

Charter Authorizing

Balancing Board Discretion and Law

Alameda County Office of Education
September 2026



**ALAMEDA COUNTY
OFFICE OF EDUCATION**
Alyse Castro, Superintendent



Learning Outcomes



Share ACOE's historical context in charter authorizing and reflect on your local history and context may shape charter authorizing decisions.



Analyze key legal and policy considerations that boards should weigh when fulfilling their charter authorizing responsibilities.



Identify actionable approaches for building board capacity and supporting informed, consistent, and effective charter authorizing decisions.



Turn and Talk



When you think about board decision-making in charter authorizing, how would you summarize your historical context?

Historical Context

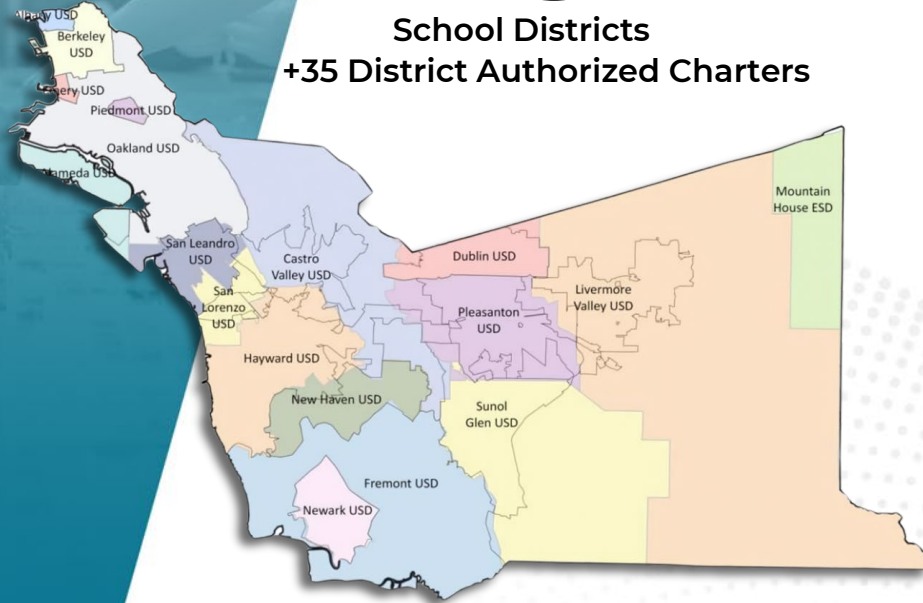
*Building Shared Understanding
Before Authorizing Decisions*



Alameda County Office of Education

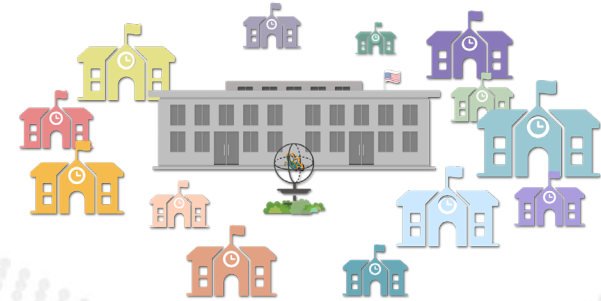
18

School Districts
+35 District Authorized Charters

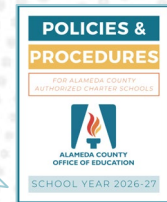


13

Charters authorized



**ACOE
Charter
Policies &
Procedures
Manual**



**A REPORT OF
THE SERVICES
PROVIDED BY
THE ALAMEDA COUNTY
SUPERINTENDENT
OF SCHOOLS**

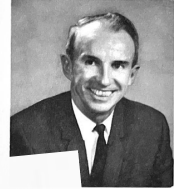


1965-66

In the year ending June 30, 1966, the public schools of Alameda County enrolled 238,371 students in kindergarten through junior college. This was 8,500 more than were enrolled the year before. One person in four living in Alameda County attended the public schools.

The 25 districts in Alameda County varied in size from a one-school district with 15 students to the Oakland City Unified School District with 64,000 students in 88 school buildings. Wide differences also existed among the districts in the resources they had to support education and in the educational needs of their students.

**A REPORT OF THE SERVICES
PROVIDED BY
THE ALAMEDA COUNTY
SUPERINTENDENT
OF SCHOOLS
1965 - 66**



La Fleche
Superintendent

of Alameda County
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with 64,000 students
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Sincerely,

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Oakland's Road to Small Schools...



