

ATTACHMENT 1

Charter School Facility Grant Program
Regulations (4 CCR § 10170)

TEXT OF REGULATIONS

CALIFORNIA CODE OF REGULATIONS

Title 4, Division 15, Article 1.5

Charter School Facility Grant Program

§ 10170.1. Purpose.

This Article implements the California School Finance Authority's administration of the Charter School Facility Grant Program (Education Code section 47614.5) which provides financial assistance for charter school facilities.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

§ 10170.2. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning as described below:

- (a) "Applicant" shall mean the Charter School, educational management organization, or charter management organization applying on behalf of a Charter School for a grant under this article.
- (b) "Application" shall mean a completed Charter School Facility Grant Program Online Application (CSFA Form 740-01; revised July 2018), incorporated herein by reference, as developed by the Authority, and described in Section 10170.6.
- (c) "Authority" shall mean the California School Finance Authority.
- (d) "Average Daily Attendance" (ADA) shall mean the unit of attendance, as reported by the Department for the second period of the school year.
- (e) "Average Daily Attendance Cap" (ADA Cap) shall mean for the 2017-18 Fiscal Year, an amount equal to one thousand one hundred seventeen dollars (\$1,117) per unit of ADA. Commencing with the 2018-19 Fiscal Year and moving forward, the amount of funding provided per unit of ADA in the preceding Fiscal Year, as adjusted by the Cost Of Living Adjustment Index or the amount specified in the current Budget Act.
- (f) "Chartering Authority" shall mean the school district, county board of education, or State Board of Education that granted a Charter School's petition to become a Charter School pursuant to Education Code Section 47605.
- (g) "Charter School" shall mean a school established and operating pursuant to the Charter Schools Act of 1992 (Education Code Section 47600, et seq.). Except where the defined term First Year Charter School is specifically used, Charter School shall also be meant to include schools that otherwise meet the definition of First Year Charter School.
- (h) "Cost Of Living Adjustment Index" (COLA Index) shall mean a percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior Fiscal Year. This percentage change shall be determined using the latest data available as of May 10 of the preceding Fiscal Year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding Fiscal Year, using the latest data available as of May 10 of the preceding Fiscal Year, as reported by the Department of Finance.

- (i) "Department" shall mean the California Department of Education.
- (j) "Estimated Annual Entitlement" shall mean the estimated grant amount to which a Charter School is entitled as calculated pursuant to Section 10170.7 prior to the first apportionment.
- (k) "Facility Invoice Expenditure Report" shall mean the annual Charter School Facility Grant Program Facility Invoice Expenditure Report (CSFA Form 740-02; revised October 2017) herein incorporated by reference.
- (l) "Fair Market Rent" shall the mean amount of money a property would rent or lease for if it was available at the time the appraisal was conducted.
- (m) "Final Fiscal Year Entitlement" shall mean the final calculated grant amount to which a Grantee is entitled based on the calculation prescribed in Section 10170.8.
- (n) "First Year Charter School" shall mean a school that anticipates beginning operations as a Charter School in the Fiscal Year for which it submits an Application and was not open the previous school year.
- (o) "Fiscal Year" shall mean the school year for which an Application for grant funds is submitted.
- (p) "Free or Reduced-Price Meal Eligibility" or "FRPM Eligibility" shall mean the percentage of enrolled students in grades Kindergarten through 12th grade or students ages 5 through 17, whichever is greater, eligible for free or reduced-price meals, as reported by the Department and certified through the annual Fall 1 data submission to the California Longitudinal Pupil Achievement Data System (CALPADS).
- (q) "Good Standing" shall mean the Applicant satisfies all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code Section 47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in Education Code Section 47607(h). The Authority will rely on information prepared by the Chartering Authority and the submission of a Good Standing Confirmation Form (GSCF) (CSFA Form 1119), incorporated herein by reference.
- (r) "Grantee" shall mean a Charter School determined by the Authority to be eligible for a grant.
- (s) "Independent Appraisal" shall mean a value assessment of rent and lease costs for a Charter School facility completed and signed by a Certified Real Estate Appraiser or Certified General Appraiser licensed by the California Department of Real Estate Appraisers who confirms that the appraisal is in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).
- (t) "New Facility Agreement" shall mean either 1) a rental or lease agreement for a facility not previously occupied by the Charter School; 2) a rental or lease agreement that includes additional square footage not included in the previous year's agreement; or 3) a new agreement for existing facilities or square footage when the existing lease is up for renewal or expires. Options to renew contained in existing rent or lease agreements on file with the Authority executed by the Charter School and the lessor will not be considered a New Facility Agreement.
- (u) "Prior Year" shall mean the school year prior to the school year for which an Application is submitted.

Note: Authority cited: Section 47614.5, Education Code. Reference: Sections 47614.5, 47600 et seq. and 47605, Education Code.

§ 10170.3. Eligible Applicant.

Any Applicant shall be eligible to apply for a grant if all of the following conditions are met:

- (a) The Application is submitted by or on behalf of a Charter School.
- (b) An approved charter has been awarded, is in place, and is current at the time of Application.
- (c) In the case of a First Year Charter School, a charter petition has been submitted for approval to the Chartering Authority and evidence, such as a copy of the charter petition, is submitted that the school anticipates beginning operations in the Fiscal Year for which an Application is submitted.
- (d) The Charter School meets one of the following criteria:
 - (1) Fifty-five percent (55%) or more of the student enrollment at the Charter School site is eligible for prior year FRPM; or
 - (2) The Charter School site for which grant funds are requested is physically located in the attendance area of a public elementary school in which fifty-five percent (55%) or more of the pupil enrollment is eligible for prior year FRPM and the school site gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the Charter School site is located, as determined by the local school district.
 - (3) First Year Charter Schools not operational in the prior year shall be eligible in the current year if the school meets the FRPM Eligibility requirements based on current year data.
 - (4) In all subsequent funding rounds, all schools shall adhere to Application dates outlined in Section 10170.5.
- (e) The Charter School, educational management organization, or charter management organization is not in default with the requirement of all programs administered by the Authority.
- (f) The Applicant is in Good Standing, as described in Section 10170.2(q), during the Fiscal Year. An Applicant found not to be in Good Standing, as determined by their Chartering Authority, shall be ineligible for grant funds. An Applicant may cure ineligibility for grant funds by meeting one of the following criteria:
 - (1) The Applicant receives confirmation of Good Standing within the Fiscal Year.
 - (2) An Applicant found not to be in Good Standing solely due to the Applicant failing to meet the requirements of Education Code Section 47607(f)(3) must provide evidence demonstrating fiscal solvency to the satisfaction of the Authority. Such evidence may include the Applicant's organizational budgets and audited financials.
- (g) The Charter School shall not operate as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter organization.

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.4. Eligible Costs.

- (a) Grant funds may be applied toward a Charter School's facilities costs for all of the following:
- (1) Costs associated with facility rents or leases as evidenced by an executed rental or lease agreement and beginning with the 2017-18 funding round, shall be subject to one of the following conditions:
 - (A) Reimbursable facility rent or lease costs do not exceed prior year's reimbursable costs on file with the Authority, subject to an adjustment of the annual COLA Index (COLA Cap); or
 - (B) The rent or lease costs of New Facility Agreements are at or below Fair Market Rent based on an Independent Appraisal as described in Section 10170.6(d) and paid for by the Applicant.
 - (i) If the Independent Appraisal finds the rent and lease costs above the Fair Market Rent, the costs will be based on Fair Market Rent as determined by the Independent Appraisal.
 - (2) If funds remain, costs associated with the facility but not limited to, remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, improving sites, and common area maintenance charges that are based on the Charter School's usage of the facility and are limited to maintaining and repairing the facility and its common areas will be evaluated for an award.
 - (3) Costs described in subdivisions (a)(1) and (a)(2) and associated with portions of school district or county office of education facilities that are not existing school district or county office of education facilities and are not reasonably equivalent facilities received from the Charter Authority.
 - (4) Costs associated with a ground lease as evidenced by an executed rental or lease agreement where there is no existing district facility on the ground being leased.
- (b) Grant funds may not be apportioned for any of the following:
- (1) Units of ADA generated through nonclassroom-based instruction as defined in Education Code Section 47612.5;
 - (2) Facility rent and lease costs associated with a Charter School's occupancy of existing district or county office of education facilities;
 - (3) Facility rent and lease costs associated with a Charter School's occupancy of reasonably equivalent facilities received from its Chartering Authority pursuant to Education Code Section 47614;
 - (4) Costs incurred to meet a Charter School's local match obligation for Charter School facilities that receives funds pursuant to the Charter School Facilities Program;
 - (5) Costs incurred for instructional or administrative costs including, but not limited to, salaries and benefits paid to teachers, instructional aides, the educational management organization or charter management organization responsible for managing the Charter School, or the Chartering Authority and existing district personnel;
 - (6) Lease costs assessed to the Charter School based on grant funds awarded to the school by the Authority during the same funding round;
 - (7) Facility rent and lease costs associated with a facility previously purchased and paid in full by the Charter School with State Charter School Facilities Incentive Grants Program funds unless those costs are associated with capital improvements;

- (8) Facility rent and lease costs associated with lease-to-purchase agreements where the rent and lease costs lower the final purchase price;
 - (9) Facility rent and lease costs associated with a facility that is inaccessible to the Applicant. The Authority reserves the right to request evidence such as a Certificate of Occupancy or letter from the lessor that establishes the date the Applicant began to occupy the leased site; or
 - (10) Costs incurred during any period the Applicant is found not to be in Good Standing.
- (c) Grant funds must be expended and liquidated within the guidelines of this article and the Charter School Facility Grant Program.
 - (d) No grant, whether for costs described in subdivision (a)(1), (a)(2), (a)(3), (a)(4), or a combination of, shall exceed the ADA Cap as defined in Section 10170.2(e) or 75% of the annual facility rent and lease costs for the Fiscal Year for which the Application is submitted, whichever is less.
 - (e) Where an Application is for multiple school sites, each site's eligibility and costs will be evaluated separately. The ADA applied to the determination of the grant, as described in subdivision (d), shall only be based on the eligible site(s).
 - (1) Where the Charter School's students migrate between eligible and ineligible school sites, the ADA applied shall be based upon the square footage ratio of eligible facilities to all facilities.
 - (2) Where the Charter School's students do not migrate between eligible and ineligible school sites, the ADA applied shall be based upon the school's self-certification of the ADA for the facility the students are assigned to.

Note: Authority cited: Section 47614.5, Education Code. Reference: Sections 47612.5 and 47614.5, Education Code.

§ 10170.5. Application Submission.

- (a) Application for grant funds shall be made on an online form (CSFA Form 740-01) prescribed by the Authority, and will be available as described below. The Authority will accept Applications during the Application periods described. Applications may not be submitted by email or facsimile.
 - (1) The Initial Application period for each grant year shall be made available by the Authority in the month of April. Application deadlines shall be 5:00 p.m. on the date five weeks from the date the Application is made available by the Authority. The Authority shall make Application materials available on the Authority's website and notify the public of the Application release date.
 - (2) The Second Application period for each grant year shall be made available by the Authority on September 10 of each Fiscal Year. The Application deadline shall be 5:00 p.m. on October 15 of each Fiscal Year. The Authority shall make Application materials available on the Authority's website and notify the public of the Application release date. Under the following circumstances, an Application may be submitted during the Second Application Period:
 - (A) A Charter School relocates from a facility that was ineligible for a grant award to a facility that is eligible, and the Application includes a description of the change in facility circumstances; or
 - (B) A First Year Charter School.

- (3) Late Applications and late Facility Invoice Expenditure Reports are ineligible for Program funds and are not eligible for the appeal process described in Section 10170.10.
- (b) The Authority's review and evaluation of an Application for purposes of calculating the Estimated Annual Entitlement shall be based on the information contained in and submitted with the Application, and supporting information obtained directly from other state and local agencies.
- (c) Organizations operating more than one Charter School, as identified by separate County District School (CDS) codes, must submit a separate Application for each Charter School with a separate CDS code for which a grant award is sought. Organizations operating more than one facility location under the same CDS code must combine all facilities operating under that CDS code in one Application.

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.6. Content of Application.

Completed Applications and all attachments shall be submitted to the Authority via the online Application form (CSFA Form 740-01) and shall include all of the following items.

- (a) Application. The Application shall include identifying information, a completed Legal Status Questionnaire, and signed certification that the data and information reported is true and correct and the charter will continue to comply with state and federal laws.
- (b) Copy of current charter agreement and verification of Authorizing Board adoption and expiration date.
- (c) Copy of the rent or lease agreement contract, or other documentation, verifying the Charter School's facilities rent or lease costs for the Fiscal Year for which a grant award is requested, and evidence that the rent or lease term matches or exceeds the anticipated grant term. If the Charter School does not have an executed rent or lease agreement for the Fiscal Year, the Applicant shall produce an executed lease or rental agreement for the Prior Year or other documentation sufficient to show the Charter School's actual facilities rent or lease costs for the Prior Year. If the Charter School does not have a rental or lease agreement for the Fiscal Year or Prior Year, the Applicant shall provide such other evidence to the satisfaction of the Authority, such as a pending lease agreement, that establishes the Applicant's best estimate of such costs for the Fiscal Year.
- (d) After the Authority has confirmed the Applicant's eligibility and determined one or more of the Applicant's facilities is a New Facility Agreement, the Authority will use an Independent Appraisal, completed within the last three Fiscal Years, that was previously filed with the Authority during a prior Application round. Otherwise, the Authority will request an Independent Appraisal completed within the Fiscal Year. The Appraisal shall be consistent with the USPAP, and at a minimum contain the following items:
 - (1) Use a Certified Real Estate Appraiser or Certified General Appraiser licensed by the California Department of Real Estate Appraisers;
 - (2) The Appraiser shall not be a Related Party as defined in Section 10170.14(a)(3);
 - (3) "Client" shall be the Charter School;
 - (4) "Intended User" shall be the California School Finance Authority for Charter School Facility Grant Program eligibility;
 - (5) Provide a Fair Market Rent Analysis including an explanation that supports the conclusions reached; and
 - (6) Signed Certification consistent with language found in USPAP.

- (e) An Applicant requesting reimbursement for Charter School costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, improving sites and common area maintenance charges shall submit no later than July 15 following the applicable Fiscal Year all of the following:
 - (1) A description of the work for which the reimbursement is requested, including how it meets one of the categories of eligible work;
 - (2) A Facility Invoice Expenditure Report, as provided by the Authority, detailing the costs to be reimbursed; and
 - (3) Applicable contracts for work to be performed to the extent they exist at the time of the Application.
- (f) An Applicant applying for or on behalf of a First Year Charter School shall submit an Application and the supporting documentation listed in subdivisions (f)(1)-(3), as they are made available. Grant funds will not be disbursed until items (1), (2) and (3) have been received by the Authority.
 - (1) An approved charter agreement evidencing the First Year Charter School's intention of operating a Charter School during the Fiscal Year for which grant funds are requested. If an approved charter agreement is not available, the Applicant shall submit the charter petition and Application and additional documentation demonstrating its intent to receive charter approval to operate a Charter School during the Fiscal Year for which grant funds are requested;
 - (2) An executed rental or lease agreement for the Fiscal Year for which grant funds are requested. If an executed rent or lease agreement is not available at the time of Application, the Applicant shall submit an estimate of rent or lease costs for the Fiscal Year; and
 - (3) A Charter School 20 Day Attendance Report shall be submitted within 20 days of initial California Department of Education Application submission date.
- (g) The Authority shall be entitled to the return of all grant funds from an Applicant if it is determined that the Applicant failed to provide complete and accurate information, or provided misleading information, that resulted in the disbursement of grant funds for which an Applicant is not eligible.
- (h) All requested documentation required to complete the Applicant's eligibility review or award calculation shall be due to the Authority within 60 calendar days of notification. Failure to submit this documentation by the stated deadline will result in Program ineligibility or ineligibility of applicable facility costs described in Section 10170.4(a)(1)-(4).
- (i) The Authority will request completion of the GSCF directly from the Chartering Authority. This form shall be completed and returned only if the Chartering Authority is aware of any outstanding compliance or revocation issues; otherwise, no action is necessary. An Applicant may appeal any response by the Chartering Authority's staff directly to the Chartering Authority's governing board.
 - (1) Requests for completion of the GSCF will be sent out to the Chartering Authority upon receipt of each Application.
 - (2) The Authority reserves the right to request completion of an additional GSCF at any time during the Fiscal Year.

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.7. Estimated Annual Entitlement Calculation.

- (a) Authority staff will make an initial determination regarding each Charter School's eligibility pursuant to Section 10170.3.
- (b) For each eligible Charter School, the Authority will determine the Estimated Annual Entitlement, pursuant to Section 10170.4(d).
- (c) The Estimated Annual Entitlement Calculation shall not include reimbursement of invoices as defined by Section 10170.4(a)(2).
- (d) If an Applicant is unable to provide an executed rental or lease agreement for the Charter School for either the Fiscal Year or for the Prior Year, the Authority may base the Estimated Annual Entitlement on information provided by the Applicant that constitutes an estimate of the Charter School's expected facilities rent or lease costs for the Fiscal Year.
- (e) For Charter Schools that submit an Application pursuant to Section 10170.5(a)(2), or Charter Schools that do not have Prior Year enrollment data, the Authority will make the Estimated Annual Entitlement calculation within 30 days of receipt of a complete Application and enrollment data from the Department.
- (f) For Charter Schools that do not have Prior Year enrollment data, the Authority shall base the units of ADA on 90% of the school's enrollment as reported in the Charter School 20 Day Attendance Report pursuant to Section 10170.6(f)(3).

Note: Authority cited: Section 47614.5, Education Code.
Reference: Section 47614.5, Education Code.

§ 10170.8. Final Fiscal Year Entitlement Calculation.

- (a) By the second apportionment as described in Section 10170.9, Grantees shall provide final and actual rent or lease costs for the Fiscal Year.
- (b) The Authority shall obtain from the Department final average daily attendance figures and FRPM Eligibility for each Grantee.
- (c) Pursuant to Section 10170.9(d), the Authority shall consider invoices for additional facility costs as submitted pursuant to Section 10170.6(e). Reimbursement for additional eligible costs submitted by invoice shall be limited to the criteria set forth in Section 10170.4(a)(2).
- (d) Based on the information provided pursuant to subdivisions (a)-(c), the Authority shall verify program eligibility and calculate each Grantee's Final Fiscal Year Entitlement, pursuant to Section 10170.4(d).

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.9. Apportionment of Grant Funds.

- (a) The first apportionment of 50% of the Estimated Annual Entitlement shall be disbursed to each Grantee by October 31 of the Fiscal Year for which the grant is requested, or 30 days after enactment of the annual Budget Act, whichever is later.
- (b) For a Grantee that submitted an Application pursuant to Section 10170.5(a)(2), the first apportionment of 50% of the Estimated Annual Entitlement shall be made within 30 days after the Authority determines eligibility and the Estimated Annual Entitlement.
- (c) No later than March 1 of each Fiscal Year, the Authority shall provide to each Grantee a second disbursement of 75% of the Estimated Annual Entitlement less the initial

disbursement and less any adjustments due to receipt of the executed rental or lease agreement for the designated Fiscal Year.

- (d) No later than 30 days after the end of each Fiscal Year or 30 days after receiving the data and documentation needed to compute the Charter School's total annual entitlement, whichever is later, the Authority shall provide to each Grantee a third disbursement of 100% of the Final Fiscal Year Entitlement less the first two disbursements and adjusted for any changes to the FRPM Eligibility data, ADA, and executed rental or leases agreements for the designated Fiscal Year. If reimbursement of invoices considered eligible pursuant to Section 10170.4(a)(2) is requested and Program funds remain, these costs will be incorporated into this final disbursement.
- (e) If there are insufficient funds to cover all eligible costs, the following conditions shall be in effect:
 - (1) Facility rent and lease costs as described in Section 10170.4(a)(1), (a)(3), and (a)(4) shall be awarded first. If funds remain, the Authority shall determine the pro rata share for each Grantee's invoice costs as described in Section 10170.4(a)(2) by calculating the percentage of the remaining funds available as compared to the funds needed to award all Grantees' eligible invoice costs. This percentage shall be applied to the Grantee's eligible invoice costs, as described in subsection (A) below.
 - (A) Eligible invoice costs = If $75\% \text{ of } (\text{invoice costs} + \text{lease costs}) > \text{ADA Cap}$, then $\text{ADA Cap} - (75\% \times \text{lease costs})$, otherwise invoice costs.
 - (2) If insufficient funds remain available from the Fiscal Year's appropriation to reimburse Grantee's facility rent and lease costs, the award shall be based solely on rent and lease costs as described in Section 10170.4(a)(1), (a)(3) and (a)(4). The Authority shall determine the pro rata share to which each Grantee is entitled by calculating the percentage of the Fiscal Year's appropriation as compared to the funds needed to fully award all Grantees' rent and lease costs. This percentage shall be applied to the Grantee's annual award and shall serve as the Grantee's pro rata share.
 - (3) The Authority shall disburse funds in three apportionments pursuant to subsections (b)-(e).
 - (A) The first apportionment shall be 50% of the pro rata share of the Estimated Annual Entitlement as determined by calculating the percentage of the Fiscal Year's appropriation as compared to the funds needed to fully award all Grantee's Maximum ADA Cap.
 - (B) The second apportionment shall be 25% of the pro rata share of the Estimated Annual Entitlement as determined by calculating the percentage of the Fiscal Year's appropriation as compared to the funds needed to fully award all Grantee's Maximum ADA Cap.
 - (C) The third apportionment shall be the pro rata share of the Grantee's remaining balance of the Final Fiscal Year Entitlement.
 - (4) Until the current year FRPM data is made available, Charter Schools with no Prior Year enrollment data shall have their FRPM based solely on the Charter School sites' Period 1 FRPM submission to the Department.
 - (5) During the Final Fiscal Year Entitlement Calculation, each eligible Applicant shall receive a Notice of Eligible Facility Costs (CSFA Form 740-03; revised October 2017), incorporated herein by reference. This notice shall serve as the Section 10170.10 Notification of Grantee and upon receipt, the Applicant shall have 30 days to review and execute the notice.

- (6) The Applicant shall have the opportunity to appeal the Notice of Eligible Facility Costs and the Appeal Process under Section 10170.10 (b)-(g) shall be implemented.
- (7) The Authority shall not disburse the third apportionment under subsection (e) until each eligible Applicant's executed Notice of Eligible Facility Costs has been received or October 30, whichever is earliest.
- (f) If a Grantee's Final Fiscal Year Entitlement is less than the amount disbursed to the Grantee through the first two apportionments the Authority shall provide the Grantee with notice and require that the Grantee reimburse the Authority for the excess within 60 days of the Grantee's receipt of such notice.
- (g) Prior to disbursement of funds for costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, improving sites, and common area maintenance, the Grantee shall complete the annual Invoice Expenditure Report, provided by the Authority. Grantee shall also submit supporting invoices, work orders, or other evidence of completed work to the Authority. Upon presentation of such evidence of actual costs incurred, such costs shall be reimbursed as a portion of the final apportionment. Such evidence shall be provided to the Authority no later than July 15 of the applicable Fiscal Year.
- (h) At any time during each Fiscal Year the Authority reserves the right to:
 - (1) Adjust each Grantee's Estimated Annual Entitlement on a pro rata basis based on the number of approved Grantees, the total amount of Estimated Annual Entitlements, and the amount of funds available;
 - (2) Adjust Estimated Annual Entitlements for individual Grantees based on the Authority's receipt of updated data from the Grantee or the Department; and
 - (3) If final data for FRPM Eligibility provided by the Department establishes that the Grantee is not eligible for the program pursuant to Section 10170.3(d), request reimbursement of grant funds already disbursed to the Grantee consistent with subdivision (d).

Note: Authority cited: Section 47614.5, Education Code. Reference: Section 47614.5, Education Code.

§ 10170.10. Notification of Grantee; Appeal Process.

- (a) The Authority will provide notice to each Applicant of Authority staff's eligibility determination and award calculation pursuant to Sections 10170.7 and 10170.8.
- (b) An Applicant shall have 30 calendar days from receipt of the Authority's notice to request reconsideration of eligibility or the award calculation by Authority staff.
- (c) Authority staff shall have 30 calendar days to review an Applicant's request for reconsideration and provide a final staff decision.
- (d) If the Applicant is unsatisfied with Authority staff's final decision, the Applicant shall have 30 calendar days following receipt of notice of the decision to notify the Authority that the Applicant wishes to appeal the matter to the Authority board.
- (e) Upon receipt of an appeal notice from an Applicant, the matter will be considered by the Authority board at the next regularly scheduled Authority meeting.
- (f) Applicants may request a single extension of up to 30 days for either of the deadlines provided in Section 10170.10 (b) or (d). Including the 30 day extension, the entire Appeal Process under subsections (b)-(d) may not exceed 120 days. The extension request must be approved by Authority staff and can be granted only one time during an appeal process. Staff shall consider the request for extension based on a showing of good cause

and evaluate on a case-by case basis. Extensions granted under these conditions are considered final and not subject to an additional appeal process.

- (g) If an appeal is not able to be resolved by the deadlines provided in Section 10170.10 (b), (d), and (f), the Authority shall deny the appeal based on a failure to comply with Program regulations. This decision is considered final and is not subject to an additional appeal.
- (h) If an eligibility determination or award calculation is modified by Authority staff or the Authority Board, changes in apportionments will be processed and distributed to the Applicant within 30 days.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

§ 10170.11. Obligation and Expenditure of Grant Funds.

- (a) Each Grantee shall defend, indemnify and hold harmless the Authority and the state, and all officers, trustees, agents, and employees of the same, from and against any and all claims, losses, costs, damages, or liability of any kind or nature, whether direct or indirect, arising from or relating to the grant and the project or the program.
- (b) Each Grantee shall comply with any audit provisions as may be required by the Authority and/or the State Controller.
- (c) Each Grantee shall maintain a valid charter and operate a charter school continuously throughout the Fiscal Year. The Authority reserves the right to routinely contact the Chartering Authority directly seeking written verification that the Grantee is in good standing and in compliance with the terms of its charter.
- (d) Each Grantee shall notify the Authority, within 30 days, of any material changes to the charter school's facilities, enrollment, FRPM Eligibility, charter status, student operations, or scope of the project that occurs between the time of Application and the end of the grant period.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

§ 10170.12. Approval of Grant Use Change.

The Authority may, on a case-by-case basis, consider a change in the use of the grant funds if the Grantee demonstrates that the change is consistent with the program and this Article.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

§ 10170.13. Audits.

- (a) The Authority and/or the State Controller may conduct or require periodic audits to ensure Grantees are using grant funds consistent with the requirements of the program and this article as approved. Grantees shall retain all documentation and financial data necessary to substantiate the purposes for which the grant funds were spent for a period of three years after the end of the grant period.
- (b) Grantees may be required to routinely verify continued eligibility.

- (c) The Authority reserves the right to conduct site visits to any charter school facility or project receiving a grant pursuant to this Article.

Note: Authority cited: Section 47614.5, Education Code.
Reference: Section 47614.5, Education Code.

§ 10170.14. Conflicts of Interest.

