



# LAUSD

## **Policy and Procedures**

### **for Charter Schools**

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August 11, 2020

## **ACKNOWLEDGEMENTS**

The Los Angeles Unified School District Board of Education (“LAUSD Board”), Superintendent, Chief Strategy Officer, and Charter Schools Division staff extend appreciation to all who contributed to shaping this LAUSD Policy and Procedures for Charter Schools. We are grateful for the input from various stakeholders, including parents and staff from District and charter schools, community members, and representatives from Labor organizations, charter school organizations, and community organizations. As the largest district authorizer of charter schools in the nation, this document reflects the LAUSD Board’s goal of ensuring high quality authorization and oversight practices that support increased academic achievement and equity for all students and uphold the public trust.

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## I. POLICY INTRODUCTION

The Los Angeles Unified School District (“LAUSD” or “District”) is the second largest school district in the nation, with the mission and goal of providing every student with a high-quality, 21st century public education that enables students to graduate college-prepared and career-ready.<sup>1</sup> To achieve these goals in the service of a diverse student population, the District offers a variety of public school options, including traditional neighborhood schools, magnet programs, pilot schools, dual language programs, Linked Learning programs, International Baccalaureate programs, Schools for Advanced Studies, early childhood education, and adult and career education. In addition, LAUSD authorizes affiliated and independent charter schools, and serves as the largest authorizer among all school districts in the country.

Since the enactment of the Charter Schools Act in 1992 and the approval of the initial group of charter schools in 1993, LAUSD has acquired many meaningful lessons as a charter school authorizer, all of which inform this LAUSD Policy and Procedures for Charter Schools (“Policy and Procedures”). With 277 charter schools under its authorization in 2019-2020, LAUSD has observed the intent of the Charter Schools Act, which promotes improving pupil learning; increasing learning opportunities for all pupils; creating new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; providing parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; and, changing from rule-based to performance-based accountability systems, among others.<sup>2</sup>

LAUSD policy shall be foremost present to all thoughtful, creative, engaged and desirous petitioners under the Charter Schools Act of 1992 that we have a variety of innovations and programs within LAUSD including always the option of a charter that is affiliated because LAUSD is the thought leader on charter affiliation.

Of significant consequence, on October 3, 2019, California Governor Gavin Newsom signed into law Assembly Bill (AB) 1505, which represents “the first major overhaul to the charter school law since its enactment...”<sup>3</sup> As Governor Newsom noted, “AB 1505 is the result of leaders from all sides of this issue coming together to enact a law that is meaningful, purposeful and, most importantly, that prioritizes students and families from both traditional and charter schools across California...We now have the framework for charter and traditional schools to work together collaboratively in service of their communities and neighborhoods.”<sup>4</sup>

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<sup>1</sup> See “Advocating for Additional Federal Funding in Public Education” (LAUSD Board of Education, Res-037-18/19); see also “Public Schools Week 2020” (LAUSD Board of Education, Res-032-19/20)

<sup>2</sup> California Education Code section 47601.

<sup>3</sup> <https://www.gov.ca.gov/2019/10/03/governor-newsom-signs-charter-school-legislation-10-3-19/>

<sup>4</sup> *Id.*

Consistent with Governor Newsom’s statement, the Policy and Procedures sets forth a renewed vision and direction for the District’s role as a chartering authority and re-affirms its commitment to high quality practices that support the success of all students and uphold the public trust. The LAUSD Board and LAUSD leadership seek to foster a shared vision for a unified ecosystem of public education, centered on core values of mutual respect, excellence and high standards, equity and access, and collaboration.<sup>5</sup> In this environment, increased collaboration is elevated for the benefit of every student, every school, and every community, and care is taken so that “vigorous competition” does not yield adverse rivalries, lost opportunities, and inequalities.<sup>6</sup> All schools, both District and charter, “must reciprocally share ‘best practices’ to encourage cross-school communication that stimulates successful innovation and learning for all our students.”<sup>7</sup> As such, it is the LAUSD Board’s goal that greater cohesion among public schools in LAUSD will help accelerate gains in student achievement, increase access and opportunity, realize adequacy of resources, exercise appropriate accountability, and build new ways of cooperation to serve all families well for decades to come.<sup>8</sup>

The LAUSD Board recognizes that both the District and charter schools have a shared responsibility in achieving the letter and spirit of the state’s charter school laws. When the LAUSD Board authorizes and oversees a charter school, it establishes a relationship to advance its vision and mission and to accelerate gains in academic achievement and accountability for *all* of its students and public schools. The LAUSD Board will ensure that charter schools have the autonomy provided in the Charter Schools Act. However, in exchange for this autonomy and flexibility, charter schools must demonstrate high levels of accountability. The LAUSD Board expects charter schools to exercise the autonomy and

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<sup>5</sup> See District Core Beliefs: <https://achieve.lausd.net/Page/474>

<sup>6</sup> See Cal. Education Code § 47601; *see also*, “Long-Term Enrollment Decline Its Rate, Causes, Geographical Extent, and Cost,” noting potential implications of rivalry determinants, including competition between district and charter schools (LAUSD Independent Analysis Unit, 2019, <http://laschoolboard.org/sites/default/files/IAU%202019%200213%20Report%20-%20Enrollment%20Decline%20%28CORRECTED%29.pdf>); and “Building a System of Schools Worth Choosing,” Linda Darling-Hammond; “Competition-Based Reform: Lessons and Recommendations for LAUSD,” Kevin Welner, Janelle Scott, Tina Trujillo, [https://d3n8a8pro7vnmx.cloudfront.net/unitela/pages/4859/attachments/original/1532387068/We\\_Choose\\_All\\_-\\_The\\_Book.pdf?1532387068](https://d3n8a8pro7vnmx.cloudfront.net/unitela/pages/4859/attachments/original/1532387068/We_Choose_All_-_The_Book.pdf?1532387068).

<sup>7</sup> “Ensuring Support for Students at All Los Angeles Unified School District Schools” (LAUSD Board of Education, Res-011-19/20).

<sup>8</sup> See “Advocating for Additional Federal Funding in Public Education,” noting that “there must be equitable and sufficient resources for a diverse student population with vast differences in language, income, parental education levels, and other social, educational, and economic factors.” (LAUSD Board of Education, Res-037-18/19); *see also* “Access and Opportunity for All: Analyzing Enrollment Patterns to Support School Integration Efforts” (LAUSD Board of Education, Res-002-19/20; *see also* Report of the Independent Financial Review Panel November 10, 2015 discussion of charter schools, noting, “...it will be important for the District and the community to coalesce around shared values for the purpose of community reconciliation for the educational benefit of all students residing within the District.”

<http://home.lausd.net/pdf/Independent%20Financial%20Review%20Panel%20Report.pdf> (p. 10).

flexibility afforded to them under the law as a means of developing instructional and operational strategies that reach high standards of achievement, equity, safety, transparency, and accountability.

The Policy and Procedures outlines LAUSD's responsibilities as a chartering authority. These responsibilities fall into three broad categories:

- Review of petitions for the establishment of new charter schools;
- Oversight of charter schools under its authority; and
- Review of renewals and material revisions of charters.

The Policy and Procedures provides a framework to guide the LAUSD Board and District staff in establishing a coordinated and coherent approach to fulfilling its authorizing responsibilities effectively and promoting the quality and accountability of the schools it authorizes.<sup>9</sup>

In establishing the Policy and Procedures, the LAUSD Board and District staff seek to:

- Make the well-being of all students the fundamental value informing all actions and decisions informed by applicable law, and sound data and facts;
- Promote equity and access for all students and work toward accelerating increases in student achievement, and address the needs of historically underserved student populations;
- Strive for clarity, fairness, high expectations, and transparency in authorization and oversight;
- Serve as a source of accurate information about charter schools in LAUSD; and
- Uphold the public trust.

Moreover, the Policy and Procedures serves to provide charter school petitioners, charter school operators, parents, stakeholders, and the general public with an overall understanding of the requirements and responsibilities of operating a charter school in LAUSD.

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<sup>9</sup> To the extent provisions in the Policy and Procedures conflict with any law, the law supersedes the provisions outlined herein and the validity and effect of the rest of this policy shall not be affected.

## II. PROCEDURES

### A. NEW CHARTER SCHOOL PETITIONS

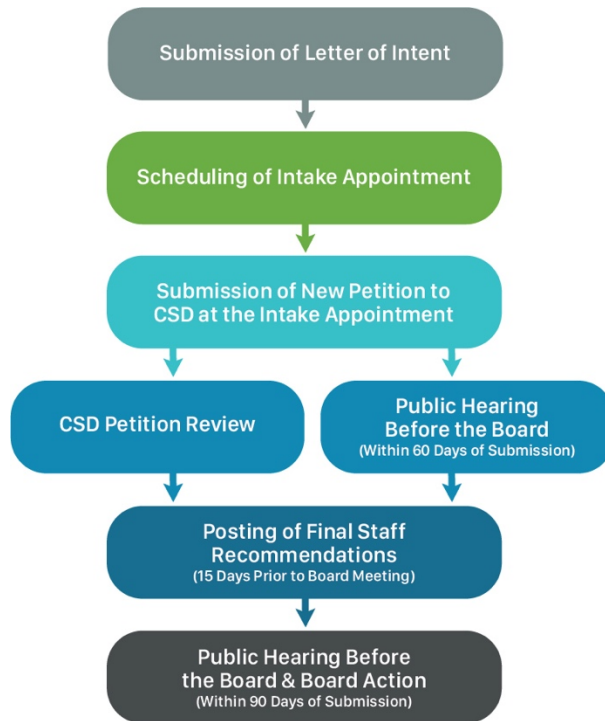
The LAUSD Board is vested with the authority to determine whether to grant a charter petition, and will make its determination based upon the requirements and standards of the California Charter Schools Act. Within the context of the Charter Schools Act, the LAUSD Board grants charters to petitioners who demonstrate strong capacity for establishing and operating a quality charter school that is consistent with sound educational practice and serves the interests of the entire community in which the school is proposing to locate. (Ed. Code, § 47605(c).) LAUSD’s charter school application and review process and timelines will follow clear and transparent decision-making processes consistent with the Charter Schools Act. When the charter application and petition review process is completed, the Charter Schools Division (“CSD”) staff will present a recommendation to the Superintendent, whose final recommendation is considered by the LAUSD Board to determine whether to grant or deny the charter petition.

#### Resources for Petitioners

The CSD will inform prospective petitioners of the requirements, standards, and timelines for charter school authorization, beginning with the petition application submission process and ending with action by the LAUSD Board. Petitioners shall ensure all applicable legal provisions are included in the charter petition, regardless of whether specified in the Policy and Procedures. LAUSD provides several resources containing guidance for petitioners, which are available at the CSD page of the LAUSD website. LAUSD encourages all prospective petitioners to review each of these resources, as they provide important clarity regarding the new petition application and review process, including LAUSD’s expectations for reasonably comprehensive descriptions of each element of the petition, the LAUSD Federal, State, and District Required Language (“FSDRL”), and necessary documents for complete submission of the petition application. In addition, petitioners are encouraged to contact the CSD with any questions prior to submitting a new petition.



## New Petition Application Review Process and Timelines



### 1. Letter of Intent and Scheduling of Intake Appointment

In order to support planning, petitioners must submit a Letter of Intent prior to submitting their petition. A copy of the Letter of Intent template can be found at the CSD page of the LAUSD website. Petitioners will be asked to provide information regarding the proposed charter school. These may include, but are not limited to:

- Type of charter school (i.e., start-up, conversion, independent, affiliated)<sup>10</sup>
- Projected instructional starting date (must be in the academic year immediately following petition submission)
- Grade levels to be served
- Projected enrollment (including grade “roll-out” schedule)
- Location
- Facilities plan
- Programs and services

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<sup>10</sup> A start-up charter school is one that is newly established. A conversion charter school is a former district-operated school that “converted” to become a charter school. These schools can elect to be direct-funded (whereby they receive their state funding directly from the state) or locally-funded (whereby they receive their state funding through their authorizer or county office). Direct-funded charter schools are commonly referred to as “independent” charter schools and are they generally governed by their own board of directors. Locally-funded charter schools are commonly referred to as “affiliated” charter schools and are under the ultimate governance the LAUSD Board.

- Start-up funding
- Lead petitioner information
- Information regarding the community the school intends to serve
- Names and qualifications of persons who will serve on the governing board if the charter school is operated by, or as, a nonprofit benefit corporation
- Charter school affiliation (i.e., charter management organization or entity managing a charter school, foundation, or nonprofit organization)

The CSD will notify the applicable Local District and/or Community of Schools leadership where the charter school proposes to locate of the Letter of Intent and forthcoming application for a new charter school within ten business days of receiving the Letter of Intent. The Local District and/or Community of Schools leadership will communicate this information to their respective principals and their community stakeholders (e.g. parents, staff, community members and organizations, all Labor representatives,<sup>11</sup> neighborhood councils, Chambers of Commerce, and elected officials) in the respective community. The CSD will notify all charter schools in the respective community.

## **2. Submission of a New Petition to the District**<sup>12</sup>

Due to the volume of agenda items for each LAUSD Board meeting and consideration of operational capacity, LAUSD has established a target windows schedule (“target windows”) for the submission of petitions. Once the LAUSD Board adopts a schedule for board meeting dates in a given school year, the CSD will post the target windows schedule for petition submission. CSD staff will arrange an intake appointment with petitioners within the target windows. The target windows help ensure that LAUSD has adequate time and capacity to effectively and meaningfully consider and process each petition application.

At the intake appointment, CSD staff will determine if the petition is complete. Petitioners must submit a complete new petition application (see, “New Independent Charter Application Guide” on the CSD website), and a certification that the petitioners deem the petition to be complete (“Certification of Completeness”) <sup>13</sup> in order for the petition to be considered received for purposes of starting the statutory timelines outlined in Education Code section 47605(b). The petition and supporting documents must also be consistent with the Federal, State, and District Required Language (“FSDRL”).

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<sup>11</sup> United Teachers Los Angeles (UTLA); L.A. School Police Association (LASPA); L.A. School Police Management Association; Associated Administrators of Los Angeles (AALA); Service Employees International Union, Local 99 (SEIU); California School Employees Association (CSEA); L.A./Orange Counties Building & Construction Trades Council; Teamsters Local Union 572.

<sup>12</sup> The LAUSD Board shall not accept for submission nor approve any petition for the establishment of a new charter school offering nonclassroom-based instruction from January 1, 2020 to January 1, 2022. (Ed. Code, § 47612.7.)

<sup>13</sup> The Certification of Completeness can be found on the CSD website.

### **3. Petition Review**

If the petition is deemed complete at the intake appointment, the CSD will commence its review and analysis of the petition in accordance with the standards and criteria set forth in the Charter Schools Act. (Ed. Code, § 47605.) Please refer to the “Criteria for New Petition” section for guidance on what factors staff will consider in determining whether to make an approval or denial recommendation to the LAUSD Board.

#### **a. Capacity Interview**

The Charter Schools Act requires charter school authorizers to determine whether petitioners have the capacity to successfully implement the program set forth in the charter petition (Ed. Code, § 47605(c)(2).) As part of CSD staff’s review of the petitioners’ submission (and record of performance, as applicable), the CSD may conduct an interview of petitioners, including founders, board members, and proposed school leadership, to assess their capacity (“Capacity Interview”) as part of the petition review process.

During the Capacity Interview, petitioners will have the opportunity to independently demonstrate their experience and expertise relating to the elements set forth in their petition. In determining who should attend the Capacity Interview, petitioners should consider that the interview is a key component of demonstrating their capacity to successfully implement the proposed program. The petitioners should carefully determine who will be present for the Capacity Interview, to best represent the team’s ability to answer questions about the proposed program, including, but not limited to, school governance, mission and vision, instructional program, school operations, fiscal operations, student populations, community impact, student enrollment, assessment, and data analysis.

The CSD recommends that members of the governing board and the following individuals be present at the Capacity Interview:

- The lead petitioner(s)
- The person(s) who will be responsible for day-to-day operations of the school
- The person(s) who will be responsible for management and oversight of the school’s finances
- The school principal (if one has been selected)
- The educational leader of the school

Although a single person may fill more than one of the above staff roles, in order to properly segregate fiscal duties and mitigate potential conflicts of interest, the principal and the person responsible for management of the school’s finances should not be the same person. Petitioners should ensure compliance with the Ralph M. Brown Act when determining governing board attendees at the Capacity Interview.

The Capacity Interview is one factor considered when making a determination regarding the capacity of the petitioners to successfully implement the program set forth in the charter petition. If it is determined that the petitioners lack the capacity to successfully implement the program set forth in the charter petition, the CSD will include this determination in its recommendation to the LAUSD Board.

Petitioners who currently operate charter schools in LAUSD with a demonstrated track record of successful operations may not necessitate a Capacity Interview. In such cases, LAUSD will consider evidence of successful student performance (reflecting the same grades *and same educational model* as the proposed school) and previous oversight records demonstrating successful operations, governance, and fiscal management for the organization's existing school(s), as well as the organization's capacity to expand and whether the organization has had significant changes in leadership. The demonstrated track record of successful school performance will include the consideration of the following factors:

- The majority of the charter petitioner organization's schools serving similar grade levels are identified as High Performing (per the statutory renewal criteria);
- None of the charter petitioner organization's schools are in the Low Performing band (per the statutory renewal criteria); and
- The charter petitioner organization's record of performance on oversight reports for the past two consecutive years has yielded ratings of Proficient and/or Accomplished (with the exception of the first year's oversight rating in fiscal operations).

b. Fiscal Operations Review

The CSD will conduct a review of the petitioner's proposed fiscal plan and operations as part of the review process. The petition application will be reviewed for fiscal soundness and viability, including funding for personnel and materials required to implement the proposed program (e.g. salaries, instructional supplies, equipment, facilities, maintenance of facilities, professional development, and contract services). CSD staff will assess the assumptions used for the school's start-up funding, revenues, and expenditures. Based on this assessment, the CSD staff will evaluate the school's available cash, three-year budget, and three-year projected cash flow to determine whether the school is likely to be financially viable. If a petitioner's budget includes borrowing against the school's future revenues as a source of funding ("factoring of receivables"), this may lead to findings regarding the proposed charter school's financial sustainability (e.g. potential findings may include, but are not limited to, concerns regarding the school's factoring of its receivables as the primary source of cash flow and/or multi-year reliance on the factoring of its receivables, and the school's enrollment projections that are not supported by the school or not deemed reasonable in view of enrollment trends).

c. Due Diligence

The CSD works in consultation with the Office of the Inspector General (“OIG”) to conduct a due diligence search. As part of the petition application, the lead petitioner(s), the school principal, and the on-site financial manager shall complete questionnaires and submit resumes. In addition to examining the submitted documents, the OIG conducts background checks using publicly available records to determine whether available information reveals substantial concerns regarding the lead petitioner(s), school principal, and on-site financial manager’s capacity to lead or operate a charter school.

d. Petition Revisions

The CSD review team may communicate feedback in the form of comments and questions to petitioners whose petition application preliminarily merits consideration for approval based on the criteria, but requires some petition revisions or clarification. It is the petitioner’s responsibility to satisfactorily address any pending issues in the petition. CSD staff does not engage in the revision process if the recommendation is for denial.