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School Board members Ken Rice and Jean Quan, parent Fannie Brown, and Oakland School Superintendent Dennis Chaconas at the Woodland School opening. Photo: Ron Serviss.

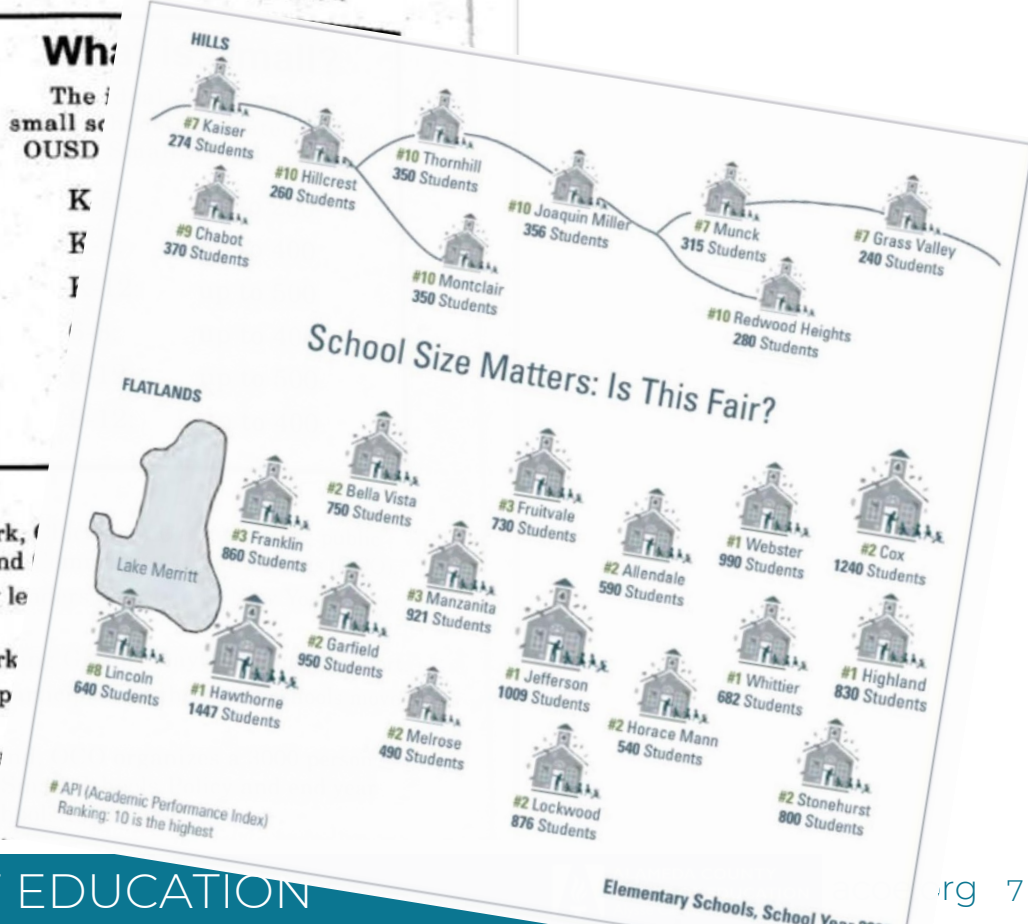
Fall 1997: Inspired by the success of the small schools movement in New York, school parents begin to organize for small schools with the help of Oakland.

Fall 1998: OCO sponsors teachers, parents, district officials, and community leaders to open small schools in East Harlem.

Winter 1998: The N.Y. visit team forms the core of OCO's Small Schools Work Group.

Summer 1999: Oakland Education Association is invited to collaborate and present; OUSD creates Director of Small Schools position.

Fall 1999: 2 Charter schools open to help relieve overcrowding in East Oakland where district officials and politicians commit to support the New round multi-track schools by September of 2001; OEA creates a Small Schools Committee.