- (a) For purposes of this section, the following definitions shall apply:
- (1) "Affiliate" shall mean a shareholder, partner, member, officer or board member of, or person who directly or indirectly controls, a Corporate Entity.
 - (2) "Corporate Entity" shall mean any type of organization or legal entity other than an individual, including a corporation, partnership, limited liability company or unincorporated association.
 - (3) "Related Party" shall mean:
 - (A) School Official or a spouse, domestic partner, or dependent child of a School Official; or
 - (B) A Corporate Entity if a School Official or a spouse, domestic partner, or child of a School Official is an Affiliate of the Corporate Entity, except that a non-profit Corporate Entity formed exclusively for the purpose of managing or providing support to the Applicant or Charter School or to a group of related charter schools, and any direct or indirect wholly-owned subsidiary of any such Corporate Entity, shall not be considered a Related Party.
 - (C) "School Official" shall mean a board, member, officer, or employee of an Applicant or the Charter School.
- (b) Grantees must avoid actual conflicts of interest when applying for or receiving grants from the Authority.
- (c) Grant funds may not be used by an Applicant or Charter School to pay for any lease or rental or service agreement with a Related Party, unless all of the following conditions are satisfied:
- (1) The Related Party, and, in the case of a Corporate Entity, any School Official who is an Affiliate of the Corporate Entity, abstains from voting, or participating in the discussion of the governing board of the Charter School, regarding approval of the lease, rental agreement, or any amendment thereto;
 - (2) The Related Party, and, in the case of a Corporate Entity, any School Official who is an Affiliate of the Corporate Entity, abstains from voting, or participating in the discussion of the governing board of the Charter School, regarding the decision to apply for a grant to cover costs associated with the lease or rental agreement, as well as abstaining from participating in the Application for grant funds or administration of the Charter School's receipt of grant funds;
 - (3) The Related Party, and, in the case of a Corporate Entity, any School Official who is an Affiliate of the Corporate Entity, discloses its interest in the lease or rental agreement to the governing board of the Charter School;
 - (4) The amount of the lease or rent is at or below Fair Market Rent based on an Independent Appraisal paid for by the Applicant or Charter School or the governing board in approving the lease or rental agreement or amendments thereto has made a finding that the agreement is reasonable under the circumstances, and
 - (5) The lease or rental agreement is not signed by the Related Party, or in the case of a Corporate Entity, by any School Official who is an Affiliate of the Corporate Entity, on behalf of the Applicant or Charter School.

- (d) Nothing in this section is intended to supercede Government Code Section 1090, the Political Reform Act (commencing with Government Code Section 81000), or any other conflicts of interest laws that may be applicable to the Applicant or Charter School's participation in the program.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

§ 10170.15. Funding Contingency.

- (a) Funding for this grant program in each Fiscal Year is contingent upon the appropriation of funds.
- (b) Apportionments to each Grantee will be contingent upon the Grantee's continuing eligibility to receive such apportionments.
- (c) The Authority or Authority staff may seek third party verification regarding any and all applicable costs associated with the facility/project receiving a grant pursuant to this Article.

Note: Authority cited: Section 47614.5, Education Code.

Reference: Section 47614.5, Education Code.

ATTACHMENT 2

CA Education Code § 47614.5



EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001] (*Division 4 enacted by Stats. 1976, Ch. 1010.*)

PART 26.8. CHARTER SCHOOLS [47600 - 47663] (*Part 26.8 added by Stats. 1992, Ch. 781, Sec. 1.*)

CHAPTER 3. Charter School Operation [47610 - 47615] (*Heading of Chapter 3 amended by Stats. 1999, Ch. 78, Sec. 32.1.*)

47614.5. (a) The Charter School Facility Grant Program is hereby established, and shall be administered by the California School Finance Authority. The grant program is intended to provide assistance with facilities rent and lease costs for pupils in charter schools.

(b) (1) Commencing with the 2017–18 fiscal year, and subject to available funding in the annual Budget Act, eligible charter schools shall receive an amount equivalent to one of the following, whichever is less:

(A) Seventy-five percent of annual facilities rent and lease costs for the charter school.

(B) For the 2017–18 fiscal year, an amount equal to one thousand one hundred seventeen dollars (\$1,117) per unit of average daily attendance, as certified at the second principal apportionment. Commencing with the 2018–19 fiscal year, the amount of funding provided per unit of average daily attendance in the preceding fiscal year, as adjusted by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(2) In any fiscal year, if the funds appropriated for purposes of this section by the annual Budget Act are insufficient to fully fund the approved amounts, the California School Finance Authority shall apportion the available funds on a pro rata basis.

(c) For purposes of this section, the California School Finance Authority shall do all of the following:

(1) Inform charter schools of the grant program.

(2) Upon application by a charter school, determine eligibility, based on the geographic location of the charter schoolsite, pupil eligibility for free or reduced-price meals, and a preference in admissions, as appropriate. Eligibility for funding shall not be limited to the grade level or levels served by the school whose attendance area is used to determine eligibility. A charter schoolsite is eligible for funding pursuant to this section if the charter schoolsite meets either of the following conditions:

(A) The charter schoolsite is physically located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.

(B) Fifty-five percent or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced-price meals.

(3) Inform charter schools of their grant eligibility.

(4) Make apportionments to a charter school for eligible expenditures according to the following schedule:

(A) An initial apportionment by October 31 of each fiscal year, provided the charter school has submitted a timely application for funding, as determined by the California School Finance Authority. The initial apportionment shall be 50 percent of the charter school's estimated annual entitlement as determined by this section.

(B) A second apportionment by March 1 of each fiscal year. This apportionment shall be 75 percent of the charter school's estimated annual entitlement, as adjusted for any revisions in cost, enrollment, and other data relevant to computing the charter school's annual entitlement, less any funding already apportioned to the charter school.

(C) A third apportionment within 30 days of the end of each fiscal year or 30 days after receiving the data and documentation needed to compute the charter school's total annual entitlement, whichever is later. This apportionment shall be the charter school's total annual entitlement less any funding already apportioned to the charter school.

(D) Notwithstanding subparagraph (A), the initial apportionment in the 2013–14 fiscal year shall be made by October 15, 2013, or 105 days after enactment of the Budget Act of 2013, whichever is later.

(d) For purposes of this section:

(1) The California School Finance Authority shall use prior year data on pupil eligibility for free or reduced-price meals to determine eligibility pursuant to paragraph (2) of subdivision (c). A new charter school that was not operational in the prior year shall be eligible in the current year if it meets the free or reduced-price meal eligibility requirements specified in paragraph (2) of subdivision (c) based on current year data. Prior year rent or lease costs provided by charter schools shall be used to determine eligibility for the grant program until actual rent or lease costs become known or until June 30 of each fiscal year.

(2) If prior year rent or lease costs are unavailable, and the current year lease and rent costs are not immediately available, the California School Finance Authority shall use rent or lease cost estimates provided by the charter school.

(3) (A) The California School Finance Authority shall verify costs associated with facility rents or leases, as evidenced by an executed rental or lease agreement.

(B) The verified facility agreement shall be subject to either of the following conditions:

(i) Reimbursable facility rent or lease costs do not exceed the prior year's costs on file with the authority as of the 2016–17 fiscal year, subject to a cost-of-living adjustment consistent with subparagraph (B) of paragraph (1) of subdivision (b).

(ii) The rent or lease costs of new facility agreements are at or below market rate based on an independent appraisal paid for by the charter school.

(4) The California School Finance Authority shall verify that the grant amount awarded to each charter school is consistent with eligibility requirements as specified in this section and in regulations adopted by the authority. If it is determined by the California School Finance Authority that a charter school did not receive the proper grant award amount, either the charter school shall transfer funds back to the authority as necessary within 60 days of being notified by the authority, or the authority shall provide an additional apportionment as necessary to the charter school within 60 days of notifying the charter school, subject to the availability of funds.

(e) Funds appropriated for purposes of this section shall not be apportioned for any of the following:

(1) Units of average daily attendance generated through nonclassroom-based instruction as defined by paragraph (2) of subdivision (e) of Section 47612.5 or that does not comply with conditions or limitations set forth in regulations adopted by the

state board pursuant to this section.

(2) Charter schools occupying existing school district or county office of education facilities, except that charter schools shall be eligible for the portions of their facilities that are not existing school district or county office of education facilities.

(3) Charter schools receiving reasonably equivalent facilities from their chartering authorities pursuant to Section 47614, except that charter schools shall be eligible for the portions of their facilities that are not reasonably equivalent facilities received from their chartering authorities.

(f) Funds appropriated for purposes of this section shall first be used for costs associated with facilities rents and leases, consistent with the definitions used in the California School Accounting Manual or regulations adopted by the California School Finance Authority. These funds also may be used for costs, including, but not limited to, costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites.

(g) If an existing charter school located in an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced-price meals relocates to an attendance area identified in paragraph (2) of subdivision (c), admissions preference shall be given to pupils who reside in the elementary school attendance area into which the charter school is relocating.

(h) The California School Finance Authority annually shall report to the department and the Director of Finance, and post information on its Internet Web site, regarding the use of funds that have been made available during the fiscal year to each charter school pursuant to the grant program.

(i) The California School Finance Authority shall annually allocate the facilities grants to eligible charter schools according to the schedule in paragraph (4) of subdivision (c) for the current school year rent and lease costs.

(j) It is the intent of the Legislature that the funding level for the Charter School Facility Grant Program for the 2012–13 fiscal year be considered the base level of funding for subsequent fiscal years.

(k) The Controller shall include instructions appropriate to the enforcement of this section in the audit guide required by subdivision (a) of Section 14502.1.

(l) The California School Finance Authority, effective with the 2013–14 fiscal year, shall be considered the senior creditor for purposes of satisfying audit findings pursuant to the audit instructions to be developed pursuant to subdivision (k).

(m) The California School Finance Authority may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(n) Notwithstanding any other law, a charter school shall be subject, with regard to this section, to audit conducted pursuant to Section 41020.

(Amended by Stats. 2018, Ch. 32, Sec. 42. (AB 1808) Effective June 27, 2018.)

ATTACHMENT 3

CA Education Code § 47607



EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001] (*Division 4 enacted by Stats. 1976, Ch. 1010.*)

PART 26.8. CHARTER SCHOOLS [47600 - 47663] (*Part 26.8 added by Stats. 1992, Ch. 781, Sec. 1.*)

CHAPTER 2. Establishment of Charter Schools [47605 - 47608] (*Chapter 2 added by Stats. 1992, Ch. 781, Sec. 1.*)

- (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.
- 47607.** (2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).
- (3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.
- (4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.
- (5) The chartering authority may inspect or observe any part of the charter school at any time.
- (b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.
- (c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.
- (2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:
- (i) 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.
 - (ii) 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 performing statewide below the state average in

each respective year, received performance levels that are higher than the state average.

(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:

(i) 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.

(ii) 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 performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, “measurements of academic performance” means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, “subgroup” means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school’s performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section

52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority 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.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

(Amended by Stats. 2021, Ch. 44, Sec. 56. (AB 130) Effective July 9, 2021.)

ATTACHMENT 4

Good Standing Confirmation Form

California School Finance Authority (CSFA)
Good Standing Confirmation Form
CHARTER SCHOOL FACILITY GRANT PROGRAM

Academy of Media Arts (19647330139055) has applied to the above CSFA Program(s). CSFA is requesting that the Chartering Authority provide a response to the declarations below to consider this school's eligibility for Program funds. An eligible Program Applicant must satisfy all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code (EC) §47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

An unreturned form will be presumed an acknowledgment that there are no outstanding compliance, violation, or revocation issues for **Academy of Media Arts**.

Please check all the boxes that apply:

1) Academy of Media Arts is NOT in compliance with the terms of its Charter Agreement with Los Angeles Unified School District.

If checked, please provide or attach an explanation:

Please see attached letter for additional information regarding the Charter School's Not in good standing.

2) Academy of Media Arts has one or more pending or outstanding Notices of Violation described in EC §47607(g).

3) Academy of Media Arts has one or more pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

If 2 or 3 is checked, please select the basis for the Notice(s) from the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the Charter Agreement.
- Failed to meet or pursue any of the pupil outcomes identified in the Charter Agreement.
- Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- Violated any provision of law.

If 2 or 3 is checked, please provide or attach an explanation:

4) At this time, Academy of Media Arts is in compliance with the terms of its Charter Agreement, has no pending or outstanding Notices of Violation described in EC §47607(g), and has no unresolved or outstanding Notices of Intent to Revoke described in EC §47607(h).

I hereby certify that to the best of my knowledge and belief, this information is true and correct. This form was completed based on information as of this date and does not reflect future determinations of compliance or violations.


Signature

10/14/2022
Date

José Cole-Gutiérrez
Printed Name

Charter Schools Division Director
Title

The sole purpose of this form is to establish CSFA Program eligibility based on the date signed. This form is for internal use only.

ATTACHMENT 5

Letter provided by Los Angeles Unified School
District with Good Standing Confirmation
Form



LOS ANGELES UNIFIED SCHOOL DISTRICT CHARTER SCHOOLS DIVISION

333 South Beaudry Avenue, 20th Floor, Los Angeles, CA 90017
Office: (213) 241-0399 ♦ Prop. 39: (213) 241-5130 ♦ Fax: (213) 241-2054

ALBERTO M. CARVALHO
Superintendent

VERONICA ARREGUIN
Chief Strategy Officer

JOSÉ COLE-GUTIÉRREZ
Director, Charter Schools Division

October 14, 2022

To Whom It May Concern:

Academy of Media Arts (Charter # 2038, CDS Code 19647330139055, with the charter term expiring June 30, 2026¹) (“Charter School” or “AMA”) is currently operating as a charter school authorized by the Los Angeles Unified School District (“LAUSD”) Board of Education.

LAUSD acknowledges that, at this time, the Charter School’s charter is active, but its charter is currently **not in good standing** with LAUSD. Moreover, the Charter School has not taken all the required corrective measures to address and cure its non-compliance with all applicable law, *LAUSD Policy and Procedures for Charter Schools* (“Policy”), and terms of the operative charter. As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA’s current breach meets criteria for the District to initiate revocation action. The District will review the Charter School’s plan and any additional relevant information (i.e., pertaining to Charter School’s performance and operations, etc.), to further assess appropriate action(s) and timing.

On August 2, 2022, the LAUSD Board of Education (“Board”) considered AMA’s material revision request to locate to a new facility located at 345 S. Figueroa St., Los Angeles, CA 90071 (“Figueroa Site”) and the Board denied AMA’s request accordingly for the multiple reasons noted in the Board materials and discussion. On August 15, 2022, AMA’s first day of instruction of the 2022-2023 school year, the CSD staff conducted a site visit to the Figueroa Site and confirmed that AMA’s school operations were being held at that unapproved site. Thus, the CSD issued a Notice to Cure on August 15, 2022, requesting that AMA cure and remediate the specific violation of unauthorized move to the Figueroa Site, which remains uncured at the time of this letter. As part of its ongoing oversight, LAUSD will continue to monitor the Charter School’s compliance with law, Policy, and terms of the operative charter.

LAUSD reserves the right to issue additional corrective actions and/or initiate revocation proceedings at any time pursuant to LAUSD’s oversight rights and obligations, which may be related but not limited to results of audits, investigations, or special reviews by LAUSD, its Office of the Inspector General (“OIG”), and/or other agencies. Charter schools may be randomly audited by the OIG, and the Charter School may or may not have been audited.

LAUSD’s statement regarding the Charter School’s current standing as a charter school is limited to the foregoing. Nothing herein shall be interpreted as an affirmation, representation, guarantee, warranty, claim, prediction, or otherwise by LAUSD regarding any other issues related to the Charter School, including, but not limited to, its past, present, or future finances (e.g., revenues, expenses, assets, liabilities, budgets, etc.), legal claims or disputes, other items pertaining to its operation as a charter school, or its standing as a charter school at any time after this date.

Sincerely,

José Cole-Gutiérrez, Director
Charter Schools Division

c: Marla Willmott
Lillian Lee
Christine Kae
Sally Ngov

¹ This expiration date includes the automatic extension enacted by AB 130, which added Section 47607.4 to the California Education Code to extend the charter term of all charter schools whose term would otherwise expire on or between January 1, 2022, and June 30, 2025, inclusive, by two years.

ATTACHMENT 6

Ineligibility Notice from California School
Finance Authority



CALIFORNIA SCHOOL FINANCE AUTHORITY

300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
p (213) 620-4608
f (213) 620-6309

901 P. Street, Suite 313-B
Sacramento, CA 95814
p (916) 651-7710
f (916) 651-7709

csfa@treasurer.ca.gov
www.treasurer.ca.gov/csfa

MEMBERS

FIONA MA, CPA, CHAIR
State Treasurer

TONY THURMOND
*State Superintendent of
Public Instruction*

JOE STEPHENSHAW
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

March 28, 2023

Dana Hammond
Chief Executive Officer
Academy of Media Arts
345 S. Figueroa Street
Los Angeles, CA 90071

Via Email: dana.h@academyofmediaarts.org

Dear Mr. Hammond:


Thank you for your interest in the Charter School Facility Grant Program (Program). Unfortunately, your application, on behalf of Academy of Media Arts (CDS: 19-64733-0139055) was deemed ineligible for a grant at this time. Representatives from Los Angeles Unified School District provided certification stating that Charter School is not in good standing and/or not in compliance with the terms of its charter. A copy of the associated form is attached.

Pursuant to Program regulations §10170.3(f), a charter school is eligible for a grant if the charter school is in "good standing with it's the chartering authority and is in compliance with the terms of its charter at the time of application submission, and without interruption throughout the term of the grant."

Academy of Media Arts shall have 30 calendar days in which to remedy this status with its chartering authority. Pursuant to Section 10170.10(f), applicants may request a single extension of up to 30 calendar days. If Academy of Media Arts is able to restore its status to good standing, it will once again be eligible to receive grant funds provided it meets all other eligibility requirements. If the charter school is unable to cure this status, an appeal for reconsideration of eligibility may be sent to the Authority no later than 30 calendar days from receipt of this notice, April 27, 2023. An additional 30 calendar days can be granted upon request.

Should you have any questions or need additional information, please feel free to contact SB740@treasurer.ca.gov.

Sincerely,

DocuSigned by:

B15FADD9649E4A9...

Ryan Storey
Staff Services Manager I

ATTACHMENT 7

Appeal from Academy of Media Arts



May 26, 2023

VIA E-MAIL (SB740@TREASURER.CA.GOV)

Ryan Storey
Staff Services Manager I
California School Finance Authority
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013

Re: **Request for Reconsideration – Charter School Facility Grant Program**
Academy of Media Arts (CDS: 19-64733-0139055)

Dear Mr. Storey:

This letter is a request for reconsideration of the California School Finance Authority's ("CSFA") March 28, 2023 determination that Academy of Media Arts ("AMA") is ineligible for 2022-2023 Charter School Facility Grant Program ("SB 740") funding under Education Code Section 47614.5 and California Code of Regulations, Title 4, Section 10170.1 *et seq.* ("Regulations").¹ We believe AMA is eligible for funding having now cured its good standing during the applicable fiscal year, as demonstrated by our memorandum of understanding ("MOU") with the Los Angeles Unified School District ("LAUSD"). The MOU resolves LAUSD's prior letter and confirms there are no pending or outstanding notices regarding AMA's charter. We therefore request that CSFA reconsider its March 28 determination and now find that AMA is eligible for SB 740 grant funds for the 2022-2023 school year.

CSFA Has Broad and Independent Discretion to Determine Whether A Charter School Is In Good Standing For SB 740 Grant Funding

A charter school is deemed in "good standing" to receive SB 740 funding if it "satisfies all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code Section 47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in Education Code Section 47607(h)." (Regulations § 10170.2(q).)

CSFA may rely on information submitted by a charter school's authorizer, including the Good Standing Confirmation Form ("GSCF"), to determine whether an applicant is in good standing. (*Id.*) However, CSFA is not limited to considering only the authorizer's submitted information. CSFA has ultimate authority to determine eligibility for SB 740 grants and to administer the grant program. (See e.g., Ed. Code § 47614.5(a), (c)-(d).) An applicant who is found to not be in good standing may cure its ineligibility by receiving confirmation of good standing within the applicable fiscal year. (Regulations

¹ We appreciate that CSFA granted AMA a 30-day extension, pursuant to Regulations Section 10170.10(f), to submit this request by May 27, 2023.

§ 10170.3(f).) The Regulations do not require the subsequent confirmation to be received from the authorizer. The Regulations also do not require or specify a particular type of confirmation that must be received. CSFA may confirm AMA is currently in good standing and eligible for a grant, even without subsequent information or forms from LAUSD.

LAUSD’s Prior Certification That AMA Was Not In Good Standing Predates the MOU Between LAUSD and AMA

CSFA’s March 28 eligibility determination is based on LAUSD’s “certification stating that Charter School is not in good standing and/or not in compliance with the terms of its charter.” (CSFA’s letter dated March 28, 2023, is provided as Attachment 1.) LAUSD submitted a letter dated October 14, 2022, which states that AMA’s charter was not in good standing at that time because AMA moved its charter school to a new facility located at 345 S. Figueroa Street, Los Angeles, CA 90071 (“Figueroa Site”), without a material revision to its charter approved by the LAUSD Board of Education. (LAUSD’s letter and GSCF² dated October 14, 2022, are provided as Attachment 2.) The school’s previous facility, as well as the new facility at the Figueroa Site, are each owned by third-party commercial landlords (not related entities of AMA).

LAUSD’s letter also references a Notice to Cure issued on August 15, 2022, regarding AMA’s operations at the Figueroa Site, which is noticeably not a notice of violation or notice of intent to revoke AMA’s charter that would have impacted AMA’s good standing under the Regulations. In fact, LAUSD’s letter specifically states that “As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA’s [operation at the Figueroa Site] meets the criteria for the District to initiate revocation action.” (See, Attachment 2.) LAUSD’s letter that AMA was not in good standing was therefore based on AMA’s school operations at the Figueroa Site, which LAUSD viewed as a violation of AMA’s charter without a material revision and could lead to charter revocation.

AMA re-submitted its request for material revision to LAUSD on February 3, 2023 seeking approval to operate at the Figueroa Site. The material revision was scheduled for consideration by the LAUSD Board of Education in June 2023. In April 2023, the LAUSD Charter School Division notified AMA that it planned to issue a Notice of Violation that would allege violations of law and the charter. However, rather than proceeding with the charter revocation and material revision processes and procedures, LAUSD and AMA entered into a MOU whereby LAUSD agreed to stay the charter revocation and material revision timelines and AMA will voluntarily surrender its charter effective June 30, 2023. (The MOU dated May 12, 2023, is provided as Attachment 3.) On April 24, 2023, the AMA Board of Directors adopted Resolution No. 5-100 to approve the voluntary surrender of the charter effective June 30, 2023. (The resolution is at “Attachment A” to the MOU provided in Attachment 3.)

We note the surrender of the charter ahead of the 2023-2024 school year does not change the school’s eligibility for funding for its third-party facilities rent costs during the 2022-23 school year. As memorialized in the MOU, AMA will continue operating the charter school for the remainder of the

² LAUSD’s GSCF was signed by the Charter Schools Division Director and dated October 14, 2022, but LAUSD did not indicate on the form whether or not AMA was in compliance with its charter agreement or had any pending or outstanding notices of violation or notices of intent to revoke at that time. AMA therefore responds to the information submitted in LAUSD’s separate letter dated October 14, 2022.

current school year (which will be the last year of the charter) without the need to proceed with the material revision.

AMA Satisfies the Regulatory Conditions To Be Deemed In Good Standing

In light of the MOU with LAUSD, we believe AMA is in “good standing” pursuant to Regulations Section 10170.2(q) and is therefore eligible for SB 740 funding for the 2022-2023 school year. LAUSD’s basis for previously determining that AMA was not in compliance with its charter and therefore not in good standing was AMA’s school operations at the Figueroa Site without a material revision. The MOU resolves this issue because, as stated above, the MOU specifically provides for AMA to continue its charter school operations at the Figueroa Site for the remainder of the school year without a material revision. The MOU expressly stays the material revision process. (See, Attachment 4.)

There are also no pending or outstanding notices of violation or notices of intent to revoke the AMA charter. The MOU explicitly states that LAUSD “agrees to stay the revocation and material revision processes and procedures.” (See, Attachment 4.) LAUSD “retains and reserves its right as the chartering/oversight authority of AMA to reinstate the revocation proceedings and request the LAUSD Board issue the Notice of Intent to Revoke and Notice of Facts in Support of Revocation” should AMA breach the terms of the MOU. (*Id.*) The right to “reinstate” such a process means that the notices are not currently pending or outstanding. They must be reinstated in order to be pending or outstanding, but that would only happen upon a condition precedent (i.e., AMA’s breach of the MOU). AMA’s Board of Directors has already adopted Resolution No. 5-100 to approve the voluntary surrender of the charter effective June 30, 2023, demonstrating AMA’s commitment to comply with the terms of the MOU.

We believe the MOU memorializes that AMA has satisfied the conditions to be deemed in “good standing” with respect to the 2022-23 school year pursuant to Regulations Section 10170.2(q). We also believe CSFA has authority to confirm that AMA is in good standing and therefore eligible for SB 740 grant funds based solely on the MOU, and without further information or documentation from LAUSD. We therefore request that CSFA determine that AMA is eligible for SB 740 funding for the 2022-2023 school year.

Thank you for your time and consideration of our request for reconsideration. Please feel free to contact us if you have any questions or if there is any additional clarification we can provide.

Sincerely,



Dana Hammond
Chief Executive Officer
Academy of Media Arts

Request for Reconsideration – Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Attachment 1: CSFA's March 28, 2023
Letter re Eligibility Determination



CALIFORNIA SCHOOL FINANCE AUTHORITY

300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
p (213) 620-4608
f (213) 620-6309

901 P. Street, Suite 313-B
Sacramento, CA 95814
p (916) 651-7710
f (916) 651-7709

csfa@treasurer.ca.gov
www.treasurer.ca.gov/csfa

MEMBERS

FIONA MA, CPA, CHAIR
State Treasurer

TONY THURMOND
*State Superintendent of
Public Instruction*

JOE STEPHENSHAW
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

March 28, 2023

Dana Hammond
Chief Executive Officer
Academy of Media Arts
345 S. Figueroa Street
Los Angeles, CA 90071

Via Email: dana.h@academyofmediaarts.org

Dear Mr. Hammond:


Thank you for your interest in the Charter School Facility Grant Program (Program). Unfortunately, your application, on behalf of Academy of Media Arts (CDS: 19-64733-0139055) was deemed ineligible for a grant at this time. Representatives from Los Angeles Unified School District provided certification stating that Charter School is not in good standing and/or not in compliance with the terms of its charter. A copy of the associated form is attached.

Pursuant to Program regulations §10170.3(f), a charter school is eligible for a grant if the charter school is in "good standing with it's the chartering authority and is in compliance with the terms of its charter at the time of application submission, and without interruption throughout the term of the grant."

Academy of Media Arts shall have 30 calendar days in which to remedy this status with its chartering authority. Pursuant to Section 10170.10(f), applicants may request a single extension of up to 30 calendar days. If Academy of Media Arts is able to restore its status to good standing, it will once again be eligible to receive grant funds provided it meets all other eligibility requirements. If the charter school is unable to cure this status, an appeal for reconsideration of eligibility may be sent to the Authority no later than 30 calendar days from receipt of this notice, April 27, 2023. An additional 30 calendar days can be granted upon request.

Should you have any questions or need additional information, please feel free to contact SB740@treasurer.ca.gov.

Sincerely,

DocuSigned by:

B15FADD9649E4A9...

Ryan Storey
Staff Services Manager I

Request for Reconsideration – Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Attachment 2: LAUSD October 14, 2022
Letter and Good Standing Certification
Form



LOS ANGELES UNIFIED SCHOOL DISTRICT CHARTER SCHOOLS DIVISION

333 South Beaudry Avenue, 20th Floor, Los Angeles, CA 90017
Office: (213) 241-0399 ♦ Prop. 39: (213) 241-5130 ♦ Fax: (213) 241-2054

ALBERTO M. CARVALHO
Superintendent

VERONICA ARREGUIN
Chief Strategy Officer

JOSÉ COLE-GUTIÉRREZ
Director, Charter Schools Division

October 14, 2022

To Whom It May Concern:

Academy of Media Arts (Charter # 2038, CDS Code 19647330139055, with the charter term expiring June 30, 2026¹) (“Charter School” or “AMA”) is currently operating as a charter school authorized by the Los Angeles Unified School District (“LAUSD”) Board of Education.

LAUSD acknowledges that, at this time, the Charter School’s charter is active, but its charter is currently **not in good standing** with LAUSD. Moreover, the Charter School has not taken all the required corrective measures to address and cure its non-compliance with all applicable law, *LAUSD Policy and Procedures for Charter Schools* (“Policy”), and terms of the operative charter. As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA’s current breach meets criteria for the District to initiate revocation action. The District will review the Charter School’s plan and any additional relevant information (i.e., pertaining to Charter School’s performance and operations, etc.), to further assess appropriate action(s) and timing.

