an initial public hearing within 60 days of submission. OCS staff will inform the charter school of the public hearing date once it is scheduled. At the public hearing, the charter school will typically be allotted up to 10 minutes to present regarding the proposed material revision. The charter school should be prepared to answer questions from District Board members following the presentation. Questions are typically related to the changes requested by the material revision, but the charter school might also receive questions about other aspects of their charter. *(Note: At the Board Meeting prior to the initial public hearing, the material revision request may be included in the "Introduction of New Legislative Matter(s)" section of a Board Agenda. The charter school does not need to be present for this meeting.)*

3. District Staff Report

OCS staff prepares a staff report that typically includes a recommendation to approve or deny the material revision. The OCS staff report will typically be made publicly available at least 15 days before the decision hearing.

4. Decision Public Hearing *(within 90 days of the submission date)*

The OUSD Board will typically hold a decision hearing within 90 days of submission. OCS staff will inform the charter school of the decision hearing date once it is scheduled. At the decision meeting, OCS staff may present its report and recommendation. The charter school will have an opportunity to present in accordance with applicable law and Board procedures, and will typically be allotted up to 10 minutes to present regarding the proposed material revision. If the charter school chooses to present a powerpoint at the decision public hearing, they must submit their presentation to OCS no later than 8 calendar days before the hearing. Public comment will be available in accordance with the Brown Act and Board procedures and the OUSD Board will have an opportunity to discuss and ask questions prior to voting on the material revision.

MATERIAL REVISION REQUEST SUBMISSION REQUIREMENTS

Charter schools are expected to submit material revision requests during the school year prior to the year in which the proposed revisions are to take effect. Material revision submission requirements vary depending on the type of revision being requested.

Material Revision Submission

Documents included in the submission should be prepared with standard margins, written using 11- or 12-point font, and all pages should be consecutively numbered in a searchable and bookmarked PDF. All submissions must be made electronically to Epicenter. Hard copy submissions are not required, nor requested. Only complete submissions will be considered. Incomplete submissions will not be accepted. **In order to be considered complete, submissions must include all of the documents listed below, relevant to the type of material revision.** An Epicenter submission item will be provided to the charter school by OCS staff upon request. District staff will review and confirm via email, generally within five business days, whether the petition submission is deemed complete.

Documentation Required for All Material Revisions

The following documents must be submitted for all material revisions requests. **If the material revision is approved, the Clean Petition document will be considered the official charter.** If this PDF is not searchable (i.e. text is not recognized when using standard search functionality), the petition will be considered incomplete. OCS may request additional information or documentation as necessary to evaluate a material revision request.

Please note, depending on the type of material revision requested, additional forms and supporting documentation may be required, as identified in the section below.

1. **Signed resolution**, approved by the charter school's Governing Board (with board meeting agenda and minutes), which:
 - a. Specifically identifies the revision(s) proposed to be made to the charter school's current approved charter; and
 - b. Authorizes the submission of the request for the material revision(s) to OUSD
2. A **final PDF copy of the revised petition (Clean Petition)**, including:
 - a. The most recent version of the District's Statement of Assurances
 - b. The most recent version of the District Required Language²
 - c. All information required by Ed Code³, including reasonably comprehensive description(s) of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed⁴
3. A **red-line Microsoft Word copy of the revised petition**, showing all changes made to the charter school's most recent District Board-approved petition. *Note: If the proposed material revision is being considered around the time of renewal and the proposed changes are intended to take effect during the*

² An updated version of the District Required Language can be found on the Charter Petition Information of the Office of Charter Schools website. Please make sure that the version included in the petition corresponds to the most recent version of this document.

³ All charter petitions must include all of the following: affirmations required by EC §47605(c)(4), reasonably comprehensive descriptions of all required elements outlined in EC §47605(c)(5), the declaration required by EC §47605(c)(6), and all required information outlined in §47605(g).

⁴ EC §47607(b)

upcoming charter term, then the red-line petition should only show changes made to the proposed renewal petition as if the renewal petition had already been approved.

4. A **three-year multi year projection budget** (MYP should include the first fiscal year the proposed material revision is in effect and the two following years), with an LCFF calculator that reflects the impact of the proposed material revision, and an accompanying narrative that describes the impact of the material revision on the budget.
5. A completed **OCS Material Revision Application Form**. Please submit your application form as a PDF with any additional evidence or documents attached as necessary.
6. A **PowerPoint presentation** for the initial public hearing, if the charter school plans on using a PowerPoint during their presentation at the initial public hearing. The presentation should be no longer than 10 minutes.

Material Revision Categories and Additional Required Documentation

In determining whether a proposed revision is material, the District may consult as guidance EC §47605(k)(1)(A)(iii), which states, in pertinent part, that “material terms” of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law ...” The District’s administrative determination as to whether a proposed revision is material shall be final.

The table below outlines a non-exhaustive list of changes that the District considers as constituting a material revision, including some specific examples. The table also identifies additional required documentation based on the type of material revision requested. If a request includes more than one type of material revision, the requirements for each applicable category must be submitted.

Supplemental forms, which may be found on the OCS website, include instructions regarding any additional information or supporting documentation required for the applicable type of material revision. Additional documentation or evidence may be attached to the supplemental form as necessary.