Oakland students, teachers, community to fight 11 school closures, mergers, reductions

Want to know the wrong way to close schools? Just look to Oakland

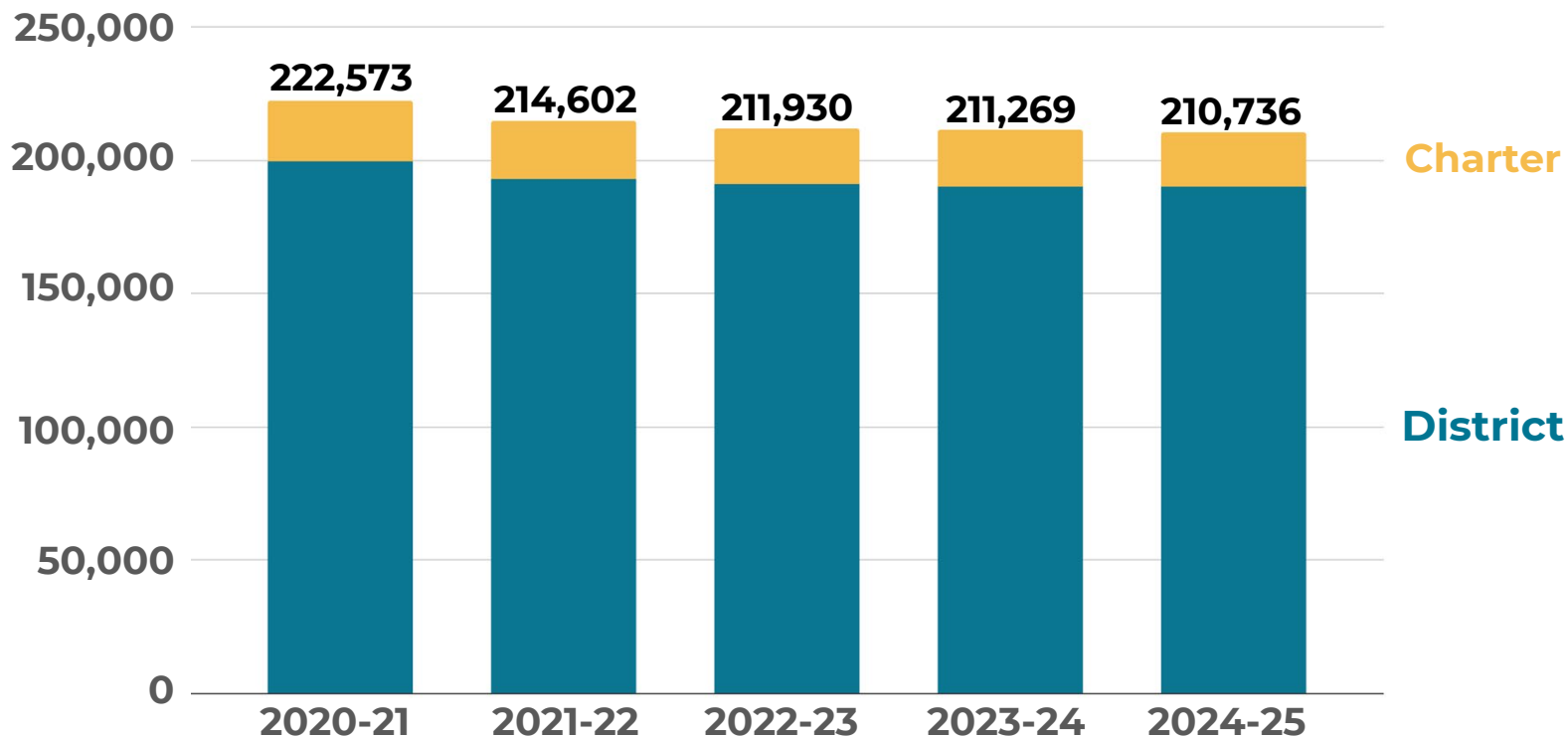
NEWS

Alameda County to Oakland Schools: Reduce Costs, or Lose Financial Independence, Again