On August 2, 2022, the LAUSD Board of Education (“Board”) considered AMA’s material revision request to locate to a new facility located at 345 S. Figueroa St., Los Angeles, CA 90071 (“Figueroa Site”) and the Board denied AMA’s request accordingly for the multiple reasons noted in the Board materials and discussion. On August 15, 2022, AMA’s first day of instruction of the 2022-2023 school year, the CSD staff conducted a site visit to the Figueroa Site and confirmed that AMA’s school operations were being held at that unapproved site. Thus, the CSD issued a Notice to Cure on August 15, 2022, requesting that AMA cure and remediate the specific violation of unauthorized move to the Figueroa Site, which remains uncured at the time of this letter. As part of its ongoing oversight, LAUSD will continue to monitor the Charter School’s compliance with law, Policy, and terms of the operative charter.

LAUSD reserves the right to issue additional corrective actions and/or initiate revocation proceedings at any time pursuant to LAUSD’s oversight rights and obligations, which may be related but not limited to results of audits, investigations, or special reviews by LAUSD, its Office of the Inspector General (“OIG”), and/or other agencies. Charter schools may be randomly audited by the OIG, and the Charter School may or may not have been audited.

LAUSD’s statement regarding the Charter School’s current standing as a charter school is limited to the foregoing. Nothing herein shall be interpreted as an affirmation, representation, guarantee, warranty, claim, prediction, or otherwise by LAUSD regarding any other issues related to the Charter School, including, but not limited to, its past, present, or future finances (e.g., revenues, expenses, assets, liabilities, budgets, etc.), legal claims or disputes, other items pertaining to its operation as a charter school, or its standing as a charter school at any time after this date.

Sincerely,

José Cole-Gutiérrez, Director
Charter Schools Division

c: Marla Willmott
Lillian Lee
Christine Kae
Sally Ngov

¹ This expiration date includes the automatic extension enacted by AB 130, which added Section 47607.4 to the California Education Code to extend the charter term of all charter schools whose term would otherwise expire on or between January 1, 2022, and June 30, 2025, inclusive, by two years.

California School Finance Authority (CSFA)
Good Standing Confirmation Form
CHARTER SCHOOL FACILITY GRANT PROGRAM

Academy of Media Arts (19647330139055) has applied to the above CSFA Program(s). CSFA is requesting that the Chartering Authority provide a response to the declarations below to consider this school's eligibility for Program funds. An eligible Program Applicant must satisfy all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code (EC) §47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

An unreturned form will be presumed an acknowledgment that there are no outstanding compliance, violation, or revocation issues for **Academy of Media Arts**.

Please check all the boxes that apply:

1) Academy of Media Arts is NOT in compliance with the terms of its Charter Agreement with Los Angeles Unified School District.

If checked, please provide or attach an explanation:

2) Academy of Media Arts has one or more pending or outstanding Notices of Violation described in EC §47607(g).

3) Academy of Media Arts has one or more pending or outstanding Notices of Intent to Revoke described in EC §47607(h).


If 2 or 3 is checked, please select the basis for the Notice(s) from the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the Charter Agreement.
- Failed to meet or pursue any of the pupil outcomes identified in the Charter Agreement.
- Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- Violated any provision of law.

If 2 or 3 is checked, please provide or attach an explanation:

4) At this time, Academy of Media Arts is in compliance with the terms of its Charter Agreement, has no pending or outstanding Notices of Violation described in EC §47607(g), and has no unresolved or outstanding Notices of Intent to Revoke described in EC §47607(h).

I hereby certify that to the best of my knowledge and belief, this information is true and correct. This form was completed based on information as of this date and does not reflect future determinations of compliance or violations.



Signature

José Cole-Gutiérrez

Printed Name

10/14/2022

Date

Charter Schools Division Director

Title

The sole purpose of this form is to establish CSFA Program eligibility based on the date signed. This form is for internal use only.

Request for Reconsideration – Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Attachment 3: May 2, 2023
Memorandum of Understanding

**Memorandum of Understanding
By and Between
Los Angeles Unified School District
and
Academy of Media Arts**

This Memorandum of Understanding (“MOU”) is made between Los Angeles Unified School District (“LAUSD” or “District”), a California public school district, and Academy of Media Arts (“AMA”), a California nonprofit public benefit corporation, operating a California public charter school known as Academy of Media Arts [California Department of Education Charter No. 2038] (“Charter School”)¹. (District and AMA may be referred to herein individually as “Party” and collectively as “Parties”). This MOU is based upon the following factual recitals:

RECITALS

WHEREAS, Charter School’s charter was authorized by the LAUSD Board of Education (“LAUSD Board”) on January 8, 2019, for a five-year term and was set to expire on June 30, 2024. However, Education Code section 47607.4 extended the terms of all charter schools whose terms expire on or between January 1, 2022, and June 30, 2025, inclusive, by two years. Thus, by operation of law, the charter term for Charter School expires on June 30, 2026;

WHEREAS, on February 3, 2023, AMA submitted a material revision application seeking to obtain authorization/ratification from the LAUSD Board relating to Charter School’s existing operations at 345 South Figueroa Street, Los Angeles, CA 90071;

WHEREAS, AMA’s material revision application is pending and is scheduled for LAUSD Board action in June 2023;

WHEREAS, on April 14, 2023, the District, through its Charter Schools Division (“CSD”), provided AMA with notice and relevant documents related to the proposed action [issuance of a Notice of Violation] to be considered at the April 18, 2023, LAUSD Board meeting;

WHEREAS, on April 17, 2023, AMA responded to the District’s Notice of Violation and provided the District with a response letter responding to the alleged violations;

WHEREAS, on April 18, 2023, LAUSD, through its CSD, presented the LAUSD Board a recommendation to issue a Notice of Violation to Charter School pursuant to Education Code section 47607(f) and (g) and corresponding state regulations, citing violations of law, failure to meet or pursue any of the pupil outcomes identified in the charter and concerns regarding AMA’s general capacity to operate its Charter School;

¹ Unless otherwise stated, for the purposes of this MOU, the terms “Charter School” and “AMA” may be used interchangeably, with the duties and responsibilities of the Charter School and AMA being the same under this MOU.

WHEREAS, on April 18, 2023, the LAUSD Board approved the issuance of the Notice of Violation, which provided AMA with a reasonable opportunity to address each identified alleged violation by May 18, 2023;

WHEREAS, on April 24, 2023 (“April 24th Meeting”), AMA’s Board approved the voluntary surrender of the charter for Charter School effective June 30, 2023, by way of Resolution # 5-100 (the “Resolution”) and authorized the commencement of the relevant procedures described in Element 15 of the charter as soon as practicable in connection with such surrender of the charter. The Resolution is attached herewith as **Attachment A** and part of this MOU;

WHEREAS, the District, in considering AMA’s total responses and actions to date, the interest of preserving time and resources and in lieu of proceeding with revocation and the material revision application at this time, agrees to stay the revocation and material revision processes and procedures on the condition that AMA agrees to meet all legal, charter, and District requirements governing AMA’s decision and action to voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board, and take all actions necessary to give full force and effect to the terms, provisions, and intent of the Resolution and any other appropriate actions relating back to the April 24th Meeting;

WHEREAS, the Parties desire in good faith to pause and toll the applicable revocation and material revision timelines in consideration of the actions taken by the AMA Board at the April 24th Meeting to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board;

WHEREAS, the District retains and reserves its right as the chartering/oversight authority of AMA to reinstate the revocation proceedings and request the LAUSD Board issue the Notice of Intent to Revoke and Notice of Facts in Support of Revocation pursuant to the original revocation timeline set forth by law and in the Notice of Violation, and schedule a public hearing on revocation, should AMA breach the terms of this MOU, if the AMA Board does not ratify this MOU, or if AMA does not voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board; and

WHEREAS, the District further retains and reserves its right as the chartering/oversight authority of AMA to reinstate the material revision application process, as permitted by the applicable material revision timeline, and proceed to present its recommendation to the LAUSD Board for consideration and action, should AMA breach the terms of this MOU, if the AMA Board does not ratify this MOU, or if AMA does not voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board.

NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING TERMS AND CONDITIONS, THE PARTIES AGREE AND COVENANT AS FOLLOWS:

1. Incorporate the Above Recitals

The Parties incorporate the above Recitals as if fully restated in this MOU.

2. Tolling of Revocation and Material Revision Timelines

The Parties agree in good faith to pause and toll the revocation and material revision timelines under applicable legal or District requirements in consideration of actions taken by the AMA Board at the April 24th Meeting to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board.

3. Stay of Revocation Process and Procedures

The District agrees to stay the revocation process and procedures based on the actions taken by the AMA Board to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board. If AMA breaches the terms of this MOU, if the AMA Board fails to ratify the MOU, or if AMA does not voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board, the District reserves the right to reinstate the revocation proceedings and request the LAUSD Board to issue the Notice of Intent to Revoke and Notice of Facts in Support of Revocation as permitted by the applicable revocation timeline set forth by law and in the Notice of Violation.

4. Stay of Material Revision Application Process and Procedures

The District agrees to stay the material revision application process and procedures based on the actions taken by the AMA Board to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board. If AMA breaches the terms of this MOU, if the AMA Board fails to ratify the MOU, or if AMA does not surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board, the District reserves the right to reinstate the material revision application process and procedures and proceed to present its recommendation to the LAUSD Board for consideration and action, as permitted by the applicable material revision timeline.

5. Compliance with Applicable Law, Charter and District Requirements

AMA agrees that it shall comply and maintain actions consistent with the corrective actions taken thus far and/or remedies proposed as documented in its response to the District's Notice of Violation. AMA further agrees that it shall meet all applicable legal, charter, and District requirements governing AMA's decision and action to voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board and follow the applicable procedures for the financial close-out and disposition of liabilities and assets pursuant to, and which may include but not be limited to, the Charter Schools Act [Ed. Code, §§ 47600, *et al.*], the California Corporations Code [Corp. Code, §§ 5000-10841], the *Federal, State, and District*

Required Language for Independent Charter School Petitions (New and Renewal) and Material Revisions (“FSDRL”), the LAUSD Policy and Procedures for Charter Schools (“District Policy”), AMA’s Bylaws and Articles of Incorporation and other applicable instruments/documents governing AMA’s voluntary surrender of the charter and ceasing of operations of the school that is currently under the authority of the LAUSD Board. The FSDRL and District Policy are attached herewith as Attachments B and C, respectively, and part of this MOU.

6. Breach of MOU

As used in this MOU, the term “breach” is defined as a material breach of the terms, provisions, and obligations created in this MOU. An alleged breach must be identified by CSD in writing within 30 calendar days of the alleged act or omission. AMA will have a reasonable time to cure the alleged breach before the District reinstates the revocation and material revision application processes and procedures. Additionally, the District reserves the right to initiate new revocation proceedings at any time upon evidence that AMA has committed grounds subject to revocation under Education Code section 47607.

7. Modifications

This MOU may be modified or supplemented only through written agreement of the Parties.

8. Severability

The Parties agree that should any of the provisions of this MOU be judicially determined to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

9. Authorized Signatures

The individuals signing this MOU warrant that they are authorized to do so, and further, that they are authorized to make the promises in this MOU on behalf of the respective Parties.

10. Review of Document

The Parties acknowledge this MOU is freely and voluntarily executed. They further acknowledge that the Parties, in executing this MOU, do not rely upon any inducements, promises, or representations, express or implied, not reflected in this MOU. The Parties agree to cooperate fully in the execution of any and all other documents and/or additional actions necessary and/or appropriate to give full force and effect to the terms, provisions, and intent of this MOU. The Parties represent that they were provided with an opportunity to consult with legal counsel of their own choosing regarding this MOU and each of its provisions. The Parties further represent that they have, as of the date of execution of this MOU, the legal capacity to understand, agree to, and sign this MOU.

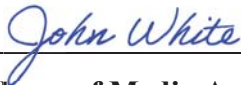
11. Term

This MOU shall be effective upon full execution and the AMA Board of Directors’ ratification of the MOU and will remain in effect through the effective date

identified in the Resolution (June 30, 2023), subject to compliance with all terms and provisions set forth in this MOU.

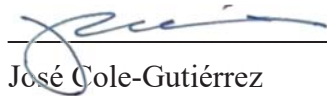
[Signatures Appear On Following Page]

APPROVED, PASSED, AND ADOPTED by the Board of Directors of Academy of Media Arts on May 11, 2023



Academy of Media Arts Board Chair

For the District:



José Cole-Gutiérrez
Director, Charter Schools Division
Los Angeles Unified School District

5/12/2023

DATE

Attachments:

- A. AMA Board Resolution # 5-100.
- B. Federal, State, and District Required Language for Independent Charter School Petitions (New and Renewal) and Material Revisions updated August 11, 2020.
- C. LAUSD Policy and Procedures for Charter Schools.

Attachment A

AMA Board Resolution # 5-100

[see attached]

RESOLUTION NO. 5-100

RESOLUTION OF THE BOARD OF DIRECTORS OF ACADEMY OF MEDIA ARTS APPROVING AND AUTHORIZING THE VOLUNTARY SURRENDER OF THE CHARTER FOR ACADEMY OF MEDIA ARTS CHARTER SCHOOL (CHARTER NO. 2038) EFFECTIVE JUNE 30, 2023, AND OTHER ACTIONS RELATED THERETO

WHEREAS, Academy of Media Arts (“AMA”) is a California nonprofit public benefit corporation that operates the Academy of Media Arts charter school, California Department of Education Charter School No. 2038 (“Charter School”), pursuant to a charter petition approved by the Los Angeles Unified School District (“District”); and

WHEREAS, the Board of Directors of AMA has determined that it is in the best interests of AMA to voluntarily surrender the Charter School’s charter to the District effective June 30, 2023 (the “Effective Date”), and authorize commencement of the relevant procedures described in Element 15 of the charter as soon as practicable in connection with such surrender of the charter.

NOW, THEREFORE, this Board of Directors of AMA does hereby find, resolve, and order as follows:

Section 1. The surrender of the Charter School’s charter effective as of the Effective Date and commencement of the relevant procedures described in Element 15 of the charter as soon as practicable in connection with such surrender of the charter is hereby approved.

Section 2. Prior to the Effective Date, AMA shall continue to operate the Charter School in accordance with the approved charter.

Section 3. The Chief Executive Officer of AMA or designee is responsible for all charter surrender-related activities, is authorized and directed to take or a cause to be taken all such actions as may be required to fulfill the purposes of these resolutions and will use the Charter School’s reserves or another appropriate source of revenue to fund these activities.

Section 4. AMA will prepare final financial records for the Charter School, will have a final audit of the Charter School completed within six months after the Effective Date, and will file any annual reports required by law.

Section 5. Any of the Charter School’s remaining assets shall remain the sole property of AMA. Any District property will be returned to the District. Any conditionally donated materials and property will be returned to the donor if required by conditions established at the time of donation. Any grant funds and restricted categorical funds will be returned to their source in accordance with the terms of the grant or state and federal law as required.

SECRETARY'S CERTIFICATE

I, Chelsea Staebell, Secretary of the Board of Directors of Academy of Media Arts, a California nonprofit public benefit corporation, County of Los Angeles, California, hereby certify as follows:

The attached is a full, true, and correct copy of the resolutions duly adopted at a meeting of the Board of Directors of Academy of Media Arts, which was duly and regularly held on the 24th day of April, 2023, at which meeting a quorum of the members of the Board of Directors was present; and at such meeting such resolutions were adopted by the following vote:

AYES: 4

NOES: 0

ABSTAIN: 0

ABSENT: 1

I have carefully compared the same with the original minutes of such meeting on file and of record in my office; the attached resolution is a full, true, and correct copy of the original resolution adopted at such meeting and entered in such minutes; and such resolution has not been amended, modified, or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 5th day of May, 2023.



Secretary of the Board of Directors of
Academy of Media Arts

Attachment B

**Federal, State, and District Required Language for
Independent Charter School Petitions (New and Renewal)
and Material Revisions updated August 11, 2020**

[see attached]



Los Angeles Unified School District

**Federal, State, and District Required Language
for
Independent Charter School Petitions
(New and Renewal)
and
Material Revisions**

Updated August 11, 2020

LOS ANGELES UNIFIED SCHOOL DISTRICT
Charter Schools Division
333 South Beaudry Avenue, 20th Floor
Los Angeles, CA 90017
213-241-0399

TABLE OF CONTENTS

Assurances, Affirmations, and Declarations.....	4
Element 1 – The Educational Program	5
Element 2 – Measurable Pupil Outcomes and	
Element 3 – Method by which Pupil Progress Toward Outcomes will be Measured	9
Element 4 – Governance.....	9
Element 5 – Employee Qualifications	13
Element 6 – Health and Safety Procedures.....	14
Element 7 – Means to Achieve Racial and Ethnic Balance.....	18
Element 8 – Admission Requirements.....	19
Element 9 – Annual Financial Audits.....	20
Element 10 – Suspension and Expulsion Procedures	21
Element 11 – Employee Retirement Systems.....	25
Element 12 – Public School Attendance Alternatives	25
Element 13 – Rights of District Employees.....	26
Element 14 – Mandatory Dispute Resolution.....	26
Element 15 – Charter School Closure Procedures	29
Additional Provisions.....	36

Federal, State and District Required Language for Independent Charter School Petitions (New and Renewal) and Material Revisions

Dear Applicants:

On the following pages, you will find the “Federal, State, and District Required Language” (“FSDRL”) that must be included in a comprehensive independent charter school petition.*

Please follow the instructions below:

- Check the Charter Schools Division website (<http://charterschools.lausd.net>) to ensure that this document is the current version of the FSDRL, as it may be changed from time to time.
- Provide the “Assurances, Affirmations, and Declarations” page (the first two pages of the FSDRL) at the beginning of the petition, immediately after the table of contents.
- Place the FSDRL for each Element at the beginning of the Element under the Element heading. Use the Element headings provided in the FSDRL, including the statutory language for each Element.
- Highlight all FSDRL in gray, as shown here, to facilitate easy identification of the FSDRL within the petition. Do not highlight any other text in gray.
- On the “Assurances, Affirmations, and Declarations” page, replace “[Charter School]” with the name of the proposed charter school and replace “[short form of school name]” with an appropriate identifier.
- Do not add, delete, or change any provision of the FSDRL other than the instruction above.**
- Ensure that all other provisions in the charter petition do not duplicate and are otherwise consistent with the provisions of the FSDRL.**

***NOTE: Public School Choice (PSC) charter schools seeking renewal must include in their renewal petitions the PSC-specific version of the FSDRL. Other charter schools, such as conversion independent and non-classroom based charter schools, may be required to include context-specific FSDRL as well.**

Assurances, Affirmations, and Declarations

[Charter School] (also referred to herein as “[short form of school name]” and “Charter School”) shall:

- Be nonsectarian in its programs, admission policies, employment practices, and all other operations. (California Education Code (hereinafter “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 the Los Angeles Unified School District (also referred to herein as “LAUSD” and “District”). 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).)
- Charter school shall not encourage a pupil currently attending the Charter School to disenroll from the Charter School or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code section 47605(e)(2)(B)(iii). (Ed. Code § 47605(e)(4).)
- 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 60851 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.

NOTE: This Charter contains specific “Federal, State and District Required Language” (FSDRL), including the *Assurances, Affirmations, and Declarations* section above. The FSDRL should be highlighted in gray within each Charter element or section. The final section of the Charter provides a consolidated addendum of the FSDRL. This intentional redundancy facilitates efficient charter petition review while ensuring ready access to the FSDRL for any given section of the Charter. To the extent that any inconsistency may exist between any provision contained within the body of the Charter and the FSDRL contained in the addendum, the provisions of the FSDRL addendum shall control.

Element 1 – The Educational Program

“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.” (Ed. Code § 47605(c)(5)(A)(i).)

“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.” (Ed. Code § 47605(c)(5)(A)(ii).)

“If the proposed charter school will serve high school pupils, a description of 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)(iii).)

LOCAL CONTROL FUNDING FORMULA (LCFF) AND LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP)

Charter School acknowledges and agrees that it must comply with all applicable laws and regulations related to AB 97 (2013) (Local Control Funding Formula), as they may be amended from time to time, which include the requirement that Charter School shall annually submit a Local Control and Accountability Plan (LCAP)/annual update to the Los Angeles County Superintendent of Schools and the Charter Schools Division (CSD) on or before July 1. In accordance with Education Code sections 47604.33 and 47606.5, Charter School shall annually update its goals and annual actions to achieve those goals identified in the charter pursuant to Education Code section 47605(c)(5)(A)(ii), using the Local Control and Accountability Plan template adopted by the State Board of Education, as it may be changed from time to time. Charter School shall comply with all requirements of Education Code section 47606.5, including but not limited to the requirement that Charter School “shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the local control and accountability plan and annual update to the local control and accountability plan.” (Ed. Code § 47606.5(d).)

ACADEMIC CALENDAR AND SCHEDULES

Charter School shall offer, at a minimum, the number of minutes of instruction set forth in Education Code section 47612.5, and the number of school days required by California Code of Regulations, title 5, section 11960.

MATHEMATICS PLACEMENT

Charter School shall comply with all applicable requirements of the California Mathematics Placement Act of 2015.

TRANSITIONAL KINDERGARTEN

Charter School shall comply with all applicable requirements regarding transitional kindergarten. For purposes of admission to Charter School, transitional kindergarten shall be considered a part of kindergarten, and therefore students enrolled in transitional kindergarten at Charter School shall be considered existing students of Charter School for purposes of Charter School’s admissions, enrollment, and lottery.

WASC ACCREDITATION

If Charter School serves students in grades 9-12, before Charter School graduates its first class of students, Charter School shall obtain, and thereafter maintain, Western Association of Schools and Colleges (WASC) accreditation.

ENGLISH LEARNERS

Charter School shall identify potential English Learners in a timely manner in accordance with all applicable legal requirements. Charter School must provide all English Learners with an effective English language acquisition program that also affords meaningful and equitable access to 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 School shall submit a certification to the LAUSD Charter Schools Division (CSD) that certifies that Charter School has adopted and is implementing either the LAUSD Master Plan for English Learners and Standard English Learners *or* Charter School's own English Learner (EL) Master Plan. If Charter School chooses to implement its own EL Master Plan, the plan shall provide a detailed description of Charter School's EL program, and shall address the following:

- How 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 Charter School's core academic curriculum
- How English Learners' specific needs will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How 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

Each year, Charter School shall provide to the CSD a report on its annual evaluation of the effectiveness of its EL program. Upon request, Charter School shall provide a copy of its current EL Master Plan to the CSD.

Charter School shall administer the CELDT/ELPAC annually in accordance with federal and state requirements.

Charter School shall reclassify English Learners in accordance with federal and state requirements.

Charter School shall 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.

STUDENTS WITH DISABILITIES

Federal Law Compliance

Charter School 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 School shall ensure that no student otherwise eligible to enroll in Charter School shall be denied, directly or indirectly, admission due to a disability or to Charter School's inability to provide necessary services. Charter School acknowledges that policies and procedures are in place

to ensure the recruitment, enrollment, service, and retention of students with disabilities at LAUSD-authorized charter schools, including Charter School.

Prior to LAUSD Board of Education 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, Charter School shall 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). However, Charter School reserves 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 with a grouping of charter school LEAs as a consortium following the requirements of Education Code section 56195.3(b). In this instance, Charter School will execute a MOU with LAUSD on provisions of special education as a member of a non-LAUSD SELPA.

SELPA Reorganization

The Los Angeles Unified School District 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 pursuant to a reorganization plan approved by the Board of Education on January 4, 2011 (149/10-11). Full implementation of the reorganized LAUSD SELPA commenced in the 2013-2014 school year requiring all District-authorized charter schools to elect one of the three options available under the LAUSD SELPA. Prior to an option election, all District-authorized charter schools were required to participate as a school of the District under the District-Operated Programs Unit. Prior to the beginning of the 2013-2014 school year, all District-authorized charter schools, other than those that had previously executed an Option 3 Memorandum of Understanding (“MOU”), were required to execute a new MOU setting forth the LAUSD SELPA option election for the remainder of the charter petition term. 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 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 of Education are bound by and must adhere to the terms, conditions and requirements of orders imposed upon the District pertaining to special education. All charter schools are required to use the District’s Special Education Policies and Procedures Manual and Welligent, the District-wide web-based software system used for online 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. .

**Element 2 – Measurable Pupil Outcomes and
Element 3 – Method by which Pupil Progress Toward Outcomes will be
Measured**

“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 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).)

“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 state priorities shall be consistent with the way information is reported on a school accountability report card.” (Ed. Code § 47605(c)(5)(C).)

MEASURABLE GOALS OF THE EDUCATIONAL PROGRAM

Charter School shall meet all statewide content and performance standards and targets. (Ed. Code §§ 47605(d)(1), 60605.)

Charter School shall comply with all applicable laws and regulations related to AB 97 (2013) (Local Control Funding Formula) and AB 484 (2013), as they may be amended from time to time, including all requirements pertaining to pupil outcomes.

STANDARDIZED TESTING

Charter School agrees to comply with state requirements for participation and administration of all state-mandated tests, including computer-based assessments. Charter School shall submit and maintain complete, accurate, and up-to-date California Longitudinal Pupil Achievement Data System (CALPADS) data in accordance with the requirements of California Code of Regulations, title 5, section 861. Charter School hereby grants authority to the State of California to provide a copy of all test results directly to the District as well as Charter School. Upon request, Charter School shall submit, in the requested format (e.g., CD), a copy of the results of all state-mandated tests to the District.

Element 4 – Governance

“The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.” (Ed. Code § 47605(c)(5)(D).)

GENERAL PROVISIONS

As an independent charter school, Charter School, operated as or by its nonprofit public benefit corporation, is a separate legal entity and shall be solely responsible for the debts and obligations of Charter School.

Charter School shall not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Ed. Code § 47604.)

Charter School shall ensure that, at all times throughout the term of the Charter, the bylaws of its governing board and/or nonprofit corporation are and remain consistent with the provisions of this Charter. In the event that the governing board and/or nonprofit corporation operating Charter School amends the bylaws, Charter School shall provide a copy of the amended bylaws to CSD within 30 days of adoption.

Charter School shall comply with the Ralph M. Brown Act (“Brown Act”). All meetings of the Charter School’s governing board shall be called, held and conducted in accordance with the terms and provisions of Education Code section 47604.1 and the Brown Act including, but not limited to, those related to meeting access and recording, notice, agenda preparation, posting and reporting.

Charter School shall send to the CSD copies of all governing board meeting agendas at the same time that they are posted in accordance with the Brown Act. Charter School shall also send to the CSD copies of all board meeting minutes within one week of governing board approval of the minutes. Timely posting of agendas and minutes on Charter School’s website will satisfy this requirement.

The District reserves the right to appoint a single representative to the Charter School governing board pursuant to Education Code section 47604(c).

LEGAL AND POLICY COMPLIANCE

Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policies as it relates to charter schools adopted through Board action.

Charter School shall comply with all applicable federal and state reporting requirements, including but not limited to the requirements of CBEDS, CALPADS, the Public Schools Accountability Act of 1999, and Education Code section 47604.33.

Charter School shall comply with the Brown Act and the California Public Records Act.

The Charter School shall comply with Government Code Section 1090, et seq., as set forth in Education Code section 47604.1.

Charter School shall comply with the Political Reform Act of 1974. (Gov. Code § 81000 et seq.)

Charter School and all employees and representatives of Charter School, including members of Charter School's governing board, members of 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 charter school policy, regarding ethics and conflicts of interest. Charter School shall enter into all transactions and conduct business with all persons and entities at arm's length or, in the case of otherwise permissible related party transactions, in a manner equivalent to arm's length.

Charter School shall notify parents, guardians, and teachers in writing within 72 hours of the issuance of a Notice of Violation, Notice of Intent to Revoke, Final Decision to Revoke, Notice of Non-Renewal, or equivalent notice, by the LAUSD Board of Education.

TITLE IX, SECTION 504, AND UNIFORM COMPLAINT PROCEDURES

Charter School shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and section 504 of the Rehabilitation Act of 1973 ("Section 504"), including any investigation of any complaint filed with Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Charter School shall notify all of its students and employees of the name, office address, and telephone number of the designated employee or employees.