**4. Public Hearing Before the LAUSD Board**

Within 60 days of receipt of the complete new petition application, the LAUSD Board shall hold a public hearing for the LAUSD Board to consider the level of support for the petition by teachers employed by LAUSD, other employees of LAUSD, and parents, as directed by Education Code section 47605(b). The CSD will notify the applicable Local District and Community of Schools leadership of the public hearing date within ten business days of its scheduling. The Local District and/or Community of Schools leadership will communicate this information to their respective principals and their community stakeholders (e.g. parents, staff, community members and organizations, all Labor representatives, neighborhood councils, Chambers of Commerce, and elected officials) in the respective community. The CSD will notify all charter schools in the respective community. Interested stakeholders may contact the Office of the Board Secretariat for speaking procedures or submitting information in writing.

**5. Superintendent’s Recommendation to LAUSD Board and Public Posting**

The Superintendent, upon review of CSD’s report, will provide a recommendation to the LAUSD Board regarding the petition. The CSD will publish the Superintendent’s recommendation, and any written findings required to support the recommendation, at least 15 days prior to the LAUSD Board meeting at which it will act on the new petition. (Ed. Code, § 47605(b).)

If the petitioner chooses to withdraw a petition after the 15-day advance posting of a denial recommendation, which is on the 75<sup>th</sup> day of the petition review timeline, (inclusive of the detailed finding of fact report in support of a denial recommendation), the petitioner (and

members of the petitioner team) may not resubmit or submit another petition to LAUSD, with or without modification, for 12 calendar months from the date of original submission if the petitioners intend to develop their proposed charter school petition.

## **6. LAUSD Board Action to Grant or Deny the New Charter Petition**

Within 90 days of receipt of the new petition, the LAUSD Board shall hold a public hearing at which it will either grant or deny the new petition. The charter school and LAUSD may mutually agree to extend the timeline by an additional 30 days.

Petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. (Ed. Code, §47605(b).) District staff and petitioners will have three minutes each to make a presentation for items placed on discussion.<sup>14</sup> Either District staff or petitioners may forego providing a presentation to the LAUSD Board. Items placed on the consent agenda would not necessitate the provision of equivalent time to petitioners since District staff will not be making a presentation. Denial recommendations will not be placed on the consent agenda and petitioners will have three minutes to make a presentation, unless petitioners waive time. The LAUSD Board may ask District staff and petitioners follow-up questions regarding the recommendation. If the LAUSD Board does so, equivalent time procedures would not apply. Petitioner shall execute all applicable Memoranda of Understanding (MOU) or agreements prior to LAUSD Board action.

### **Criteria for Evaluating New Petitions**

In determining whether to grant or deny a new charter petition, the LAUSD Board shall carefully review the proposed charter application, consider public input, staff's professional judgment, recommendations and reports, and criteria established by law, including the academic needs of pupils the school proposes to serve.<sup>15</sup> A new charter petition shall only be denied if the LAUSD Board makes written factual findings specific to the petition setting forth facts to support that one or more of the following findings exist:

- 1) The charter school presents an unsound educational program for the students to be enrolled in the charter school. (Ed. Code, § 47605(c)(1).)
- 2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (Ed. Code, § 47605(c)(2).)
- 3) The petition does not contain the number of signatures required by Education Code section 47605(a). (Ed. Code, § 47605(c)(3).)
- 4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605(e). (Ed. Code, § 47605(c)(4).)
- 5) The petition does not contain reasonably comprehensive descriptions of the 15 elements in a charter petition. (Ed. Code, § 47605(c)(5).)

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<sup>14</sup> The amount of equivalent time may change subject to LAUSD Board rules and procedures.

<sup>15</sup> See Ed. Code, § 47605(c); see also, Title 5 California Code of Regulations, section 11967.5.1.

- 6) The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code sections 3540-3549.3. (Ed. Code, § 47605(c)(6).)
- 7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Ed. Code, § 47605(c)(7).)
- 8) LAUSD is not positioned to absorb the fiscal impact of the proposed charter school. LAUSD satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in LAUSD satisfying one of these conditions shall be subject to a rebuttable presumption of denial. (Ed. Code, § 47605(c)(8).)

### **1. Sound/Unsound Educational Program**

In evaluating whether a charter petition is consistent with sound educational practice, the District will assess whether the proposed educational program is likely to be of educational benefit to pupils. An unsound educational program, for example, would present a plan that does not meet the needs of all students or presents likelihood of harm to students.<sup>16</sup> LAUSD will consider whether the proposed charter school will meet the diverse educational needs and priorities of all students. The soundness of an educational program will be evaluated to determine, for example:

- If the framework for instructional design is aligned with the needs of all pupils that the charter school has identified as its target student population.
- If the charter school identifies and responds to the needs of pupils who are not achieving at or above expected levels based on state standards.
- If the charter school has an educational plan to meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.
- If the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law

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<sup>16</sup> "Sound educational program" includes factors and guidance promulgated by the State Board of Education. See Title 5 California Code of Regulations, section 11967.5.1.

for special education pupils, and how the school intends to meet those responsibilities, are addressed.

## **2. Likely/Unlikely to Successfully Implement the Program**

In evaluating whether a petitioner is *demonstrably* likely or unlikely to successfully implement the program set forth in the charter petition, the LAUSD Board will assess a variety of factors, including but not limited to:<sup>17</sup>

- Petitioner’s past history of involvement in charter schools or other education agencies (public or private), as one the LAUSD Board would regard as unsuccessful. Examples of findings may include, but are not limited to:
  - Petitioner operated a charter school that has been revoked by a chartering authority
  - Petitioner has a pattern and history of notices to cure, notices of violation, or corrective actions from a chartering authority or a government agency
  - Petitioner operated an educational entity (public or private) that has been cited by a government agency and/or closed down
- Evidence that petitioners are familiar with the content of the petition and the requirements of law that would apply to the proposed charter school. Examples of findings may include, but are not limited to:
  - Lack of knowledge of petition's educational program including serving English learners, students with disabilities, and foster youth
  - Lack of knowledge of annual goals for all pupils and subgroup of pupils proposed to be served
  - Lack of knowledge of the school's governance structure and administration
- The financial and operational plan for the proposed charter school, including the structure for providing administrative services and criteria for selection of contractors.
- Insurance (e.g. general liability, workers’ compensation, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance). Specifically, petitioner must have the required insurance coverage and limits policy endorsing the Los Angeles Unified School District and Board of Education as named additional insureds.
- The types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter. Examples of findings may include, but are not limited to:
  - Proposed school site is not compliant with applicable building codes and other applicable laws

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<sup>17</sup> The policy for "demonstrably unlikely to successfully implement the program" includes factors and guidance promulgated by the State Board of Education. See Title 5 California Code of Regulations, section 11967.5.1.



- Proposed school site does not adhere to program accessibility requirements of federal law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act
- The petitioners' background and experience in areas critical to the charter school's success, including curriculum, instruction, assessment, finance, and the petitioner's plan to secure the services of individuals who have the necessary background and experience in these areas. Examples of findings may include but are not limited to:
  - Petitioner does not have an academic leader or instructional team with experience and knowledge in serving students the charter school proposes to serve, including English learners and students with disabilities
  - Petitioner does not have a financial manager with experience and knowledge in operating educational institutions or financial literacy and knowledge of accounting and finance, which is critical in financial oversight of the organization

### *Charter School Replication*

If an existing LAUSD-authorized charter school operator submits an application for a new charter school to replicate their existing educational model, the charter school operator will submit information required of all applicants as part of the application process. Given that the petitioner has at least one existing school in operation, as part of the evaluation process, LAUSD staff will assess the petitioners' likelihood to succeed in implementing the program set forth in the charter petition based on the school's/organization's record of performance in their existing schools, and assessment of the proposed charter's fiscal and community impact. The following areas will be considered as part of the school's record of performance: student achievement and educational performance; governance and organizational management; fiscal management; school operations; and fulfillment of the charter provisions.

### **3. Required Signatures**

A petition for the establishment of a new charter school must be signed by either of the following:

- (1) A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation; or
- (2) A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Each parent/guardian signature must also include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having their child attend the charter school in its first year of operation or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. (Ed. Code, § 47605(a)(3).) The CSD may follow-up with parent/guardians and/or teachers if questions arise regarding their meaningful interest in the proposed new school.

For an LAUSD operated school that is proposing to convert into a charter school, petitioners may submit the petition to the LAUSD Board after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the LAUSD operated school to be converted. (Ed. Code, § 47605(a)(2).)

#### **4. Affirmations**

A new charter petition must include affirmations that the charter school will:

- Be nonsectarian in its programs, admission policies, employment practices, and all other operations. (Ed. Code, § 47605(e)(1).)
- Not charge tuition. (Ed. Code, § 47605(e)(1).)
- Not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in section 422.55 of the Penal Code, including immigration status. (Ed. Code, § 47605(e)(1); Ed. Code, § 220.)
- Except as provided in Education Code section 47605(e)(2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that school. (Ed. Code, § 47605(e)(1).)
- Admit all pupils who wish to attend Charter School. (Ed. Code, § 47605(e)(2)(A).)
- Except for existing pupils of Charter School, determine attendance by a public random drawing if the number of pupils who wish to attend Charter School exceeds Charter School's capacity. Preference shall be extended to pupils currently attending Charter School and pupils who reside in LAUSD. (Ed. Code, § 47605(e)(2)(B).)
- If a pupil is expelled or leaves Charter School without graduating or completing the school year for any reason, Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. (Ed. Code, § 47605(e)(3).)
- Meet all statewide standards and conduct the pupil assessments required pursuant to Education Code sections 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools. (Ed. Code, § 47605(d)(1).)
- Consult, on a regular basis, with Charter School's parents, legal guardians, and teachers regarding the school's educational programs. (Ed. Code, § 47605(d)(2).)
- Charter School hereby declares that Charter School, operated as or by its nonprofit public benefit corporation, is and shall be the exclusive public school employer of Charter School's employees for the purposes of the Educational Employment

Relations Act (“EERA”), Chapter 10.7 (commencing with Section 3540) of Division 4 of Title I of the Government Code. Charter School shall comply with all provisions of the EERA and shall act independently from LAUSD for collective bargaining purposes. In accordance with the EERA, employees may join and be represented by an organization of their choice for collective bargaining purposes.

Neither the charter, nor any of the supporting document, shall include any evidence that the charter will fail to comply with the affirmations described in Education Code section 47605(d).

## **5. Reasonably Comprehensive Descriptions**

A new petition must contain a reasonably comprehensive description of each of the 15 elements required by Education Code section 47605(c)(5). Reasonably comprehensive descriptions are expected to be substantive, address all aspects of the elements, and be specific to the petition being proposed.<sup>18</sup>

The 15 required elements of a charter petition are as follows:

- **Element 1 - The Educational Program:** “(i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. (ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals. (iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A to G” admissions criteria may be considered to meet college entrance requirements.” (Ed. Code, § 47605 (c)(5)(A).)
- **Element 2 - Measurable Student Outcomes:** “The measurable pupil outcomes identified for use by the charter school. ‘Pupil outcomes,’ for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. Pupil outcomes shall include outcomes that address increases

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<sup>18</sup> The policy for “reasonably comprehensive” includes factors and guidance promulgated by the State Board of Education. See Title 5 California Code of Regulations, section 11967.5.1.

in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.” (Ed. Code, § 47605(c)(5)(B).)

- **Element 3 - Method by Which Student Outcomes will be Measured:** “The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for the state priorities shall be consistent with the way the information is reported on a school accountability report card.” (Ed. Code, § 47605(c)(5)(C).)
- **Element 4 - Governance:** “The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.” (Ed. Code, § 47605(c)(5)(D).)
- **Element 5 - Employee Qualifications:** “The qualifications to be met by individuals to be employed by the charter school.” (Ed. Code, § 47605(c)(5)(E).)
- **Element 6 - Health and Safety:** “The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include all of the following:
  - (i) That each employee of the school furnish the school with a criminal record summary as described in section 44237.
  - (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) and (H), inclusive, of paragraph (2) of subdivisions (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.” (Ed. Code, § 47605(c)(5)(F).)
- **Element 7 - Racial and Ethnic, Special Education, and English Learner Balance:** “The means by which the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.” (Ed. Code, § 47605(c)(5)(G).)
- **Element 8 - Admission Requirements:** “Admission policies and procedures.” (Ed. Code, § 47605(c)(5)(H).)
- **Element 9 - Financial Audits:** “The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.” (Ed. Code, § 47605(c)(5)(I).)
- **Element 10 - Student Expulsions:** “The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reasons. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural requirements that is consistent with all of the following:
  - (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation

of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

- (ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:
    - (I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
    - (II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.
  - (iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii). (Ed. Code, § 47605(c)(5)(J).)
  - **Element 11 - Retirement Programs:** "The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security." (Ed. Code, § 47605(c)(5)(K).)
  - **Element 12 - Attendance Alternatives:** "The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools." (Ed. Code, § 47605(c)(5)(L).)
  - **Element 13 - Employee Rights:** "The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school." (Ed. Code, § 47605(c)(5)(M).)
  - **Element 14 - Dispute Resolution:** "The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter." (Ed. Code, § 47605(c)(5)(N).)
  - **Element 15 - Procedures to be Used if the Charter School Closes:** "The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records." (Ed. Code, § 47605(c)(5)(O).)
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The petition must also include information regarding the proposed operation and potential effects of the charter school, including the facilities to be used, the manner in which the administrative services of the charter school will be provided, and a description of potential liability effects, if any, upon the charter school and upon the school district. (Ed. Code, §47605(g).)

## **6. Declaration Regarding Employment**

The petition must clearly identify whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code sections 3540-3549.3.

## **7. Community Impact Analysis**<sup>19</sup>

Pursuant to Education Code section 47605(c)(7), the LAUSD Board may adopt findings of fact that, “[t]he charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.”

Aligned with the legislative intent of AB 1505,<sup>20</sup> and the LAUSD Board’s policy vision for a unified ecosystem of public education articulated herein, new charter school petitions will

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<sup>19</sup> The analysis pursuant to Ed. Code section 47605(c)(7) is applicable to existing charter schools seeking to expand to add sites and grades. (Ed. Code, §§ 47605 (a)(4) and 47607(a)(3).)

<sup>20</sup> CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O’Donnell, et al.), As Amended September 5, 2019.

[http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201920200AB1505](http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505): “This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district...[AB 1505] allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district...Additionally, [the author’s] intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-

be considered within the context of existing public school choices in communities. This includes consideration of factors that will help the LAUSD Board; determine how best to meet the educational needs of all students, including but not limited to factors such as efforts to increase student achievement;<sup>21</sup> trends in declining/increasing enrollment;<sup>22</sup> effective use of district facilities and resources;<sup>23</sup> and; needs to achieve adequacy of funding for public schools.<sup>24</sup>

### **Community Impact Assessment**

To assist in the determination whether the proposed new charter school is demonstrably likely or unlikely to serve the interests of the entire community in which the school proposes to locate, the petitioner must submit a Community Impact Assessment as part of its charter petition application. The Community Impact Assessment will be based on analysis of publicly available information and data (e.g., LAUSD OpenData, LAUSD Unified Enrollment program data, official data from the California Department of Education’s website, etc.). Petitioners shall clearly cite and provide sources for all data and information used to inform assertions in their Community Impact Assessment.

The Community Impact Assessment shall include the following:

a. Identification of the Community for the Proposed Charter School

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on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students.”

<sup>21</sup> “Ensuring Support for Students at All Los Angeles Unified School District Schools” (LAUSD Board of Education, Res-011-19/20)

<sup>22</sup> References on declining enrollment trends, please see <http://laschoolboard.org/sites/default/files/IAU%202019%200213%20Report%20-%20Enrollment%20Decline%20%28CORRECTED%29.pdf> and <https://www.ppic.org/publication/declining-enrollment-in-california-schools-fiscal-challenges-and-opportunities-in-the-coming-decade/>

<sup>23</sup> Board-approved *Facilities Services Division Strategic Execution Plan 2019* [https://www.laschools.org/documents/download/about\\_fsd/sep/2012\\_consolidated\\_strategic\\_execution\\_plan/2019\\_Facilities\\_Services\\_Division\\_SEP.pdf?version\\_id=321808143](https://www.laschools.org/documents/download/about_fsd/sep/2012_consolidated_strategic_execution_plan/2019_Facilities_Services_Division_SEP.pdf?version_id=321808143); see also, “Exploration of Potential Opportunities to Realign Administrative and Operational Support Facilities” (LAUSD Board of Education Report 373-19/20)

<sup>24</sup> “Strategic Planning for Adequate Funding of Public Education in Los Angeles” (LAUSD Board of Education, Res-014-18/19); and “Building Support for Our School Communities: Increasing Equity and Access for Schools and Parents by Growing Parent Organizations and Schools” (LAUSD Board of Education, Res-015-19/20); and “Local Communities Funding Act of 2020” (LAUSD Board of Education, Res-028-19/20)

For purposes of this Policy and Procedures, a “community” includes all public schools (District and charter), serving similar grade levels as the proposed new charter school, and families and individuals who reside, work, and/or are served in the identified geographical area. The identified geographical area will be based on LAUSD Community of Schools<sup>25</sup> and neighborhoods within a three-mile radius from the location identified by the petitioners of the proposed new charter school. Thus, petitioners will consider the existing District and charter schools operating within the Community of Schools and three-mile radius.

b. Evidence of Community Engagement

Petitioners must provide documented evidence of transparent, inclusive, and active community engagement activities with parents in the community, existing public schools, neighborhood councils, community-based organizations, and elected representatives within the targeted community in which the proposed new charter school seeks to locate. These may include, but are not limited to, Local District and Community of Schools leadership and LAUSD Board of Education member(s). Petitioners should use various communication media to reach diverse constituencies, and provide a record of outreach efforts and audiences reached (e.g. multilingual notices, materials, meeting agendas, sign-in sheets, etc.).

c. Impact to Existing Services, Academic Offerings or Programmatic Offerings

To help determine the extent to which the proposed new charter school substantially undermines existing services, academic offerings, or programmatic offerings in a community, the petitioner shall assess the current state of enrollment and space capacity of the District schools and charter schools in the community. The funding formula for TK/K-12 schools in California is highly dependent on Average Daily Attendance (ADA), and resources are critical to any school’s ability to implement its programs for the benefit of students. Thus, the petitioner’s assessment of the community impact of its petition must consider the enrollment trends of the existing District schools and charter schools in the community. The enrollment trend analysis will include whether District and charter schools in the community are at, under, or over their enrollment target or capacity. This analysis will help inform a need for a new school and the financial viability of the proposed school, as well as impacts to existing services, academic offerings or programmatic offerings (e.g., English Learner instruction, hands-on science, music, and theater).<sup>26</sup> If the petitioner submits an application for a new charter school in a community in which under-enrollment among existing District

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<sup>25</sup> In general terms, a Community of Schools is a group of schools from Pre-K through 12th grade an identified by the District that is centered around a neighborhood, working to support students, school, and families in the community and/or school feeder patterns. Constructs such as school feeder patterns, Zones of Choice, and/or other operative District terms may be considered, as programmatic updates occur.