Material Revision Category	Changes That Constitute a Material Revision <i>(examples in italics)</i>	Required Documentation
Educational Program	Substantial changes to the educational program or model (<i>e.g. adding a bilingual program or switching from an arts-focused program to a STEM focus</i>)	—
	Changing or adding a non-classroom-based program	—
	Changes in the grade levels to be served ⁵	● OCS Supplemental Application: Enrollment Increase of Grade Level Change ● The Community Impact Questionnaire (CIQ) (<i>for adding grade levels only</i>)

⁵ If a charter school currently serves K and wishes to add TK per AB 167, OUSD does not require a material revision unless the school seeks to exceed the schoolwide or grade-level (K) enrollment projections per their petition.

Operational	Significant increases to approved enrollment projections	● OCS Supplemental Application: Enrollment Increase of Grade Level Change ● The Community Impact Questionnaire (CIQ)
	Changes of admission requirements or procedures, including changes to lottery preferences ● <i>Adding a lottery preference for students from the neighborhood</i> ● <i>Re-ordering lottery preferences</i>	—
	Changes to the governance or corporate structure, including but not limited to changes to articles of incorporation, affiliated entities, board structure, or organizational mergers	—
	Entering into and/or exiting a Charter Management Organization (CMO)	—
Location	Relocating to or adding a non-OUSD school site/facility or Opening of a resource center, meeting space, or other satellite facility ⁶	● OCS Supplemental Application: School Location

Examples of non-material changes that require notification to OCS

In general, charter schools are expected to notify OCS staff of any major changes a charter school is considering prior to implementation. For additional clarity, examples of changes that the District typically does not consider as constituting a material revision, but which should still be communicated to OCS staff include but are not limited to:

- Changing school leaders
- Routine revisions to board bylaws
- Changing board chair

Material Revisions at the Time of Renewal

A material revision request must be submitted separate from the renewal petition⁷. Charter schools should consult with OCS staff regarding any substantial proposed changes to a renewal petition before submission to determine whether these changes constitute a material revision necessitating a separate submission. Please note that EC §47607(a)(3) requires that “[a] charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter.”

⁶As outlined in EC §47605.1(c); Note: Primarily applicable to non-classroom based charter schools.

⁷ EC §47607(a)(3); Renewal petitions containing a material revision may be deemed incomplete and returned for resubmission.

MATERIAL REVISION CRITERIA

The Charter Schools Act of 1992 establishes the standards and criteria by which material revisions are governed⁸. In order to recommend the approval of a material revision to the OUSD Board, the OCS must determine that the charter school has met the relevant Education Code requirements. For clarity, these requirements have been organized into the following five material revision criteria outlined below.

Please note, only criteria relevant to the proposed material revision will be assessed. Examples of evidence that may be considered for different types of material revisions can be found above. The criteria for evaluation are limited to consideration of the impact of the proposed material revision only. The first three criteria (as listed below) generally apply to all charter petitions and material revisions. Criteria IV and V only apply to certain types of material revisions (i.e., proposed expansion) and under specific circumstances as described below in the corresponding sections.

- Criteria I: Has the Charter School Presented a Sound Educational Program?⁹
- Criteria II: Is the Charter School Demonstrably Likely to Successfully Implement the Proposed Educational Program?¹⁰
- Criteria III: Is the Petition Reasonably Comprehensive?¹¹
- Criteria IV: Is the Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate?¹²
- Criteria V: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?¹³

Criteria IV: Is the Charter School Demonstrably Likely to Serve the Interests of the Entire Community in Which the School is Proposing to Locate, including the Fiscal Impact of the Proposed Material Revision?

This criteria applies only to material revisions proposing expansion pursuant to EC § 47605(c)(7) and § 47607(a)(4). Analysis under this criteria must be limited to consideration only of the impact, including the fiscal impact, of the proposed material revision¹⁴. Where Criteria IV applies, the OUSD Board may deny the request if it determines that the charter school is demonstrably unlikely to serve the interests of the entire community, considering the following factors:

1. The extent to which the proposed material revision to the charter would substantially undermine existing services, academic offerings, or programmatic offerings.
2. Whether the proposed material revision to the charter would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate.

⁸ EC §47607(a)(3) and (b)

⁹ EC §47605(c)(1)

¹⁰ EC §47605(c)(2)

¹¹ Including information required by EC §47605(c)(4) thru (6) and EC §47605(h), OUSD's District Required Language as well as any additional requirements enacted since the charter was last approved.

¹² EC §47605(c)(7)

¹³ EC §47605(c)(8)

¹⁴ EC §47607(a)(4)

In order for a material revision proposing expansion to be approved, Charter schools proposing expansion pursuant to EC § 47605(a)(4) must submit a Community Impact Questionnaire (CIQ) as part of the Material Revision request. The CIQ provides the charter school an opportunity to present information and evidence relevant to whether the proposed material revision is demonstrably likely to serve the interests of the entire community.

Criteria V: Is the School District Positioned to Absorb the Fiscal Impact of the Proposed Charter School?

This criteria applies only to material revisions proposing expansion pursuant to EC § 47605(c)(8) and § 47607(a)(4). Analysis under this criteria will be limited to consideration only of the impact of the proposed material revision.¹⁴ Where Criteria V applies, the OUSD Board may deny the material revision request if it determines that the District is not positioned to absorb the fiscal impact of the proposed expansion. The District may deny a material revision on this basis if at least one of the following conditions is met:

- The District has a qualified interim certification and the county superintendent of schools, in consultation with the County Office Fiscal Crisis Management Team, certifies that approving the material revision would result in the school district having a negative interim certification; or
- The District has a negative interim certification; or
- The District is under state receivership

Final Decision

The OUSD Board's denial of a material revision shall not be subject to appeal to the County Board of State Board of Education.