Charter School shall adopt and publish complaint procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX or Section 504.

Charter School shall adopt and implement specific and continuing procedures for notifying applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Charter School, that Charter School does not discriminate on the basis of sex or mental or physical disability in the educational programs or activities which it operates, and that it is required by Title IX and Section 504 not to discriminate on any such basis.

Charter School shall establish and provide a uniform complaint procedure in accordance with applicable federal and state laws and regulations, including but not limited to all applicable requirements of California Code of Regulations, title 5, section 4600 et seq.

Charter School shall adhere to all applicable federal and state laws and regulations regarding pupil fees, including Education Code sections 49010 - 49013, and extend its uniform complaint procedure to complaints filed pursuant to Education Code section 49013.

Charter School shall extend its uniform complaint procedure to complaints filed pursuant to the Local Control Funding Formula legislation provisions set forth in Education Code section 52075.

RESPONDING TO INQUIRIES

Charter School, including its nonprofit corporation shall promptly respond to all reasonable inquiries, including but not limited to inquiries regarding financial records from the District, and shall cooperate with the District regarding any inquiries. Charter School acknowledges that Charter School, including but not limited to its nonprofit corporation, is subject to audit by LAUSD, including, without limitation, audit by the District Office of the Inspector General. Charter School shall provide the District with current, complete, and accurate contact information for Charter School, Charter School administrators, and Board members.

If an allegation or other evidence of waste, fraud, abuse, or other material violation of law related to Charter School's operations, or breach of the Charter, is received or discovered by the District, Charter School, including but not limited to its nonprofit corporation, employees, and representatives, shall cooperate with any resulting inquiry and/or investigation undertaken by the District and/or the Office of the Inspector General Investigations Unit.

Charter School acknowledges and agrees that persons and entities that directly exercise control over the expenditure of Charter School's public funds shall be subject to all necessary and appropriate District charter school oversight.

NOTIFICATION OF THE DISTRICT

Charter School shall notify the Charter Schools Division (CSD) in writing of any citations or notices of workplace hazards, investigations by outside governmental regulatory or investigative agencies, lawsuits, changes in corporate or legal status (e.g., loss of IRS 501(c)(3) status), or other formal complaints or notices, within one week of receipt of such notices by Charter School. Unless prohibited by law, Charter School shall notify the CSD in writing of any internal investigations within one week of commencing investigation. Charter School shall notify the CSD within 24 hours of any dire emergency or serious threat to the health and safety of students or staff.

STUDENT RECORDS

Upon receipt of a student records request from a receiving school/school district, Charter School shall transfer a copy of the student's complete cumulative record within ten (10) school days in accordance with Education Code section 49068 and all student confidentiality and privacy laws including compliance with the Family Educational Rights and Privacy Act (FERPA). Charter School shall comply with the requirements of California Code of Regulations, title 5, section 3024, regarding the transfer of student special education records. In the event Charter School closes, Charter School shall comply with the student records transfer provisions in Element 15. Charter School shall comply with the requirements of Education Code section 49060 et seq., which include provisions regarding rights to access student records and transfer of records for youth in foster care.

PARENT ENGAGEMENT

Charter School shall not require a parent or legal guardian of a prospective or enrolled student to perform volunteer service hours, or make payment of fees or other monies, goods, or services in lieu of performing volunteer service, as a condition of his/her child's admission, continued

enrollment, attendance, or participation in the school’s educational activities, or otherwise discriminate against a student in any manner because his/her parent cannot, has not, or will not provide volunteer service to Charter School.

The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. (Ed. Code § 47605(n).)

FEDERAL PROGRAM COMPLIANCE

As a recipient of federal funds, Charter School has agreed to meet all applicable programmatic, fiscal and other regulatory requirements of the Elementary and Secondary Education Act (ESEA, also known as Every Student Succeeds Act (ESSA)) and other applicable federal programs. Charter School understands that it is a local educational agency (LEA) for purposes of federal compliance and reporting purposes. Charter School agrees that it will keep and make available to the District any documentation necessary to demonstrate compliance with the requirements of ESEA and other applicable federal programs. Charter School also acknowledges that, as part of its oversight of Charter School, the District may conduct program review for federal as well as state compliance.

Element 5 – Employee Qualifications

“The qualifications to be met by individuals to be employed by the charter school.” (Ed. Code § 47605(c)(5)(E).)

EQUAL EMPLOYMENT OPPORTUNITY

Charter School acknowledges and agrees that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against applicants or employees on the basis of race, color, religion, sex, gender, gender expression, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information, military and veteran status, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including but not limited to recruitment, selection, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

ESEA/ESSA AND CREDENTIALING REQUIREMENTS

Charter School shall adhere to all requirements of the Elementary and Secondary Education Act (ESEA, also known as Every Student Succeeds Act (ESSA)) that are applicable to teachers and paraprofessional employees. Charter School shall ensure that all teachers are appropriately assigned and fully credentialed in accordance with applicable state requirements for certificated employment, including but not limited to the provisions of Education Code section 47605(1). Charter School shall maintain current copies of all teacher credentials and make them readily available for inspection.

Element 6 – Health and Safety Procedures

“The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish it 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) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.” (Ed. Code § 47605(c)(5)(F).)

HEALTH, SAFETY AND EMERGENCY PREPAREDNESS PLAN

Charter School shall comply with all applicable federal, state, and local requirements related to school and student health, safety, and emergency preparedness.

If Charter School occupies and/or operates on a District facility, Charter School shall comply with all District health, safety, and emergency procedures and requirements applicable to District facilities and related operations, and shall be subject to inspection by the District’s Facilities Services Division, Office of Environmental Health and Safety, and other District offices in the same manner as other LAUSD campuses.

Charter School shall adopt, implement, and maintain at all times a current, comprehensive, and site-specific Health, Safety, and Emergency Preparedness Plan (“Plan”), which must include but is not limited to provisions for building and site emergency evacuation, the acquisition and maintenance of adequate onsite emergency supplies. The Plan must include Charter School’s requirements and procedures for protecting student health and safety during off-campus school-sponsored activities, including but not limited to field trips and transportation. Charter School shall ensure that all staff members receive annual training on Charter School’s health, safety, and emergency procedures, including but not limited to training on bloodborne pathogens, and shall maintain a calendar for, and conduct, emergency response drills for students and staff.

Charter School shall periodically review, and update and/or modify as necessary, its Health, Safety, and Emergency Preparedness Plan, and keep it readily available for on-site use. Charter School shall provide a copy of the Health, Safety, and Emergency Preparedness Plan for review upon CSD request.

Comprehensive School Safety Plan

The Charter School shall adopt a Comprehensive School Safety Plan, to be reviewed and updated by March 1 of every year, which shall include, but not be limited to: (1) an assessment of the current status of school crime committed on Charter School facilities and at Charter School-related functions; and (2) identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the Charter School’s procedures for complying with applicable laws related to school safety, which shall include the development of all of the following pursuant to Education Code section 32282(a)(2)(A)-(J):

- Child abuse reporting procedures
- Routine and emergency disaster procedures
- Policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- Procedures to notify teachers of dangerous students pursuant to Education Code section 49079
- A discrimination and harassment policy consistent with Education Code section 200
- Provisions of any schoolwide dress code that prohibits students from wearing “gang-related apparel” if applicable
- Procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- A safe and orderly environment conducive to learning at the Charter School
- The rules and procedures on Charter School discipline
- Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on Charter School campus(es) and at school-related functions.

CHILD ABUSE AND NEGLECT MANDATED REPORTER TRAINING

Charter School shall provide all employees, and other persons working on behalf of Charter School who are mandated reporters, with annual training on child abuse detection and reporting, which shall occur within the first six weeks of each school year, or within the first six weeks of a person’s employment if employed after the beginning of the school year, in accordance with the requirements of Education Code section 44691.

Medication in School

The Charter School will adhere to Education Code section 49423 regarding administration of medication in school. Charter School shall stock and maintain the required number and type of emergency epinephrine auto-injectors onsite and provide training to employee volunteers in the storage and use of the epinephrine auto-injector as required by Education Code section 49414 and section 4119.2 of the Business and Professions Code, as they may be amended from time to time.

ATHLETIC PROGRAMS

Charter School shall comply with the requirements of Education Code section 49475, with respect to any athletic program (as defined in Education Code section 49475) offered by or on behalf of Charter School.

If the Charter School offers an interscholastic athletic program, it shall develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire and regularly test and maintain at least one automated external defibrillator (AED) for the Charter School, and make the AED available at on-campus athletic activities or events according to the requirements of Education Code sections 35179.4 and 35179.6.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Charter School, including its employees, officers, and representatives, shall comply with the Family Educational Rights and Privacy Act (FERPA) and Education Code section 49060 et seq. at all times.

CRIMINAL BACKGROUND CLEARANCES AND FINGERPRINTING

Charter School shall comply with all requirements of Education Code sections 44237 and 45125.1. Charter School shall designate and maintain at all times at least one Custodian of Records duly authorized by the California Department of Justice.

Charter School shall maintain on file and available for inspection evidence that (1) Charter School has performed criminal background checks and cleared for employment all employees prior to employment; (2) Charter School has obtained certification from each of its contracting entities/independent contractors that the entity/contractor has conducted required criminal background clearances for its employees prior to provision of schoolsite services and/or any contact with students, and has requested subsequent arrest notification service; and (3) Charter School has performed criminal background checks and cleared for service all volunteers not directly supervised by staff and who may have contact with students. Charter School shall also ensure that it requests and receives subsequent arrest notifications from the California Department of Justice for all employees and volunteers not directly supervised by staff. Upon request, Charter School shall provide a copy of Department of Justice confirmation of Custodian of Records status for each Custodian of Records. Charter School, including its administrators and officers, shall comply with the requirements of Education Code section 44030.5.

All teachers in Charter School shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Education Code sections 44339, 44340, and 44341.

IMMUNIZATION AND HEALTH SCREENING REQUIREMENTS

Charter School shall require all employees, and any volunteer or vendor/contracting entity employee who may have frequent or prolonged contact with students, to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, or otherwise meet the requirements of Education Code section 49406. Charter School shall maintain TB clearance records and certificates on file.

Charter School shall comply with all federal and state legal requirements related to student immunization, health examination, and health screening, including but not limited to screening for vision, hearing, and scoliosis pursuant to Education Code section 49450 et seq, to the same extent as would be required if the students were attending a non-charter public school. Charter School shall maintain student immunization, health examination, and health screening records on file.

SAFE PLACE TO LEARN ACT

Charter School shall comply with all applicable requirements of the Safe Place to Learn Act, Education Code section 234 et seq.

SUICIDE PREVENTION POLICY

If Charter School serves students in any grades Transitional Kindergarten/Kindergarten through 12, Charter School shall comply with the requirements of AB 2246 (2016) and AB 1767, codified in Education Code section 215, including but not limited to the requirement that the school's pupil suicide prevention policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and adopted at a regular public hearing. The Charter School shall review, at a minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy. Charter School shall provide the CSD with a copy of its pupil suicide prevention policy for review upon request.

HUMAN TRAFFICKING PREVENTION RESOURCES

If the Charter School serves students in any grades 6-12, it shall identify and implement the most appropriate methods of informing parents/guardians of human trafficking prevention resources as required by Education Code section 49381.

FEMININE HYGIENE PRODUCTS

If the Charter School maintains any combination of classes in grades 6-12 that meets the 40% pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(1)(A) of Title 20 of the United States Code, then it shall stock at least 50% of its restrooms with feminine hygiene products at all times, and shall not charge students for these products, as required by Education Code section 35292.6.

NUTRITIONALLY ADEQUATE FREE OR REDUCED-PRICE MEAL

The Charter School shall provide 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.

CALIFORNIA HEALTHY YOUTH ACT

The Charter School shall teach sexual health education and human immunodeficiency virus ("HIV") prevention education to students in grades 7-12, at least once in middle school and at least once in high school, pursuant to the California Healthy Youth Act. (Ed. Code § 51930, et seq.)

BULLYING PREVENTION

Charter School shall adopt procedures for preventing acts of bullying, including cyberbullying, and shall annually make available the online training module developed by the California Department of Education pursuant to Education Code section 32283.5(a) to certificated schoolsite employees and all other schoolsite employees who have regular interaction with pupils.

LGBTQ RESOURCES TRAINING

Charter School recognizes that it is encouraged to use schoolsite and community resources developed by the State Department of Education for the support of lesbian, gay, bisexual,

transgender, queer, and questioning (LGBTQ) pupils to provide training at least once every 2 years to teachers and other certificated employees at each Charter School schoolsite that serves pupils in grades 7 to 12, to increase support for LGBTQ pupils and thereby improve overall school climate. (Ed. Code § 218.)

TRANSPORTATION SAFETY PLAN

The Charter School shall develop and maintain a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, the Charter School shall ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Ed. Code § 39831.3; Veh. Code § 28160.)

Element 7 – Means to Achieve Racial and Ethnic 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).)

COURT-ORDERED INTEGRATION

Charter School shall comply with all requirements of the *Crawford v. Board of Education, City of Los Angeles* court order and the LAUSD Integration Policy adopted and maintained pursuant to the Crawford court order by the District’s Student Integration Services (collectively the “Court-ordered Integration Program”). The Court-ordered Integration Program applies to all schools within or chartered through LAUSD.

Charter School has set forth below its initial plan for achieving and maintaining the LAUSD’s Racial and Ethnic Balance goal of a 70:30 or 60:40 ratio. (*Ratio represents the percentage of Predominantly Hispanic Black Asian Other (PHBAO) compared to Other White (OW)*). The written plan lists specific dates and locations of recruitment activities that Charter School will undertake in order to achieve the District’s Racial and Ethnic Balance goal. Charter School shall monitor the implementation and outcomes of the initial plan, and modify it as necessary throughout the term of the Charter to achieve the District’s goal. Upon request, Charter School shall provide the District with a copy of its current written plan.

The District receives neither average daily attendance allocations nor Court-ordered Integration Program cost reimbursements for charter school students. The District may receive the Targeted Instructional Improvement Block Grant (TIIBG) for its Court-ordered Integration Program. The District retains sole discretion over the allocation of TIIBG funding, where available, and cannot guarantee the availability of this funding.

Element 8 – Admission Policies and Procedures

“Admission policies and procedures, consistent with subdivision (e).” (Ed. Code § 47605(c)(5)(H).)

DOCUMENTATION OF ADMISSIONS AND ENROLLMENT PROCESSES

Charter School shall maintain complete and accurate records of its annual admissions and enrollment processes, including but not limited to documentation of implementation of lottery and waitlist criteria and procedures in accordance with the terms of the Charter. These records shall be made available to the District upon request.

HOMELESS AND FOSTER YOUTH

Charter School shall 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 School shall provide specific information, in its outreach materials, websites, at community meetings, open forums, and regional center meetings, that notifies parents that Charter School will enroll and provide services for all students, and provides a standard District contact number for access to additional information regarding enrollment.

Charter School shall 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 shall extend its uniform complaint procedure to complaints filed pursuant to the applicable provisions of AB 379.

NON-DISCRIMINATION

Charter School shall not require a parent/legal guardian/student to provide information regarding a student’s disability, gender, gender identity, gender expression, nationality, legal or economic status, primary language or English Learner status, 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, or any other information that would violate federal or state law, prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment. Charter School may request, at the time of, and as part of, conducting its lottery process, the provision of information necessary to apply specific admissions preferences set forth in this Charter.

Charter School shall not request or require submission of a student’s IEP, Section 504 Plan, or any other record or related information prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment.

Charter School shall not discourage a student from enrolling or seeking to enroll in the Charter School, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner,

neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The Charter School shall not request or require a student's records to be submitted before enrollment. The Charter School shall post on its web site the California Department of Education notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Ed. Code §§ 47605, 47605.6)

Charter School shall adopt policy that is consistent with the model policy developed by the California Attorney General addressing the Charter School's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code section 234.7.

PREGNANT AND PARENTING STUDENT ACCOMMODATIONS

Charter School shall provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The Charter School shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Ed. Code §§ 222, 222.5, 46015.)

SEXUAL HARASSMENT POLICY NOTICE

The Charter School shall create a poster that notifies students of the applicable policy on sexual harassment in accordance with Education Code section 231.6, and shall prominently and conspicuously display the poster in each bathroom and locker room at each schoolsite and in public areas at each schoolsite.

If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level. If Charter School operates multiple school sites, this information shall be disaggregated by school site. (Ed. Code § 221.9.)

Element 9 – Annual 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).)

Charter School shall provide for an annual audit that shall be conducted in compliance with applicable state and federal laws, including but not limited to the requirements of Education Code sections 47605(b)(c)(I) and 41020 as they may be amended from time to time. Charter School shall ensure compliance with the requirements of section 41020(f)(2), which makes it unlawful, absent an Education Audits Appeal Panel waiver, for a public accounting firm to provide audit services

to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local educational agency in each of the six previous years.

The following reports will be submitted to LAUSD, in the required format and within timelines to be specified by LAUSD, each year:

- a. Provisional Budget – Spring prior to operating fiscal year
- b. Final Budget – July of the budget fiscal year
- c. First Interim Projections – November of operating fiscal year
- d. Second Interim Projections – February of operating fiscal year
- e. Unaudited Actuals – July following the end of the fiscal year
- f. Audited Actuals – December 15 following the end of the fiscal year
- g. Classification Report – monthly according to Charter School’s Calendar
- h. Statistical Report – monthly according to Charter School’s Calendar of Reports

In addition:

- P1, first week of January
 - P2, first week of April
- i. Instructional Calendar – annually five weeks prior to first day of instruction
 - j. Other reports as requested by the District

Element 10 – Suspension and Expulsion Procedures

“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 reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process 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 schooldays 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).)

GENERAL PROVISIONS

Charter School shall provide due process for all students, including adequate and timely notice to parents/guardians and students of the grounds for all suspension and expulsion recommendations and decisions and their due process rights regarding suspension and expulsion, including rights of appeal.

Charter School shall ensure that its policies and procedures regarding suspension and expulsion will be periodically reviewed, and modified as necessary, in order to conform to changes in state law.

Charter School shall ensure that its staff is knowledgeable about and complies with the District’s Discipline Foundation Policy and/or current equivalent policy.. Charter School shall comply with the terms of the School Discipline Policy and School Climate Bill of Rights resolution adopted by the LAUSD Board of Education on May 6, 2013.

Charter School shall be responsible for the appropriate interim placement of students during and pending the completion of Charter School’s student expulsion process and shall facilitate the post-expulsion placement of expelled students.

Charter School shall document and implement the alternatives to suspension and expulsion that Charter School utilizes in response to attendance-related concerns, e.g. truancy or excessive tardiness.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student’s parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated in this section.

HOMEWORK TO SUSPENDED STUDENTS

For any student who has been suspended from school for two or more schooldays, Charter School shall provide student with the homework the student would otherwise have been assigned if requested by the student or student’s parent/guardian. If a homework assignment is requested and turned in to the student's teacher either upon the student’s return to school from suspension or

within the timeframe originally prescribed by the teacher, whichever is later, but it is not graded before the end of the academic term, then that assignment shall not be included in the calculation of the pupil's overall grade in the class. (Ed. Code § 48913.5)

STUDENTS WITH DISABILITIES

Charter School shall establish and implement policies and procedures to ensure full compliance with federal and state laws and regulations regarding the discipline of students with disabilities. If a student is recommended for expulsion and the student receives or is eligible for special education, pending the completion of the expulsion process, Charter School shall identify and provide special education programs and services at an appropriate interim educational placement determined in coordination with the LAUSD Division of Special Education.

In the case of a student who has an Individualized Education Program ("IEP"), or a student who has a Section 504 Plan, Charter School shall ensure that it follows correct disciplinary procedures to comply with the mandates of state and federal laws, including IDEA and section 504 of the Rehabilitation Plan of 1973. As set forth in the MOU regarding special education between the District and Charter School, an IEP team will meet to conduct a manifestation determination and to discuss alternative placement utilizing the District's Special Education Policies and Procedures Manual. Prior to recommending expulsion for a student with a Section 504 Plan, Charter School's administrator will convene a Link Determination meeting to ask the following two questions:

- A. Was the misconduct caused by, or directly and substantially related to the student's disability?
- B. Was the misconduct a direct result of the Charter School's failure to implement Section 504?

NOTIFICATION OF THE DISTRICT

Upon expelling any student, Charter School shall notify the Charter Schools Division by submitting an expulsion packet to the CSD immediately or as soon as practicable, which shall contain:

- Completed "Notification of Charter School Expulsion" [form available from the CSD website or office], including attachments as required on the form
- Documentation of the expulsion proceeding, including statement of specific facts supporting the expulsion and documentation that Charter School's policies and procedures were followed
- Copy of parental notice of expulsion hearing
- Copy of expulsion notice provided to parent stating reason for expulsion, term of expulsion, rehabilitation plan, reinstatement notice with eligibility date and instructions for providing proof of student's compliance for reinstatement, appeal process, and options for enrollment
- If the student is eligible for Special Education, documentation related to expulsion in compliance with IDEA including the Expulsion Analysis page of the pre-expulsion IEP
- If the student is eligible for Section 504 accommodations, documentation that Charter School conducted a Link Determination meeting to address two questions:
 - A. Was the misconduct caused by, or directly and substantially related to the student's disability?

- B. Was the misconduct a direct result of Charter School's failure to implement Section 504 Plan?

Notwithstanding and apart from the documentation sent to the Charter Schools Division as indicated above, if the student is a resident of a school district other than LAUSD, Charter School must notify the superintendent of the student's district of residence within 30 days of the expulsion. Additionally, upon request of the receiving school district, Charter School shall forward student records no later than 10 school days from the date of the request as stated in Education Code section 49068 (a) and (b).

OUTCOME DATA

Charter School shall gather and maintain all data related to placement, tracking, and monitoring of student suspensions, expulsions, involuntary removals, and reinstatements, and make such outcome data readily available to the District upon request.

REHABILITATION PLANS

Pupils who are expelled from Charter School shall be given a rehabilitation plan upon expulsion as developed by Charter School's governing board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. Terms of expulsion should be reasonable and fair with the weight of the expelling offense taken into consideration when determining the length of expulsion. Therefore, the rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the pupil may apply to Charter School for readmission. Charter School shall inform parents in writing of its processes for reinstatement and applying for expungement of the expulsion record.

READMISSION

Charter School's governing board shall adopt rules establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, Charter School's governing board shall readmit the pupil, unless Charter School's governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered and the decision of the governing board, including any related findings, must be provided to the pupil and the pupil's parent/guardian within a reasonable time.

REINSTATEMENT

Charter School's governing board shall adopt rules establishing a procedure for processing reinstatements, including the review of documents regarding the rehabilitation plan. Charter School is responsible for reinstating the student upon the conclusion of the expulsion period in a timely manner.

GUN-FREE SCHOOLS ACT

Charter School shall comply with the federal Gun-Free Schools Act.

Element 11 – Employee Retirement Systems

“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).)

Charter School shall comply in a timely manner with all applicable federal and state laws and regulations, as they may change from time to time, including but not limited to Internal Revenue Code section 414(d) and related regulations, governing Charter School’s participation in, and/or coverage of its staff members by, the State Teachers’ Retirement System (CalSTRS), the Public Employees’ Retirement System (CalPERS), and/or federal social security.

If Charter School participates in, or otherwise covers its staff members by enrolling or continuing their enrollment in, a “government plan” governed by section 414(d) (e.g., CalPERS), upon dissolution or final liquidation of Charter School, and/or its nonprofit public benefit corporation, notwithstanding any provision in Element 15 to the contrary, Charter School shall distribute its net assets in accordance with section 414(d), related regulations, and the government plan’s requirements.

If Charter School participates in CalSTRS and/or CalPERS, Charter School shall continue such participation for the duration of Charter School’s existence under the same CDS code, if mandated by applicable legal and retirement plan requirements.

Element 12 – Public School 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).)

Pupils of Charter School do not have or gain any right to admission in a particular school of any school district, or program of any school district, as a consequence of applying to or enrolling in Charter School, except to the extent that such a right is extended by the school district.

A pupil who chooses not to attend Charter School may attend a public school within the pupil’s school district of residence in accordance with applicable law and that school district’s policies and procedures. The pupil alternatively may seek to enroll in another charter school in accordance with applicable law and the terms of the school’s charter. If LAUSD is the pupil’s school district of residence, an eligible pupil may pursue an inter-district transfer, if available, in accordance with the admission, enrollment, and transfer policies and procedures of the District, as they may change from time to time.

Element 13 – Rights of District Employees

“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).)

Employees of the District who choose to leave the employment of the District to work at Charter School shall have no automatic rights of return to the District after employment at Charter School unless specifically granted by the District through a leave of absence or other agreement or policy of the District as aligned with the collective bargaining agreements of the District. Leave and return rights for District union-represented employees and former employees who accept employment with Charter School will be administered in accordance with applicable collective bargaining agreements and any applicable judicial rulings.

Element 14 – Mandatory 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).)

GENERAL PROVISIONS

Any claim, controversy or dispute between the District and Charter School arising out of, or relating to, this Charter, except for any claim, controversy or dispute related to the authorization, non-renewal, revision, and/or revocation of this Charter, (“Dispute”) shall be resolved pursuant to the terms of this Element 14.

Notwithstanding any other provision of law, each party shall bear and be solely responsible for all of its own attorneys’ fees, costs and expenses associated with any Dispute, including, but not limited to, any written/oral communication, meeting, Issues Conference, mediation, arbitration, administrative and/or civil action (including all levels of appeal), and no party shall be ordered to pay, or be awarded, any other party’s attorneys’ fees, costs or expenses in connection therewith, regardless of who may be deemed the prevailing party. Any fees, costs and expenses charged by a mediator or arbitrator (including all associated administration fees, costs and expenses) shall be shared equally by the parties regardless of the outcome or award. To that effect, any order or award of attorneys’ fees, costs and/or expenses, or mediator’s or arbitrator’s fees, costs or expenses (including any associated administration fees, costs and expenses), issued by a mediator, arbitrator, judicial officer (including all levels of appeal) or jury in any Dispute shall be deemed invalid as a matter of law and unenforceable by one party against the other party.

PROPOSITION 39 DISPUTES

Any Dispute related to or arising out of Education Code section 47614 and/or its implementing regulations set forth in California Code of Regulations, title 5, section 11969 et seq. (“Proposition 39”), shall be resolved in accordance with the procedures set forth below:

- 1) Any Dispute shall be communicated in writing (“Written Notification”). The Written Notification must identify the nature of the Dispute and all supporting facts. The Written Notification shall be tendered to the other party by personal delivery, by facsimile or e-mail,

or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile or e-mail, upon electronic confirmation of receipt; or (c) if by certified mail, two (2) business days after deposit in the U.S. Mail.

Unless directed otherwise, all Written Notifications to the District and Charter School shall be addressed respectively as follows:

Director
Charter Schools Division
Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, California 90017

Director/Principal
[Charter School Name]
[Charter School Address]

- 2) A written response (“Written Response”) shall be tendered to the other party within fifteen (15) business days from the date of receipt of the Written Notification or other date as determined by mutual agreement of the parties. The Written Response shall be tendered to the other party by personal delivery, by facsimile or e-mail, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such communication if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile or e-mail, upon electronic confirmation of receipt; or (c) if by certified mail, two (2) business days after deposit in the U.S. Mail.
- 3) If the Dispute has not been resolved by mutual agreement from the Written Response, the parties agree to schedule a conference to discuss the Dispute identified in the Written Notice (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date on which the Written Response is received by the other party or other date as determined by mutual agreement of the parties.
- 4) If the Dispute has not been resolved by mutual agreement at the Issue Conference, either party may then request that the Dispute be resolved by mediation. Within fifteen (15) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties, the parties shall mutually agree upon the selection of a mediator. If the parties are unable to mutually agree upon the selection of a mediator, the mediator shall be selected from a list of mediators prepared and provided by the American Arbitration Association. Mediation proceedings shall commence within thirty (30) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties, and conclude within forty (40) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties. Unless the parties mutually agree otherwise, mediation proceedings shall be administered in accordance with the commercial mediation procedures of the American Arbitration Association.