<sup>26</sup> CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), As Amended September 5, 2019.

[http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201920200AB1505](http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505).



schools and/or charter schools is prevalent, this factor may constitute a significant fact in finding the proposed new charter school has a substantially undermining effect.

The petitioner must also describe how its facilities plan serves the interests of the entire community. Staff will review the petitioner's facilities plan, including, but not limited to, steps the petitioner has taken toward researching and/or securing facilities, private facilities options available to the petitioner, and whether the petitioner intends to submit a request for use of District facilities pursuant to Education Code section 47614 (Proposition 39). A petitioner's stated intention to use District facilities pursuant to Proposition 39, by itself, will not be deemed against the entire community's interest, but the petitioner shall include detailed information and analysis regarding the specific District school site(s) where the petitioner wishes to locate.

Regardless of whether the facilities plan identifies any private or public site(s), the petitioner must include a specific description, with supporting documentation, of each identified site's ability to accommodate the petitioner's in-district classroom average daily attendance (ADA) projection in its first year of operation and each subsequent year until reaching full enrollment capacity. The petitioner shall provide written evidence of its facilities research in the target community, including, but not limited to, the specific address of any private or public site(s); the extent to which site(s) is/are approved for the specific use in accordance with requirements of applicable building authorities, applicable laws, and expectations set forth in this Policy and Procedures; and the petitioner's capacity and resources to address any construction related activities or other facilities improvements required to prepare the site(s) for use by the petitioner within a specified timeframe.

District staff will analyze the foregoing when considering community impacts of the petitioner's facilities plan, as well as additional factors, including, but not limited to, the challenges of the District sharing space with the petitioner that may limit use of science labs, music rooms, and computer labs; and other impacts on the ability of existing schools in District facilities to fully implement their programs.

The District will also consider current academic performance levels of existing District and charter schools as relevant factors for students and families exercising educational choice, and whether a new charter school is justified to meet the academic needs of pupils the school proposes to serve and to support increased student achievement in a community. To assess current academic performance levels of the existing District and charter schools in the target community which serve similar grade levels as the proposed school, the District will use the California School Dashboard indicators which include the Academic Performance Indicators (English Language Arts, Mathematics, English Learners Progress, and College/Career), the Academic Engagement indicators (Chronic Absenteeism and

Graduation Rate), and the Conditions and Climate indicator (Suspension Rate).<sup>27</sup> For each existing District and charter school in the target community, their performance level for each indicator (school-wide and for each numerically significant subgroup served), as applicable, will be compared to the State averages.

d. Duplicating Existing Programs and Sufficient Capacity

The petitioner shall assess the duplication of existing programs currently offered by existing District schools and charter schools in LAUSD as a whole.<sup>28</sup> The petitioner's assessment should consider how its proposed program would duplicate the current program offerings by existing District schools and charter schools. The abovementioned enrollment trend analysis will also inform the extent to which existing District programs (and charter schools) have sufficient capacity to serve the students in the proposed location.

When assessing the level of duplications and program capacity, the District will consider levels of academic performance of existing District and charter schools in the District, as well as additional relevant factors in its analysis and consideration.

### **District Analysis**

District staff will examine the reasonableness and comprehensiveness of the petitioner's Community Impact Assessment pursuant to this section (and in the District's new petition application materials). Moreover, staff will also analyze the impact of the proposed new charter school to existing District schools, and to the extent practicable, existing charter schools, in the proposed community. This may include but is not limited to impacts of birth rates, number of school-aged students, and migration in the community of interest, as data are available.

#### *Fiscal Impact to the Community*

The District will assess the extent to which a new charter school has a fiscal impact to existing District public schools in the community identified by a petitioner. District staff's evaluation of the fiscal impact of a new petition will include, but not be limited to, the following factors:<sup>29</sup>

- Analysis of estimated total revenue losses for existing District schools

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<sup>27</sup> Comparative performance data metrics may be adjusted to align with measures set forth by the District in response to "Ensuring Support for Students and All Los Angeles Unified District Schools" (LAUSD Board of Education, Res-011-19/20).

<sup>28</sup> Pursuant to the law, this analysis applies to District-wide offerings though the specific assessment with the identified community as defined above is relevant to consider "reasonable proximity."

<sup>29</sup> See CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), As Amended September 5, 2019

- Review of estimated impacts to staff positions for the District's services and programs (e.g., norm-based, custodial positions, teachers, and other school staff) that support the District's schools in the proposed community (e.g. use of the Electronic School Enrollment Forecast Process (E-CAST) information or the Norm Day enrollment information, whichever is the most current)

If the petitioner submits an application for a new charter school in which there is deemed a substantive fiscal impact to existing District schools in the proposed community, this factor may constitute a fact and circumstance in support of a finding leading to the denial recommendation of the petition.

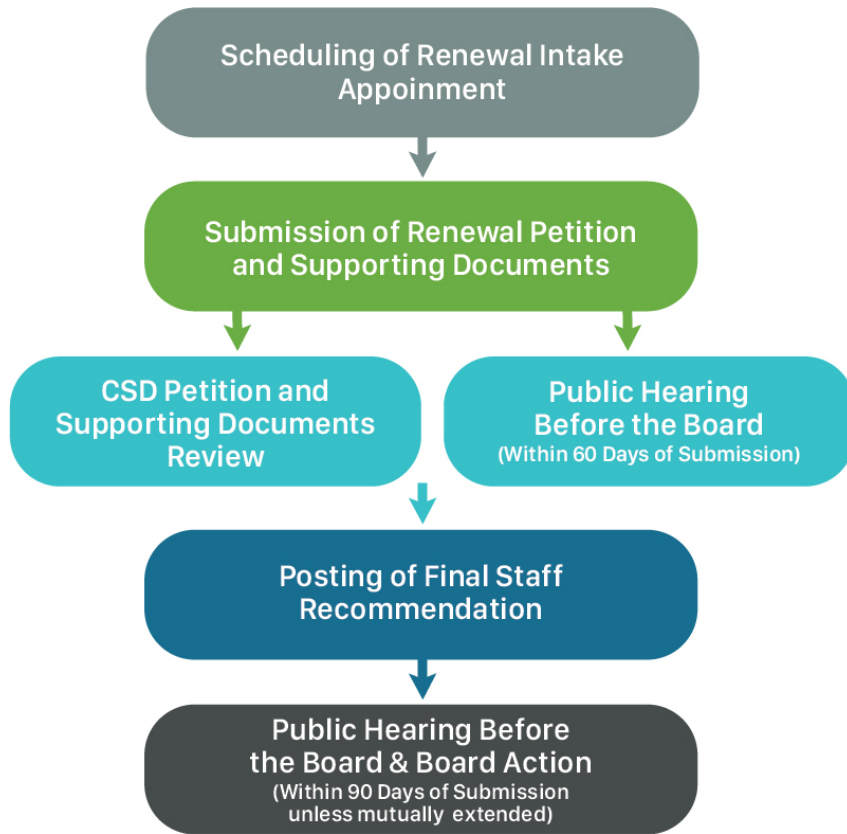
The LAUSD Board of Education, in its sole discretion, may consider additional relevant factors in its analysis and consideration of grounds for denial in this section. Petitioners may present additional information for consideration in the Community Impact Assessment, including but not limited to information pertaining to the needs and achievement of historically underserved students (e.g. Foster Youth, English Learners, Socioeconomically Disadvantaged students, etc.), and the proposed allocation of resources and/or investments to improve student outcomes. Petitioners are encouraged to cite and address the District's goals and/or priority areas. The District will invite (but not require) each existing District and charter school in the target community to provide input prior to/at the public hearing regarding the impact of the proposed new charter school.

If a new charter school is approved by the LAUSD Board and subsequently seeks to locate in a community different from the community the charter school was originally authorized to serve, the charter school operator must submit a material revision for approval with an updated Community Impact Assessment prior to a change in location. District will also analyze fiscal impact to existing District schools in the community in which the existing charter school seeks to move to or locate. Please see the section regarding material revisions for additional information on the submission process.

## **8. LAUSD-Wide Fiscal Impact**

The Board of Education shall make a finding that the District is not positioned to absorb the fiscal impact of the proposed charter school if the District either has a qualified interim certification or would have a negative interim certification pursuant if approving the charter school (as verified by the county superintendent of schools, in consultation with the Fiscal Crisis and Management Assistance Team, pursuant to Section 1240), or the District is under state receivership.

## B. RENEWAL PETITIONS



### Resources for Petitioners

Petitioners should review the resources for petitioners on the CSD website (e.g., Independent Charter School Renewal Petition Application Guide, Renewal Petition Application Intake Checklist, and FSDRL) to gain a clear understanding of the required elements and the information needed in the renewal petition application material that satisfies the statutory requirements of Education Code sections 47605, 47607, and 47607.2.

### Renewal Application Review Process and Timelines

#### 1. Pre-submission and Scheduling of Intake

A charter school wishing to submit a renewal petition shall notify the CSD administrator assigned to the school during the final year of the term of the charter and coordinate the logistics of submission, including but not limited to, scheduling an intake appointment and a review of necessary documentation.

## **2. Submission of Renewal Petition to the District**

Renewal petition applications must be submitted in the final school year of the charter term. Due to the volume of agenda items for each LAUSD Board meeting and CSD staff capacity, LAUSD has established a target windows schedule (“target windows”) for the submission of petitions. Once the LAUSD Board adopts a schedule for board meeting dates in a given school year, the CSD will post the target windows for petition submission. CSD staff will arrange an Intake Appointment with petitioners within the target windows. The target windows ensure that LAUSD has adequate time and capacity to effectively and meaningfully consider and process each new petition.

CSD will conduct an intake to determine if the petition is complete. At the intake appointment with CSD staff, petitioners must complete and submit the renewal petition application packet (see Charter School Renewal Petition Application Intake Checklist on the CSD website), including a signed Certification of Completeness in order for the LAUSD Board to deem the renewal petition received for purposes of triggering the timelines described in this section. The petition and supporting documents must also be consistent with the LAUSD FSDRL. When the petitioners submit in accordance with the target windows, staff will utilize official data (and any appropriate verified data) available during the time of review to inform its recommendation. Staff engages in the revision process with petitioner, if applicable. Staff will not engage in the revision process if the charter school has not met renewal criteria. Petitioners are encouraged to submit the renewal petition once the latest California School Dashboard (“Dashboard”) data and the CDE’s list of charter school performance classifications (e.g., “high,” “middle,” and “low”) are available.

The CSD will review the Dashboard data, along with other relevant verified data as part of the renewal analysis. If the CSD’s holistic analysis of the charter school indicates possible low performance in any key areas of academics, operations, governance, facilities and/or fiscal operations, a written plan for improvement (adopted by the charter school’s governing body) will be required. Petitioners should make every effort to resolve any outstanding issues in advance of submitting a renewal application and plan their submission accordingly.

A charter school that is considering revisions to its approved charter concurrent with the renewal should contact the assigned CSD administrator in advance of submitting a renewal petition. While a request for a material revision may be submitted at the same time as a renewal petition, the renewal petition and the request for a material revision will be separately reviewed and recommended for LAUSD Board action, consistent with applicable law.

## **3. Public Hearing Before the LAUSD Board of Education**

Within 60 days of receipt of the renewal petition, the LAUSD Board shall hold a public hearing to afford the LAUSD Board the opportunity to consider the level of support for the renewal petition by teachers employed by LAUSD, other employees of LAUSD, and parents, as directed by Education Code section 47605(b).

#### **4. Superintendent's Recommendation to LAUSD Board and Public Posting**

The CSD will evaluate the renewal petition in accordance with the criteria specified in the Charter Schools Act. Please refer to the "Criteria for Renewal and Grounds for Nonrenewal" section of this Policy and Procedures for guidance on what factors the CSD and Superintendent will consider in determining whether to make an approval or denial recommendation to the LAUSD Board. The Superintendent, in consultation with the CSD, will make a recommendation to the LAUSD Board regarding the renewal petition. The CSD will publish the Superintendent's recommendation, and any written findings required to support the recommendation, at least 15 calendar days prior to the LAUSD Board meeting at which it will act on the renewal petition. (Ed. Code, § 47605(b).)

#### **5. LAUSD Board Public Hearing and LAUSD Board Action to Grant or Deny the Renewal Petition**

Within 90 days of receipt of the renewal petition, the LAUSD Board shall hold a public hearing at which it will either grant or deny the renewal petition. The LAUSD Board may approve a renewal petition with or without conditions and/or benchmarks. The charter school and LAUSD may mutually agree to extend the timeline by an additional 30 days.

Petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. (Ed. Code, §47605(b).) District staff and petitioners will have three minutes each to make a presentation for items placed on discussion.<sup>30</sup> Either District staff or petitioner may forego providing a presentation to the LAUSD Board. Items placed on the consent agenda would not necessitate the provision of equivalent time to petitioners since District staff will not be making a presentation. Denial recommendations will not be placed on the consent agenda and petitioners will have three minutes to make a presentation, unless petitioners waive. The LAUSD Board may ask District staff and petitioners follow up questions regarding the recommendation. If the LAUSD Board does so, equivalent time procedures would not apply.

Petitioners are expected to sign and execute any Memoranda of Understanding (MOU) and/or agreements prior to LAUSD Board action, if applicable.

#### **Criteria for Renewal and Grounds for Nonrenewal**

A charter school approaching the end of its current charter term must have demonstrated that it is eligible for a renewal of its charter by meeting specific renewal criteria outlined in the Charter Schools Act. The renewal criteria prescribed in Education Code sections 47607 and 47607.2 requires a three-pronged analysis:

- **Criterion 1:** Does the renewal petition include a sound educational program, a reasonably comprehensive description of the 15 elements required for petitions, an

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<sup>30</sup> The amount of equivalent time may change subject to LAUSD Board rules and procedures.

affirmation of each of the conditions described in Education Code section 47605(e), and are petitioners likely to successfully implement the program set forth in the petition? (Ed. Code, § 47607(b).)

- **Criterion 2:** Is the charter school “high,” “middle,” or “low” performing? (see Ed. Code, §§ 47607(c), 47607.2(a), and 47607.2(b).) Has the charter school attained measurable increases in academic achievement schoolwide and for numerically significant subgroups served by the charter school, and does the charter school have strong postsecondary outcomes, if applicable?
- **Criterion 3:** Are the charter school’s enrollment or dismissal practices discriminatory, or does the charter school have substantial fiscal or governance issues? (Ed. Code, § 47607(e).)

The criteria for renewal establish transparent expectations for charter school performance that apply to charter schools both during the renewal review process and throughout the term of the charter. The CSD will holistically evaluate charter schools through the lens of the criteria for renewal over the term of the charter and through the CSD’s processes for ongoing oversight. A charter school should also conduct its own assessment on an ongoing basis to monitor performance and make improvements. During the final year of the charter term, the CSD communicates with each charter school regarding its progress toward renewal and any concerns that LAUSD has at that time that the charter school should address prior to renewal. Therefore, a charter school approaching renewal should have a clear understanding of its status regarding renewal eligibility.

### **1. Criterion 1**

The Charter Schools Act provides that renewals are governed by the standards and criteria described in Education Code section 47605 applicable to initial petitions. The first criterion considered in reviewing a renewal petition requires an analysis of the following:

- Whether the petition includes a sound educational program;
- Whether the petition contains a reasonably comprehensive description of the 15 elements required for petitions;
- Whether the petition contains an affirmation of each of the conditions described in Education Code section 47605(e); and
- Whether the charter school is likely to successfully implement the program set forth in the petition. Education Code section 47607(b) provides that renewals are governed by the standards and criteria described in section 47605 applicable to initial petitions. (The LAUSD Board may not consider the community impact analysis or District fiscal analysis in determining whether to grant or deny a renewal petition).

While Criterion 1 is similar to the criteria for a new petition, there is more information and data regarding past performance since the initial petition for a charter school was granted. Thus, soundness of the educational program and capacity for implementation are assessed through the past performance of the existing charter school as indicators of likely future

performance, including any applicable benchmarks that have been established. The LAUSD Board will examine the charter school's record in four key areas of charter school performance:

- 1) Governance
- 2) Student Achievement and Educational Performance
- 3) Organizational Management, Programs and Operations
- 4) Fiscal Operations

As part of its analysis, the LAUSD Board of Education will assess the extent to which charter school governing board members and staff have successfully implemented the terms of their charter, addressed deficiencies, and demonstrated capacity to continue to do so in the future based on evidence of past performance.

## **2. Criterion 2**

The LAUSD Board is required to consider the charter school's performance on the California School Dashboard accountability indicators. Education Code sections 47607 and 47607.2 prescribe three-tiers of performance classification in which a charter school falls within one of the following categories - "high," "middle," or "low." The state will publish an annual list of charter schools and their performance classification.<sup>31</sup>

The three-tier classification considers a charter school's performance on the California School Dashboard accountability indicators, with an emphasis on the measurements of academic performance. "Measurements of academic performance" refers to the state indicators included on the California School Dashboard that are based on statewide assessments in the California Assessment of Student Performance and Progress System (CAASPP), or any successor system, English Learner Progress Indicator (ELPI), or any successor system, and the College/Career Indicator (CCI). A charter school submitting a renewal petition must include in its application all evidence and data related to the charter school's performance on the California School Dashboard.

If the California School Dashboard indicators are not yet available for the most recently completed academic year before renewal, LAUSD shall consider verifiable data provided by the charter school related to the California School Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Ed. Code, § 47607(c)(6).) If data is unavailable for the most recently completed academic year before renewal, the CSD will consider available data for the preceding years during the term of the charter.

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<sup>31</sup> In the event the state does not publish a list, staff will analyze available data (Dashboard indicators, statewide averages, or verified data) to determine a charter school's performance classification as part of the renewal analysis.



Charter schools designated as Dashboard Alternative School Status (“DASS”) will work with LAUSD to establish renewal targets locally. (Ed. Code, § 47607(c)(7).) Pursuant to CDE guidance, DASS charter schools' renewal criteria will be based on:

- California School Dashboard (Dashboard) state and local indicator data, and
- Performance on alternative metrics, based on the student population served, as agreed upon with the authorizer during the first year of the charter school’s term.
  - If renewed, the term shall be for five years

DASS schools will not be included in the California Department of Education's AB 1505 data file.