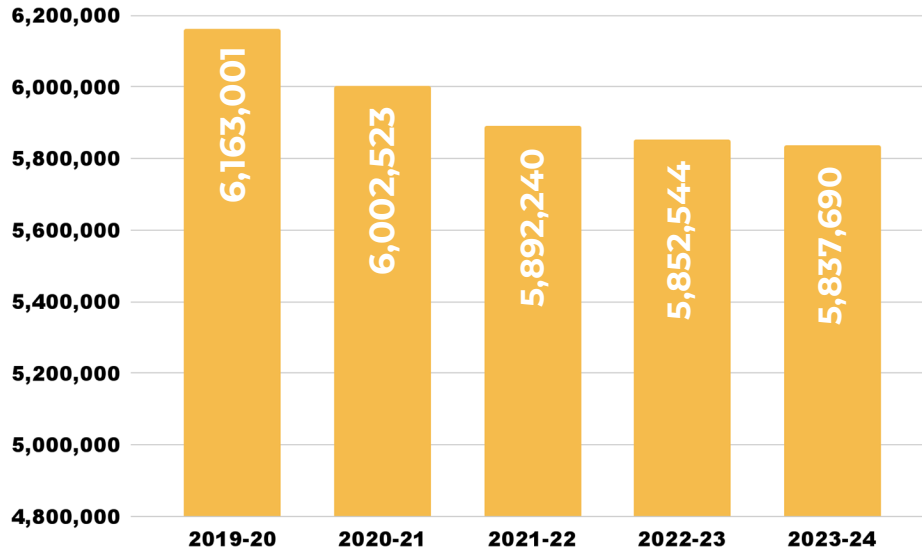
By Katie DeBenedetti Oct 9, 2025 Updated 5:05 pm PT [Save Article](#)



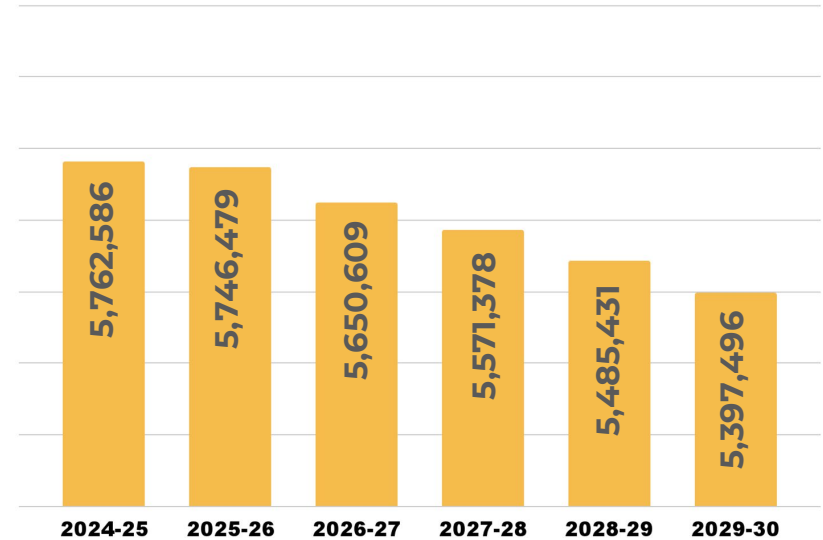
Alameda County Enrollment



California student enrollment dropped from 6.2 million students in 2019-20 to 5.8 million students in 2023-24



Actual



Forecasted

Source: School Services of California



Group Discussion



Think about a major change in your local educational landscape over the past 5–10 years.

How has that change influenced the way your board or authorizing body approaches charter decisions today?