- 5) If the mediation is not successful, either party may then initiate a civil action. Venue for any civil action between the parties shall be the Los Angeles County Superior Court.

NON-PROPOSITION 39 DISPUTES

Any Dispute not related to or arising out of Proposition 39 shall be resolved in accordance with the procedures set forth below:

- 1) Any Dispute shall be communicated in writing (“Written Notification”). The Written Notification must identify the nature of the Dispute and any supporting facts. The Written Notification shall be tendered to the other party by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail.

Unless directed otherwise all Written Notifications to the District and Charter School shall be addressed respectively as follows:

Director
Charter Schools Division
Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, California 90017

Director/Principal
[Charter School]
[Charter School Address]

- 2) A written response (“Written Response”) shall be tendered to the other party within twenty (20) business days from the date of receipt of the Written Notification or other date as determined by mutual agreement of the parties. The Written Response shall be tendered to the other party by personal delivery, by facsimile or e-mail, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such communication if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile or e-mail, upon electronic confirmation of receipt; or (c) if by certified mail, two (2) business days after deposit in the U.S. Mail.
- 3) If the Dispute has not been otherwise resolved by mutual agreement, the parties agree to schedule a conference to discuss the Dispute identified in the Written Notice (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date from the date on which the Written Response is received by the other party or other date as determined by mutual agreement of the parties.
- 4) If the Dispute has not been resolved by mutual agreement at the Issue Conference, either party may then request that the Dispute be resolved by mediation. Within fifteen (15)

business days of the date of the request for mediation or other date as determined by mutual agreement of the parties, the parties shall mutually agree upon the selection of a mediator. If the parties are unable to mutually agree upon the selection of a mediator, the mediator shall be selected from a list of mediators prepared and provided by the American Arbitration Association. Mediation proceedings shall commence within thirty (30) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties. Unless the parties mutually agree otherwise, mediation proceedings shall be administered in accordance with the commercial mediation procedures of the American Arbitration Association.

- 5) If the mediation is not successful, then the parties agree to resolve the Dispute by binding arbitration conducted by a single arbitrator. Unless the parties mutually agree otherwise, arbitration proceedings shall be administered in accordance with the commercial arbitration rules of the American Arbitration Association. The arbitrator must be an active member of the State Bar of California or a retired judge of the state or federal judiciary of California.

Element 15 – Charter School Closure Procedures

“The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter 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).)

REVOCATION OF THE CHARTER

The District may revoke the Charter pursuant to the provisions set forth in the Charter Schools Act of 1992, as they may be amended from time to time. The District may revoke the Charter of Charter School if the District finds, through a showing of substantial evidence, that Charter School did any of the following:

- Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the Charter.
- Charter School failed to meet or pursue any of the pupil outcomes identified in the Charter.
- Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Charter School violated any provision of law.

Prior to revocation, and in accordance with Education Code section 47607(g) and state regulations, the LAUSD Board of Education will notify Charter School in writing of the specific violation, and give Charter School a reasonable opportunity to cure the violation, unless the LAUSD Board of Education determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Revocation proceedings are not subject to the dispute resolution provisions set forth in this Charter.

Pursuant to Education Code section 47607.3, a charter school identified for needing assistance and provided advice and assistance from the California Collaborative for Educational Excellence based on failure to satisfy state evaluation rubrics may be subject to revocation.

CLOSURE ACTION

The decision to close Charter School, by the governing board of Charter School must be documented in a “Closure Action”. A Closure Action shall be deemed to have been automatically taken when any of the following occur: the Charter is revoked (subject to the provisions of Education Code section 47607(f)) or non-renewed by the LAUSD Board of Education and Charter School has exhausted its revocation or non-renewal administrative appeal rights pursuant to Education Code sections 47605(k) and 47607(j), or its administrative appeal rights have lapsed, or the charter school voluntarily closes at any stage of the administrative appeal process; the governing board of Charter School votes to close Charter School; or the Charter lapses.

CLOSURE PROCEDURES

The procedures for charter school closure set forth below are guided by Education Code sections 47604.32, 47605, and 47607 as well as California Code of Regulations, title 5, sections 11962 and 11962.1, and are based on “Charter Schools Closure - Requirements and Recommendations” posted on the California Department of Education website. All references to “Charter School” apply to Charter School, including its nonprofit corporation and governing board.

Designation of Responsible Person(s) and Funding of Closure

Prior to or at the time of the taking of a Closure Action by either the governing board of Charter School or the LAUSD Board of Education, the governing board of Charter School shall designate a person or persons responsible for conducting and overseeing all closure-related procedures and activities, and allocate sufficient funding for, or otherwise determine how Charter School will fund, these activities.

Notification of Closure Action

Upon the taking of a Closure Action, Charter School shall send written notice of its closure to:

1. The LAUSD Charter Schools Division (CSD). Charter School shall provide the CSD with written notice of (1) the person(s) designated to be responsible for conducting and overseeing all closure activities, and (2) the source, location, and management of the funding for such activities. If the Closure Action is an act of Charter School, Charter School shall provide the CSD with a copy of the governing board resolution or minutes that documents its Closure Action.
2. Parents/guardians of all students, and all majority age and emancipated minor students, currently enrolled in Charter School within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of the written parent notification to the CSD.
3. Los Angeles County Office of Education (LACOE). Charter School shall send written notification of the Closure Action to LACOE by registered mail within 72 hours of the

Closure Action. Charter School shall simultaneously provide a copy of this notification to the CSD.

4. The Special Education Local Plan Area (SELPA) in which Charter School participates. Charter School shall send written notification of the Closure Action to the SELPA in which Charter School participates by registered mail within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of this notification to the CSD.
5. The retirement systems in which Charter School's employees participate. Within fourteen (14) calendar days of the Closure Action, Charter School shall notify, as applicable, the State Teachers Retirement System (STRS), Public Employees Retirement System (PERS), the Social Security Administration, and the Los Angeles County Office of Education of the Closure Action, and follow their respective procedures for dissolving contracts and reporting. Charter School shall provide a copy of these notifications and correspondence to the CSD.
6. The California Department of Education (CDE). Charter School shall send written notification of the Closure Action to the CDE by registered mail within 72 hours of the Closure Action. Charter School shall provide a copy of this notification to the CSD.
7. Any school district that may be responsible for providing education services to the former students of Charter School. Charter School shall send written notification of the Closure Action within 72 hours of the Closure Action. This notice must include a list of potentially returning students and their home schools based on student residence. Charter School shall provide a copy of these notifications, if any, to the CSD.
8. All Charter School employees and vendors within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of the written employee and vendor notification, with any attachments, to the CSD.

Notification of all the parties above, with the exception of employees and vendors, must include but is not limited to the following information:

1. The effective date of the closure of Charter School
2. The name(s) and contact information for the person(s) handling inquiries regarding the closure
3. The students' school districts of residence
4. How parents/guardians of all students, and all majority age and emancipated minor students, may obtain copies of student records and transcripts, including specific information on completed courses and credits that meet graduation requirements

In addition to the four required items above, notification of the CDE shall also include:

1. A description of the circumstances of the closure
2. The location of student and personnel records

In addition to the four required items above, notification of parents/guardians of all students, and all majority age and emancipated minor students, shall also include:

1. Information on how to enroll or transfer the student to an appropriate school
2. A certified packet of student information that includes closure notice, a copy of the student's cumulative record and other records, including but not limited to grade reports, discipline records, immunization records, completed coursework, credits that meet graduation requirements, a transcript, and state testing results
3. Information on student completion of college entrance requirements, for all high school students affected by the closure

Notification of employees and vendors shall include:

1. The effective date of the closure of Charter School
2. The name(s) and contact information for the person(s) handling inquiries regarding the closure
3. The date and manner, which shall be no later than 30 days from the effective date of the closure of Charter School, by which Charter School shall provide employees with written verification of employment

Within 30 calendar days of the effective date of closure, Charter School shall provide all employees with written verification of employment. Charter School shall send copies of all such employee verification letters to the CSD.

Records Retention and Transfer

Charter School shall comply with all applicable laws as well as District policies and procedures, as they may change from time to time, regarding the transfer and maintenance of Charter School records, including student records. These requirements include:

1. Charter School shall provide the District with all original student cumulative files and behavior records, pursuant to District policy and applicable District handbook(s) regarding cumulative records for secondary and elementary schools, for all students, both active and inactive, of Charter School. Transfer of the complete and organized original student records to the District, in accordance with District procedures applicable at the time of closure, shall occur within seven (7) calendar days of the effective date of closure.
2. Charter School's process for transferring copies of student records to receiving schools shall be in accordance with applicable law and LAUSD procedures for students moving from one school to another.
3. Charter School shall prepare and provide an electronic master list of all students to the Charter Schools Division in accordance with the District procedures applicable at the time of closure. This list shall include the student's identification number, Statewide Student Identifier (SSID), birthdate, grade, full name, address, home school/school district,

enrollment date, exit code, exit date, parent/guardian name(s), and phone number(s). If the Charter School closure occurs before the end of the school year, the list also shall indicate the name of the school to which each student is transferring, if known. This electronic master list shall be delivered to the CSD in the form of a CD or otherwise in accordance with District procedures.

4. Charter School must organize the original cumulative files for delivery to the District in two categories: active students and inactive students. Charter School will coordinate with the CSD for the delivery and/or pickup of student records.
5. Charter School must update all student records in the California Longitudinal Pupil Achievement Data System (CALPADS) prior to closing.
6. Charter School must provide to the CSD a copy of student attendance records, teacher gradebooks, and Title I records (if applicable).
7. Charter School must provide to the CSD the name, title, and contact information of the person designated to maintain all Charter School personnel records after the closure. Personnel records to be transferred to and maintained by the designee must include any and all employee records, including but not limited to, records related to performance and grievance. Charter School must provide to the CSD and the designee a list of all active and inactive employees and their periods of service. Both Charter School and the designee, individually and separately, shall inform the CSD immediately upon the transfer of Charter School's employee records to the designee.
8. Charter School shall ensure that all records are boxed and clearly labeled by classification of documents and the required duration of storage in accordance with District procedures.
9. Charter School shall provide to the responsible person(s) designated by the governing board of Charter School to conduct all closure-related activities a list of students in each grade level and, for each student, a list of classes completed and the student's district of residence.

Financial Close-Out

After receiving notification of closure, the California Department of Education (CDE) will notify Charter School and the authorizing entity of any liabilities Charter School owes the state, which may include overpayment of apportionments, unpaid revolving fund loans or grants, and/or similar liabilities. The CDE may ask the county office of education to conduct an audit of the charter school if it has reason to believe that the school received state funding for which it was not eligible.

Charter School shall ensure completion of an independent final audit within six months after the closure of Charter School that includes:

1. An accounting of all financial assets. These may include cash and accounts receivable and an inventory of property, equipment, and other items of material value.

2. An accounting of all liabilities. These may include accounts payable or reduction in apportionments due to loans, unpaid staff compensation, audit findings, or other investigations.
3. An assessment of the disposition of any restricted funds received by or due to Charter School.

This audit may serve as Charter School's annual audit if it meets all of the requirements of the annual audit.

Charter School shall pay for the financial closeout audit of Charter School. This audit will be conducted by a neutral, independent licensed CPA who will employ generally accepted accounting principles. Any liability or debt incurred by Charter School will be the responsibility of Charter School and not LAUSD. Charter School understands and acknowledges that Charter School will cover the outstanding debts or liabilities of Charter School. Any unused monies at the time of the audit will be returned to the appropriate funding source. Charter School understands and acknowledges that only unrestricted funds will be used to pay creditors. Any unused AB 602 funds will be returned to the District SELPA or the SELPA in which Charter School participates, and other categorical funds will be returned to the source of funds.

Charter School shall ensure the completion and filing of any annual reports required. These reports include but are not necessarily limited to:

1. Preliminary budgets
2. Interim financial reports
3. Second interim financial reports
4. Final unaudited reports

These reports must be submitted to the CDE and the authorizing entity in the form required. These reports should be submitted as soon as possible after the Closure Action, but no later than the required deadline for reporting for the fiscal year.

For apportionment of categorical programs, the CDE will count the prior year average daily attendance (ADA) or enrollment data of the closed Charter School with the data of the authorizing entity. This practice will occur in the first year after the closure and will continue until CDE data collection processes reflect ADA or enrollment adjustments for all affected LEAs due to the charter closure.

Disposition of Liabilities and Assets

The closeout audit must identify the disposition of all liabilities of Charter School. Charter School closure procedures must also ensure appropriate disposal, in accordance with the District Required Language provisions in Element 11 of this Charter, Charter School's governing board bylaws, fiscal procedures, and any other applicable laws and regulations, of any net assets remaining after all liabilities of Charter School have been paid or otherwise addressed. Such disposal includes, but is not limited to:

1. Charter School, at its cost and expense, shall return to the District any and all property, furniture, equipment, supplies, and other assets provided to Charter School by or on behalf of the District. The District discloses that the California Education Code sets forth the requirements for the disposition of the District's personal property and Charter School shall bear responsibility and liability for any disposition in violation of statutory requirements.
2. The return of any donated materials and property in accordance with any terms and conditions set when the donations were accepted.
3. The return of any grant and restricted categorical funds to their sources according to the terms of the grant or state and federal law.
4. The submission of final expenditure reports for any entitlement grants and the filing of Final Expenditure Reports and Final Performance Reports, as appropriate.

If Charter School is operated as or by a nonprofit corporation, and if the corporation does not have any functions other than operation of Charter School, the corporation shall be dissolved according to its bylaws.

Charter School shall retain sufficient staff, as deemed appropriate by the Charter School governing board to complete all necessary tasks and procedures required to close the school and transfer records in accordance with these closure procedures.

Charter School's governing board shall adopt a plan for wind-up of Charter School and, if necessary, the corporation, in accordance with the requirements of the Corporations Code.

Charter School shall provide LAUSD within fourteen (14) calendar days of the Closure Action with written notice of any outstanding payments due to staff and the time frame and method by which Charter School will make the payments.

Prior to final close-out, Charter School shall complete all actions required by applicable law, including but not limited to the following:

- a. File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.
- b. Make final federal tax payments (employee taxes, etc.)
- c. Complete and submit all required federal and state filings and notices to the State of California, the Internal Revenue Service, and the Department of the Treasury, including but not limited to final tax returns and forms (e.g., Form 990 and related Schedules).

This Element 15 shall survive the revocation, expiration, termination, cancellation of this Charter, or any other act or event that would end Charter School's authorization to operate as a charter school or cause Charter School to cease operation. Charter School agrees that, due to the nature of the property and activities that are the subject of this Charter, the District and public shall suffer irreparable harm should Charter School breach any obligation under this Element 15. The District therefore reserves the right to seek equitable relief to enforce any right arising under this Element 15 or any provision of this Element 15 or to prevent or cure any breach of any obligation

undertaken, without in any way prejudicing any other legal remedy available to the District. Such legal relief shall include, without limitation, the seeking of a temporary or permanent injunction, restraining order, or order for specific performance, and may be sought in any appropriate court.

Additional Provisions

FACILITIES

Charter School shall comply with all geographic and site limitations and related requirements set forth in Education Code sections 47605.1, 47602(a), and 47605(a).

District-Owned Facilities

If Charter School is using District facilities as of the date of the submission of this charter petition or takes occupancy of District facilities prior to the approval of this charter petition, Charter School shall execute an agreement provided by the District for the use of the District facilities as a condition of the approval of the charter petition. If at any time after the approval of this charter petition Charter School will occupy and use any District facilities, Charter School shall execute an agreement provided by the District for the use of the District facilities prior to occupancy and commencing use. Charter School shall implement and otherwise comply with the terms of any and all applicable facilities use agreements between Charter School and the District.

The circumstances of Charter School's occupancy of District facilities may change over time such as, but not limited to, enrollment, programs, and the conditions of facilities, and the District has a vested interest in having an agreement that is appropriate for the situation.

For a Sole Occupant Agreement or any other use agreement that is not a Proposition 39 Single Year Co-location Use Agreement or a lease issued through the Notice of Intent and bid process, the term may be co-terminous with the approved Charter, as permitted by law. Charter School and the District shall negotiate any modifications of the agreement with the goal of such amendment or new agreement being considered by the LAUSD Board of Education with the renewal of the charter petition. If Charter School and the District cannot execute an agreement in time for such to be considered by the Board of Education with the renewal of the charter petition, the approval of the renewal of the charter petition shall be conditioned upon Charter School and the District executing an amendment to the existing use agreement or a new agreement no later than May 1st or within nine (9) months of the date of the Board of Education's approval of the renewal of the charter petition. During such time period Charter School shall be permitted to remain in occupancy of the District facilities under the terms and conditions of the immediately preceding, executed use agreement; provided, that if Charter School and the District cannot agree upon and execute an amendment or new use agreement by said deadline, Charter School shall vacate the District facilities on or before June 30th of said school year.

Charter School acknowledges and agrees that occupancy and use of District facilities shall be in compliance with applicable laws and District policies for the operation and maintenance of District facilities and furnishings and equipment. Charter School shall comply with all District health, safety, and emergency procedures and requirements and shall be subject to inspection by the District's Facilities Services Division, OEHS, and other District offices in the same manner as

other LAUSD campuses. All District facilities (i.e., schools) will remain subject to those laws applicable to public schools.

In the event of an emergency, all District facilities (i.e., schools) are available for use by the American Red Cross and public agencies as emergency locations, which may disrupt or prevent Charter School from conducting its educational programs. If Charter School will share the use of District facilities with other District user groups, Charter School agrees that it will participate in and observe all District safety policies (e.g., emergency chain of information and participation in safety drills).

The use agreements provided by the District for District facilities shall contain terms and conditions addressing issues such as, but not limited to, the following:

- Use: Charter School will be restricted to using the District facilities for the operation of a public school providing educational instruction to public school students consistent with the terms of the Charter and incidental related uses. Separate and apart from its right as authorizer to observe and inspect any part of the charter school at any time pursuant to Education Code 47607(a)(1), the District shall have and reserves the right to inspect District facilities upon reasonable notice to Charter School.
- Furnishings and Equipment: The District shall retain ownership of any furnishings and equipment, including technology, (“F&E”) that it provides to Charter School for use. Charter School, at its sole cost and expense, shall provide maintenance and other services for the good and safe operation of the F&E.
- Leasing; Licensing: Use of the District facilities by any person or entity other than Charter School shall be administered by the District. The parties may agree to an alternative arrangement in the use agreement.
- Programs, Services, and Activities Outside Instructional Program; Third Party Vendors:
 - (i) Any program, service, or activity provided outside the instructional program shall be subject to the terms and provisions of the use agreement, and, additionally, may require a license, permit, or additional agreement issued by the District. The term “instructional program” is defined, per Education Code section 47612 and 5 CCR section 11960, as those required educational activities that generate funding based on “average daily attendance” and includes those extracurricular programs, services, and/or activities that students are required to participate in and do not require the payment of any consideration or fee.
 - (ii) Any program, service, or activity requiring the payment of any consideration or fee or provided by a third party vendor (defined as any person or entity other than Charter School), whether paid or volunteer and regardless of whether such may be within the instructional program, shall be subject to the terms and provisions of the use agreement and such third party vendor shall be required to obtain a license, permit, or additional agreement from the District.

- Minimum Payments or Charges to be Paid to District Arising from the Facilities:
 - (i) Pro Rata Share: The District shall collect, and Charter School shall pay a Pro Rata Share for facilities costs as provided in the Charter Schools Act of 1992 and its regulations. The parties may agree to an alternative arrangement regarding facilities costs in the use agreement; and
 - (ii) Taxes; Assessments: Generally, Charter School shall pay any assessment or fee imposed upon or levied on the LAUSD facilities that it is occupying or Charter School's legal or equitable interest created by the use agreement.

- Maintenance & Operations Services: In the event the District agrees to allow Charter School to perform any of the operation and maintenance services, the District shall have the right to inspect the District facilities, and the costs incurred in such inspection shall be paid by Charter School.
 - (i) Co-Location: If Charter School is co-locating or sharing the District facilities with another user, the District shall provide the operations and maintenance services for the District facilities and Charter School shall pay the Pro Rata Share. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such in the use agreement.
 - (ii) Sole Occupant: If Charter School is a sole occupant of District facilities, the District shall allow Charter School, at its sole cost and expense, to provide some operations and maintenance services for the District facilities in accordance with applicable laws and LAUSD's policies on operations and maintenance services for facilities and F&E. NOTWITHSTANDING THE FOREGOING, the District shall provide all services for regulatory inspections which as the owner of the real property it is required to submit, and deferred maintenance, and Charter School shall pay LAUSD for the cost and expense of providing those services. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such services in the use agreement.

- Real Property Insurance: Prior to occupancy, Charter School shall satisfy requirements to participate in LAUSD's property insurance or, if Charter School is the sole occupant of LAUSD facilities, obtain and maintain separate property insurance for the LAUSD facilities. Charter School shall **not** have the option of obtaining and maintaining separate property insurance for the LAUSD facility IF Charter School is co-locating or sharing the LAUSD facility with another user.

Non-District-Owned Facilities

Occupancy and Use of the Site: Prior to occupancy or use of any school site or facility, Charter School shall provide the CSD with a current Certificate of Occupancy or equivalent document issued by the applicable permitting agency that allows Charter School to use and occupy the site as a charter school. Charter School shall not exceed the operating capacity of the site and shall operate within any limitations or requirements provided by the Certificate of Occupancy and any applicable permit. Charter School may not open or operate without providing a copy of an

appropriate Certificate of Occupancy to the CSD. If Charter School intends to move or expand to another facility during the term of this Charter, Charter School shall adhere to any and all District policies and procedures regarding charter material revision and non-material amendment. Prior to occupancy or use of any such additional or changed school site, Charter School shall provide an appropriate Certificate of Occupancy to the CSD for such facility. Notwithstanding any language to the contrary in this Charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process outlined in Element 14.

Facility Compliance: Prior to occupancy or use of any non-District-owned school site and/or facility, Charter School shall ensure that the site and/or facility complies with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which Charter School is to be located, federal and state accessibility requirements (including the Americans with Disabilities Act (ADA) and Section 504), and all other applicable fire, health, and structural safety and access requirements. This requirement shall also apply to the construction, reconstruction, alteration of or addition to the facility. Charter School shall resolve in a timely manner any and all corrective actions, orders to comply, and notices issued by any authorized building and safety agency. Charter School cannot exempt itself from applicable building and zoning codes, ordinances, and ADA/Section 504 requirements. Charter School shall maintain on file readily accessible records that document facilities compliance and shall promptly provide such documentation to the CSD upon request.

Pest Management: Charter School shall comply with the Healthy Schools Act, Education Code section 17608, which details pest management requirements for schools.

Asbestos Management: Charter School shall comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40 C.F.R. part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

INSURANCE

Insurance Requirements

No coverage shall be provided to Charter School by the District under any of the District's self-insured programs or commercial insurance policies. Charter School shall secure and maintain, at a minimum, insurance as set forth below with insurance companies acceptable to the District [A.M. Best A-, VII or better] or the equivalent provided through a California Joint Powers Authority self-insurance program to protect Charter School from claims which may arise from its operations. Each Charter School location shall meet the below insurance requirements individually.

It shall be Charter School's responsibility, not the District's, to monitor its vendors, contractors, partners, and/or sponsors for compliance with the insurance requirements.

The following insurance policies are required:

1. Commercial General Liability, including Fire Legal Liability, coverage of \$5,000,000 per Occurrence and in the Aggregate. The policy shall be endorsed to name the Los Angeles

Unified School District and its Board of Education as named additional insureds and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and Charter School's insurance shall be primary despite any conflicting provisions in Charter School's policy. Coverage shall be maintained with no Self-Insured Retention above \$15,000 without the prior written approval of the Division of Risk Management and Insurance Services for the LAUSD.

2. Workers' Compensation Insurance in accordance with provisions of the California Labor Code adequate to protect Charter School from claims that may arise from its operations pursuant to the Workers' Compensation Act (Statutory Coverage). The Workers' Compensation Insurance coverage must also include Employers Liability coverage with limits of \$1,000,000/\$1,000,000/\$1,000,000.
3. Commercial Auto Liability, including Owned, Leased, Hired, and Non-owned, coverage with limits of \$1,000,000 Combined Single Limit per Occurrence if Charter School does not operate a student transportation service. If Charter School provides student transportation services, the required coverage limit is \$5,000,000 Combined Single Limit per Occurrence.
4. Crime Insurance or Fidelity Bond coverage shall be maintained by Charter School to cover all Charter School employees who handle, process or otherwise have responsibility for Charter School funds, supplies, equipment, or other assets. Minimum amount of coverage shall be \$1,000,000 per occurrence/\$1,000,000 aggregate, with deductible that is acceptable to the Los Angeles Unified School District.
5. Cyber Liability insurance coverage with minimum limits of \$500,000 per occurrence and \$500,000 general aggregate.
6. Professional Educators Errors and Omissions liability coverage with minimum limits of \$5,000,000 per occurrence and \$5,000,000 general aggregate.
7. Sexual Molestation and Abuse coverage with minimum limits of \$5,000,000 per occurrence and \$5,000,000 general aggregate. Coverage may be held as a separate policy or included by endorsement in the Commercial General Liability or the Errors and Omissions Policy. Whether this coverage is separately issued or included by endorsement to another policy, such coverage shall be endorsed to name the Los Angeles Unified School District and Its Board of Education as named additional insureds and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and Charter School's insurance shall be primary despite any conflicting provisions in Charter School's policy.
8. Employment Practices Legal Liability coverage with limits of \$5,000,000 per occurrence and \$5,000,000 general aggregate.
9. Excess/Umbrella Liability insurance with limits of not less than \$10,000,000 is required of all high schools and any other school that participates in competitive interscholastic or intramural sports programs.

Coverages and limits of insurance may be accomplished through individual primary policies or through a combination of primary and excess policies and alternative methods of coverage as approved by the District. Where specifically required above, and with respect to any other coverage for which such endorsements and/or provisions are available, each policy shall be endorsed to name the Los Angeles Unified School District and Its Board of Education as named additional insureds and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and Charter School's insurance shall be primary despite any conflicting provisions in Charter School's policy.

Evidence of Insurance

Charter School shall furnish to the District's Division of Risk Management and Insurance Services located at 333 S. Beaudry Ave, 28th Floor, Los Angeles CA 90017 at the outset of the Charter agreement and within 30 calendar days of the inception or effective date of any new policies, renewals, or changes, certificates of insurance evidencing such coverage and signed by authorized representatives of the insurance carrier. Certificates shall be endorsed as follows:

“Charter school shall be required to provide LAUSD with 30 days prior written notice by certified mail, return receipt requested, if the insurance afforded by this policy shall be suspended, cancelled, reduced in coverage limits or non-renewed.”

With respect to the coverages for which additional insured status is required as set forth above, the certificate(s) of insurance shall reflect Los Angeles Unified School District's and Its Board of Education's status as named additional insureds thereunder, and shall attach a copy of the endorsement(s) extending such coverage.

Facsimile or reproduced signatures may be acceptable upon review by the Division of Risk Management and Insurance Services. However, the District reserves the right to require certified copies of any required insurance policies.

Should Charter School deem it prudent and/or desirable to have insurance coverage for damage or theft to Charter School, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by the District and its purchase shall be the responsibility of Charter School.

Hold Harmless/Indemnification Provision

To the fullest extent permitted by law, Charter School does hereby agree, at its own expense, to indemnify, defend and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorneys' fees, brought by any person or entity whatsoever, arising out of, or relating to, this Charter agreement. Charter School further agrees to the fullest extent permitted by law, at its own expense, to indemnify, defend, and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorneys' fees, brought by any person or entity whatsoever for claims, damages, losses and expenses arising from or relating to acts or omission

of acts committed by Charter School and/or its officers, directors, employees or volunteers. Moreover, Charter School agrees to indemnify, defend and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers, for any contractual liability resulting from third party contracts with Charter School's vendors, contractors, partners or sponsors.