The chart below provides a general overview of renewal criteria for reference.

High Performing Schools	Middle Performing Schools	Low Performing Schools
<p><b>SHALL NOT DENY RENEWAL</b> for a charter school that for two consecutive years immediately preceding renewal either [Pursuant to Senate Bill (SB) 98, if two consecutive years immediately preceding renewal decision include 2019-20 school year, chartering authority shall not deny renewal for a charter school if either of the following apply for 2 of the 3 years immediately preceding renewal]:</p> <ol style="list-style-type: none"> <li>1. Scored green or blue schoolwide on all state indicators on the California School Dashboard;</li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>2. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average, AND for a</li> </ol>	<p>Charter schools not satisfying the “high performing” or “low performing” criteria should be evaluated under this column.</p> <ol style="list-style-type: none"> <li>1. Shall consider schoolwide performance and performance of all subgroups on the California School Dashboard, and shall provide “greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.”</li> <li>2. Shall also consider clear and convincing evidence, demonstrated by verified data, showing either:                             <ol style="list-style-type: none"> <li>a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school;</li> </ol> </li> </ol>	<p><b>SHALL NOT RENEW</b> a charter school that for two consecutive years immediately preceding renewal either [Pursuant to Senate Bill (SB) 98, if two consecutive years immediately preceding renewal decision include 2019-20 school year, chartering authority shall not renew charter if either of the following apply for 2 of the 3 years immediately preceding renewal]:</p> <ol style="list-style-type: none"> <li>1. Scored red or orange schoolwide on all state indicators on the Dashboard;</li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li>2. For all measurements of academic performance, received performance levels schoolwide that are the same or lower than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received performance</li> </ol>

<p>majority of subgroups performing statewide below the state average in each respective year, received levels performance that are higher than the state average.</p>	<p style="text-align: center;">OR</p> <p><b>b.</b> Strong postsecondary outcomes equal to similar peers.</p>	<p>levels that are lower than the state average.</p>
<hr/> <p>For charter schools satisfying the criteria in this column:</p> <ul style="list-style-type: none"> <li>- 5 to 7-year renewal term</li> <li>- Only required to update petition to include reasonably comprehensive description of any new requirements, and as necessary to reflect the current program offered by the charter school</li> <li>- Charter schools eligible for technical assistance not eligible for renewal under this column</li> </ul>	<p><b>MAY DENY ONLY</b> upon making written findings that:</p> <ol style="list-style-type: none"> <li><b>1.</b> The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school;</li> </ol> <p style="text-align: center;">AND</p> <ol style="list-style-type: none"> <li><b>2.</b> The closure is in the best interest of the pupils;</li> </ol> <p style="text-align: center;">AND</p> <ol style="list-style-type: none"> <li><b>3.</b> If applicable pursuant to (1) and (2) above, its decision provided greater weight to the performance on measurements of academic performance.</li> </ol>	<p>However, <b>MAY RENEW ONLY</b> upon making <b>BOTH</b> of the following written factual findings:</p> <ol style="list-style-type: none"> <li><b>1.</b> The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school;</li> </ol> <p style="text-align: center;">AND</p> <ol style="list-style-type: none"> <li><b>2.</b> There is clear and convincing evidence, demonstrated by verified data, showing either:             <ol style="list-style-type: none"> <li><b>a.</b> The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school;</li> </ol> </li> </ol> <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> <li><b>b.</b> Strong postsecondary outcomes equal to similar peers.</li> </ol>
<hr/> <p>For charter schools satisfying the renewal criteria in this column-</p> <ul style="list-style-type: none"> <li>- 5-year renewal term</li> <li>- Verified data considered for the next two subsequent renewals until January 1, 2026</li> </ul>	<hr/> <p>For charter schools satisfying the criteria in this column-</p> <ul style="list-style-type: none"> <li>- 2-year renewal term</li> <li>- Verified data considered until June 30, 2025 for a school operating on or before June 30, 2020 for the next two subsequent renewals</li> </ul>	<hr/> <p>For charter schools satisfying the criteria in this column-</p> <ul style="list-style-type: none"> <li>- 2-year renewal term</li> <li>- Verified data considered until June 30, 2025 for a school operating on or before June 30, 2020 for the next two subsequent renewals</li> </ul>

a. High Performing Schools

A charter school may qualify for renewal under the high performing renewal criteria pursuant to Education Code section 47607(c)(2)(A) if either of the following apply for the two consecutive years immediately preceding renewal. Pursuant to Senate Bill (SB) 98, if two consecutive years immediately preceding renewal decision include 2019-20 school year, chartering authority shall not deny renewal for a charter school if either of the following apply for 2 of the 3 years immediately preceding renewal.

- 1) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels; or
- 2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups<sup>32</sup> performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

To qualify for renewal under #1, the charter school must have schoolwide performance levels on at least two measurements of academic performance per year in each of the two years immediately preceding renewal. (Ed. Code, § 47607(c)(2)(B).)

To qualify for renewal under #2, the charter school must have performance levels on at least two measurements of academic performance for at least two numerically significant subgroups. (Ed. Code, § 47607(c)(5).)

Charter schools satisfying the high performing renewal criteria may be renewed for a term of 5 to 7 years. (Ed. Code, § 47607(c)(2)(E).) The determination of whether a high performing charter school will be renewed for a five-year, six-year, or seven-year term will depend on specific factors related to the charter school's operation and performance during the term of the charter including, but not limited to, the following:

- Operational and governance performance, including scores of Accomplished (4) and/or Proficient (3) on the Annual Performance-Based Oversight Visit Report in Governance and Organizational Management, Programs and Operations for the previous two years, and no significant unresolved issues, including but not limited to Notices to Cure;
- A demonstrated track record of successful academic performance, including scores of Accomplished (4) and/or Proficient (3) on the Annual Performance-Based Oversight Visit Report in the area of Student Achievement and Educational Performance for the previous two years;

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<sup>32</sup> "Subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

- Additional academic considerations (i.e. numerically significant subgroup performance);
- Equity and access for families and pupils;
- School culture and climate; and
- Fiscal condition and management, including scores of Accomplished (4) and/or Proficient (3) on the Annual Performance-Based Oversight Visit Report in the area of Fiscal Operations for the previous two years.

A charter school satisfying the high performing renewal criteria is only required to update its charter to include a reasonably comprehensive description (including FSDRL) of any new requirements enacted into law after the charter was originally granted or last renewed as necessary to reflect the current program offered by the charter school. (Ed. Code, § 47607(c)(2)(F).) In addition, a high performing charter school will describe, in its renewal charter submission, the manner in which the school will share promising practices of the charter school with other traditional and charter public schools serving similar grade levels.

Charter schools qualifying for technical assistance pursuant to Education Code section 47607.3 are not eligible for renewal under the high performing renewal criteria. Charter schools qualifying for technical assistance pursuant to Education Code section 47607.3 are only eligible for renewal under the middle or low performing criteria. (Ed. Code, § 47607(c)(2)(C).)

b. Low Performing Schools

A low performing school shall not be renewed. (Ed. Code, § 47607.2(a)(1).) A charter school is considered low performing school if it satisfies either of the following for the two consecutive years immediately preceding renewal [Pursuant to Senate Bill (SB) 98, if two consecutive years immediately preceding renewal decision include 2019-20 school year, chartering authority shall not renew charter if either of the following apply for 2 of the 3 years immediately preceding renewal]:

- 1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels; or
- 2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

However, the LAUSD Board may renew a low performing charter school if it makes both of the following written factual findings:

- 1) The charter school is taking meaningful steps to address the underlying cause(s) of its low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; and
- 2) Until June 30, 2025, the Board shall consider whether there is clear and convincing data, demonstrated by verified data, showing either of the following:
  - a. The charter school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school, or
  - b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.  
(Ed. Code, §47607.2 (a)(4)).

“Verified data” means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. The LAUSD Board shall only consider verified data adopted by the State Board of Education pursuant to Education Code section 47607.2(c). Until such time that the State Board of Education adopts a pupil-level academic growth measure, for the purposes of this Policy and Procedures, the District defines “one year’s progress” as growth in achievement in ELA and Math from one academic year to the next. The District's expectation is that a charter school demonstrates either the same or higher growth levels as schools serving similar student populations, for each year of the charter school's current term of the charter (e.g., seven-year, six-year, five-year, or two-year term).<sup>33</sup> Charter schools submitting verified data for this purpose must provide a clear explanation as to its alignment with the requirements herein.

Until such time that the State Board of Education provides postsecondary outcome data, charter schools may submit verified data specific to college enrollment, persistence, and completion rates, equal to similar peers, at the time of the submission of the renewal petition.

A low-performing charter school may only be renewed for a two-year term. (Ed. Code, § 47607.2(c)(6).) Charter schools that are renewed for two years shall submit its renewal application after obtaining two years' additional performance data provided by the State.

c. Middle Performing Schools

For all charter schools that do not meet the above-referenced high performing or low performing criteria, the LAUSD Board shall consider the charter school under middle performing criteria. (Ed. Code, § 47607.2(b)(1).) Charter schools satisfying the middle performing criteria may be renewed for a five-year term. (Ed. Code, § 47607.2(b)(7).) However, upon making specific factual findings, the LAUSD Board may deny the renewal petition.

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<sup>33</sup> This methodology is based on LAUSD's School Information+ platform <https://laschoolinfo.coredistricts.org/>.

Pursuant to Education Code section 47607.2(b), the LAUSD Board shall consider the following:

- 1) The schoolwide performance and performance of all subgroups of pupils served by the charter school on both the state and local indicators on the California School Dashboard;
- 2) The LAUSD Board shall provide greater weight to the performance on measurements of academic performance on the California School Dashboard;
- 3) Until January 1, 2026, the LAUSD Board shall also consider clear and convincing evidence, demonstrated by verified data, showing either of the following:
  - a. The charter school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school, or
  - b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers

Beginning January 1, 2026, and unless stated otherwise in the law, the LAUSD Board shall only consider numbers 1 and 2, above.

Until such time that the State Board of Education adopts a pupil-level academic growth measure, for the purposes of this Policy and Procedures, the District defines "one year's progress" as growth in achievement in ELA and Math from one academic year to the next and will measure progress using the growth metric showing student learning from the District's School Information+ system, for which charters shall be encouraged to provide data. The District's expectation is that a charter school demonstrates either the same or higher growth levels as schools serving similar student populations, for each year of the charter school's current term of the charter (e.g., seven-year, six-year, five-year, or two-year term).<sup>34</sup> Charter schools submitting verified data for this purpose must provide a clear explanation as to its alignment with the requirements herein.

Until such time that the State Board of Education provides postsecondary outcome data, charter schools may submit verified data specific to college enrollment, persistence, and completion rates, equal to similar peers, at the time of the submission of the renewal petition.

The LAUSD Board may deny a renewal petition satisfying the middle performing criteria pursuant to section 47607.2(b) upon making each of the following written factual findings:

- 1) The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school;
- 2) The closure of the charter school is in the best interest of the pupils; and,

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<sup>34</sup> This methodology is based on LAUSD's School Information+ platform <https://laschoolinfo.coredistricts.org/>.

- 3) The decision provided greater weight to the performance on the measurements of academic performance.
  - a. When determining whether to deny a renewal petition under prong 1 or 2, LAUSD will consider the full oversight record of the charter school, providing greater weight to performance on the measurements of academic performance. This consideration will include a comparison to Resident Schools' performance on the measurements of academic performance (e.g. reclassification rates, Long-term English Learner (LTEL) rates, and percentage of students Met or Exceeded Standards as measured on the California Assessment of Student Performance and Progress (CAASPP) as compared to the state averages, California School Dashboard data, four-year cohort graduation rates). A list of Resident Schools is generated, based on students' addresses as reported in CALPADS. For schools within an LAUSD "Zone of Choice," all the schools that the students could have potentially attended will be used to calculate a Resident Schools Median.<sup>35</sup>

### **3. Criterion 3**

Notwithstanding Criterion 1 and 2, the LAUSD Board will also consider whether the charter school's enrollment or dismissal practices are discriminatory as grounds for nonrenewal. (Ed. Code, § 47607(e).) Additionally, the LAUSD Board shall consider whether the charter school has substantial fiscal or governance factors as grounds for nonrenewal. (Ed. Code, § 47607(e).)

Specifically, the LAUSD Board may deny renewal of any charter petition, regardless of whether the charter school satisfies the high, middle, or low performing criteria, upon a finding that either:

- 1) The charter school is demonstrably unlikely to successfully implement the program set forth in the renewal petition due to either:
  - a) Substantial fiscal factors, or
  - b) Substantial governance factors.

Substantial fiscal factors may include, but are not limited to, issues related to the charter school's fiscal solvency, mismanagement of funds, cash flow concerns, or outstanding financial liabilities owed to the District and/or others (e.g., contractual obligations, judgments/settlements, unpaid bills or debts, fee-for-service arrangements, facilities-related costs, Prop. 39 over-allocated space reimbursements, etc.).

Substantial governance factors may include, but are not limited to, issues related to the retention of faculty (such as school leadership and teachers) which rise to the level of

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<sup>35</sup> LAUSD may also consider a list of (demographically) similar schools if and when an appropriate methodology is determined for the purpose of charter renewal.

disruption of delivery of educational programs; conflicts of interest; or, violations of the Brown Act or California Public Records Act.

- 2) The charter school is not serving the pupils who wish to attend.

Upon a finding that the charter school is not serving the pupils who wish to attend, LAUSD must identify evidence supporting this finding, including aggregate data reflecting pupil enrollment patterns at the charter school. (Ed. Code, § 47607(d).)

Prior to a nonrenewal determination pursuant to number 1 or 2 noted above, LAUSD shall provide the charter school with at least 30 days' notice of the alleged violation and provide the charter school with a reasonable opportunity to cure the violation, including providing an opportunity for the charter school to present a proposed corrective plan. (Ed. Code, § 47607(e).) After providing notice of the alleged violation and reasonable opportunity to cure the violation, the LAUSD Board may deny a renewal petition if it finds that either:

- 1) The corrective action proposed by the charter school has been unsuccessful, or
- 2) The violations are sufficiently severe or pervasive as to render a corrective action plan unviable.

## C. APPEALS

If the LAUSD Board denies a petition for the establishment of a new charter school or a renewal petition (collectively referred to as "petition" for purposes of this section), the petitioner has a right to appeal that decision. (Ed. Code, §§ 47605 and 47607).

### 1. Appeal to the Los Angeles County Board of Education

If the LAUSD Board denies a petition, the petitioner may appeal the denial to the Los Angeles County Board of Education ("LACBOE"). (Ed. Code, § 47605(k)(1)(A)(i).) By appealing to the LACBOE, the petitioner requests that the petition be approved and that the LACBOE become the chartering authority.

The petitioner must submit the petition to the LACBOE within 30 days of the LAUSD Board decision to deny the petition. At the time petitioner submits the appeal to the LACBOE, the petitioner shall provide a copy of the petition to the CSD. The petition submitted on appeal shall not contain new or different material terms. "Material terms" means the signatures, affirmations, disclosures, documents, and descriptions described in Education Code section 47605, subdivisions (a) through (c) and (h). (Ed. Code, § 47605(k)(1)(A)(ii).) LACBOE will review the petition pursuant to Education Code section 47605(k)(1).



If the LACBOE remands the petition to LAUSD for reconsideration because the petition contains new or different material terms, the LAUSD Board shall grant or deny the petition within 30 days after the LAUSD Board has received the remanded petition from the LACBOE. The LAUSD Board is deemed to have received the remanded petition from the LACBOE once receipt of the remanded petition has been placed on the agenda for an LAUSD Board meeting following the LACBOE's remand.

Within 30 days of receipt of the remand, the LAUSD Board will take action to either grant or deny the remanded petition. LAUSD will post staff recommendations related to the remanded petition in compliance with the Ralph M. Brown Act.

If the LAUSD Board denies a petition after reconsideration on remand, the petitioner may elect to resubmit the petition to the LACBOE. If the LACBOE grants the petition, the petitioner shall provide written notice of that approval, including a copy of the petition, to the LAUSD Board.

## **2. Appeal to the State Board of Education**

If the LACBOE denies a petition on appeal, petitioner may appeal to the State Board of Education ("SBE"). The SBE will review an appeal using an "abuse of discretion" standard. (Ed. Code, § 47605(k)(2).)

If petitioner appeals to the SBE, petitioner must submit the petition to the SBE within 30 days of the LACBOE's denial decision. If the petitioner makes a written request to the CSD, LAUSD shall prepare the documentary record, including transcripts of the public hearing at which the LAUSD Board denied the petition. LAUSD must prepare the documentary record within 10 business days after the CSD receives the written request. (Ed. Code, §47605 (k)(2)(A)). Petitioners must submit the written request to the CSD prior to 5:00 p.m., Monday-Friday, not including holidays. Requests submitted after 5:00 p.m. shall be deemed received the following business day. At the time the petitioner submits the appeal to the SBE, the petitioner shall provide a copy of the petition and supporting documentation to the CSD.

If the SBE remands the petition to LAUSD for reconsideration because the petition contains new or different material terms, the LAUSD Board shall grant or deny the petition within 30 days following its receipt of the remanded petition from the SBE. The LAUSD Board is deemed to have received the remanded petition from the SBE once the receipt of the remanded petition has been placed on the agenda for an LAUSD Board meeting following the SBE's remand.

Within 30 days of receipt of the remand, the LAUSD Board will take action to either grant or deny the remanded petition. LAUSD will post any staff recommendations related to the remanded petition in compliance with the Ralph M. Brown Act.

If the LAUSD Board denies a petition after reconsideration on remand, the petitioner may elect to resubmit the petition to the SBE. Petitioner shall provide a copy of the petition and supporting documentation to the CSD.

Within 30 days after petitioner submits the appeal to the SBE, LAUSD may submit a written opposition to the SBE detailing, with specific citations to the documentary record, how the LAUSD Board did not abuse its discretion in denying the petition. LAUSD may submit supporting documentation or evidence from the documentary record that was considered by the LAUSD Board.

The SBE's Advisory Commission on Charter Schools ("ACCS") shall hold a public hearing to review the appeal and documentary record. Based on its review, the ACCS shall submit a recommendation to the SBE whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the ACCS does not submit a recommendation to the SBE, the SBE shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

The SBE shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the SBE hears the appeal, the SBE may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the SBE, the SBE shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority. (Ed. Code, §47605(k)(2).)

Staff will provide the Board of Education materials from LACBOE, ACCS, or SBE of the outcome of the appeals.