Trends and Patterns

Grounding decisions in evidence over time

Alameda County Charter Schools | 2014-15 to 2025-

2014-15
59 Charter Schools
224,000 Pupils

- 14,000 fewer students countywide
 - 11 fewer charter schools

2025-26
48 Charter Schools
210,000 Pupils

OUUSD 33	<u>ACOE</u> <u>7</u>	HUSD 6	Misc. 13
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OUUSD 22	<u>ACOE</u> <u>13*</u>	HUSD 4	Misc. 9
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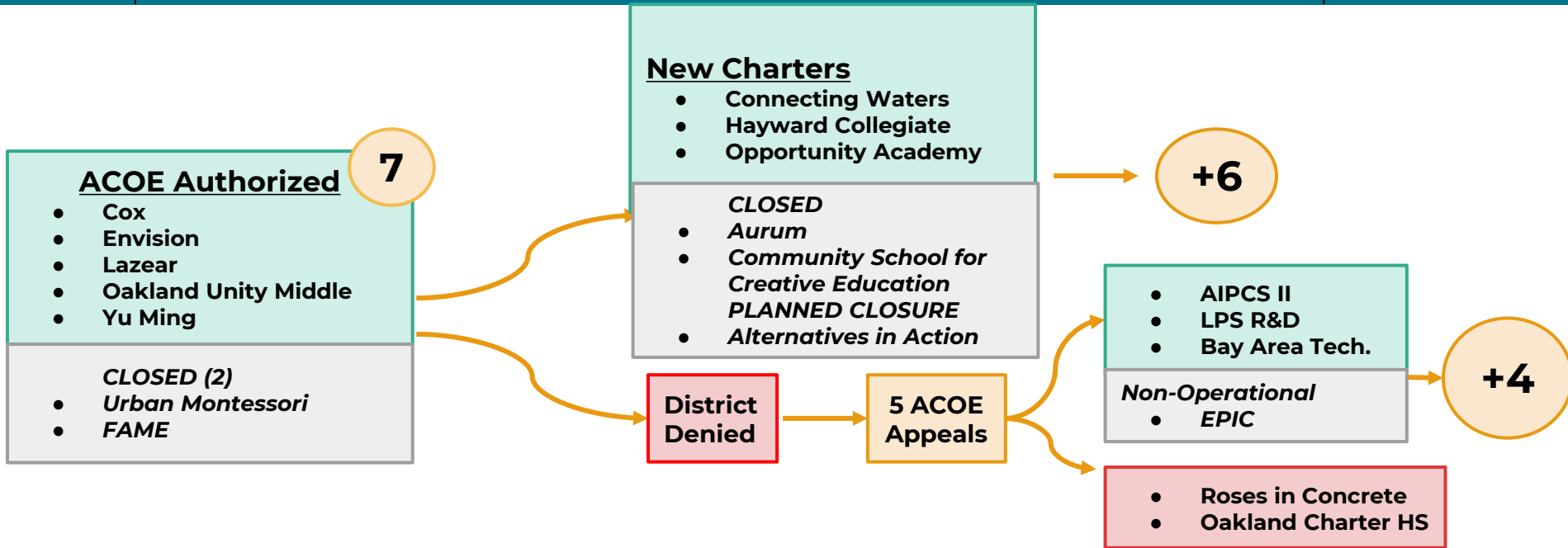
ACBOE Added 10 Schools | 5 Closures

**Includes one non-operational school*

Paths to ACOE Authorization

2014-15

2025-26





Group Discussion



When your board reviews charter petitions, renewals, or oversight issues, what types of trends or patterns do you wish board members paid more attention to?

What tends to get overlooked when decisions focus on a single case or meeting?

Law vs. Discretion

Clarifying authority to strengthen judgment



What would it look like for a school to demonstrate that they are accomplishing all of the following?

(a) **Improve pupil learning.**

(b) **Increase learning opportunities** for all pupils, with special emphasis on expanded learning experiences **for pupils who are identified as academically low achieving.**

(c) Encourage the **use of different and innovative teaching methods.**

(d) Create **new professional opportunities for teachers**, including the opportunity to be responsible for the learning program at the schoolsite.

(e) Provide parents and pupils with **expanded choices** in the types of educational opportunities that are available within the public school system.

(f) Hold the schools established under this part **accountable for meeting measurable pupil outcomes**, and provide the schools with a method to change from rule-based to performance-based accountability systems.

(g) Provide **vigorous competition within the public school system** to stimulate continual improvements in all public schools.



How do we identify *benefits* and *bests interests*?

(1)...the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school...

(2) The chartering authority shall **provide greater weight to performance** on measurements of academic performance in determining whether to grant a charter renewal.

3) The chartering authority **may deny a charter renewal** pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that

the charter school has **failed to** meet or make sufficient progress toward meeting standards that **provide a benefit to the pupils of the school,**

that **closure of the charter school is in the best interest of pupils**

and, if applicable pursuant to paragraph (2), that its decision provided **greater weight to performance on measurements of academic performance.**

The first required finding addresses whether the charter is making “**sufficient progress toward meeting standards that provide a benefit to the pupils of the school.**”

What might this mean?

What counts as “benefit”?

How much benefit is “sufficient”?

Which pupils
the average?
the majority?
the most vulnerable?

Which of these questions most closely resembles

your
interpretation of whether the charter is making “sufficient progress toward meeting standards that provide a benefit to the pupils of the school.”

1. Is this school providing a real, measurable benefit to *at least some* of its students?
2. Are *most* students at this school benefiting in measurable ways?
3. Is the charter making measurable progress over time *relative to where its students started*?
4. Is the school *keeping the academic promises* made in its charter?
5. Is this charter benefiting a *high-need populations* it was designed to serve?
6. Are most or all students at this *outperforming* other public schools?

The second required finding addresses whether
“closure of the charter school is in the best interest of pupils”

What might this mean?