FISCAL MATTERS

District Oversight Costs

The District may charge for the actual costs of oversight of Charter School not to exceed 1% of Charter School's revenue, or the District may charge for the actual costs of oversight of Charter School not to exceed 3% if Charter School is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District may charge the maximum oversight fee allowed under the law as it may change from time to time. The oversight fee provided herein is separate and distinct from the charges arising under charter school facilities use agreements.

Cash Reserves

Charter School acknowledges that the recommended cash reserve is 5% of expenditures, as provided in section 15450, title 5 of the California Code of Regulations.

Third Party Contracts

Charter School shall ensure that all third party contracts, whether oral or written, for supplies, equipment, goods and/or services, for the direct or indirect benefit of, or otherwise related to the operation of, Charter School, require compliance with and otherwise conform to all applicable local, state, and federal policies, regulations, laws, and guidelines, including but not limited to licensing and permit requirements as well as requirements related to protection of health and safety.

Special Education Revenue Adjustment/Payment for Services

In the event that Charter School owes funds to the District for the provision of agreed upon or fee for service or special education services or as a result of the State's adjustment to allocation of special education revenues from Charter School, Charter School authorizes the District to deduct any and all of the in lieu property taxes that Charter School otherwise would be eligible to receive under section 47635 of the Education Code to cover such owed amounts. Charter School further understands and agrees that the District shall make appropriate deductions from the in lieu property tax amounts otherwise owed to Charter School. Should this revenue stream be insufficient in any fiscal year to cover any such costs, Charter School agrees that it will reimburse the District for the additional costs within forty-five (45) business days of being notified of the amounts owed.

Student Body Funds

Charter School shall supervise and manage any and all student body funds in a manner consistent with the provisions of Education Code sections 48930-48938. Charter School shall include and address student body funds in its financial reports, and ensure that such funds are included and addressed in Charter School's annual audit as a stand-alone item.

Audit and Inspection of Records

Charter School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining its charter authorization:

- Charter School is subject to District oversight.
- The District's statutory oversight responsibility continues throughout the life of the Charter and requires that the District, among other things, monitors the fiscal condition of Charter School.
- The District is authorized to revoke this Charter for, among other reasons, the failure of Charter School to meet generally accepted accounting principles or if Charter School engages in fiscal mismanagement.

Accordingly, the District hereby reserves the right, pursuant to its oversight responsibility, to audit Charter School books, records, data, processes and procedures through the District Office of the Inspector General or other means. The audit may include, but is not limited to, the following areas:

- Compliance with terms and conditions prescribed in the Charter agreement,
- Internal controls, both financial and operational in nature,
- The accuracy, recording and/or reporting of Charter School's financial information,
- Charter School's debt structure,
- Governance policies, procedures and history,
- The recording and reporting of attendance data,
- Charter School's enrollment process,
- Compliance with safety plans and procedures, and
- Compliance with applicable grant requirements.

Charter School shall cooperate fully with such audits and shall make available any and all records necessary for the performance of the audit upon 30 days' notice to Charter School. When 30 days' notice may defeat the purpose of the audit, the District may conduct the audit upon 24-hours' notice.

Fiscal Policies and Procedures

Charter School shall establish, maintain, and implement sound fiscal policies and procedures, including but not limited to internal controls governing all financial and business-related activities.

Apportionment Eligibility for Students Over 19 Years of Age

Charter School acknowledges that, in order for a pupil over nineteen (19) years of age to remain eligible for generating charter school apportionment, the pupil shall be continuously enrolled in public school and make satisfactory progress toward award of a high school diploma. (Ed. Code § 47612(b).)

Local Control and Accountability Plan

In accordance with California Education Code sections 47604.33 and 47606.5, Charter School 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). (Ed. Code § 47606.5(b).)

Attachment C

**LAUSD Policy and Procedures
for Charter Schools**

[see attached]



LAUSD

Policy and Procedures for Charter Schools

Adopted by the Board of Education on August 11, 2020
Amended by the Board of Education on January 25, 2022

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.

Table of Contents

I.	POLICY INTRODUCTION	1
II.	PROCEDURES	5
A.	NEW CHARTER SCHOOL PETITIONS	5
	Resources for Petitioners	5
	New Petition Application Review Process and Timelines	6
	Criteria for Evaluating New Petitions	11
B.	RENEWAL PETITIONS	26
	Resources for Petitioners	26
	Renewal Application Review Process and Timelines	27
	Criteria for Renewal and Grounds for Nonrenewal	29
C.	APPEALS.....	39
	1. Appeal to the Los Angeles County Board of Education	39
	2. Appeal to the State Board of Education.....	40
D.	MATERIAL REVISIONS.....	42
	Introduction.....	42
	Material Revision Standards.....	42
	Request for Material Revision Review Process	44
E.	TRANSPARENCY AND ACCOUNTABILITY	51
F.	OVERSIGHT	55
	Quarterly Electronic Document Submission	58
	Annual Performance-Based Oversight Visit	58
	Tiered Intervention Approach to Oversight.....	60
	Technical Assistance.....	61
	Oversight Fees	61
G.	ENSURING EQUITY AND ACCESS TO ALL STUDENTS	61
	1. Enrollment and Admission Practices	62
	2. Meeting the Needs of All Students	64
	3. Prohibition on Pupil Fees.....	68
H.	TEACHER CREDENTIALING AND BACKGROUND CLEARANCES.....	68
I.	FACILITIES.....	71
	1. Charter Schools Facilities Requirements.....	71

2. Proposition 39	71
3. LAUSD-Owned Facilities	71
4. Non-LAUSD Facilities.....	72
5. Charter School Facility Location	73
J. REVOCATION	73
1. Revocation Standards	73
2. Revocation Process and Timelines	74
3. Schools Receiving Assistance from the California Collaborative for Educational Excellence	75
K. AFFILIATED CHARTER SCHOOLS	76
1. Admissions and Enrollment	77
2. Staffing	77
3. Certificated Personnel	78
4. Classified Personnel.....	78
5. Fiscal Relationship	78
6. Local Control and Accountability Plan	78
7. Professional Development.....	79
8. Educational Program and Schedule	79
9. Integration Program.....	80
10. Submission of a New Affiliated Charter Petition	80
11. Renewal of Affiliated Charter Schools	83
12. Appeals; Revocation; Closure	83
L. PUBLIC SCHOOL CHOICE CHARTER SCHOOLS	83
1. SELPA.....	85
2. Admissions and Enrollment	85
3. Public School Choice Campus	86
4. Submission of a PSC Charter School Petition	86
5. Renewal Process for a PSC Charter School	86
6. Appeals; Revocation; Closure	86

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.¹ 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.²

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...”³ 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

¹ 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)

² California Education Code section 47601.

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

charter and traditional schools to work together collaboratively in service of their communities and neighborhoods.”⁴

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.⁵ 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.⁶ 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.”⁷ 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.⁸

⁴ *Id.*

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

⁶ 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://d3n8a8pro7vnm.cloudfront.net/unitela/pages/4859/attachments/original/1532387068/We_Choose_All_-_The_Book.pdf?1532387068.

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

⁸ 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).

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 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.⁹

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

⁹ 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.

understanding of the requirements and responsibilities of operating a charter school in LAUSD.

II. PROCEDURES

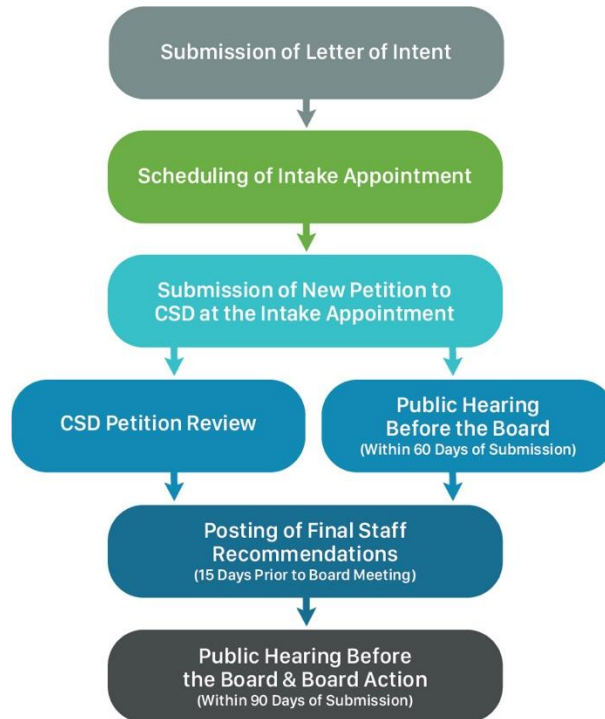
A. NEW CHARTER SCHOOL PETITIONS

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)¹⁰
- Projected instructional starting date (must be in the academic year immediately following petition submission)
- Grade levels to be served

¹⁰ 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.

- Projected enrollment (including grade “roll-out” schedule)
- Location
- Facilities plan
- Programs and services
- 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)

2. Submission of a New Petition to the District¹¹

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”) ¹² 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”).

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

¹¹ 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.)

¹² The Certification of Completeness can be found on the CSD website.

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).)

The petitioner will be notified of a denial recommendation prior to the 15-day advance posting. If the petitioner chooses to withdraw a petition after the 15-day advance posting of a denial recommendation, which is on the 75th 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.¹³ 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.¹⁴ 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).)

¹³ The amount of equivalent time may change subject to LAUSD Board rules and procedures.

¹⁴ See Ed. Code, § 47605(c); see also, Title 5 California Code of Regulations, section 11967.5.1.

- 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).)
- 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.¹⁵ 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.

¹⁵ "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.

- 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 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:¹⁶

- 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.

¹⁶ 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.

- 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
 - 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.¹⁷

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

¹⁷ 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.

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 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).)

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 Analysis¹⁸

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

¹⁸ 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).)

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 1505,¹⁹ and the LAUSD Board’s policy vision for a unified ecosystem of public education articulated herein, new charter school petitions will 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;²⁰ trends in declining/increasing enrollment;²¹

¹⁹ 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: “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-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.”

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

²¹ 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

effective use of district facilities and resources;²² and, needs to achieve adequacy of funding for public schools.²³

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 an 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.) and on evidence of community engagement and outreach. 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

For purposes of this Policy and Procedures, a “community” includes families and individuals who reside, work, and/or are served in the identified geographical area, and all public schools (District and charter), serving similar grade levels as the proposed new charter school. The identified geographical area will be based on LAUSD Community of Schools²⁴ 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.

<https://www.ppic.org/publication/declining-enrollment-in-california-schools-fiscal-challenges-and-opportunities-in-the-coming-decade/>

²² 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; see also, “Exploration of Potential Opportunities to Realign Administrative and Operational Support Facilities” (LAUSD Board of Education Report 373-19/20)

²³ “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)

²⁴ 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.

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 shall also 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, survey results, etc.). The Community Impact Assessment is to be complete at the time of submission. As part of the submitted materials, Petitioners are to include publicly disclosable information/documentation of the stakeholders' responses (to the extent possible) and a summary of the responses received from stakeholders as part of the petitioner's assessment of the impact to the community, which will be shared with the LAUSD Board.

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 District 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. 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 the petitioner of 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).²⁵ If the petitioner submits an application for a new charter school in a community in which under-enrollment among existing District 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. Upon submission, the District will review the petitioner's assessment and will provide an enrollment trend analysis including whether District and charter schools in the community are at, under, or over their enrollment target or capacity.

²⁵ 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.

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 enrollment 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).²⁶ 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.²⁷ 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) including but not limited to providing an enrollment trend analysis. 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. In addition, District staff will analyze the impact of the charter school to existing District schools' proposed programs that are in the planning stages or will commence the same academic year as the petitioning charter school. Such programs could include schools becoming magnets, dual language, community school, HEET, or other program that would be negatively affected by a new, expanding or relocating charter school.

²⁶ 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).

²⁷ 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."

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:²⁸

- Analysis of estimated total revenue losses for existing District schools
- 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.

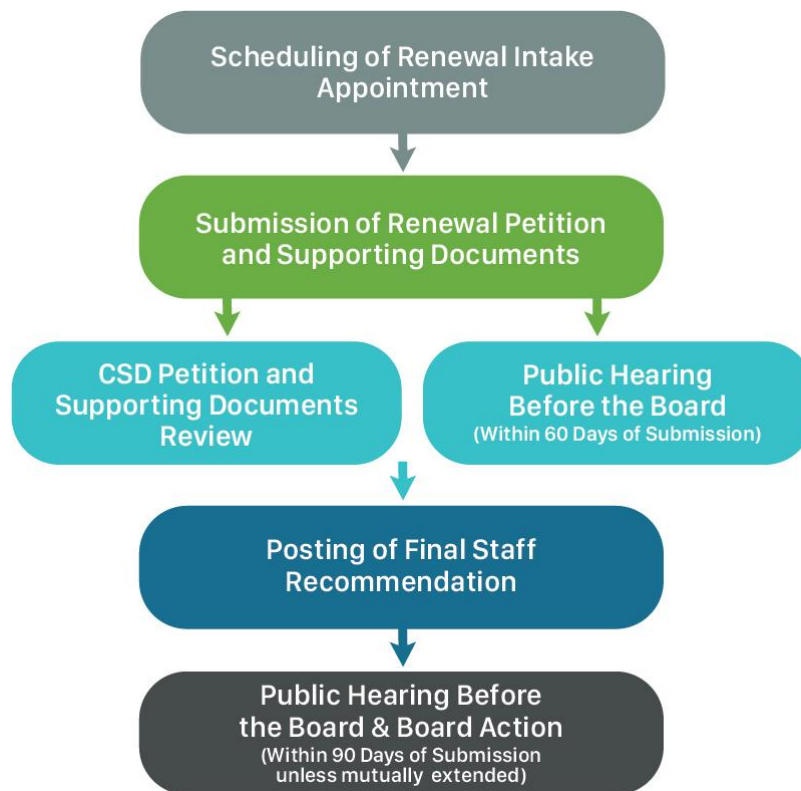
If a new charter school is approved by the LAUSD Board and subsequently seeks to locate in a community different from the community the charter school was originally authorized to serve, the charter school operator must submit a material revision for approval with an updated Community Impact Assessment 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.

²⁸ See CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), As Amended September 5, 2019

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. If a request for a material revision is submitted at the same time as a renewal petition, the renewal petition and the request for a material revision will be reviewed and recommended for LAUSD Board action at the same meeting, to the extent possible.

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 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.²⁹ 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

²⁹ The amount of equivalent time may change subject to LAUSD Board rules and procedures.

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 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.³⁰

³⁰ 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.

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.

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><u>SHALL NOT DENY RENEWAL</u> 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"> 1. Scored green or blue schoolwide on all state indicators on the California School Dashboard; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 2. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels performance that are higher than the state average. <hr/> <p>For charter schools satisfying the criteria in this column:</p>	<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"> 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.” 2. Shall also consider clear and convincing evidence, demonstrated by verified data, showing either: <ol style="list-style-type: none"> a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> b. Strong postsecondary outcomes equal to similar peers. <p><u>MAY DENY ONLY</u> upon making written findings that:</p> <ol style="list-style-type: none"> 1. The charter school has failed to meet or make sufficient progress toward meeting 	<p><u>SHALL NOT RENEW</u> 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"> 1. Scored red or orange schoolwide on all state indicators on the Dashboard; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 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 levels that are lower than the state average. <p>However, <u>MAY RENEW ONLY</u> upon making BOTH of the following written factual findings:</p> <ol style="list-style-type: none"> 1. 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

<ul style="list-style-type: none"> - 5 to 7-year renewal term - 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 - Charter schools eligible for technical assistance not eligible for renewal under this column 	<p>standards that provide a benefit to pupils of the school;</p> <p style="text-align: center;">AND</p> <p>2. The closure is in the best interest of the pupils;</p> <p style="text-align: center;">AND</p> <p>3. If applicable pursuant to (1) and (2) above, its decision provided greater weight to the performance on measurements of academic performance.</p> <hr/> <p>For charter schools satisfying the renewal criteria in this column-</p> <ul style="list-style-type: none"> - 5-year renewal term - Verified data considered for the next two subsequent renewals until January 1, 2026 	<p>the governing body of the charter school;</p> <p style="text-align: center;">AND</p> <p>2. There is clear and convincing evidence, demonstrated by verified data, showing either:</p> <p style="padding-left: 20px;">a. The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school;</p> <p style="text-align: center;">OR</p> <p style="padding-left: 20px;">b. Strong postsecondary outcomes equal to similar peers.</p> <hr/> <p>For charter schools satisfying the criteria in this column-</p> <ul style="list-style-type: none"> - 2-year renewal term - Verified data considered until June 30, 2025 for a school operating on or before June 30, 2020 for the next two subsequent renewals
---	---	---

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 subgroups³¹ 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-

³¹ "Subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

Based Oversight Visit Report in the area of Student Achievement and Educational Performance for the previous two years;

- 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). Effective January 1, 2021, pursuant to Education Code section 47607.2(c)(2), the State Board of Education adopted criteria to define verified data and identified an approved list of valid and reliable assessments.³² Staff’s review of the charter school’s submitted materials will be based on verified data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)). Charter schools submitting verified data for this purpose must adhere to the state-approved criteria.

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. Staff’s review of the charter school’s submitted materials will be based on verified data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)).

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.

³² <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>

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.

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.

Effective January 1, 2021, pursuant to Education Code section 47607.2(c)(2), the State Board of Education adopted criteria to define verified data and identified an approved list of valid and reliable assessments.³³ Staff's review of the charter school's submitted materials will be based on verified data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)). Charter schools submitting verified data for this purpose must adhere to the state-approved criteria.

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. Staff's review of the charter school's submitted materials will be based on verified

³³ <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>

data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)).

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,
- 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 Resident Schools Median, 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.³⁴

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:

³⁴ LAUSD may also consider a list of (demographically) similar schools if and when an appropriate methodology is determined for the purpose of charter renewal.

- 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 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.

Pursuant to Education Code section 47605.9, to the extent applicable, a charter school operating under a charter approved by the SBE pursuant to Education Code section 47605, as that section read on January 1, 2019, may continue to operate under the authority of the SBE only until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district (i.e., LAUSD Board) within the boundaries of which the charter school is located. If the LAUSD Board denies the renewal petition, the charter school may submit the petition for renewal directly to the SBE, which shall review the petition in accordance with Education Code section 47605(k)(1)(B). If the SBE grants renewal pursuant to Education Code section 47607, the SBE shall designate, in consultation with the petitioner, either the LAUSD Board or the county board of education in which the charter school is located as the chartering authority. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the designated chartering authority, including review by the SBE in accordance with Education Code sections 47605(k)(2) and 47607.

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 if outside the community)
- Change in location/address outside the community (requires Community Impact Assessment)³⁵
- 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 capacity as approved in the charter³⁶
 - For schools occupying LAUSD facilities, an increase above the enrollment capacity which could impact the usage of the site
- Changes to admission preferences or procedures³⁷
- 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).

³⁵ 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.

³⁶ The purpose of the range is to provide reasonable flexibility to account for fluctuation in student enrollment (e.g., attrition) that may occur at the charter school, and not as permission to steadily increase enrollment year to year even if such increase is below the enrollment threshold of 20% or 100 students, whichever is less. To the extent the charter school has exceeded the enrollment capacity identified in its approved charter but remains below the enrollment threshold of 20% or 100 students, whichever is less, the charter school must provide the CSD a reasonable plan for the charter school to align its enrollment with the enrollment capacity identified in the approved charter by the following academic school year.

³⁷ 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.
- 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

If a request for a material revision is submitted at the same time as a renewal petition, the renewal petition and the request for a material revision will be reviewed and recommended for LAUSD Board action at the same meeting, to the extent possible.

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, within seven (7) business days, will review the submitted application materials and determine whether such materials contain the information and/or documents necessary to begin processing. If the material revision application contains the minimum requirements for processing, CSD staff will communicate with the charter school accordingly. During the review process, it may be necessary for the CSD to request additional information in order to determine whether or not the proposed change(s) meet applicable criteria. If the material revision application does not contain the minimum requirements for processing, CSD staff will communicate with the charter school noting the deficient areas for correction and the appropriate steps for resubmission. 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.

While there is no applicable statutory or regulatory timeline governing when the chartering authority (i.e., LAUSD Board) must consider the request for a material revision, CSD staff will present its recommendation to the LAUSD Board for consideration within 120 days after processing has commenced.

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 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.

Allow Petitioners and Staff to Present at Board Meetings on Material Revision Items

District staff and petitioners will have three minutes each to make a presentation for items placed on discussion. Either District staff or petitioner may forego providing a presentation to the LAUSD Board. 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.

Community Impact Analysis³⁸

The LAUSD Board may deny a request for a material revision to expand operations to one or more additional sites or grade levels, or if the charter school seeks to locate in a community different from the community the charter school was originally authorized to serve, if the LAUSD Board determines that the charter school is demonstrably unlikely to serve the interests of the entire community pursuant to Education Code sections 47605(c)(7) and 47607(a)(4). As part of the material revision application, and consistent with the Charter Schools Act, the charter school must detail specific facts and circumstances that analyze and consider the following factors:

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

(B) Whether the proposed material revision request would duplicate a program currently offered within the school district and the existing program has sufficient capacity

³⁸ As applicable, please refer to the related footnotes (i.e., footnotes 18-28) in the community impact analysis subsection in the New Charter Petitions section of this Policy and Procedures document. The footnotes in this subsection have been omitted for brevity's sake.

for the pupils proposed to be served within reasonable proximity to where the charter school is located or intends to locate (per the material revision request).

The charter school's material revision application will 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; trends in declining/increasing enrollment; effective use of district facilities and resources; and, needs to achieve adequacy of funding for public schools.

Community Impact Assessment

For material revisions that require a Community Impact Assessment, consistent with this Policy and Procedures, petitioners³⁹ must submit a Community Impact Assessment as part of its application. Staff will assess whether the charter school is demonstrably likely or unlikely to serve the interests of the entire community.

The Community Impact Assessment will be based on an 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.) and on evidence of community engagement and outreach. 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 Charter School

For purposes of this Policy and Procedures, a "community" includes families and individuals who reside, work, and/or are served in the identified geographical area, and all public schools (District and charter), serving similar grade levels as the charter school (inclusive of the proposed additional grade levels being requested, if applicable). The identified geographical area will be based on LAUSD Community of Schools and neighborhoods within a three-mile radius from the location identified by the charter school's material revision application. 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 charter school seeks to locate through its

³⁹ For purposes of this Policy and Procedures, "petitioners" include a lead petitioner or other authorized person(s) on behalf of the organization that submits a petition to the District seeking to establish or renew a charter school, or submits a request for a material revision application.

material revision request. These shall also 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, survey results, etc.). The Community Impact Assessment is to be complete at the time of submission. As part of the submitted materials, Petitioners are to include publicly disclosable information/documentation of the stakeholders' responses (to the extent possible) and a summary of the responses received from stakeholders as part of the petitioner's assessment of the impact to the community, which will be shared with the LAUSD Board.

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

To help determine the extent to which the proposed material revision substantially undermines existing services, academic offerings, or programmatic offerings in a community, the District 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. 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 the petitioner of the impact of the school's proposed material revision and the financial viability of the proposed material revision, as well as impacts to existing services, academic offerings or programmatic offerings (e.g., English Learner instruction, hands-on science, music, and theater). If the petitioner submits a material revision application for a charter school to locate in a community in which under-enrollment among existing District schools and/or charter schools is prevalent, this factor may constitute a significant fact in determining that the proposed material revision has a substantially undermining effect. Upon submission, the District will review the petitioner's assessment and will provide an enrollment trend analysis including whether District and charter schools in the community are at, under, or over their enrollment target or capacity.

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 enrollment projection, when applicable, in its current year 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 the 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 charter 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). 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. The petitioner's assessment should consider how its 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 materials related to material revision applications) including but not limited to providing an enrollment trend analysis. Moreover, staff will also analyze the impact of the 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. In addition, District staff will analyze the impact of the charter school to existing District schools' proposed programs that are in the planning stages or will commence the same academic year as the petitioning charter school. Such programs could include schools becoming magnets, dual language, community school, HEET, or other program that would be negatively affected by a new, expanding or relocating charter school.

Fiscal Impact to the Community

The District will assess the extent to which the 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 the material revision application will include, but not be limited to, the following factors:

- Analysis of estimated total revenue losses for existing District schools
- 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 material revision request 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 leading to the denial recommendation of the material revision request.

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 open, public meeting regarding the impact of the proposed 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 determines that either of the following is a ground for denial:

- 1) The charter school is demonstrably unlikely to serve the interests of the entire community pursuant to Education Code section 47605(c)(7);⁴⁰ 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 schools⁴¹ to comply with the same open 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 Act⁴² (Govt. Code, §§ 54950 et seq.)
- California Public Records Act (Govt. Code, §§ 6250 et seq.)

⁴⁰ Refer to the community impact analysis procedures in the New Charter Petitions section of these Administrative Procedures.

⁴¹ "Entity managing a charter school" means a nonprofit public benefit corporation that operates a charter school consistent with Education Code section 47604.

⁴² A charter school operated by an entity pursuant to Government Code, § 47620 et seq. shall comply with the Bagley-Keene Open Meetings Act.

- 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).)

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.⁴³ 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.

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

⁴³ 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.

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"),⁴⁴ 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.

⁴⁴ See CSD website.

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.

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.⁴⁵

⁴⁵ 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

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 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

violation which constitutes a severe and imminent threat to the health or safety of students. (Ed. Code, §47607(g).)

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).⁴⁶

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

⁴⁶ 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).

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.

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.⁴⁷ 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.

⁴⁷ Established through LAUSD Board of Education Resolution 149/10-11

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.
- *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, 17th Floor
Los Angeles, CA 90017
(213) 241-5430
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 outside of the community, 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 CSD⁴⁸.

⁴⁸ Charter Schools that seek to expand to additional locations outside of the community or move to a different community must undergo community interest and fiscal impact analysis pursuant to Education Code section 47607(a)(3).

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 one or more additional sites, or move any of its sites outside of the community 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 one or more additional sites, or move operations outside of the community, until a material revision has been granted.⁴⁹

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

⁴⁹ Charter Schools that seek to expand to additional locations outside of the community or move to a different community must undergo community interest and fiscal impact analysis pursuant to Education Code section 47607(a)(3).

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.
- 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.⁵⁰

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

⁵⁰ This section also applies to independent conversion charter schools.

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).

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.⁵¹

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.

⁵¹ 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.

- 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 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.

ATTACHMENT 8

Appeal Denial from California School Finance
Authority



CALIFORNIA SCHOOL FINANCE AUTHORITY

300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
p (213) 620-4608
f (213) 620-6309

901 P. Street, Suite 313-B
Sacramento, CA 95814
p (916) 651-7710
f (916) 651-7709

csfa@treasurer.ca.gov
www.treasurer.ca.gov/csfa

MEMBERS

FIONA MA, CPA, CHAIR
State Treasurer

TONY THURMOND
*State Superintendent of
Public Instruction*

JOE STEPHENSHAW
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

August 1, 2023

Dana Hammond
Chief Executive Officer
Academy of Media Arts
345 S. Figueroa Street
Los Angeles, CA 90071

Via Email: dana.h@academyofmediaarts.org

Dear Mr. Hammond:


Staff has considered the appeal response provided by the school and consistent with Charter School Facility Grant Program (Program) Regulations, staff must uphold its original determination of ineligible. Representatives from Los Angeles Unified School District (District) provided certification stating that Academy of Media Arts (CDS: 19-64733-0139055) was not in good standing and/or not in compliance with the terms of its charter during the 2022-23 Funding Round. A copy of the associated form and letter are attached.

Pursuant to Program regulations §10170.3(f), a charter school is eligible for a grant if the charter school is in "good standing with it's the chartering authority and is in compliance with the terms of its charter at the time of application submission, and without interruption throughout the term of the grant." Furthermore, the Authority has not received any superseding information from the District to reverse this determination.

Pursuant to Program regulations section 10170.10(d), the applicant may appeal staff's final determination to the Board, by submitting a letter of appeal within 30 calendar days from the date of this notice, August 31, 2023.

Should you have any questions or need additional information, please feel free to contact SB740@treasurer.ca.gov.

Sincerely,

DocuSigned by:

B15FADD9649E4A9...