## **D. MATERIAL REVISIONS**

### **Introduction**

During the term of its charter, a charter school may seek to amend its current LAUSD Board approved charter. LAUSD must approve any proposed change to the provisions of a charter before the change can be implemented. While some proposed changes to a charter may be deemed non-material and, therefore, can be handled administratively by the CSD, any amendment that would constitute a material revision of the charter must be approved by the LAUSD Board in accordance with California Education Code section 47607(a)(3).

Material revisions are governed by the same standards and criteria that apply to new petitions and shall include, but not be limited to, a reasonably comprehensive description of

any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Ed. Code, §47607(a)(2) and (a)(3).) Accordingly, the CSD must determine whether the charter, as amended, would be reasonably comprehensive, educationally sound, and demonstrably likely to be successfully implemented. Based on its conclusion, the CSD makes a recommendation to the Superintendent for presentation to the LAUSD Board.

## Material Revision Standards

A material revision includes, but is not necessarily limited to, any change that would significantly alter a charter school's mission, vision, educational philosophy, educational program, governance, or organizational structure. LAUSD considers the following to be among, but not limited to, those changes constituting a material revision (i.e., LAUSD Board approval):

- Expansion to one or more additional sites (requires Community Impact Assessment)
- Change in location/address outside the community<sup>36</sup>
- Addition or reduction of grades or grade levels served (expansion of additional grade levels requires a Community Impact Assessment)
- Increased enrollment:
  - For schools occupying non-LAUSD facilities, any increase of more than 20% or 100 students, whichever is less, above the enrollment as scheduled in the charter
  - For schools occupying LAUSD facilities, an increase above the enrollment which could impact the usage of the site
- Changes to admission preferences or procedures<sup>37</sup>
- Changes to the governance and/or corporate structure and affiliations including, but not limited to:
  - Changes to the articles of incorporation of the entity managing the charter school, including the addition or deletion of any related or affiliated corporations, or sole statutory members; and changes to the number of board members
  - Corporate mergers
- Changes to the instructional and/or education model or design, other than changes required by law, including changes or adding a nonclassroom-based program.
- Change from independent charter school to affiliated charter school status. (See Section K, Affiliated Charter Schools, for details on process).

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<sup>36</sup> The term "community" is as defined in this Policy and Procedures. Any change in location or request for additional sites must be supported by documentation that the proposed location complies with all applicable building and safety requirements.

<sup>37</sup> Requires the LAUSD Board to approve at a public hearing. (Ed. Code, §47605(e)(2)(B)(i).)

## Request for Material Revision Review Process

### **1. Prior to Submission of the Material Revision Application**

When a charter school wishes to request a change to its approved charter, charter school should review the above noted areas to assess whether the proposed change constitutes a material revision requiring LAUSD Board approval. The charter school should also contact the CSD administrator assigned to the charter school, and the assigned CSD administrator will work with the charter school to respond to any questions about whether the proposed change constitutes a material revision that requires LAUSD Board approval. Implementation of a material revision without the prior approval of the LAUSD Board is a material violation of the charter and may constitute grounds for revocation.

If the CSD determines the proposed change(s) do not constitute a material revision of the charter, the charter school may send its requested change(s) in writing to the CSD administrator assigned to the school to be considered for approval as a non-material amendment to the charter. Regardless of whether a change in the charter is deemed to be “material” or “non-material,” the CSD will still review the request using the standards and criteria for consideration of a material revision.

### **2. Submission to the District**

A complete request for a material revision application must be submitted to the charter school’s assigned CSD administrator. Prior to submission, the charter school should confirm that the request for a material revision application is complete and consistent with the FSDRL. The CSD provides resources to assist charter schools in the preparation of the request for a material revision of an approved charter, including the Request for Material Revision Checklist and FSDRL, available on the CSD page on the LAUSD website. Additionally, the charter school’s assigned CSD administrator and other CSD staff are available to respond to technical questions as needed.

A complete request for a material revision must include, at a minimum, the following:

- Letter to the Director of the CSD that clearly identifies the requested material revision(s). The letter shall include relevant background information, including the charter school’s reason for seeking the material revision(s).
- Documents supporting the material revision. For example, a lease agreement, documentation that a proposed new site complies with all applicable building and safety codes, revised bylaws or articles of incorporation, wait-list information, revised budget (including budget assumptions), and/or other data to support the proposed change.
- A description of the educational soundness of the requested revision(s) and the charter school’s capacity to successfully implement the proposed changes, as demonstrated by its record of academic, operational, and organizational management.

- For a proposed expansion to one or more additional sites or grade levels, information regarding the community impact of the proposed expansion.<sup>38</sup>
- A resolution, approved by the school's governing board and duly signed by its board secretary, which:
  - Specifically identifies the revision(s) proposed to be made to the charter school's current charter
  - Sets forth the rationale for the proposed material revision(s)
  - Authorizes the submission of the request for a material revision to LAUSD
  - Names the representative authorized to execute the amendment document and otherwise act on behalf of the charter school with respect to the material revision application process

While a request for a material revision may be submitted at the same time as a renewal petition, the renewal petition and the request for a material revision will be separately reviewed and recommended for LAUSD Board action consistent with applicable law.

### **3. CSD Review of the Request for a Material Revision**

Once the charter school has submitted a complete request for a material revision application, CSD staff, in coordination with other appropriate LAUSD divisions, will review the submitted application materials, in order to determine its recommendation. Under certain circumstances, the CSD may determine that it is necessary to conduct a Capacity Interview as part of its effort to ascertain whether the school has the capacity to successfully implement the proposed material changes. In that event, the CSD will notify the school so that the interview can be scheduled as soon as practicable.

### **4. Superintendent's Recommendation(s) to the LAUSD Board of Education**

Upon review, if the Superintendent determines that the requested material revision will be recommended for approval, CSD staff will draft a material revision agreement document and send it to the charter school for their signature. In addition to the proposed material revision, the material revision agreement will include those revisions necessary to conform the charter to the current FSDRL and any changes in the law since the current charter was granted or last renewed. The material revision agreement document must be signed by the charter school prior to LAUSD Board action and will be fully executed by the District following Board approval.

If the Superintendent determines that the requested material revision will be recommended for denial, CSD staff will notify the charter school promptly. At that time, the charter school may choose to withdraw the request or indicate its intent to proceed to LAUSD Board action notwithstanding the staff recommendation. If the charter school does not withdraw the

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<sup>38</sup> Refer to the community impact analysis procedures in the New Charter Petitions section of this Policy and Procedures document.

request, CSD will proceed with scheduling and preparing for LAUSD Board action on the Superintendent's recommendation of denial of the request for material revision.

## **5. LAUSD Board of Education Action**

Based on the recommendation of the Superintendent and the guidelines delineated in the Charter Schools Act, the LAUSD Board will make a final decision to approve or deny the request for a material revision of the charter.

Along with other bases for denial allowed by the Charter Schools Act, the LAUSD Board may deny a request for a material revision to expand operations to one or more additional sites or grade levels if the LAUSD Board makes either of the following written findings:

- 1) The charter school is demonstrably unlikely to serve the interests of the entire community pursuant to Education Code section 47605(c)(7);<sup>39</sup> or
- 2) LAUSD is not positioned to absorb the fiscal impact of the proposed expansion pursuant to Education Code section 47605(c)(8).

For a material revision for expansion, the consideration of impact will be limited to the proposed expansion request. (Ed. Code, section 47607(a)(4).)

There is no right to appeal a denial of a request for a material revision to LACBOE or the SBE. If the LAUSD Board denies a charter school's request for material revision of its charter, the school must continue to operate under the terms of its current LAUSD Board approved charter. Implementation of a material revision without the prior approval of the LAUSD Board is a material violation of the charter and may constitute grounds for revocation. Material revisions shall take effect on the effective date indicated in the Material Revision agreement.

## **E. TRANSPARENCY AND ACCOUNTABILITY**

An important responsibility for charter schools is effective and ethical governance. Charter schools are publicly funded local educational agencies and shall be subject to the transparency and accountability requirements that govern other publicly funded local educational agencies. Charter schools shall not be operated by a for-profit corporation. (Ed. Code, § 47604(b)(1).) All charter schools authorized by LAUSD commit to the highest level of ethical, transparency, and accountability standards. The Legislature recognizes the need for charter schools and entities managing charter schools<sup>40</sup> to comply with the same open

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<sup>39</sup> Refer to the community impact analysis procedures in the New Charter Petitions section of these Administrative Procedures.

<sup>40</sup> "Entity managing a charter school" means a nonprofit public benefit corporation that operates a charter school consistent with Education Code section 47604.

meeting, conflict-of-interest, and disclosure laws as traditional school districts. (Ed. Code, § 47604.1.) Specifically, every charter school governing body and the governing body of the entity managing the charter school shall comply with the requirements of the following:

- Ralph M. Brown Act<sup>41</sup> (Govt. Code, §§ 54950 et seq.)
- California Public Records Act (Govt. Code, §§ 6250 et seq.)
- Government Code section 1090 et seq., as set forth in Education Code section 47604.1
- Political Reform Act of 1974 (Govt. Code, §§ 81000 et seq.)

Members of the charter school's executive board; any administrators, managers or employees; and any other committees of the charter school shall establish and abide by policies and procedures that comply with applicable federal and state laws and regulations and LAUSD charter school policies and regulations regarding conflicts of interest as part of a reasonably comprehensive description of school governance.

## **1. Brown Act and Meeting Requirements**

### **a. Location Requirements**

In order to ensure that meetings are accessible to students and parents, a charter school governing body and the governing body of the entity managing charter schools shall hold meetings within the physical boundaries of the county where the charter school(s) is located, unless permitted otherwise by another provision of law. (Ed Code, § 47604.1(c)(1)(A).)

If the charter school has more than one location across multiple counties, the charter school governing body and the governing body of the entity managing the charter school shall hold meetings at a location within the county in which the greatest number of pupils enrolled in the charter school reside, unless permitted otherwise by another provision of law. (Ed. Code, § 47604.1(c)(4)(A).) For a nonclassroom-based charter school that does not have a facility or that operates at one or more resource centers, the charter school governing body and the governing body of the entity managing the charter school shall hold meetings at a location within the county in which the greatest number of pupils enrolled in the charter school reside, unless permitted otherwise by another provision of law. (Ed. Code, § 47604.1(c)(2)(A).)

### **b. Teleconferencing and Recording Requirements**

The governing body of a charter school governing body and the governing body of the entity managing charter schools shall establish a two-way teleconference location at each school site. (Ed. Code, § 47604.1(c)(1)(B).)

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<sup>41</sup> A charter school operated by an entity pursuant to Government Code, § 47620 et seq. shall comply with the Bagley-Keene Open Meetings Act.

For a governing body of an entity that manages one or more charter schools that are located in the same county, the charter school governing body and the governing body of the entity managing the charter school shall establish a two-way teleconference location at each school site and each resource center. (Ed. Code, § 47604.1(c)(3)(B).)

For a governing body of an entity that manages two or more charter schools that are not located in the same county, the charter school governing body and the governing body of the entity managing the charter school shall establish two-way teleconference locations at each school site, including each resource center. (Ed. Code, § 47604.1(c)(4)(B).) The charter school governing body and the governing body of the entity managing the charter school shall also audio record or video record, or both, all the governing board meetings and post the recordings on each of the charter school's websites. (Ed. Code, § 47604.1(c)(4)(C).)

For a nonclassroom-based charter school that does not have a facility or that operates at one or more resource centers, the charter school governing body and the governing body of the entity managing the charter school shall establish a two-way teleconference location at each resource center. (Ed. Code, § 47604.1(c)(2)(B).)

All meeting agendas for a charter school's governing body must be posted in compliance with the Brown Act. A charter school shall send copies of governing body meeting agendas to the CSD at the same time that they are posted, and shall also send copies of all meeting minutes to the CSD within one week of governing board approval. Timely posting of agendas and minutes on a charter school's website will satisfy this requirement, provided all minutes are posted within one month of the meeting for which they were prepared. Charter schools shall otherwise comply with all other meeting requirements of Education Code section 47604.1.

## **2. Public Records Act**

LAUSD recognizes the public's right to access the records of charter schools. A charter school governing body and the governing body of the entity managing the charter school shall provide any person reasonable access to the public records of the charter school(s) during normal business hours and within the requirements of law.<sup>42</sup> Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

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<sup>42</sup> LAUSD shall be the custodian of records of any request for information submitted to the charter school if either of the following apply:

- 1) The charter school is located on federally recognized California Indian reservation or Rancheria, or
- 2) The charter school is operated by a nonprofit public benefit corporation that was formed on or before May 31, 2002, and is currently operated by a federally recognized California Indian tribe.



In response to a public records request, the charter school governing body and the governing body of the entity managing the charter school or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through an employer-provided device or account or through an employee's or a governing board member's personal device or account.

### **3. Government Code section 1090 and Conflicts of Interest**

Members of the charter school governing body and members of the governing bodies of the entities managing charter schools may not be financially interested in any decision made by the governing body. Notwithstanding the provisions of section 1090, an employee who serves on the charter school governing body shall abstain from voting on, or influencing or attempting to influence another member of the governing body regarding all matters uniquely affecting that employee's employment. (Ed. Code, § 47604.1 (d).)

Charter schools and all employees and representatives of charter schools, including members of charter school's governing board, members of the charter school or governing board committees and councils, charter school administrators, and managers, shall comply with federal and state laws, nonprofit integrity standards, and LAUSD Policy and Procedures for Charter Schools, regarding ethics and conflicts of interest. Charter schools shall enter into all transactions and conduct business with all persons and entities in a manner consistent with Government Code section 1090 and other applicable conflict of interest laws.

### **4. Political Reform Act**

Enacted in 1974, the Political Reform Act was passed by California voters to promote integrity and transparency in state and local government agencies by helping agency decision makers avoid conflicts between their personal interests and official duties. Under the Political Reform Act, these individuals are required to disclose certain financial interests on their Form 700 Statement of Economic Interest ("SEI") filings.

In accordance with the Political Reform Act, each charter school and/or an entity managing a charter school as defined in Education Code section 47604.1 must adopt a Conflict of Interest Code to be submitted to the Los Angeles County Board of Supervisors.

Charter schools authorized by LAUSD shall comply with LAUSD's Lobbying Disclosure Code, policies, and procedures in their dealings with LAUSD officials.

It is the responsibility of the charter school to ensure that charter school officers and employees understand not only filing requirements but also the requirements regarding conflicts of interest, self-dealing, and incompatible activities, which should be reasonably set forth in the governance provisions of the charter. In addition, each charter school officer

bears individual responsibility for the officer's own compliance with all conflict of interest laws.

## **F. OVERSIGHT**

LAUSD's oversight procedures are intended to balance a charter school's autonomy of operation with its accountability to the public. LAUSD utilizes a holistic, performance-based approach to evaluate all charter schools, guided principally by making decisions in the best interest of students. The District's oversight strives to be both proactive and responsive, providing clear expectations to charter schools to encourage strong performance from the first day of school operations, and accessibility to respond to issues that arise. Oversight includes review of the charter schools' academic, operational, programmatic, governance, organizational, and fiscal performance. The CSD observes and monitors each charter school in accordance with applicable laws, regulations, LAUSD policy, memoranda of understanding, and the school's operative charter. Information gathered through oversight serves as part of the charter school's ongoing record for the District to make informed decisions about charter school authorization, renewal, material revisions, sharing of promising practices, and if need be, revocation.

While LAUSD is responsible to provide oversight of its charter schools and the entities managing charter schools, the primary oversight of each charter school must first and foremost be performed by the charter school's own governing board. The governing board of a charter school has an ongoing responsibility to oversee the operations of its charter school(s), ensuring that every charter school it oversees is providing a high-quality educational program for students enrolled, is successfully fulfilling the terms of their charter, is fiscally sound, and complies with applicable laws, regulations, and court orders. An important aspect of successful charter school governance and operations is staying abreast of all legislative changes affecting charter schools, and charter schools are expected to make any necessary changes to their policies and practices to reflect current law. Charter school leaders and governing boards, and District staff are encouraged to take a cooperative approach with these oversight procedures and take proactive and responsive measures to engage in monitoring the charter school's performance as effectively and efficiently as possible. In doing so, both the District and charter schools have a role in maximizing public resources and reasonably minimizing administrative burden.

The Charter Schools Act requires chartering authorities to conduct the following oversight activities:

1. Identify at least one staff member as a contact person for the charter school. (Ed. Code, § 47604.32(a)(1).)
2. Visit each charter school at least annually. (Ed. Code, § 47604.32(a)(2).)
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan and

annual update to the local control and accountability plan required pursuant to Education Code section 47606.5. (Ed. Code, § 47604.32(a)(3).)

4. Monitor the fiscal condition of each charter school under its authority. (Ed. Code, § 47604.32(a)(4).)
5. Provide timely notification to the California Department of Education if any of the following circumstances occur or will occur with regard to a charter school:
  - a) A renewal if the charter is granted or denied.
  - b) The charter is revoked.
  - c) The charter school will cease operation for any reason. (Ed. Code, § 47604.32(a)(5)(A)-(C).)

LAUSD performs ongoing oversight to continually monitor a charter school's progress and attainment of measurable pupil outcomes, educational programs, operations, governance, and fiscal management, as well as compliance with all applicable laws and the terms of the charter. Oversight begins at the start of a charter's term and continues through the end of the term. As outlined in these procedures, specific functions of oversight include, but are not limited to, reviewing charter schools' quarterly electronic document submissions, conducting annual oversight visits, conducting additional site visits as needed, assessing school's performance, and utilizing a tiered intervention model when necessary to address and respond to concerns or challenges related to a charter school's governance, programs, operations, organization, and fiscal management. An important component of LAUSD's oversight is ensuring that charter schools provide access and equity to all families and students and efforts to provide an integrated school student population, including the provision of appropriate services to students with disabilities and enrollment of all students.

The charter school shall document the means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English Learner pupils, including redesignated fluent English proficient pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

If a pupil is expelled or leaves Charter School without graduating or completing the school year for any reason, Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. (Ed. Code, § 47605(e)(3).)

The Charter Schools Division will monitor nondiscrimination in enrollment and disenrollment through ongoing oversight. This may include but is not limited to the following:

- a. Annually reviewing of lottery forms
- b. Responding to stakeholder complaints
- c. Monitoring and analyzing of charter schools' notifications of students leaving a charter school
- d. Monitoring and reviewing of enrollment and attendance throughout the year, including student demographic data and the school's enrollment reflected in its First

Principal Apportionment (P-1), Second Principal Apportionment (P-2), and Annual Report. If concerns are raised about the enrollment of students at a charter school at any time after Norm Day, the CSD will track the enrollment monthly of that charter school for the remainder of the school year.

e. Coordinating and communicating with District schools and Local Districts/Community of Schools when a pupil enrolls in a District school from a charter school

f. Requesting State to provide aggregate data reflecting pupil enrollment patterns (when available)

LAUSD takes seriously any issues or concerns about a charter school that come to its attention from families or employees of the charter school, the community, members of the LAUSD Board, or as a result of the CSD's own observations and review.