Which pupils?

Pupils in the school today?
Future pupils ?
Pupils in other schools?

Compared to what?

Over what time horizon?

Based on what assumptions about alternatives?

Which of these questions most closely resembles

your
interpretation of whether the “closure is in the best interest of pupils.”

1. Is closure in the best interest of the students *currently enrolled* in this school?
2. Could these students be served as well at other available schools?
3. Would these students experience better outcomes at other available schools?
4. Are students here missing opportunities they would likely have access to elsewhere?
5. Is closure in the best interest of future students who might otherwise enroll here?
6. Is closure in the best interest of pupils across the broader public school system?
7. Does closure create a net positive educational impact across the neighborhood or city?



Focusing Your Equity Lens: Benefit Compared to What?

The charter is making “sufficient progress toward meeting standards that provide a benefit to the pupils of the school.”

Partner Talk:

When you hear “benefit,” what is your comparison point?

- Compared to last year?
- Compared to state averages?
- Compared to nearby schools?
- Compared to what these students would likely experience elsewhere?

Whose benefit matters most in your thinking?

- Any student?
- Most students?
- The highest-need students?
- The average student



Focusing Your Equity Lens: Best Interest for Whom?

“Closure of the charter school is in the best interest of pupils.”

Partner Talk:

When you hear “pupils,” who are you including?

- Only currently enrolled students?
- Future students?
- Students in nearby schools?
- All students in the school system?

If closure creates harm for one group but benefit for another, how should that be weighed? What information would help you evaluate:

- The impact on current students?
- The impact on students who would attend other schools?
- The impact on the system overall?



Focusing Your Equity Lens: What Don't We See?

"Sufficient progress toward meeting standards that provide a benefit to the pupils of the school." "Closure of the charter school is in the best interest of pupils."

To apply these tests, we must identify what we are comparing against.

A benefit compared to what?

- The district average?
- Demographically similar schools?
- Students' likely alternative placements?

How do we evaluate the "best interest of pupils," without alternatives?

- Where else could this student have gone? Where could they go next?
- How might closure benefit or harm these students? Other students?
- How does closure impact other schools or programs?
- How will tomorrow's students be impacted?

What information would you need to evaluate opportunity cost in order to apply these legal tests responsibly?



Group Discussion



Think of a charter decision that generated significant discussion or disagreement.

Looking back, was the tension primarily about legal requirements, or was it really about differing values, priorities, or interpretations of evidence?

Tools and Frameworks

Standardize how decisions are made

Most Useful Data

We want you to have the data and information you need.

Review the [sample data](#) and star the 5 slides, charts, or graphs that best support you. Note:

- any specifics you want to see again
- requests for future modifications
- Anything you find confusing or unhelpful
- Additional info needed

Not all information is available, but ask and we will try to provide.

Discussion Framework?

Board Members have asked for ways to improve the quality and predictability of board discussion on charter matters.

Insight: Current hearings follow the Staff and Charter School presentations with a very lengthy set of questions.

Proposed:

- Limit questions to brief, clarifying questions that can be answered with brief, simple, responses of less than a minute.
- Move quickly to a motion (we will make it easier.)
- Once a motion is on the table, the Board can engage in discussion and debate.



Group Discussion



Consider your current authorizing process. Where do board members seem to need the most support in understanding information, evaluating evidence, or reaching decisions?

What tool, framework, or protocol might improve consistency?

Reflection and Closing



ACOE February Board Workshop Strategies

1 Build Shared Understanding ***Before*** Charter Decisions

2 Ground Decisions in Evidence Over Time

3 Clarify Authority to Strengthen Judgment

4 Standardize How Decisions Are Made

ACOE Board Spring Decisions

Aspire Golden State Staff Presentation

- Middle Performing School
- Mixed Academic Performance (Slide 11 overview)

Bay Area Technology School Staff Presentation

- Low Performing School
- Mixed Academic Performance (starting Slide 15)



Group Discussion



Are there strategies you might consider adopting or adapting for your board?

How might this strategy support increased clarity or focus?

THANK YOU!

**For questions and/or
comments, contact:**

Alysse Castro

Alameda County Superintendent of Schools

Email: superintendent@acoe.org

Phone: (510) 670-4140

Juwen Lam,

Chief of Accountability Partnerships

Email: juwenl@acoe.org

Phone: (510) 670-4147