Ryan Storey
Staff Services Manager I

ATTACHMENT 9

Request for Board level Appeal from Academy
of Media Arts



August 8, 2023

VIA U.S. MAIL AND EMAIL TO

CSFA@TREASURER.CA.GOV

KATRINA.JOHANTGEN@TREASURER.CA.GOV

California School Finance Authority
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013

California School Finance Authority
901 P Street, Third Floor, Suite B
Sacramento, CA 95814

Re: **Updated Appeal of Eligibility Determination – Charter School Facility Grant Program**
Academy of Media Arts (CDS: 19-64733-0139055)

Dear Members of the California School Finance Authority Board:

Enclosed please find an updated appeal to the California School Finance Authority (“CSFA”) Board regarding CSFA’s March 28, 2023 determination that the Academy of Media Arts (“AMA”) is ineligible for 2022-2023 Charter School Facility Grant Program (“SB 740”) funding under Education Code Section 47614.5 and California Code of Regulations, Title 4, Section 10170.1 *et seq.* (“Regulations”). We previously submitted an appeal to the CSFA Board on July 26, 2023 while also awaiting the CSFA staff’s reconsideration and final decision regarding the March 28 determination. Staff subsequently issued its final decision on July 31, 2023, upholding its March 28 determination. We submit the enclosed updated appeal having now received CSFA staff’s final decision.

CSFA’s eligibility determination was based on a submittal from the Los Angeles Unified School District (“LAUSD”) back in October 2022, which indicated AMA was not in good standing with the terms of our charter. However, we cured AMA’s good standing during the 2022-2023 school year by entering into a memorandum of understanding (“MOU”) with LAUSD. CSFA staff’s final decision concludes that AMA is still not eligible for funding because we were not in good standing throughout the entire term of the grant. But this decision holds AMA to a standard that is explicitly not required for SB 740 funding. The Regulations for the SB 740 program specifically provide for a charter school to cure its good standing. The final decision incorrectly conflates the eligibility requirements for the SB 740 program with the eligibility requirements for a separate State Charter School Facilities Incentive Grants Program that is also administered by CSFA.

The final decision incorrectly states that AMA would only be eligible for SB 740 funding if it is in “good standing with it’s the [*sic.*] chartering authority and is in compliance with the terms of its charter at the time of application submission, and with interruption throughout the term of the grant,” and cites

to Regulations Section 10170.3(f). **However, the language quoted in the final decision is actually from Section 10177(b), which applies to the State Charter School Facilities Incentive Grants Program, an entirely different program from SB 740 with separate regulations and eligibility requirements. Instead, the SB 740 program explicitly provides for charter schools to cure their good standing during the fiscal year in order to continue to receive grant funding.** The actual language in Regulations Section 10170.3(f) that applies here states:

“An Applicant found not to be in Good Standing, as determined by their Chartering Authority, shall be ineligible for grant funds. An Applicant may cure ineligibility for grant funds by meeting one of the following criteria:

(1) The Applicant receives confirmation of Good Standing within the Fiscal Year.”

AMA cured its good standing within the 2022-2023 fiscal year by entering into the MOU with LAUSD, and CSFA has authority to determine this without further information from LAUSD, as discussed in our appeal. We respectfully request that the CSFA Board determine AMA is eligible for SB 740 grant funds for the 2022-2023 school year. Our charter school budget for the 2022-2023 school year was dependent on receiving SB 740 funding which the school qualified for, and which it received in prior years. Without the funding, AMA is unable to cover the costs of rent to our third-party landlord for the space where AMA served our charter school students during the last school year, and AMA will be forced to default on our lease obligations with our third-party landlord.

Thank you for your time and consideration of our updated appeal submitted with this letter.

Sincerely,



Dana Hammond
Chief Executive Officer
Academy of Media Arts

Enclosure: Appeal to CSFA Board dated August 8, 2023



August 8, 2023

VIA U.S. MAIL AND EMAIL TO

CSFA@TREASURER.CA.GOV

KATRINA.JOHANTGEN@TREASURER.CA.GOV

California School Finance Authority
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013

California School Finance Authority
901 P Street, Third Floor, Suite B
Sacramento, CA 95814

Re: **Updated Appeal of Eligibility Determination – Charter School Facility Grant Program**
Academy of Media Arts (CDS: 19-64733-0139055)

Dear Members of the California School Finance Authority Board:

We submit this appeal to the California School Finance Authority (“CSFA”) Board regarding CSFA’s March 28, 2023 determination that Academy of Media Arts (“AMA”) is ineligible for 2022-2023 Charter School Facility Grant Program (“SB 740”) funding under Education Code Section 47614.5 and California Code of Regulations, Title 4, Section 10170.1 *et seq.* (“Regulations”). CSFA’s determination was based on a letter and good standing certification form submitted by the Los Angeles Unified School District (“LAUSD”) back in October 2022. AMA subsequently cured AMA’s good standing with LAUSD during the applicable 2022-2023 school year, as demonstrated by our May 3, 2023 memorandum of understanding (“MOU”) with LAUSD under which the 2022-2023 school year was the last year of the charter. We believe AMA is eligible for SB 740 funding for the 2022-2023 school year having now resolved LAUSD’s prior letter, thereby also resolving the issue raised in CSFA’s eligibility determination.

We endeavored to resolve this matter directly with CSFA staff. On May 26, 2023, we submitted a request pursuant to Regulations Section 10170.10(b) that CSFA reconsider its March 28 determination and find that AMA is eligible for SB 740 grant funds for the 2022-2023 school year.¹ (AMA’s request for reconsideration, and its attachments, are submitted with this appeal as Exhibit 1.) CSFA provided its final staff decision on July 31, 2023, after the 30-day timeline under Regulations Section 10170.10(c) for this decision had already passed on June 25, 2023. In the meantime, due to the 120-day limitation to file an appeal with the CSFA Board as described in Regulations Section 10170.10(f), AMA submitted an appeal while also awaiting staff’s final decision, so that AMA did not lose its right to appeal the decision,

¹ We appreciate that CSFA granted AMA a 30-day extension, pursuant to Regulations Section 10170.10(f), for AMA to submit its request for reconsideration by May 27, 2023. AMA’s request for reconsideration was submitted by email to CSFA afterhours on May 25, 2023, and therefore we dated the letter May 26, 2023.

once issued. We now submit this updated appeal having received CSFA's final staff decision. (The staff's final decision is submitted with this appeal as Exhibit 2.)

As noted in our cover letter to this appeal, staff's final decision inappropriately holds AMA to a standard that is explicitly not required for SB 740 funding. The decision incorrectly states that AMA would only be eligible for SB 740 funding if it is in "good standing with it's the [*sic.*] chartering authority and is in compliance with the terms of its charter at the time of application submission, and with interruption throughout the term of the grant," and cites to Regulations Section 10170.3(f). However, the language quoted in the final decision is actually from Section 10177(b), which applies to the State Charter School Facilities Incentive Grants Program, an entirely different program from SB 740 with separate regulations and eligibility requirements. Instead, the SB 740 program explicitly provides for charter schools to cure their good standing during the fiscal year in order to continue to receive grant funding. The actual language in Regulations Section 10170.3(f) that applies here states:

"An Applicant found not to be in Good Standing, as determined by their Chartering Authority, shall be ineligible for grant funds. An Applicant may cure ineligibility for grant funds by meeting one of the following criteria:

(1) The Applicant receives confirmation of Good Standing within the Fiscal Year."

We believe AMA cured its good standing within the 2022-2023 fiscal year by entering into the MOU with LAUSD, and CSFA has authority to determine this without further information from LAUSD, as discussed in this appeal. We request that the CSFA Board determine AMA is eligible for SB 740 grant funds for the 2022-2023 school year. Our charter school budget for the 2022-2023 school year was dependent on receiving SB 740 funding which the school qualified for, and which it received in prior years. Without the funding, AMA is unable to cover the costs of rent to our third-party landlord for the space where AMA served our charter school students during the last school year, and AMA will be forced to default on our lease obligations with our third-party landlord, leaving AMA at significant risk.

Factual Background

AMA is a public charter school that was authorized by LAUSD and opened in August 2019. AMA served a predominantly African-American and Latino population in South Los Angeles, who are among the most socioeconomically disadvantaged and systemically underserved students in the region. In an effort to provide our students with a safe, state-of-the-art learning environment, we relocated AMA to a new facility at 345 S. Figueroa Street, Los Angeles, CA 90071 ("Figueroa Site") for the 2022-2023 school year.

AMA's relocation took significant planning, due diligence, fundraising, and substantial efforts to build enrollment in support of the new site. As part of this process, AMA proactively submitted a request for a material revision to AMA's charter to LAUSD in November 2021 for relocation to the Figueroa Site for the following 2022-2023 school year; however, LAUSD's Charter School Division refused to accept the submission four times before finally accepting the submission in April 2022. Then, LAUSD's Board of Education ultimately denied the material revision request for the new facility on August 2, 2022 for reasons wholly unrelated to the facility, and less than two weeks before the commencement of our 2022-2023 school year. By that time, the lease for AMA's prior site had already

expired and the charter school could not operate at that facility.

AMA proceeded with the relocation plan pursuant to the lease it had signed, in order to best serve our students, while continuing to work with LAUSD on our material revision request. AMA attempted several times, again, to submit the request before the submission was accepted by LAUSD on February 3, 2023 and scheduled again for action by the Board of Education in June 2023. In the meantime, LAUSD had sent AMA a notice to cure on August 15, 2022 alleging AMA's charter school operations at the Figueroa Site were not appropriate without a material revision to our charter approved by the LAUSD Board of Education, which of course was exactly what AMA had been seeking since 2021.

In short, LAUSD demanded AMA seek a material revision for the new facility when AMA could not remain in its old facility, but then every time AMA did so, LAUSD either blocked the submission of the request altogether, or denied the request for reasons unrelated to the facility itself. While AMA did follow LAUSD's policies and seek the material revision, we note that the law does not require a material revision when a charter school relocates to a new site; the law only requires a material revision when a charter school expands its operations to *add one or more additional sites or grade levels*. (Ed. Code § 47605(a)(4).)

In April 2023, while the latest material revision request was pending approval, the LAUSD Charter School Division notified AMA that it planned to issue a Notice of Violation for revocation of the charter, as a result of AMA's having moved to a new site without an approved material revision. Rather than proceeding with the charter revocation and material revision processes and procedures, AMA agreed to surrender the charter at the end of the school year and LAUSD and AMA entered into a MOU memorializing that. Under the MOU, LAUSD agreed to stay the charter revocation and material revision processes and procedures in exchange for AMA voluntarily surrendering its charter effective June 30, 2023. (The MOU dated May 12, 2023 is provided in Exhibit 1 as Attachment 3.)

On April 24, 2023, the AMA Board of Directors adopted Resolution No. 5-100 approving the voluntary surrender of the AMA charter effective June 30, 2023. (The resolution is attached to the MOU provided in Exhibit 1 as Attachment 3.) Since then, we have worked diligently to close the charter school and resolve the charter school's outstanding debts and liabilities from the 2022-2023 school year. The amount of SB 740 funding at issue is what AMA budgeted for payment of facilities rent and lease obligations with our third-party commercial landlord during the 2022-2023 school year. To be clear, the rent is not owed to any individual or entity that is related in any way to AMA—the landlord is a third party commercial landlord. If AMA does not receive the budgeted SB 740 funding for the 2022-2023 school year, AMA will be forced to default on its lease.

AMA Satisfies the Regulatory Conditions To Be Deemed In Good Standing for SB 740 Funding for the 2022-2023 School Year

A charter school is deemed in "good standing" to receive SB 740 funding if it "satisfies all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code Section 47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in Education Code Section 47607(h)." (Regulations § 10170.2(q).)

CSFA may rely on information submitted by a charter school's authorizer, including the Good Standing Confirmation Form ("GSCF"), to determine whether an applicant is in good standing. (*Id.*) However, CSFA is not limited to considering only the authorizer's submitted information. CSFA has ultimate authority to determine eligibility for SB 740 grants and to administer the grant program. (See e.g., Ed. Code § 47614.5(a), (c)-(d).) Furthermore, an applicant who is found to not be in good standing may cure its ineligibility by receiving confirmation of good standing within the applicable fiscal year. (Regulations § 10170.3(f).) The Regulations do not require this confirmation to be received from the school's authorizer. The Regulations are also not intended to penalize a school for trivial deviations from the language in its charter, such as when a school changes its bell schedule to better accommodate students or relocates to a safer facility without expanding to add an additional site. CSFA may confirm that AMA closed the 2022-2023 school year in good standing and is therefore eligible for the 2022-2023 grant, even without subsequent information or forms from LAUSD.

CSFA's March 28 eligibility determination was based on LAUSD's prior "certification stating that Charter School is not in good standing and/or not in compliance with the terms of its charter." (CSFA's letter dated March 28, 2023 is provided in Exhibit 1 as Attachment 1.) LAUSD submitted a letter dated October 14, 2022, which stated that AMA's charter was not in good standing at that time because AMA moved its charter school to the Figueroa Site without a material revision to its charter approved by the LAUSD Board of Education. (LAUSD's letter and GSCF dated October 14, 2022 are provided in Exhibit 1 as Attachment 2.) However, our subsequent MOU with LAUSD resolved this issue. It specifically provided for AMA to continue its charter school operations at the Figueroa Site for the remainder of the 2022-2023 school year without a material revision, and expressly stayed the material revision process. (See, Exhibit 1 at Attachment 3.) Indeed, under the MOU, AMA could not have proceeded to obtain the material revision that would have put it back in good standing under LAUSD's October letter, because the MOU halted that process altogether in favor of a global resolution for the charter to close-out the 2022-2023 school year as the last year of the charter.

LAUSD's October 14 letter also referenced a notice to cure regarding AMA's operations at the Figueroa Site. However, a notice to cure is not a notice of violation or a notice of intent to revoke AMA's charter that would have impacted AMA's good standing under the Regulations. In fact, LAUSD's letter specifically states that "As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA's [operation at the Figueroa Site] meets the criteria for the District to initiate revocation action." (See, Exhibit 1 at Attachment 2.) AMA's MOU with LAUSD resolves this issue about a potential revocation action because it explicitly states that LAUSD "agrees to stay the revocation and material revision processes and procedures." (See, Exhibit 1 at Attachment 3.)

We believe AMA's MOU with LAUSD memorializes that AMA has satisfied the conditions to be deemed in "good standing" with respect to the 2022-2023 school year pursuant to Regulations Section 10170.2(q). CSFA has authority to confirm that AMA is in good standing and therefore eligible for SB 740 grant funds based solely on the MOU, without further information or documentation from LAUSD. Further, from a policy lens, a failure to approve AMA's SB 740 funding for the 2022-2023 school year would present an unfair "gotcha" for charter schools in the program. AMA sought the material revision to move to a new facility, even though such material revision was not required by law, only to have LAUSD reject the *submission* of the request so many times that the clock ran out on the timeline for AMA to process the move in accordance with LAUSD's policy before the 2022-2023 school year. Then, when the material revision submission was finally accepted, the material revision itself was denied as

the school year was about to begin. LAUSD's denial of the material revision then kicked off escalating notices of concern, which AMA ultimately resolved by surrendering the charter. Such unfortunate circumstances do not change the fact that during the 2022-2023 school year at issue, the charter school served students at a facility under a lease with a third party landlord for which it qualified and budgeted for SB 740 funding.

Conclusion

We request that the CSFA Board determine that AMA is eligible for SB 740 funding for the 2022-2023 school year. To the extent there is any concern with awarding the funding after the school year has ended and the charter school closed, we want to be clear that our charter school budget for the 2022-2023 school year was dependent on receiving SB 740 funding, as we have in prior years. We do not believe there should be a difference between allocating grant funding towards rent at our prior campus and our new campus. The funding is needed to resolve the charter school's outstanding rent and lease obligations with our third-party commercial landlord from the 2022-2023 school year. Again, the funds will not be paid to an individual or entity that is related to AMA in any way, nor used for any purpose other than as set forth herein and according to the grant terms. The closure of the charter school ahead of the 2023-2024 school year does not change the school's eligibility for funding for its third-party facilities rent costs during the 2022-2023 school year, and the funding is necessary for the charter to close with its debts paid.

Thank you for your time and consideration of our appeal.

Sincerely,



Dana Hammond
Chief Executive Officer
Academy of Media Arts

Attachments: Exhibit 1 (AMA's Request for Reconsideration and Attachments)
Exhibit 2 (CSFA Staff's Final Determination)

Appeal to California School Finance
Authority Board –
Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Exhibit 1: Request for
Reconsideration and Attachments



May 26, 2023

VIA E-MAIL (SB740@TREASURER.CA.GOV)

Ryan Storey
Staff Services Manager I
California School Finance Authority
300 S. Spring Street, Suite 8500
Los Angeles, CA 90013

Re: **Request for Reconsideration – Charter School Facility Grant Program**
Academy of Media Arts (CDS: 19-64733-0139055)

Dear Mr. Storey:

This letter is a request for reconsideration of the California School Finance Authority's ("CSFA") March 28, 2023 determination that Academy of Media Arts ("AMA") is ineligible for 2022-2023 Charter School Facility Grant Program ("SB 740") funding under Education Code Section 47614.5 and California Code of Regulations, Title 4, Section 10170.1 *et seq.* ("Regulations").¹ We believe AMA is eligible for funding having now cured its good standing during the applicable fiscal year, as demonstrated by our memorandum of understanding ("MOU") with the Los Angeles Unified School District ("LAUSD"). The MOU resolves LAUSD's prior letter and confirms there are no pending or outstanding notices regarding AMA's charter. We therefore request that CSFA reconsider its March 28 determination and now find that AMA is eligible for SB 740 grant funds for the 2022-2023 school year.

CSFA Has Broad and Independent Discretion to Determine Whether A Charter School Is In Good Standing For SB 740 Grant Funding

A charter school is deemed in "good standing" to receive SB 740 funding if it "satisfies all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code Section 47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in Education Code Section 47607(h)." (Regulations § 10170.2(q).)

CSFA may rely on information submitted by a charter school's authorizer, including the Good Standing Confirmation Form ("GSCF"), to determine whether an applicant is in good standing. (*Id.*) However, CSFA is not limited to considering only the authorizer's submitted information. CSFA has ultimate authority to determine eligibility for SB 740 grants and to administer the grant program. (See e.g., Ed. Code § 47614.5(a), (c)-(d).) An applicant who is found to not be in good standing may cure its ineligibility by receiving confirmation of good standing within the applicable fiscal year. (Regulations

¹ We appreciate that CSFA granted AMA a 30-day extension, pursuant to Regulations Section 10170.10(f), to submit this request by May 27, 2023.

§ 10170.3(f).) The Regulations do not require the subsequent confirmation to be received from the authorizer. The Regulations also do not require or specify a particular type of confirmation that must be received. CSFA may confirm AMA is currently in good standing and eligible for a grant, even without subsequent information or forms from LAUSD.

LAUSD's Prior Certification That AMA Was Not In Good Standing Predates the MOU Between LAUSD and AMA

CSFA's March 28 eligibility determination is based on LAUSD's "certification stating that Charter School is not in good standing and/or not in compliance with the terms of its charter." (CSFA's letter dated March 28, 2023, is provided as [Attachment 1](#).) LAUSD submitted a letter dated October 14, 2022, which states that AMA's charter was not in good standing at that time because AMA moved its charter school to a new facility located at 345 S. Figueroa Street, Los Angeles, CA 90071 ("Figueroa Site"), without a material revision to its charter approved by the LAUSD Board of Education. (LAUSD's letter and GSCF² dated October 14, 2022, are provided as [Attachment 2](#).) The school's previous facility, as well as the new facility at the Figueroa Site, are each owned by third-party commercial landlords (not related entities of AMA).

LAUSD's letter also references a Notice to Cure issued on August 15, 2022, regarding AMA's operations at the Figueroa Site, which is noticeably not a notice of violation or notice of intent to revoke AMA's charter that would have impacted AMA's good standing under the Regulations. In fact, LAUSD's letter specifically states that "As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA's [operation at the Figueroa Site] meets the criteria for the District to initiate revocation action." (See, [Attachment 2](#).) LAUSD's letter that AMA was not in good standing was therefore based on AMA's school operations at the Figueroa Site, which LAUSD viewed as a violation of AMA's charter without a material revision and could lead to charter revocation.

AMA re-submitted its request for material revision to LAUSD on February 3, 2023 seeking approval to operate at the Figueroa Site. The material revision was scheduled for consideration by the LAUSD Board of Education in June 2023. In April 2023, the LAUSD Charter School Division notified AMA that it planned to issue a Notice of Violation that would allege violations of law and the charter. However, rather than proceeding with the charter revocation and material revision processes and procedures, LAUSD and AMA entered into a MOU whereby LAUSD agreed to stay the charter revocation and material revision timelines and AMA will voluntarily surrender its charter effective June 30, 2023. (The MOU dated May 12, 2023, is provided as [Attachment 3](#).) On April 24, 2023, the AMA Board of Directors adopted Resolution No. 5-100 to approve the voluntary surrender of the charter effective June 30, 2023. (The resolution is at "Attachment A" to the MOU provided in [Attachment 3](#).)

We note the surrender of the charter ahead of the 2023-2024 school year does not change the school's eligibility for funding for its third-party facilities rent costs during the 2022-23 school year. As memorialized in the MOU, AMA will continue operating the charter school for the remainder of the

² LAUSD's GSCF was signed by the Charter Schools Division Director and dated October 14, 2022, but LAUSD did not indicate on the form whether or not AMA was in compliance with its charter agreement or had any pending or outstanding notices of violation or notices of intent to revoke at that time. AMA therefore responds to the information submitted in LAUSD's separate letter dated October 14, 2022.

current school year (which will be the last year of the charter) without the need to proceed with the material revision.

AMA Satisfies the Regulatory Conditions To Be Deemed In Good Standing

In light of the MOU with LAUSD, we believe AMA is in “good standing” pursuant to Regulations Section 10170.2(q) and is therefore eligible for SB 740 funding for the 2022-2023 school year. LAUSD’s basis for previously determining that AMA was not in compliance with its charter and therefore not in good standing was AMA’s school operations at the Figueroa Site without a material revision. The MOU resolves this issue because, as stated above, the MOU specifically provides for AMA to continue its charter school operations at the Figueroa Site for the remainder of the school year without a material revision. The MOU expressly stays the material revision process. (See, Attachment 4.)

There are also no pending or outstanding notices of violation or notices of intent to revoke the AMA charter. The MOU explicitly states that LAUSD “agrees to stay the revocation and material revision processes and procedures.” (See, Attachment 4.) LAUSD “retains and reserves its right as the chartering/oversight authority of AMA to reinstate the revocation proceedings and request the LAUSD Board issue the Notice of Intent to Revoke and Notice of Facts in Support of Revocation” should AMA breach the terms of the MOU. (*Id.*) The right to “reinstate” such a process means that the notices are not currently pending or outstanding. They must be reinstated in order to be pending or outstanding, but that would only happen upon a condition precedent (i.e., AMA’s breach of the MOU). AMA’s Board of Directors has already adopted Resolution No. 5-100 to approve the voluntary surrender of the charter effective June 30, 2023, demonstrating AMA’s commitment to comply with the terms of the MOU.

We believe the MOU memorializes that AMA has satisfied the conditions to be deemed in “good standing” with respect to the 2022-23 school year pursuant to Regulations Section 10170.2(q). We also believe CSFA has authority to confirm that AMA is in good standing and therefore eligible for SB 740 grant funds based solely on the MOU, and without further information or documentation from LAUSD. We therefore request that CSFA determine that AMA is eligible for SB 740 funding for the 2022-2023 school year.

Thank you for your time and consideration of our request for reconsideration. Please feel free to contact us if you have any questions or if there is any additional clarification we can provide.

Sincerely,



Dana Hammond
Chief Executive Officer
Academy of Media Arts

Request for Reconsideration – Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Attachment 1: CSFA's March 28, 2023
Letter re Eligibility Determination



CALIFORNIA SCHOOL FINANCE AUTHORITY

300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
p (213) 620-4608
f (213) 620-6309

901 P. Street, Suite 313-B
Sacramento, CA 95814
p (916) 651-7710
f (916) 651-7709

csfa@treasurer.ca.gov
www.treasurer.ca.gov/csfa

MEMBERS

FIONA MA, CPA, CHAIR
State Treasurer

TONY THURMOND
*State Superintendent of
Public Instruction*

JOE STEPHENSHAW
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

March 28, 2023

Dana Hammond
Chief Executive Officer
Academy of Media Arts
345 S. Figueroa Street
Los Angeles, CA 90071

Via Email: dana.h@academyofmediaarts.org

Dear Mr. Hammond:


Thank you for your interest in the Charter School Facility Grant Program (Program). Unfortunately, your application, on behalf of Academy of Media Arts (CDS: 19-64733-0139055) was deemed ineligible for a grant at this time. Representatives from Los Angeles Unified School District provided certification stating that Charter School is not in good standing and/or not in compliance with the terms of its charter. A copy of the associated form is attached.

Pursuant to Program regulations §10170.3(f), a charter school is eligible for a grant if the charter school is in "good standing with it's the chartering authority and is in compliance with the terms of its charter at the time of application submission, and without interruption throughout the term of the grant."

Academy of Media Arts shall have 30 calendar days in which to remedy this status with its chartering authority. Pursuant to Section 10170.10(f), applicants may request a single extension of up to 30 calendar days. If Academy of Media Arts is able to restore its status to good standing, it will once again be eligible to receive grant funds provided it meets all other eligibility requirements. If the charter school is unable to cure this status, an appeal for reconsideration of eligibility may be sent to the Authority no later than 30 calendar days from receipt of this notice, April 27, 2023. An additional 30 calendar days can be granted upon request.

Should you have any questions or need additional information, please feel free to contact SB740@treasurer.ca.gov.

Sincerely,

DocuSigned by:

B15FADD9619E1A9...

Ryan Storey
Staff Services Manager I

Request for Reconsideration – Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Attachment 2: LAUSD October 14, 2022
Letter and Good Standing Certification
Form



LOS ANGELES UNIFIED SCHOOL DISTRICT CHARTER SCHOOLS DIVISION

333 South Beaudry Avenue, 20th Floor, Los Angeles, CA 90017
Office: (213) 241-0399 ♦ Prop. 39: (213) 241-5130 ♦ Fax: (213) 241-2054

ALBERTO M. CARVALHO
Superintendent

VERONICA ARREGUIN
Chief Strategy Officer

JOSÉ COLE-GUTIÉRREZ
Director, Charter Schools Division

October 14, 2022

To Whom It May Concern:

Academy of Media Arts (Charter # 2038, CDS Code 19647330139055, with the charter term expiring June 30, 2026¹) (“Charter School” or “AMA”) is currently operating as a charter school authorized by the Los Angeles Unified School District (“LAUSD”) Board of Education.

LAUSD acknowledges that, at this time, the Charter School’s charter is active, but its charter is currently **not in good standing** with LAUSD. Moreover, the Charter School has not taken all the required corrective measures to address and cure its non-compliance with all applicable law, *LAUSD Policy and Procedures for Charter Schools* (“Policy”), and terms of the operative charter. As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA’s current breach meets criteria for the District to initiate revocation action. The District will review the Charter School’s plan and any additional relevant information (i.e., pertaining to Charter School’s performance and operations, etc.), to further assess appropriate action(s) and timing.

On August 2, 2022, the LAUSD Board of Education (“Board”) considered AMA’s material revision request to locate to a new facility located at 345 S. Figueroa St., Los Angeles, CA 90071 (“Figueroa Site”) and the Board denied AMA’s request accordingly for the multiple reasons noted in the Board materials and discussion. On August 15, 2022, AMA’s first day of instruction of the 2022-2023 school year, the CSD staff conducted a site visit to the Figueroa Site and confirmed that AMA’s school operations were being held at that unapproved site. Thus, the CSD issued a Notice to Cure on August 15, 2022, requesting that AMA cure and remediate the specific violation of unauthorized move to the Figueroa Site, which remains uncured at the time of this letter. As part of its ongoing oversight, LAUSD will continue to monitor the Charter School’s compliance with law, Policy, and terms of the operative charter.