LAUSD's performance-based oversight is structured into four oversight categories:

**Category I: Governance** - The CSD assesses whether the charter school's governing board is fulfilling its fiduciary responsibility to effectively direct and provide oversight for the charter school, including but not limited to achieving positive academic outcomes for all students, enacting and monitoring policies and procedures to ensure the school's fiscal soundness, educational mission, and full compliance with applicable law, policy, agreements, and the terms of the charter approved by the LAUSD Board of Education.

**Category II: Student Achievement and Educational Performance** - The CSD assesses whether the charter school is meeting pupil outcomes and demonstrating positive academic achievement for all students.

**Category III: Organizational Management, Programs, and Operations** - The CSD assesses the organizational management, programs, and operations of a charter school to determine whether the charter school is demonstrating effectiveness in operating the charter school to meet performance outcomes and terms of applicable law and the school's charter.

**Category IV: Fiscal Operations** - The CSD assesses each fiscally independent charter school to evaluate the school's fiscal condition and operations, and management of public funds, including review of all legally required fiscal reports, and the annual update of the charter school's local control and accountability plan ("LCAP") (Ed. Code, §§ 47604.32, 47604.33, 47606.5).

LAUSD's oversight procedures establish a record of each charter school's performance that will be used to facilitate collaboration with the charter school, applicable sharing of promising practices, and clear expectations and decision-making throughout the term of the charter, including during the renewal process.

## **Quarterly Electronic Document Submission**

In order to fulfill its oversight responsibilities, the CSD will request relevant information and documents from charter schools. To that end, the CSD establishes a quarterly document submission calendar, and charter schools are required to submit specific documents for each quarterly deadline (i.e., Q1, Q2, Q3, and Q4.) The CSD will notify charter schools at the beginning of each school year of the specific deadlines and items required to be submitted. As needed, the CSD staff may request additional information and/or documentation throughout the charter term.

## **Annual Performance-Based Oversight Visit**

The CSD conducts at least one annual school site visit per school year - the Annual Performance-Based Oversight Visit. (Ed. Code, §47604.32(a)(2).) During the annual oversight visit, CSD staff assess the charter school in oversight categories I-IV. The focus of the annual oversight visit may be adjusted for each school over the term of the charter based on the charter school's areas of strength and improvement, and the CSD will use the results of the previous oversight visits, if applicable, to appropriately focus the scope of that year's visit to address the unique needs of each specific school.

In addition to the Annual Performance-Based Oversight Visit, LAUSD reserves the right to visit a charter school at any time as part of its oversight responsibilities and will conduct unannounced visits, as needed.

### **1. Prior to the Annual Oversight Visit**

At the beginning of each school year, the CSD provides charter schools with the "Annual Performance-Based Oversight Visit Preparation Guide" ("Annual Preparation Guide"),<sup>43</sup> which is updated annually, to assist charter schools in preparing for the annual oversight visit. The Annual Preparation Guide communicates the CSD's expectations for the oversight visit to enable charter schools to make sufficient advanced preparation and to provide the CSD with all required documents and records. The Annual Preparation Guide lists each document the charter school is required to provide with respect to each oversight category. As needed, the CSD staff also may request additional information and/or documentation prior to, during, and/or following the Annual Performance-Based Oversight Visit.

### **2. During the Annual Oversight Visit**

All charter schools are expected to prepare for the Annual Oversight Visit and have available, as applicable, all documentation requested in the Annual Preparation Guide. The CSD staff members assigned to the school, in consultation with the charter school's leadership, will determine and communicate the specific activities and schedule for the Annual Oversight Visit. The fiscal review portion of the Annual Oversight Visit may occur on a separate day.

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<sup>43</sup> See CSD website.

The Annual Oversight Visit typically encompasses the following activities, which provide opportunities to gather information and data related to the oversight categories:

- 1) Interviews and/or Discussion with Leadership and Stakeholder Groups, as determined by the CSD
- 2) Classroom and Site Observation
- 3) Document Review
- 4) Fiscal Review

### **3. The Annual Oversight Report**

After the Annual Performance-Based Oversight Visit, the CSD staff will prepare an Annual Performance-Based Oversight Report (“Annual Oversight Report”), documenting the CSD’s assessments and conclusions following the Annual Oversight Visit, based on a review of the evidence collected through CSD staff observations, document review, interviews, and discussions with school representatives and stakeholders. The CSD uses the information contained within the Annual Oversight Report to inform its ongoing oversight of the charter school and the charter school’s renewal review process. The CSD employs a four-point rubric to provide a rating for each oversight category on the Annual Oversight Report:

- (4) = Accomplished
- (3) = Proficient
- (2) = Developing
- (1) = Unsatisfactory

In addition, for each oversight category, the report will summarize key findings, including but not limited to areas of demonstrated strength, areas noted for improvement, and corrective actions required, if applicable. If the report includes any corrective actions required the charter school must take immediate and appropriate steps to remedy the identified concern(s). In accordance with LAUSD’s tiered intervention approach to oversight, as described in the next section, the CSD may also send the school appropriate notices, separate and apart from the Annual Oversight Report, to provide and document time-specific follow-up as necessary.<sup>44</sup>

### **Tiered Intervention Approach to Oversight**

As part of ongoing oversight, LAUSD utilizes a tiered intervention model to address and respond to concerns or issues that may occur during a charter’s term. LAUSD strives to conduct transparent oversight, and the tiered intervention approach to oversight promotes

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<sup>44</sup> Notwithstanding the process outlined in this section, the District may immediately revoke a charter when the LAUSD Board determines, in writing that a charter school has committed a violation which constitutes a severe and imminent threat to the health or safety of students. (Ed. Code, §47607(g).)

direct communication and collaboration between LAUSD and each of its charter schools. The tiered intervention model is as follows:

Tiered intervention may be prompted following the Annual Oversight Visit, but it may also be necessitated at any time during the charter term if LAUSD has concerns regarding a charter school's operation. LAUSD, through the CSD, works closely with charter schools to identify specific performance areas that need improvement and/or development, and charter schools are afforded an opportunity to engage in corrective measures. Intervention may begin at any level, and the level at which intervention begins depends on the specific facts and circumstances giving rise to the CSD's need to engage in intervention. Therefore, higher degrees of performance concerns may escalate directly to a Level II Notice of Concern or a Level III Notice to Cure. Once the intervention process begins at a particular level, the intervention may proceed to the next level, as necessary, until the issues have been resolved to the satisfaction of LAUSD.

**Level I: Inquiry to Charter School Administrator** – Level I intervention is initiated when LAUSD sends an inquiry to the charter school regarding one or more potential performance, programmatic, operational, governance, organization, and/or fiscal concerns. LAUSD will provide an opportunity for the charter school to provide additional information or documents so that it may further assess the concern.

**Level II: Notice of Concern** – Level II intervention is initiated when LAUSD sends a Notice of Concern to the charter school administrator charter operator, and/or governing board regarding concerns that need to be addressed by the charter school.

**Level III: Notice to Cure** – Level III intervention is initiated when LAUSD issues a Notice to Cure to the charter school administrator charter operator, and/or governing board. The charter school will be afforded an opportunity to take any required corrective measures.

**Level IV: Notice of Violation/Revocation** – Level IV intervention occurs when the LAUSD Board takes action towards revocation of a charter when the charter school and its governing board fail to address notices to cure and notices of concern as part of the tiered intervention process. As noted above, the District may skip the tiered intervention process and initiate revocation pursuant to the applicable statute and regulations if the violation(s) rises to an egregious level in which revocation needs to be initiated with urgency. Further, the District may immediately revoke a charter when the LAUSD Board determines, in writing that a charter school has committed a violation which constitutes a severe and imminent threat to the health or safety of students. (Ed. Code, §47607(g).) Please see the section on Revocation below for more information.

## Technical Assistance

LAUSD shall provide “technical assistance” (in accordance with Education Code § 47607.3) to charter schools satisfying the specific eligibility criteria described below through June 30, 2022, if the charter school was operating before July 1, 2020. (Ed., Code, § 47607.3(j).) Beginning July 1, 2020, the county superintendent of school shall provide technical assistance to all other charter schools meeting specific eligibility criteria. (Ed. Code, § 47607.3(a).) However, if the governing body of a charter school requests technical assistance, the chartering authority shall provide assistance consistent with Education Code section 47607.3(a)(1)-(2).

A charter school operating before July 1, 2020, may be eligible for technical assistance from LAUSD if the charter school fails to improve outcomes on the California Dashboard state indicator(s) in three out of four consecutive school years for three or more numerically significant student subgroups. A charter school with fewer than three student subgroups may be eligible for technical assistance if all of the student subgroups fail to improve outcomes in three out of four consecutive school years. LAUSD may request the Superintendent of Public Instruction (“SPI”), with the State Board of Education (“SBE”) approval, to assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code section 52074.

## Oversight Fees

Pursuant to Education Code section 47613, LAUSD is entitled to receive appropriate oversight fees from a charter school as specified by statute.

## G. ENSURING EQUITY AND ACCESS TO ALL STUDENTS

LAUSD strives to ensure equitable access and learning opportunities for all students and decreasing the achievement gap for underserved students. In enacting the Charter Schools Act, the Legislature intended for charter schools to “[i]ncrease learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.” (Ed. Code, section 47601(b).) As a chartering authority, LAUSD requires that charter schools do not have barriers to enrollment and continuous enrollment. In addition, admissions preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation, and shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment. (Ed. Code § 47605(e)(2)(B).) In its role as authorizer, LAUSD monitors and oversees charter schools’ compliance with applicable federal and state laws and regulations governing educational



programs so that all students are afforded equal rights and opportunities to attend the school and participate in programs and activities.

## **1. Enrollment and Admission Practices**

It is LAUSD's expectation that charter schools' enrollment and admissions practices provide equitable access to all students who wish to attend. By law, charter schools must admit all pupils who wish to attend. (Ed. Code, § 47605(e)(2)(A).) However, if the number of students seeking to enroll at a charter school exceeds the school's capacity, the charter school must conduct a public random lottery, as described in its charter petition, to determine enrollment.

If a student is expelled or otherwise leaves a charter school without graduating or completing the school year, the charter school must notify LAUSD, and if different, the superintendent of the school district for the student's last known address within 30 days. (Ed. Code, § 47605(e)(3).) Additionally, upon request, the charter school must provide that school district with a copy of the cumulative record of the student, including report cards or a transcript of grades, and health information.

### **a. Admissions Preferences**

Admissions preferences shall be extended according to the following parameters:

- Pupils currently enrolled in the charter school shall receive admissions preference and be exempt from the lottery;
- Pupils who reside in the LAUSD shall be given first priority admissions preference for new pupils seeking to enroll in the charter school; and
- For conversion schools (affiliated and independent), pupils who reside in the former attendance area of the public school shall be granted admissions preference.
  - If, at any time during the school year, the total enrollment of Charter School approaches its operational capacity and Charter School appears potentially unable to enroll new students who reside within the former attendance boundary of Charter School, Charter School shall immediately consult and coordinate with its Local District administration as well as the District's School Management Services to manage its enrollment so that Charter School remains in compliance with all applicable laws and legal obligations and that, to the maximum extent possible, Charter School is and remains able to enroll, at all times throughout the year, any and all students who reside within Charter School's former attendance boundary who wish to attend.

For a charter school with a school site physically located in the attendance area of an elementary school with at least 50% free and reduced priced meal eligibility, preference

may be given to students who attend the elementary school or reside within its attendance area. (Ed. Code, § 47605.3).<sup>45</sup>

In addition, the LAUSD Board has discretion to permit other preferences on an individual school basis, if consistent with the law. Examples of discretionary preferences include, but are not limited to: siblings of pupils admitted or attending the charter school, and children of the charter school's teachers, staff, and founders. Petitioners seeking an admissions preference should consider existing data regarding matriculation patterns, as well as equitable access to enrollment, before seeking approval of the preference from LAUSD. All admissions preferences shall be approved by the LAUSD Board at a public hearing. Aside from mandatory preferences, each type of preference shall be granted at the sole discretion of the LAUSD Board.

Preferences must be non-discriminatory, and consistent with federal law, the California Constitution, and Education Code section 200. Preferences must not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, pupils who are economically disadvantaged, foster youth, or otherwise based on nationality, race, ethnicity, or sexual orientation. Consistent with AB 699, all students, regardless of immigration status or country of birth, must have the opportunity to pursue their education without undue fear or risk, and immigration status, or perceived immigration status, may not form a basis to deny students access to charter schools.

Preferences must not require mandatory parent volunteer hours as a criterion for admission or continued enrollment. (Ed. Code, § 47605(e)(2)(4).)

b. Nondiscrimination in Enrollment and Disenrollment

Charter schools are prohibited from discouraging enrollment or encouraging disenrollment of any pupil for any reason. (Ed. Code, § 47605(e)(4)(A).) Specifically, charter schools may not discourage enrollment or encourage disenrollment for reasons related to academic performance, gender, gender identity, gender expression, nationality, immigration status, race, ethnicity, or sexual orientation, religion, or because the pupil is disabled, academically low-achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth, or because of association with a person or group with one or more of these actual or perceived characteristics.

Charter schools may not request a pupil's record or require a parent, guardian, or pupil to provide a pupil's records prior to enrollment in the charter school.

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<sup>45</sup> If a charter school is applying for the Charter School Facility Grant Program (pursuant to SB740), the charter petition must have an admissions preference to pupils who are currently enrolled in the public elementary school and to pupils who reside in the elementary school attendance area pursuant to Ed. Code, § 47614.5(c)(2).

Charter schools must post notice of these requirements on the charter school's website, pursuant to Education Code section 47605(e)(4). A parent, guardian, or pupil 18 years or older may file a complaint with LAUSD if they suspect the charter school is in violation of Education Code section 47605(e)(4).

## **2. Meeting the Needs of All Students**

### **a. Students with Disabilities**

#### **Federal Law Compliance**

Charter schools shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Individuals with Disabilities Education Improvement Act of 2004.

#### **Special Education Program**

Charter schools shall ensure that no student otherwise eligible to enroll shall be denied, directly or indirectly, admission due to a disability or to the charter school's inability to provide necessary services. Charter schools acknowledge that policies and procedures are in place to ensure the recruitment, enrollment, service, and retention of students with disabilities.

Prior to LAUSD Board approval of an initial charter petition, and if a renewing charter school intends to operate as a "school of the district" for special education services, the charter school must execute a Memorandum of Understanding ("MOU") by and between LAUSD and Charter School regarding the provision and funding of special education services consistent with applicable state law and the LAUSD Special Education Local Plan Area ("SELPA") Local Plan for Special Education, and shall be considered a "public school of the District" for purposes of special education pursuant to Education Code section 47641(b). Charter schools may reserve the right to make written verifiable assurances that it may become an independent local educational agency (LEA) and join a SELPA pursuant to Education Code section 47641(a) either on its own or as a consortium of charter school LEAs following the requirements of Education Code section 56195.3(b). In this instance, the charter school will execute a MOU with LAUSD on provisions of special education as a member of a non-LAUSD SELPA. On an annual basis, the charter school will provide a summary of revenues and expenses, including but not limited to direct and indirect expenditures related to Special Education.

#### **LAUSD SELPA**

LAUSD is approved to operate as a single-District SELPA under the provisions of Education Code section 56195.1(a). As a single-District SELPA, the District has created two charter

school sections (District-operated Programs and Charter-operated Programs) under the administration of one single Administrative Unit.<sup>46</sup> Charter schools must elect one of the three options available under the LAUSD SELPA. The Charter-operated Program schools do not have LEA status for the purposes of special education but will function in a similar role in that each charter school will be responsible for all special education requirements, including but not limited to services, placement, due process, related services, special education classes, and special education supports. Charter schools that have elected to participate in a District-operated programs option may apply for membership in the Charter-operated Program section of the LAUSD SELPA. Charter schools accepted for participation in the Charter-operated Programs section receive support from a Special Education Director for the Charter-operated Programs.

### **Use of District's Special Education Policies and Procedures and Data Systems**

All charter schools approved by the LAUSD Board are bound by and must adhere to the terms, conditions and requirements of orders imposed upon the District pertaining to special education:

- LAUSD has developed a guide for schools regarding the implementation of compliant special education programs and services for students with disabilities. The Electronic Special Education Policies and Procedures Manual (e-PPM) may be accessed on the Division of Special Education's website, at <https://achieve.lausd.net/Page/14466>. Charter schools authorized by LAUSD are required to comply with the policies and procedures as outlined in the e-PPM.
- All charter schools are required to use an appropriate, web-based system for Individualized Education Programs ("IEPs") and tracking of related services provided to students during the course of their education.
- All charter schools are required to interface with My Integrated Student Information System (MiSiS) via a web based Application Programming Interface (API). MiSiS is a suite of applications which is designed to capture all student data.

### **Additional Information**

All charter schools approved by the LAUSD Board must annually review the following special education areas:

- *Special Education School Teams* - The charter school ensures staff receive training on special education topics and non-discriminatory enrollment practices. The school has informed staff of their responsibility to adhere to all instructional and service delivery requirements. In addition, the school informs the appropriate staff of the translations procedures for IEP team meeting and documents. The school adheres to the RST caseload requirement and Welligent service tracking procedures to document special education services provided to students.

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<sup>46</sup> Established through LAUSD Board of Education Resolution 149/10-11

- *Compliance Procedures*- The school plans ahead and develops systems to meet the legal requirements of all IEPs. The school ensures students with disabilities are afforded a free and appropriate public education (“FAPE”) and monitors the provision of all services by monitoring data using Welligent reports. Additionally, the school makes use of multiple resources, such as the District’s electronic Policies and Procedures (ePPM) manual and the eLibrary to ensure the school adheres procedurally to all special education legal requirements.
- *Compliant Timelines* - The school prioritizes the scheduling of IEPs by ensuring that all initial evaluations are conducted within 60 days. Additionally, as a best practice, the school schedules all annual IEPs at least 60 days before the due date and Triennial IEPs 90 days before the due date. The school references and uses the electronic Policies and Procedures (ePPM) manual and the Welligent monitoring reports as sources for ensuring IEP timelines are compliant.
- *Special Education Supports and Resources*- The school uses the District's Division of Special Education website and training courses available on MyPLN as resources and supports to ensure all IEP-related items are of high quality. Additionally, the school uses the District's electronic Policies and Procedures (ePPM) manual available in the Division of Special Education website. The school also uses eLibrary to retrieve information and policy documents. Parents are notified that the school is open to enroll and provide services to all students. The school maintains records of all outreach materials, website information, community meeting and open forums.

### **Special Education Support Unit**

The following is contact information for charter schools authorized under LAUSD:

Division of Special Education  
Charter Operated Programs  
333 S. Beaudry Avenue, 17<sup>th</sup> Floor  
Los Angeles, CA 90017  
(213) 241-5430  
[CharterOperatedPrograms@lausd.net](mailto:CharterOperatedPrograms@lausd.net)

#### **b. English Learners and Standard English Learners**

Charter schools shall identify potential English Learners in a timely manner in accordance with all applicable legal requirements. Charter schools must provide all English Learners with an effective English language acquisition program that also affords meaningful and equitable access to the charter school’s core academic curriculum. Instructional plans for English Learners must be (1) based on sound educational theory; (2) adequately supported with trained teachers and appropriate materials and resources; and (3) periodically evaluated to make sure the program is successful and modified when the program is not successful.

On an annual basis, upon request, charter schools shall submit a certification to the CSD that certifies that it has adopted and is implementing either the LAUSD Master Plan for English Learners and Standard English Learners, or its own English Learner (EL) Master Plan. If the

charter school chooses to implement its own EL Master Plan, the plan shall provide a detailed description of the EL program, and shall address the following:

- How the charter school's EL Master Plan provides all of its English Learners, including but not limited to Long Term English Learners (LTELs) with an effective English language acquisition program as well as meaningful and equitable access to the charter school's core academic curriculum (including designated and integrated English Language Development)
- How English Learners' specific needs will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How the charter school will evaluate its EL program each year, and how the results of this evaluation will be used to improve the program, including the provision of EL services

Charter schools are required to: (1) Administer the ELPAC annually in accordance with federal and state requirements; (2) Reclassify English Learners in accordance with federal and state requirements; and, (3) Provide parent outreach services and meaningfully inform parents with limited English proficiency of important information regarding charter school matters to the same extent as other parents.

c. Foster Youth and Homeless Youth

Charter Schools must adhere to the provisions of the federal McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths. Charter schools are required to provide specific information, in its outreach materials, websites, at community meetings, open forums, and regional center meetings, that notifies parents that the charter school will enroll and provide services for all students, and provides a standard contact number for access to additional information regarding enrollment.

Charter schools must comply with all applicable federal and state laws regarding homeless and foster youth, including but not limited to the provisions of AB 379 (2015) and Chapter 5.5 (commencing with Section 48850) of Part 27 of Division 4 of Title 2 of the Education Code, as amended from time to time. Charter school must extend its uniform complaint procedure to complaints filed pursuant to the applicable provisions of AB 379.

d. Socioeconomically Disadvantaged Students

Charter schools must meet the needs of socioeconomically disadvantaged/low income students including but not limited to providing each needy student, as defined in Education Code section 49552, with one nutritionally adequate free or reduced-price meal, as defined in Education Code section 49553(a), during each school day.

### **3. Prohibition on Pupil Fees**

The free school guarantee of the California Constitution, Article IX, section 5, applies to charter schools. Education Code sections 49010(a) and 49011(d) as amended by Assembly Bill 1575 in 2012, clarifies that the prohibition on pupil fees applies to charter schools. Charter schools are prohibited from charging fees for activities that are an integral component of public education. Charter schools may only charge fees authorized by certain Education Code sections that have been made explicitly applicable to charter schools. A complaint alleging the violation of laws and regulations related to unlawful pupil fees must be filed by way of the Uniform Complaint Procedures as written in the *California Code of Regulations*, Title 5, sections 4600-4687.

## **H. TEACHER CREDENTIALING AND BACKGROUND CLEARANCES**

### **1. Credential Requirements for Charter School Teachers**

The ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Legislature has mandated that the teacher credentialing requirements for charter school teachers are the same as the requirements for all other public school teachers.

All teachers serving at a charter school shall hold the Commission on Teacher Credentialing (“CTC”) certificate, permit, or other document required for the teacher’s certificated assignment. (Ed. Code, § 47605(l)(1).) This requirement is inclusive of teachers serving English learners and students with special needs. Individuals employed at a charter school in a teaching position during the 2019–20 school year shall obtain the appropriate certificate, permit, or other document for their certificated assignment no later than July 1, 2025. (Ed. Code, § 47605.4(a).)

Charter schools shall make reasonable efforts to recruit a fully prepared teacher for each assignment. When a credentialed teacher or intern is not available, a charter school may request that the CTC issue an emergency permit or credential waiver in the same manner as a school district under the conditions and limitations provided in state or federal law, and a charter school teacher may only teach under such permit or waiver issued by the CTC. (Ed. Code, § 47605(l)(1).)

Charter schools shall participate in annual assignment monitoring. (Ed. Code, § 44258.9.) Charter schools are expected to monitor the assignments of all its certificated employees utilizing the California Statewide Assignment and Accountability System (CalSAAS) and correct any misassignment immediately. If LAUSD determines that a charter school’s certificated teacher is misassigned, it will notify the charter school administrator, and the

charter school shall correct any misassignment within 30 calendar days of being notified. (Ed. Code, § 44258.9(e)(9).)

The CSD reviews credentials and assignments at each charter school. Charter schools are required to submit credentialing or any other applicable qualifications and assignment information for all staff (including administrators, teachers and support staff) at the beginning of the school year and as part of the Annual Performance-Based Oversight Visit. In addition, charter schools may be asked to submit this information to the Charter Schools Division at any time during the year.

## **2. Certificate of Clearance and Professional Fitness Requirements**

All charter school teachers must obtain a "Certificate of Clearance" from the CTC and satisfy the requirements for professional fitness prior to serving as a teacher at the charter school. (Ed. Code, § 47605(l)(2).) This requirement is inclusive of contracted educators, including those employed through virtual education services that offer instruction through online courses. The "Certificate of Clearance" is a document issued by the CTC to an individual who has completed the CTC's fingerprinting requirements and whose moral and professional fitness has been shown to meet the standards as established by law. A professional fitness evaluation requires fingerprint clearance through the California Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI"). A professional fitness evaluation is required from every applicant prior to the CTC's issuance of any credential, permit, certificate, or waiver.

Charter schools shall designate and maintain at all times at least one custodian of records duly authorized by the DOJ. Charter schools shall ensure that it requests and receives subsequent arrest notifications from the DOJ for all employees and volunteers.

## **3. Reporting to the Commission on Teacher Credentialing**

A charter school is required to report to the CTC a change in a certificated individual's employment status as a result of or while an allegation of misconduct is pending. (Ed. Code, § 44030.5; 5 CCR § 80303.) The charter school shall make the report to the CTC within 30 days after the final adverse employment action, consistent with the requirements of the California Code of Regulations, title 5, section 80303.

A charter school is required to report to the CTC when a certificated individual is charged with a mandatory leave of absence offense as defined in Education Code section 44940. "A mandatory leave of absence offense" is defined as charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of any sex offense as defined in Section 44010, with a violation or attempted violation of Section 187 of the Penal Code, or with the commission of any offense involving aiding or abetting the unlawful sale, use, or exchange to minors of controlled substances listed in Schedule I, II, or III, as contained in Sections 11054, 11055, and 11056 of the Health and Safety Code.



## I. FACILITIES

All students should have access to high-quality learning environments that are safe, secure, and support student learning. With regard to charter school facilities, LAUSD strives to promote student equity, while ensuring health and safety for all.

### 1. Charter Schools Facilities Requirements

Facilities to be used by a charter school shall be specified in the school's charter petition, pursuant to Education Code section 47605. All LAUSD-authorized charter schools must occupy one of the following types of facilities:

- 1) Facilities compliant with the California Building Standards Code, as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located;
- 2) Field Act compliant facilities; or
- 3) Facilities exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, such as the federal government.

Charter school facilities must adhere to the program accessibility requirements of federal law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. In addition, all charter school facilities must comply with the geographic location, site limitations, and related requirements set forth in the Charter Schools Act, including Education Code sections 47605.1, 47602, and 47605.

All charter schools are responsible for obtaining and maintaining appropriate certificate(s) of occupancy for charter school facilities from local building enforcement agencies. LAUSD will work collaboratively with local building enforcement agencies, as necessary, to obtain assurances that the certificates of occupancy issued for LAUSD-authorized charter schools meet all applicable building and safety and health codes, including but not limited to, the accessibility requirements of the law.

### 2. Proposition 39

LAUSD is committed to complying with its obligations under Proposition 39 (Education Code section 47614) in fairly sharing public school facilities among all public school students, including those in charter schools. For any charter school operating within LAUSD and eligible to receive facilities during a particular year, LAUSD will make facilities available upon the charter school's request, pursuant to applicable law and in accordance with the regulatory process.

### 3. LAUSD-Owned Facilities

Charter schools must use assigned LAUSD facilities only for the operation of a public school providing educational instruction to public school students, consistent with the terms of its

charter, and incidental related uses. Charter schools must execute a Facilities Use Agreement with LAUSD, along with any other applicable agreements for occupying the facility. Charter schools occupying and/or operating on LAUSD property must adhere to the Integrated Safe School Plan of the LAUSD school site where the charter school facility is located, and comply with all LAUSD health, safety, and emergency standards and procedures applicable to LAUSD facilities, furnishings, and equipment, including maintenance. All charter schools co-located on LAUSD properties pursuant to Proposition 39 must comply with the expectations and requirements for co-located schools set forth in the LAUSD's "Policy on Co-Locations for District School Facilities' Use Pursuant to Education Code Section 47614 (Proposition 39)," BUL-5532.1 or successor bulletins.

LAUSD facilities occupied by charter schools shall be subject to inspection by the LAUSD Facilities Services Division, Office of Environmental Health and Safety, and other LAUSD offices. Every charter school must implement and otherwise comply with the terms of any facilities use agreement(s) between the charter school and LAUSD. In the event of an emergency, all LAUSD facilities (i.e., schools) are available for use by the American Red Cross and public agencies as emergency locations, which may disrupt or prevent a charter school from conducting its educational programs.

#### **4. Non-LAUSD Facilities**

Charter schools occupying non-LAUSD facilities must, prior to use, provide the CSD with a current Certificate of Occupancy or equivalent document issued by the applicable permitting agency allowing the charter school to use and occupy the site as a charter school for its intended purpose (i.e., applicable grade levels). Charter schools are responsible for ensuring compliance with all applicable building codes, standards, and regulations adopted by the city and/or county agencies with jurisdiction to enforce building and safety standards for the school site, as well as federal and state accessibility requirements, and all other applicable fire, health, and structural safety and access requirements. Charter schools must maintain records documenting such facilities compliance that are readily accessible.

If a charter school intends to move or expand to another facility not approved in its charter, the charter school shall request, and must have received, approval of a material revision to its charter before occupying the facility. Prior to occupancy or use of any such additional or changed school site, the charter school shall provide an appropriate Certificate of Occupancy to the CSD.

#### **5. Charter School Facility Location**

Unless otherwise exempted by law, all charter schools authorized by LAUSD shall identify in their charter petition a single school site where the charter school will operate within the geographic boundaries of LAUSD. A charter school may propose to operate at multiple sites within LAUSD boundaries, as long as each location is identified in the petition. All charter schools must include within their petition the name and physical location of any resource center, meeting space, or other satellite facility operated by that charter school. No new

charter school approved between January 1, 2020, and January 1, 2022 shall offer nonclassroom-based instruction. (Ed. Code, § 47612.7.)

If a charter school proposes to establish or move operations to one or more additional sites, including satellite facilities or resource centers, the charter school must first request a material revision to move operations or add additional locations to its charter. The LAUSD Board shall consider approval of the material revision at a public meeting. Unless otherwise exempted by law, all additional sites proposed by a charter school must be located within the geographic boundaries of LAUSD. A charter school may not establish additional sites or move operations until a material revision has been granted.<sup>47</sup>

It is the responsibility of the charter school to ensure its facilities comply with the geographic and site location requirements of the Charter Schools Act at all times. If a charter school proposes to locate in a facility outside the geographic boundaries of LAUSD, it must provide a written explanation to LAUSD, with its initial charter petition or material revision, detailing the reasons why the charter school believes it is exempted by law from locating within the geographic boundaries of LAUSD. The written explanation must cite all applicable laws, and provide documentation necessary to support the charter school's claimed exemption, and communication between the proposed authorizing district and the charter school. Prior to approving such a petition or material revision, LAUSD may request any additional information or evidence it deems necessary to determine the applicability of a geographic location exemption to the charter school.

## **J. REVOCATION**

### **1. Revocation Standards**

Charter schools are expected to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter. The LAUSD Board may revoke a charter if it finds, through a showing of substantial evidence, that the charter school did any of the following:

- 1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- 2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
- 3) Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.

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<sup>47</sup> Charter Schools that seek to expand to additional locations or move to a different community must undergo community interest and fiscal impact analysis pursuant to Education Code section 47607(a)(3). (See provisions in the New Petition section of this Policy and Procedures and Material Revision).

- 4) Violated any provision of law. (Ed. Code, § 47607(f).)

The LAUSD Board may immediately revoke a charter when the LAUSD Board determines, in writing, that a charter school has committed a violation under Education Code section 47607 that constitutes a severe and imminent threat to the health or safety of students. (Ed. Code, § 47607(g).) In such a case, the LAUSD Board shall approve and deliver to the charter school's governing body, the LACBOE, and the California Department of Education ("CDE") a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (5 CCR § 11968.5.3(a).)

## **2. Revocation Process and Timelines**

With the exception of a severe and imminent threat to the health and safety of students, if the LAUSD Board is considering revoking a charter, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. (Ed. Code, § 47607(g).) The Notice of Violation shall identify:

- 1) The alleged violation(s);
- 2) All evidence relied upon by the LAUSD Board in determining that the charter school committed the alleged violation(s); and
- 3) The period of time that the LAUSD Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). (5 CCR §§ 11965.)

At least 72 hours prior to any meeting at which the LAUSD Board will consider issuing a Notice of Violation, the LAUSD Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR § 11968.5.2) In accordance with the LAUSD Board Resolution No. 017-15/16: Keeping Parents Informed: Charter Transparency, a charter school should notify parents and stakeholders of the possible revocation of its charter.

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the LAUSD Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR § 11968.5.2)

At the conclusion of the remedy period specified in the Notice of Violation, the LAUSD Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions:

- 1) Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body, or
- 2) Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the

remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the LAUSD Board's satisfaction. (5 CCR § 11968.5.2)

If the LAUSD Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the Notice of Intent to Revoke, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the LAUSD Board and the charter school, the LAUSD Board shall issue a final decision on the revocation of the charter. (Ed. Code, § 47607; 5 CCR § 11968.5.2) Within 10 calendar days of the final decision, the LAUSD Board shall provide a copy of the decision to the CDE. (Ed. Code, § 47604.32; 5 CCR § 11968.5.2)

If the LAUSD Board revokes a charter, the charter school may appeal the revocation to the LACBOE within 30 days of the LAUSD Board's final decision. (Ed. Code, § 47607(i)(1).) A charter school may continue to operate during the pendency of an appeal if the revocation decision is based solely on the LAUSD Board finding that the charter school either (1) committed a material violation of any of the conditions, standards, or procedures set forth in the charter, or (2) failed to meet or pursue any of the pupil outcomes identified in the charter, unless the LAUSD Board determines that the violation constitutes a severe or imminent threat to the health or safety of pupils.

If a charter school ceases operation due to revocation, the charter school shall implement the school closure procedures specified in the charter.

### **3. Schools Receiving Assistance from the California Collaborative for Educational Excellence**

The California Collaborative for Educational Excellence ("CCEE") may provide a requesting LAUSD charter school satisfying certain criteria assistance pursuant to Education Code section 47607.3, and the CCEE may provide advice to LAUSD regarding the performance of the charter school. The LAUSD Board shall consider revoking a charter for a school where the CCEE has issued either of the following findings:

- 1) The charter school has failed or is unable to implement the recommendations of CCEE; or
- 2) The inadequate performance of the charter school, as based on California School Dashboard, is so persistent or acute as to require revocation of the charter. (Ed. Code, § 47607.3(d).)

In determining whether to revoke a charter for which the CCEE has made either of the above findings, the LAUSD Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code section 52052. (Ed. Code, § 47607.3(e).)

A charter school may not appeal a revocation made pursuant to Education Code section 47607.3 based on CCEE's findings that the school failed or is unable to implement CCEE's recommendations, or that revocation is warranted based on persistent or acute inadequate performance. (Ed. Code, § 47607.3(f).)

## **K. AFFILIATED CHARTER SCHOOLS**

Affiliated charter schools are semiautonomous public schools governed by the LAUSD Board and operate in accordance with District policy, Board Rules, state and federal law, relevant provisions of collective bargaining agreements, and Human Resources and Personnel Commission guidelines. Affiliated charter schools can be an affiliated conversion charter school, or a "start-up" affiliated charter school. Both affiliated charter school models receive flexibility in the areas of curriculum and professional development; local school governance; and some aspects of employee selection. Affiliated charter schools also serve as additional school models to explore, develop, and disseminate innovative, effective practices that best meet the educational needs of their students and all students of the District.

Affiliated charter schools are subject to the governance and control of the LAUSD Board of Education. Governance at the school site level shall be in accordance with the provisions of the approved charter and shall be consistent with all applicable state, federal laws and regulations, District policies, and the provisions of LAUSD collective bargaining agreements (CBAs).

Affiliated charter schools must review and comply with all provisions contained in the Federal, State, and District Required Language (FSDRL) for Affiliated Charter Schools, which may be changed from time to time. Below are specific provisions for affiliated charter schools:

### **1. Admissions and Enrollment**

Affiliated charter schools are required to comply with the Charter Schools Act, including admitting all students who wish to attend the school. (Ed. Code § 47605(e)(2)(A).) Affiliated conversion charter schools - charter schools which converted from a traditional LAUSD school and remain under the Board of Education's governance - shall provide first priority to students who reside in the former attendance boundary of the school. If the number of students who wish to attend Charter School exceeds its operational capacity, as determined annually by the District, Charter School shall conduct a public random drawing ("lottery"). (Ed. Code § 47605(e)(2)(B).) Prospective students who reside within the former attendance boundaries of Charter School ("resident students") shall have first priority admission preference at all times and are thus deemed exempt from the lottery. (See Ed. Code § 47605(e).)

Once enrolled in the charter school, students regardless of residence are considered continuing students exempt from the lottery process. Further, continuing students cannot be disenrolled by the charter school due to a change of address. If, at any time during the school year, the total enrollment of Charter School approaches its operational capacity and Charter School appears potentially unable to enroll new students who reside within the former attendance boundary of Charter School, Charter School shall immediately consult and coordinate with the CSD, the Local District administration and the District's School Management Services, to manage its enrollment so that Charter School remains in compliance with all applicable laws and legal obligations and that, to the maximum extent possible, is able to enroll, at all times throughout the year, any and all students who reside within the charter school's former attendance boundary who wish to attend.<sup>48</sup>

## **2. Staffing**

As a District affiliated charter school, all administrators, faculty, and staff of affiliated charter schools are and shall be LAUSD employees. All employees shall be hired by the District and maintain the same relationships with and through all respective bargaining units as other District employees at non-charter schools.

Affiliated charter schools shall comply with and implement all applicable state and federal laws and regulations, District policies, and LAUSD collective bargaining agreements related to staffing, credentialing, and assignment of teachers to grade levels, department, subjects and classes related to staffing, credentialing, and assignments.

Affiliated charter schools shall be subject to all District decisions regarding reductions in force, mandated furloughs, layoffs, and any other District decisions related to salaries, classifications, qualifications, and assignments. Unless the District has assigned all employees in a classification to a specific basis, affiliated charter schools will have autonomy in assigning positions to specific working bases.

## **3. Certificated Personnel**

Affiliated charter schools shall comply with federal and state laws and regulations, District policies and procedures, and applicable collective bargaining agreements in the selection and assignment of certificated staff. Affiliated charter schools will have the autonomy to interview and select teachers and school-funded support staff from District-approved lists of eligible candidates as determined by the LAUSD Human Resources Division, which may be limited to Priority Placement Lists (displaced teachers) and Rehire Lists depending on current hiring conditions in each subject area. While every effort will be made to avoid assigning any certificated employee to an affiliated charter school, the District retains the right to make such assignments in cases in which no other alternatives are available or when administrative transfers are necessary, as determined by the Local District administrator (e.g., in order to provide reasonable accommodations in compliance with the Americans with Disabilities Act).

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<sup>48</sup> This section also applies to independent conversion charter schools.

Selection of the School Principal shall remain the purview of the LAUSD Superintendent or designee.

#### **4. Classified Personnel**

Affiliated charter schools shall comply with applicable federal and state laws and regulations, including but not limited to the merit system provisions of the Education Code, Personnel Commission Rules, and applicable collective bargaining agreements in the selection and assignment of classified staff. Unless valid reemployment lists exist, affiliated charter schools will have the autonomy, when selecting classified employees for regular assignment, to select from the top three eligible candidates on current valid eligibility lists promulgated by the Personnel Commission. Affiliated charter schools with staff selection autonomy will be provided with the ability to select classified staff in accordance with Personnel Commission Rules and statutory requirements.

#### **5. Fiscal Relationship**

As a District affiliated charter school, Charter School's fiscal operations will be supervised by LAUSD's Budget Services and Financial Planning Division. Affiliated charter schools shall adhere to all applicable District fiscal policies and procedures, including but not limited to policies and procedures related to budgeting, procurement, third party contracts, student body funds, student stores, donations, fundraising, payroll, imprest funds, and payment approval for goods and services.

#### **6. Local Control and Accountability Plan**

In accordance with California Education Code sections 47604.33 and 47606.5, affiliated charter schools shall include in its annual update a "listing and description of the expenditures for the fiscal year implementing the specific actions included in the charter as a result of the reviews and assessment required by paragraph (1)" of section 47606.5(a). Affiliated charter schools are required to submit their LCAPs to the Board of Education for approval. The District will submit the affiliated charter schools' LCAPs to the Los Angeles County Office of Education. Affiliated charter schools are responsible for submitting information related to Local Indicators in accordance to State requirements and timelines.

The District shall retain the Local Control Funding Formula (LCFF) entitlement and any other state or federal funding (with the exception of grants separately applied for and received by the affiliated charter school), to maintain the affiliated charter school in accordance with their annually adopted budget and consistent with staffing norms and support at the District norm levels.

##### *Documentation*

The affiliated charter schools' financial reports shall remain a part of the District's single report to the Los Angeles County Office of Education or other regulatory body, as applicable. Affiliated charter schools shall prepare and submit all required financial data and reports for inclusion in the District's report.



### *Per-Pupil Budgeting*

Where possible, an affiliated charter school will have the ability to implement the District's per-pupil budgeting model.

## **7. Professional Development**

In addition to any District-mandated professional development, affiliated charter schools shall have autonomy in the selection of professional development programs for their employees, to meet their site-specific needs, in accordance with applicable District policies and CBAs. Any professional development required by the District for newly-adopted curriculum selected by the affiliated charter schools will, in turn, be funded by the District consistent with its practice for other District schools.

## **8. Educational Program and Schedule**

Affiliated charter schools shall have autonomy in their instructional programs and choice of curricular materials, consistent with the requirements of section 60000 of the Education Code, the *Williams* settlement, and the terms of their respective charter petitions.

Affiliated charter schools shall have flexibility in creating their bell schedules provided the minimum requirements for instructional minutes, day and calendar year are met in accordance with applicable collective bargaining agreements. Any costs associated with changes to instructional and/or work calendars, such as salaries, personnel costs, transportation costs, cafeteria costs, maintenance and operations costs, etc. will be borne by the affiliated charter schools.

## **9. Integration Program**

Affiliated charter schools shall be responsible for following the requirements of the *Crawford* desegregation court order, and shall take all reasonable steps to attract and maintain a racially integrated student body. Integration Program resources currently provided to certain affiliated charter schools (Magnet, Permits with Transportation, Transportation) are subject to change, in whole or in part, for budgetary and other reasons.

## **10. Submission of a New Affiliated Charter Petition**

Several resources containing guidance for new affiliated charter school petitioners are available at the Charter Schools Division page of the LAUSD website. LAUSD encourages all prospective petitioners to review each of these resources as they provide important clarity regarding several issues, including but not limited to the District's expectations for reasonably comprehensive descriptions of each petition element, the Federal, State, and District Required Language for Affiliated Charter Schools, and the necessary documents for a complete submission of the petition application. In addition, petitioners are encouraged to contact the CSD with any questions prior to submitting a new petition. The same procedures,

timelines, and criteria for evaluating a charter petition outlined in the New Petition section of this Policy and Procedures apply to affiliated start-up charter school petitions.

#### *Affiliated Conversion Charter Schools*

Pursuant to the Charter Schools Act, an existing public school can convert to a charter school by submitting a charter school petition with signatures of at least 50% of permanent status teachers indicating that they are meaningfully interested in teaching at the charter school. (Ed. Code, section 47605(a)(2).)

The same procedures, timelines, and criteria for evaluating a charter petition outlined in the New Petition section of this Policy and Procedures apply to affiliated conversion charter school petitions. However, affiliated charter school petitioners are required to provide the following additional documents in its application packet:

- Resolution by the local school governance council (signed by council secretary) that documents:
  - School’s decision to submit a new affiliated charter school petition application
  - Proposed name for the affiliated charter school (Please refer to District name change bulletin if the name includes more than the addition of the word “Charter” in it)
  - Person(s) designated by the council to serve as Lead Petitioner(s)
- Faculty roster
- Conversion to Affiliated Status Acknowledgement Statement (on school letterhead)
- Copy of the school’s Electronic Capacity Assessment Review (ECAR)
- Any applicable collective bargaining waiver(s) requests. (School must submit documentation of any type of current 2019-2020 waiver, signed by appropriate parties)

(Please refer to the Affiliated *Conversion* Charter School New Petition Application Intake Checklist in the CSD website for a full listing of requirements).

#### *Affiliated Start-Up Charter School*

Internal District or external stakeholders may submit a “start-up” affiliated charter petition. An affiliated start-up charter school must abide by the same policies and procedures outlined above for all affiliated charter schools, including but not limited to adherence to District policy, Board Rules, state and federal law, the relevant provisions of collective bargaining agreements, and Human Resources and Personnel Commission guidelines. All staff and faculty at an affiliated start-up charter school would be LAUSD employees and must undergo LAUSD’s Human Resources and Personnel Commission’s hiring processes and requirements. All affiliated charter schools, including start-up affiliated charter schools, are

subject to collective bargaining agreements entered into by LAUSD with respective labor partners.

The same procedures, timelines, and criteria for evaluating a charter petition outlined in the New Petition section of this Policy and Procedures apply to affiliated start-up charter school petitions.

*Process for Independent Charter Schools to "Convert" to an Affiliated Charter School*

Operators of independent charter schools who wish to submit a request to become an affiliated charter school should review the applicable policy and petition application information regarding affiliated charter schools posted on the Charter Schools Division's website and all of the provisions within this section. The governing board of the independent charter school will submit a request for a material revision to the Charter Schools Division which includes the following procedures:

- Letter to the Director of the CSD that clearly identifies the requested material revision(s). The letter shall include relevant background information, including the charter school's reason for seeking the material revision(s) to convert to an affiliated charter school.
- Documents supporting the material revision to convert to an affiliated charter school, including, but not limited to:
  - Governing board's resolution to convert to an affiliated charter school, duly signed by the board secretary and authorizing the submission of the material revision
  - Plan for dissolution of the corporation and/or any other applicable corporate documents
  - Ongoing notification to parents, employees, and stakeholders
  - Any required approvals from applicable charter school collective bargaining units and/or governance councils
  - A plan for the financial closeout of the charter school and the organization operating the school, including an accounting of all financial assets, and liabilities, pending litigation and any potential financial impact, and an assessment of the disposition of any restricted funds received by or due to the charter school
  - Facilities plan
  - Staffing plan
  - Educational program plan, including LAUSD SELPA membership
- Specifically identifies the revision(s) proposed to be made to the charter school's current charter

Once the charter school has submitted a complete request for a material revision application, CSD staff, in coordination with other appropriate LAUSD divisions, will review the submitted application materials, in order to determine its recommendation.

Upon review, if the Superintendent determines that the requested material revision will be recommended for approval, staff will draft a material revision agreement document and send it to the charter school for their signature. In addition to the proposed material revision, the material revision agreement will include those revisions necessary to conform the charter to the current FSDRL and any changes in the law since the current charter was granted or last renewed. The material revision agreement document must be signed by the charter school prior to LAUSD Board action and will be fully executed by the District following Board approval.

If the Superintendent determines that the requested material revision will be recommended for denial, CSD staff will notify the charter school promptly. At that time, the charter school may choose to withdraw the request or indicate its intent to proceed to LAUSD Board action notwithstanding the staff recommendation. If the charter school does not withdraw the request, CSD will proceed with scheduling and preparing for LAUSD Board action on the Superintendent's recommendation of denial of the request for material revision. Based on the recommendation of the Superintendent and the guidelines delineated in the Charter Schools Act, the LAUSD Board will make a final decision to approve or deny the request for a material revision of the charter.

*Note on Enrollment Procedures:* Unlike affiliated conversion charter schools, affiliated start-up charter schools will not have a former attendance boundary. Accordingly, an affiliated start-up charter school will admit all students who wish to attend and hold a public random drawing should the number of students who wish to attend exceed the charter school's capacity. (See FSDRL for Affiliated Start-Up Charter Schools).

## **11. Renewal of Affiliated Charter Schools**

Renewals of affiliated charter schools are governed by the Charter Schools Act, which sets forth the process and standards for renewal of charter school petitions. The same renewal procedures, timelines, and criteria outlined in the Renewal Petition section of this Policy and Procedures apply to affiliated charter schools.

## **12. Appeals; Revocation; Closure**

Affiliated charter schools will follow the same appeal provisions outlined in the Appeal section of this Policy and Procedures. The District will follow the revocation procedures outlined in the Charter Schools Act and corresponding state regulations. Should an affiliated conversion charter school cease operations as a charter school, it will follow the closure procedures outlined in the Federal, State, and District Required Language for Affiliated Conversion Charter Schools and will revert to a traditional LAUSD public school.

## L. PUBLIC SCHOOL CHOICE CHARTER SCHOOLS

The Public School Choice Resolution (“PSC Resolution”) was adopted by the Board of Education on August 25, 2009, with the goal of improving academic outcomes for the LAUSD community and expanding public school choice options in underserved communities. Internal LAUSD and external stakeholders including charter school operators were invited to participate in the PSC process. As a result, Public School Choice Charter Schools (or “PSC Charter Schools”) became a part of LAUSD’s portfolio of schools.<sup>49</sup>

PSC Charter Schools are required to comply with all applicable policies and procedures outlined in the LAUSD Policy and Procedures for Charter Schools. In addition, PSC Charter Schools are required to adhere to the following PSC Resolution assurances:

- Charter School is a not for profit entity.
- Charter School shall maintain a record of financial solvency and sustainability.
- Charter School agrees that the student composition at Charter School will be reflective of the student composition at the schools it is intended to relieve (in terms of demographics, including but not limited to race/ethnicity, gender, socio-economic status, English Learners, Standard English Learners, students with disabilities, and foster youth). Charter School shall ensure that ongoing review mechanisms are and remain in place to make sure that retention and student composition at Charter School continues to reflect that of the surrounding community.
- Charter School agrees to provide first choice attendance to students, including students with disabilities, who reside within the attendance boundary established by the District for the Public School Choice campus, in accordance with the Attendance Boundary State Waiver for Public School Choice. Thereafter, any remaining available seats will be filled with any student who wishes to attend Charter School on the PSC campus pursuant to the requirements of Education Code sections 47605(d)(1) and 47605(d)(2)(B). The District’s waiver of sections 47605(d)(1) and 47605(d)(2)(A) from the State Board of Education codifies these requirements.
- Charter School agrees that it shall not refuse enrollment to any resident student who wishes to attend the school unless and until the Los Angeles Unified School

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<sup>49</sup> The District has not implemented the PSC Resolution process since 2012. In August 2011, the Board of Education voted to amend the PSC 3.0 application process for new schools which resulted with internal LAUSD applicant teams applying for new schools first, and if none of the in-district applicants have submitted a high quality plan, then external applicants (charter operators and other non-profit groups) would be considered. Until the Board of Education initiates the PSC process, there will be no application process for PSC charter schools.

District, in its sole discretion, has determined that the resident student enrollment exceeds the District's established maximum operational enrollment capacity for the school. Charter School understands and agrees that the attendance boundary configuration as well as the maximum operational enrollment capacity of the school is determined by and subject to change at the sole discretion of the District.

- Charter School agrees to adhere to the District's "Enrollment Process for Charter Schools Selected to Operate a Public School Choice School." If a parent or guardian no longer wants his/her child to attend Charter School, an independent PSC charter school, Charter School shall implement the "opt out" procedures set forth in "Enrollment Process for Charter Schools Selected to Operate a Public School Choice School." A parent's "opt-out" decision is only valid and applicable for one academic school year. Once a parent has exercised his/her right to opt out, he/she is unable to re-enroll the child in Charter School for the remainder of the school year, unless Charter School has a seat available in accordance with the capacity set forth in the Charter. At the completion of each academic school year, parents of resident students, regardless of whether they may have opted out previously, shall have the opportunity to enroll their student(s) at Charter School again.

Specific PSC Charter School Requirements:

## 1. **SELPA**

PSC Charter Schools are required to participate in the LAUSD Special Education Local Plan Area (SELPA). PSC Charter Schools are required to use positive behavioral interventions and supports to address the learning and behavioral needs of students with disabilities in accordance with the U.S. Department of Education's Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Sec. 1400 et seq.) and to comply with the District's Discipline Foundation Policy. Charter School, selected to operate a PSC school, further agrees to protect the rights of students with disabilities and their parents or guardians relative to 1) prior notice and consent, 2) access to records 3) confidentiality, and 4) due process procedures. PSC Charter Schools will maintain a written description of the annual notification process used to inform parents/guardians of the policies regarding Nondiscrimination (Title 5 CCR 4960 (a)), Sexual Harassment (EC 231.5 (a) (b) (c)), Title IX Student Grievance Procedures (Title IX 106.8 (a) (d) and 106.9 (a)) and Uniform Complaint Procedures (Title 5, CCR 4600-4671). These procedures must include a description of how Charter School will respond to complaints and how the District will be notified of complaints and subsequent investigations. PSC charter schools must conduct Child Find activities for students residing in their pre-charter and/or PSC attendance areas (including private school students), so that students who have or are suspected of having a disability and needing special education and related services are appropriately identified and, if necessary, referred for evaluation in accordance with state and federal law.

## **2. Admissions and Enrollment**

In accordance with the Attendance Boundary State Waiver for Public School Choice, a PSC charter school agrees to provide first choice attendance to students, including students with disabilities, who reside within the attendance boundary established by the District for the Public School Choice campus. Thereafter, any remaining available seats will be filled with any student who wishes to attend the charter school on the PSC campus pursuant to the requirements of Education Code sections 47605(e)(1) and 47605(e)(2)(B). The District's waiver of these applicable Education Code sections from the State Board of Education codifies these requirements.

As a PSC charter school, charter school agrees that it shall not refuse enrollment to any resident student who wishes to attend the school unless and until LAUSD, in its sole discretion, has determined that the resident student enrollment exceeds the District's established maximum operational enrollment capacity for the school. A PSC charter school understands and agrees that the attendance boundary configuration as well as the maximum operational enrollment capacity of the school is determined by and subject to change at the sole discretion of the District.

## **3. Public School Choice Campus**

As an independent charter school approved to operate on a Public School Choice (PSC) campus, Charter School shall cooperate with the District in attaining and maintaining any and all applicable waivers from the State Board of Education. Additionally, Charter School agrees to waive any and all rights under the Charter Schools Act of 1992, as they may be amended, and the Education Code that pertain to Charter School's use of District facilities. Any such waiver shall be for a period coterminous with its LAUSD Board of Education approval to operate on a PSC campus or so long as Charter School occupies the PSC campus or what was originally identified as the PSC campus. PSC charter schools shall execute applicable Facilities Use Agreements in accordance with District policies and procedures.

## **4. Submission of a PSC Charter School Petition**

Until the Board of Education initiates the PSC process, there will be no application process for PSC Charter Schools. In the event the Board of Education does so, the same procedures, timelines, and criteria for evaluating a charter petition outlined in the New Petition section of this Policy and Procedures would apply.

## **5. Renewal Process for a PSC Charter School**

The same procedures, timelines, and criteria for evaluating a charter petition outlined in the Renewal section of this Policy and Procedures would apply to a PSC charter school. In addition, PSC Charter Schools must meet requirements from the Office of School Design Options to determine whether the charter school is abiding by the intent and provisions of the PSC Resolution to improve schools and increase student achievement at the existing schools and newly built schools which were a part of the PSC Resolution. The CSD will

coordinate with the Office of School Design Options for reviewing renewal considerations for PSC Charter School.

PSC Charter Schools must include the Federal, State, and District Required Language for Public School Choice Charter Schools in their renewal petitions, found in the CSD website.

## **6. Appeals; Revocation; Closure**

PSC Charter Schools will follow the same appeal provisions outlined in the Appeal section of this Policy and Procedures. The District will follow the revocation procedures outlined in the Charter Schools Act and corresponding state regulations. Should a PSC Charter School cease operations as a charter school, it will follow the closure procedures outlined in the Federal, State, and District Required Language for independent charter schools and will revert to a traditional LAUSD public school.