LAUSD reserves the right to issue additional corrective actions and/or initiate revocation proceedings at any time pursuant to LAUSD’s oversight rights and obligations, which may be related but not limited to results of audits, investigations, or special reviews by LAUSD, its Office of the Inspector General (“OIG”), and/or other agencies. Charter schools may be randomly audited by the OIG, and the Charter School may or may not have been audited.

LAUSD’s statement regarding the Charter School’s current standing as a charter school is limited to the foregoing. Nothing herein shall be interpreted as an affirmation, representation, guarantee, warranty, claim, prediction, or otherwise by LAUSD regarding any other issues related to the Charter School, including, but not limited to, its past, present, or future finances (e.g., revenues, expenses, assets, liabilities, budgets, etc.), legal claims or disputes, other items pertaining to its operation as a charter school, or its standing as a charter school at any time after this date.

Sincerely,

José Cole-Gutiérrez, Director
Charter Schools Division

c: Marla Willmott
Lillian Lee
Christine Kae
Sally Ngov

¹ This expiration date includes the automatic extension enacted by AB 130, which added Section 47607.4 to the California Education Code to extend the charter term of all charter schools whose term would otherwise expire on or between January 1, 2022, and June 30, 2025, inclusive, by two years.

California School Finance Authority (CSFA)
Good Standing Confirmation Form
CHARTER SCHOOL FACILITY GRANT PROGRAM

Academy of Media Arts (19647330139055) has applied to the above CSFA Program(s). CSFA is requesting that the Chartering Authority provide a response to the declarations below to consider this school's eligibility for Program funds. An eligible Program Applicant must satisfy all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code (EC) §47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

An unreturned form will be presumed an acknowledgment that there are no outstanding compliance, violation, or revocation issues for **Academy of Media Arts**.

Please check all the boxes that apply:

1) Academy of Media Arts is NOT in compliance with the terms of its Charter Agreement with Los Angeles Unified School District.

If checked, please provide or attach an explanation:

2) Academy of Media Arts has one or more pending or outstanding Notices of Violation described in EC §47607(g).

3) Academy of Media Arts has one or more pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

If 2 or 3 is checked, please select the basis for the Notice(s) from the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the Charter Agreement.
- Failed to meet or pursue any of the pupil outcomes identified in the Charter Agreement.
- Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- Violated any provision of law.

If 2 or 3 is checked, please provide or attach an explanation:

4) At this time, Academy of Media Arts is in compliance with the terms of its Charter Agreement, has no pending or outstanding Notices of Violation described in EC §47607(g), and has no unresolved or outstanding Notices of Intent to Revoke described in EC §47607(h).

I hereby certify that to the best of my knowledge and belief, this information is true and correct. This form was completed based on information as of this date and does not reflect future determinations of compliance or violations.



Signature

José Cole-Gutiérrez

Printed Name

10/14/2022

Date

Charter Schools Division Director

Title

The sole purpose of this form is to establish CSFA Program eligibility based on the date signed. This form is for internal use only.

Request for Reconsideration – Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Attachment 3: May 2, 2023
Memorandum of Understanding

**Memorandum of Understanding
By and Between
Los Angeles Unified School District
and
Academy of Media Arts**

This Memorandum of Understanding (“MOU”) is made between Los Angeles Unified School District (“LAUSD” or “District”), a California public school district, and Academy of Media Arts (“AMA”), a California nonprofit public benefit corporation, operating a California public charter school known as Academy of Media Arts [California Department of Education Charter No. 2038] (“Charter School”)¹. (District and AMA may be referred to herein individually as “Party” and collectively as “Parties”). This MOU is based upon the following factual recitals:

RECITALS

WHEREAS, Charter School’s charter was authorized by the LAUSD Board of Education (“LAUSD Board”) on January 8, 2019, for a five-year term and was set to expire on June 30, 2024. However, Education Code section 47607.4 extended the terms of all charter schools whose terms expire on or between January 1, 2022, and June 30, 2025, inclusive, by two years. Thus, by operation of law, the charter term for Charter School expires on June 30, 2026;

WHEREAS, on February 3, 2023, AMA submitted a material revision application seeking to obtain authorization/ratification from the LAUSD Board relating to Charter School’s existing operations at 345 South Figueroa Street, Los Angeles, CA 90071;

WHEREAS, AMA’s material revision application is pending and is scheduled for LAUSD Board action in June 2023;

WHEREAS, on April 14, 2023, the District, through its Charter Schools Division (“CSD”), provided AMA with notice and relevant documents related to the proposed action [issuance of a Notice of Violation] to be considered at the April 18, 2023, LAUSD Board meeting;

WHEREAS, on April 17, 2023, AMA responded to the District’s Notice of Violation and provided the District with a response letter responding to the alleged violations;

WHEREAS, on April 18, 2023, LAUSD, through its CSD, presented the LAUSD Board a recommendation to issue a Notice of Violation to Charter School pursuant to Education Code section 47607(f) and (g) and corresponding state regulations, citing violations of law, failure to meet or pursue any of the pupil outcomes identified in the charter and concerns regarding AMA’s general capacity to operate its Charter School;

¹ Unless otherwise stated, for the purposes of this MOU, the terms “Charter School” and “AMA” may be used interchangeably, with the duties and responsibilities of the Charter School and AMA being the same under this MOU.

WHEREAS, on April 18, 2023, the LAUSD Board approved the issuance of the Notice of Violation, which provided AMA with a reasonable opportunity to address each identified alleged violation by May 18, 2023;

WHEREAS, on April 24, 2023 (“April 24th Meeting”), AMA’s Board approved the voluntary surrender of the charter for Charter School effective June 30, 2023, by way of Resolution # 5-100 (the “Resolution”) and authorized the commencement of the relevant procedures described in Element 15 of the charter as soon as practicable in connection with such surrender of the charter. The Resolution is attached herewith as **Attachment A** and part of this MOU;

WHEREAS, the District, in considering AMA’s total responses and actions to date, the interest of preserving time and resources and in lieu of proceeding with revocation and the material revision application at this time, agrees to stay the revocation and material revision processes and procedures on the condition that AMA agrees to meet all legal, charter, and District requirements governing AMA’s decision and action to voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board, and take all actions necessary to give full force and effect to the terms, provisions, and intent of the Resolution and any other appropriate actions relating back to the April 24th Meeting;

WHEREAS, the Parties desire in good faith to pause and toll the applicable revocation and material revision timelines in consideration of the actions taken by the AMA Board at the April 24th Meeting to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board;

WHEREAS, the District retains and reserves its right as the chartering/oversight authority of AMA to reinstate the revocation proceedings and request the LAUSD Board issue the Notice of Intent to Revoke and Notice of Facts in Support of Revocation pursuant to the original revocation timeline set forth by law and in the Notice of Violation, and schedule a public hearing on revocation, should AMA breach the terms of this MOU, if the AMA Board does not ratify this MOU, or if AMA does not voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board; and

WHEREAS, the District further retains and reserves its right as the chartering/oversight authority of AMA to reinstate the material revision application process, as permitted by the applicable material revision timeline, and proceed to present its recommendation to the LAUSD Board for consideration and action, should AMA breach the terms of this MOU, if the AMA Board does not ratify this MOU, or if AMA does not voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board.

NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING TERMS AND CONDITIONS, THE PARTIES AGREE AND COVENANT AS FOLLOWS:

1. Incorporate the Above Recitals

The Parties incorporate the above Recitals as if fully restated in this MOU.

2. Tolling of Revocation and Material Revision Timelines

The Parties agree in good faith to pause and toll the revocation and material revision timelines under applicable legal or District requirements in consideration of actions taken by the AMA Board at the April 24th Meeting to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board.

3. Stay of Revocation Process and Procedures

The District agrees to stay the revocation process and procedures based on the actions taken by the AMA Board to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board. If AMA breaches the terms of this MOU, if the AMA Board fails to ratify the MOU, or if AMA does not voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board, the District reserves the right to reinstate the revocation proceedings and request the LAUSD Board to issue the Notice of Intent to Revoke and Notice of Facts in Support of Revocation as permitted by the applicable revocation timeline set forth by law and in the Notice of Violation.

4. Stay of Material Revision Application Process and Procedures

The District agrees to stay the material revision application process and procedures based on the actions taken by the AMA Board to approve the Resolution and voluntarily surrender the charter for Charter School effective June 30, 2023, and cease operations of the school that is currently under the authority of the LAUSD Board. If AMA breaches the terms of this MOU, if the AMA Board fails to ratify the MOU, or if AMA does not surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board, the District reserves the right to reinstate the material revision application process and procedures and proceed to present its recommendation to the LAUSD Board for consideration and action, as permitted by the applicable material revision timeline.

5. Compliance with Applicable Law, Charter and District Requirements

AMA agrees that it shall comply and maintain actions consistent with the corrective actions taken thus far and/or remedies proposed as documented in its response to the District's Notice of Violation. AMA further agrees that it shall meet all applicable legal, charter, and District requirements governing AMA's decision and action to voluntarily surrender the charter for Charter School effective June 30, 2023 and cease operations of the school that is currently under the authority of the LAUSD Board and follow the applicable procedures for the financial close-out and disposition of liabilities and assets pursuant to, and which may include but not be limited to, the Charter Schools Act [Ed. Code, §§ 47600, *et al.*], the California Corporations Code [Corp. Code, §§ 5000-10841], the *Federal, State, and District*

Required Language for Independent Charter School Petitions (New and Renewal) and Material Revisions (“FSDRL”), the LAUSD Policy and Procedures for Charter Schools (“District Policy”), AMA’s Bylaws and Articles of Incorporation and other applicable instruments/documents governing AMA’s voluntary surrender of the charter and ceasing of operations of the school that is currently under the authority of the LAUSD Board. The FSDRL and District Policy are attached herewith as Attachments B and C, respectively, and part of this MOU.

6. Breach of MOU

As used in this MOU, the term “breach” is defined as a material breach of the terms, provisions, and obligations created in this MOU. An alleged breach must be identified by CSD in writing within 30 calendar days of the alleged act or omission. AMA will have a reasonable time to cure the alleged breach before the District reinstates the revocation and material revision application processes and procedures. Additionally, the District reserves the right to initiate new revocation proceedings at any time upon evidence that AMA has committed grounds subject to revocation under Education Code section 47607.

7. Modifications

This MOU may be modified or supplemented only through written agreement of the Parties.

8. Severability

The Parties agree that should any of the provisions of this MOU be judicially determined to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

9. Authorized Signatures

The individuals signing this MOU warrant that they are authorized to do so, and further, that they are authorized to make the promises in this MOU on behalf of the respective Parties.

10. Review of Document

The Parties acknowledge this MOU is freely and voluntarily executed. They further acknowledge that the Parties, in executing this MOU, do not rely upon any inducements, promises, or representations, express or implied, not reflected in this MOU. The Parties agree to cooperate fully in the execution of any and all other documents and/or additional actions necessary and/or appropriate to give full force and effect to the terms, provisions, and intent of this MOU. The Parties represent that they were provided with an opportunity to consult with legal counsel of their own choosing regarding this MOU and each of its provisions. The Parties further represent that they have, as of the date of execution of this MOU, the legal capacity to understand, agree to, and sign this MOU.

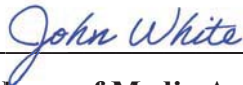
11. Term

This MOU shall be effective upon full execution and the AMA Board of Directors’ ratification of the MOU and will remain in effect through the effective date

identified in the Resolution (June 30, 2023), subject to compliance with all terms and provisions set forth in this MOU.

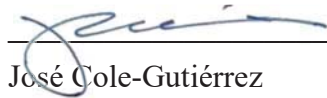
[Signatures Appear On Following Page]

APPROVED, PASSED, AND ADOPTED by the Board of Directors of Academy of Media Arts on May 11, 2023



Academy of Media Arts Board Chair

For the District:



José Cole-Gutiérrez
Director, Charter Schools Division
Los Angeles Unified School District

5/12/2023

DATE

Attachments:

- A. AMA Board Resolution # 5-100.
- B. Federal, State, and District Required Language for Independent Charter School Petitions (New and Renewal) and Material Revisions updated August 11, 2020.
- C. LAUSD Policy and Procedures for Charter Schools.

Attachment A

AMA Board Resolution # 5-100

[see attached]

RESOLUTION NO. 5-100

RESOLUTION OF THE BOARD OF DIRECTORS OF ACADEMY OF MEDIA ARTS APPROVING AND AUTHORIZING THE VOLUNTARY SURRENDER OF THE CHARTER FOR ACADEMY OF MEDIA ARTS CHARTER SCHOOL (CHARTER NO. 2038) EFFECTIVE JUNE 30, 2023, AND OTHER ACTIONS RELATED THERETO

WHEREAS, Academy of Media Arts (“AMA”) is a California nonprofit public benefit corporation that operates the Academy of Media Arts charter school, California Department of Education Charter School No. 2038 (“Charter School”), pursuant to a charter petition approved by the Los Angeles Unified School District (“District”); and

WHEREAS, the Board of Directors of AMA has determined that it is in the best interests of AMA to voluntarily surrender the Charter School’s charter to the District effective June 30, 2023 (the “Effective Date”), and authorize commencement of the relevant procedures described in Element 15 of the charter as soon as practicable in connection with such surrender of the charter.

NOW, THEREFORE, this Board of Directors of AMA does hereby find, resolve, and order as follows:

Section 1. The surrender of the Charter School’s charter effective as of the Effective Date and commencement of the relevant procedures described in Element 15 of the charter as soon as practicable in connection with such surrender of the charter is hereby approved.

Section 2. Prior to the Effective Date, AMA shall continue to operate the Charter School in accordance with the approved charter.

Section 3. The Chief Executive Officer of AMA or designee is responsible for all charter surrender-related activities, is authorized and directed to take or a cause to be taken all such actions as may be required to fulfill the purposes of these resolutions and will use the Charter School’s reserves or another appropriate source of revenue to fund these activities.

Section 4. AMA will prepare final financial records for the Charter School, will have a final audit of the Charter School completed within six months after the Effective Date, and will file any annual reports required by law.

Section 5. Any of the Charter School’s remaining assets shall remain the sole property of AMA. Any District property will be returned to the District. Any conditionally donated materials and property will be returned to the donor if required by conditions established at the time of donation. Any grant funds and restricted categorical funds will be returned to their source in accordance with the terms of the grant or state and federal law as required.

SECRETARY'S CERTIFICATE

I, Chelsea Staebell, Secretary of the Board of Directors of Academy of Media Arts, a California nonprofit public benefit corporation, County of Los Angeles, California, hereby certify as follows:

The attached is a full, true, and correct copy of the resolutions duly adopted at a meeting of the Board of Directors of Academy of Media Arts, which was duly and regularly held on the 24th day of April, 2023, at which meeting a quorum of the members of the Board of Directors was present; and at such meeting such resolutions were adopted by the following vote:

AYES: 4

NOES: 0

ABSTAIN: 0

ABSENT: 1

I have carefully compared the same with the original minutes of such meeting on file and of record in my office; the attached resolution is a full, true, and correct copy of the original resolution adopted at such meeting and entered in such minutes; and such resolution has not been amended, modified, or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 5th day of May, 2023.



Secretary of the Board of Directors of
Academy of Media Arts

Attachment B

**Federal, State, and District Required Language for
Independent Charter School Petitions (New and Renewal)
and Material Revisions updated August 11, 2020**

[see attached]



Los Angeles Unified School District

**Federal, State, and District Required Language
for
Independent Charter School Petitions
(New and Renewal)
and
Material Revisions**

Updated August 11, 2020

LOS ANGELES UNIFIED SCHOOL DISTRICT
Charter Schools Division
333 South Beaudry Avenue, 20th Floor
Los Angeles, CA 90017
213-241-0399

TABLE OF CONTENTS

Assurances, Affirmations, and Declarations.....	4
Element 1 – The Educational Program	5
Element 2 – Measurable Pupil Outcomes and	
Element 3 – Method by which Pupil Progress Toward Outcomes will be Measured	9
Element 4 – Governance	9
Element 5 – Employee Qualifications	13
Element 6 – Health and Safety Procedures.....	14
Element 7 – Means to Achieve Racial and Ethnic Balance.....	18
Element 8 – Admission Requirements.....	19
Element 9 – Annual Financial Audits.....	20
Element 10 – Suspension and Expulsion Procedures	21
Element 11 – Employee Retirement Systems.....	25
Element 12 – Public School Attendance Alternatives	25
Element 13 – Rights of District Employees.....	26
Element 14 – Mandatory Dispute Resolution.....	26
Element 15 – Charter School Closure Procedures	29
Additional Provisions.....	36

Federal, State and District Required Language for Independent Charter School Petitions (New and Renewal) and Material Revisions

Dear Applicants:

On the following pages, you will find the “Federal, State, and District Required Language” (“FSDRL”) that must be included in a comprehensive independent charter school petition.*

Please follow the instructions below:

- Check the Charter Schools Division website (<http://charterschools.lausd.net>) to ensure that this document is the current version of the FSDRL, as it may be changed from time to time.
- Provide the “Assurances, Affirmations, and Declarations” page (the first two pages of the FSDRL) at the beginning of the petition, immediately after the table of contents.
- Place the FSDRL for each Element at the beginning of the Element under the Element heading. Use the Element headings provided in the FSDRL, including the statutory language for each Element.
- Highlight all FSDRL in gray, as shown here, to facilitate easy identification of the FSDRL within the petition. Do not highlight any other text in gray.
- On the “Assurances, Affirmations, and Declarations” page, replace “[Charter School]” with the name of the proposed charter school and replace “[short form of school name]” with an appropriate identifier.
- Do not add, delete, or change any provision of the FSDRL other than the instruction above.**
- Ensure that all other provisions in the charter petition do not duplicate and are otherwise consistent with the provisions of the FSDRL.**

***NOTE: Public School Choice (PSC) charter schools seeking renewal must include in their renewal petitions the PSC-specific version of the FSDRL. Other charter schools, such as conversion independent and non-classroom based charter schools, may be required to include context-specific FSDRL as well.**

Assurances, Affirmations, and Declarations

[Charter School] (also referred to herein as “[short form of school name]” and “Charter School”) shall:

- Be nonsectarian in its programs, admission policies, employment practices, and all other operations. (California Education Code (hereinafter “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 the Los Angeles Unified School District (also referred to herein as “LAUSD” and “District”). 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).)
- Charter school shall not encourage a pupil currently attending the Charter School to disenroll from the Charter School or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code section 47605(e)(2)(B)(iii). (Ed. Code § 47605(e)(4).)
- 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 60851 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.

NOTE: This Charter contains specific “Federal, State and District Required Language” (FSDRL), including the *Assurances, Affirmations, and Declarations* section above. The FSDRL should be highlighted in gray within each Charter element or section. The final section of the Charter provides a consolidated addendum of the FSDRL. This intentional redundancy facilitates efficient charter petition review while ensuring ready access to the FSDRL for any given section of the Charter. To the extent that any inconsistency may exist between any provision contained within the body of the Charter and the FSDRL contained in the addendum, the provisions of the FSDRL addendum shall control.

Element 1 – The Educational Program

“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.” (Ed. Code § 47605(c)(5)(A)(i).)

“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.” (Ed. Code § 47605(c)(5)(A)(ii).)

“If the proposed charter school will serve high school pupils, a description of 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)(iii).)

LOCAL CONTROL FUNDING FORMULA (LCFF) AND LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP)

Charter School acknowledges and agrees that it must comply with all applicable laws and regulations related to AB 97 (2013) (Local Control Funding Formula), as they may be amended from time to time, which include the requirement that Charter School shall annually submit a Local Control and Accountability Plan (LCAP)/annual update to the Los Angeles County Superintendent of Schools and the Charter Schools Division (CSD) on or before July 1. In accordance with Education Code sections 47604.33 and 47606.5, Charter School shall annually update its goals and annual actions to achieve those goals identified in the charter pursuant to Education Code section 47605(c)(5)(A)(ii), using the Local Control and Accountability Plan template adopted by the State Board of Education, as it may be changed from time to time. Charter School shall comply with all requirements of Education Code section 47606.5, including but not limited to the requirement that Charter School “shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the local control and accountability plan and annual update to the local control and accountability plan.” (Ed. Code § 47606.5(d).)

ACADEMIC CALENDAR AND SCHEDULES

Charter School shall offer, at a minimum, the number of minutes of instruction set forth in Education Code section 47612.5, and the number of school days required by California Code of Regulations, title 5, section 11960.

MATHEMATICS PLACEMENT

Charter School shall comply with all applicable requirements of the California Mathematics Placement Act of 2015.

TRANSITIONAL KINDERGARTEN

Charter School shall comply with all applicable requirements regarding transitional kindergarten. For purposes of admission to Charter School, transitional kindergarten shall be considered a part of kindergarten, and therefore students enrolled in transitional kindergarten at Charter School shall be considered existing students of Charter School for purposes of Charter School’s admissions, enrollment, and lottery.

WASC ACCREDITATION

If Charter School serves students in grades 9-12, before Charter School graduates its first class of students, Charter School shall obtain, and thereafter maintain, Western Association of Schools and Colleges (WASC) accreditation.

ENGLISH LEARNERS

Charter School shall identify potential English Learners in a timely manner in accordance with all applicable legal requirements. Charter School must provide all English Learners with an effective English language acquisition program that also affords meaningful and equitable access to 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 School shall submit a certification to the LAUSD Charter Schools Division (CSD) that certifies that Charter School has adopted and is implementing either the LAUSD Master Plan for English Learners and Standard English Learners *or* Charter School's own English Learner (EL) Master Plan. If Charter School chooses to implement its own EL Master Plan, the plan shall provide a detailed description of Charter School's EL program, and shall address the following:

- How 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 Charter School's core academic curriculum
- How English Learners' specific needs will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How 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

Each year, Charter School shall provide to the CSD a report on its annual evaluation of the effectiveness of its EL program. Upon request, Charter School shall provide a copy of its current EL Master Plan to the CSD.

Charter School shall administer the CELDT/ELPAC annually in accordance with federal and state requirements.

Charter School shall reclassify English Learners in accordance with federal and state requirements.

Charter School shall 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.

STUDENTS WITH DISABILITIES

Federal Law Compliance

Charter School 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 School shall ensure that no student otherwise eligible to enroll in Charter School shall be denied, directly or indirectly, admission due to a disability or to Charter School's inability to provide necessary services. Charter School acknowledges that policies and procedures are in place

to ensure the recruitment, enrollment, service, and retention of students with disabilities at LAUSD-authorized charter schools, including Charter School.

Prior to LAUSD Board of Education 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, Charter School shall 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). However, Charter School reserves 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 with a grouping of charter school LEAs as a consortium following the requirements of Education Code section 56195.3(b). In this instance, Charter School will execute a MOU with LAUSD on provisions of special education as a member of a non-LAUSD SELPA.

SELPA Reorganization

The Los Angeles Unified School District 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 pursuant to a reorganization plan approved by the Board of Education on January 4, 2011 (149/10-11). Full implementation of the reorganized LAUSD SELPA commenced in the 2013-2014 school year requiring all District-authorized charter schools to elect one of the three options available under the LAUSD SELPA. Prior to an option election, all District-authorized charter schools were required to participate as a school of the District under the District-Operated Programs Unit. Prior to the beginning of the 2013-2014 school year, all District-authorized charter schools, other than those that had previously executed an Option 3 Memorandum of Understanding (“MOU”), were required to execute a new MOU setting forth the LAUSD SELPA option election for the remainder of the charter petition term. 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 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 of Education are bound by and must adhere to the terms, conditions and requirements of orders imposed upon the District pertaining to special education. All charter schools are required to use the District’s Special Education Policies and Procedures Manual and Welligent, the District-wide web-based software system used for online 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. .

**Element 2 – Measurable Pupil Outcomes and
Element 3 – Method by which Pupil Progress Toward Outcomes will be
Measured**

“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 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).)

“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 state priorities shall be consistent with the way information is reported on a school accountability report card.” (Ed. Code § 47605(c)(5)(C).)

MEASURABLE GOALS OF THE EDUCATIONAL PROGRAM

Charter School shall meet all statewide content and performance standards and targets. (Ed. Code §§ 47605(d)(1), 60605.)

Charter School shall comply with all applicable laws and regulations related to AB 97 (2013) (Local Control Funding Formula) and AB 484 (2013), as they may be amended from time to time, including all requirements pertaining to pupil outcomes.

STANDARDIZED TESTING

Charter School agrees to comply with state requirements for participation and administration of all state-mandated tests, including computer-based assessments. Charter School shall submit and maintain complete, accurate, and up-to-date California Longitudinal Pupil Achievement Data System (CALPADS) data in accordance with the requirements of California Code of Regulations, title 5, section 861. Charter School hereby grants authority to the State of California to provide a copy of all test results directly to the District as well as Charter School. Upon request, Charter School shall submit, in the requested format (e.g., CD), a copy of the results of all state-mandated tests to the District.

Element 4 – Governance

“The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.” (Ed. Code § 47605(c)(5)(D).)

GENERAL PROVISIONS

As an independent charter school, Charter School, operated as or by its nonprofit public benefit corporation, is a separate legal entity and shall be solely responsible for the debts and obligations of Charter School.

Charter School shall not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Ed. Code § 47604.)

Charter School shall ensure that, at all times throughout the term of the Charter, the bylaws of its governing board and/or nonprofit corporation are and remain consistent with the provisions of this Charter. In the event that the governing board and/or nonprofit corporation operating Charter School amends the bylaws, Charter School shall provide a copy of the amended bylaws to CSD within 30 days of adoption.

Charter School shall comply with the Ralph M. Brown Act (“Brown Act”). All meetings of the Charter School’s governing board shall be called, held and conducted in accordance with the terms and provisions of Education Code section 47604.1 and the Brown Act including, but not limited to, those related to meeting access and recording, notice, agenda preparation, posting and reporting.

Charter School shall send to the CSD copies of all governing board meeting agendas at the same time that they are posted in accordance with the Brown Act. Charter School shall also send to the CSD copies of all board meeting minutes within one week of governing board approval of the minutes. Timely posting of agendas and minutes on Charter School’s website will satisfy this requirement.

The District reserves the right to appoint a single representative to the Charter School governing board pursuant to Education Code section 47604(c).

LEGAL AND POLICY COMPLIANCE

Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policies as it relates to charter schools adopted through Board action.

Charter School shall comply with all applicable federal and state reporting requirements, including but not limited to the requirements of CBEDS, CALPADS, the Public Schools Accountability Act of 1999, and Education Code section 47604.33.

Charter School shall comply with the Brown Act and the California Public Records Act.

The Charter School shall comply with Government Code Section 1090, et seq., as set forth in Education Code section 47604.1.

Charter School shall comply with the Political Reform Act of 1974. (Gov. Code § 81000 et seq.)

Charter School and all employees and representatives of Charter School, including members of Charter School's governing board, members of 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 charter school policy, regarding ethics and conflicts of interest. Charter School shall enter into all transactions and conduct business with all persons and entities at arm's length or, in the case of otherwise permissible related party transactions, in a manner equivalent to arm's length.

Charter School shall notify parents, guardians, and teachers in writing within 72 hours of the issuance of a Notice of Violation, Notice of Intent to Revoke, Final Decision to Revoke, Notice of Non-Renewal, or equivalent notice, by the LAUSD Board of Education.

TITLE IX, SECTION 504, AND UNIFORM COMPLAINT PROCEDURES

Charter School shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and section 504 of the Rehabilitation Act of 1973 ("Section 504"), including any investigation of any complaint filed with Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Charter School shall notify all of its students and employees of the name, office address, and telephone number of the designated employee or employees.

Charter School shall adopt and publish complaint procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX or Section 504.

Charter School shall adopt and implement specific and continuing procedures for notifying applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Charter School, that Charter School does not discriminate on the basis of sex or mental or physical disability in the educational programs or activities which it operates, and that it is required by Title IX and Section 504 not to discriminate on any such basis.

Charter School shall establish and provide a uniform complaint procedure in accordance with applicable federal and state laws and regulations, including but not limited to all applicable requirements of California Code of Regulations, title 5, section 4600 et seq.

Charter School shall adhere to all applicable federal and state laws and regulations regarding pupil fees, including Education Code sections 49010 - 49013, and extend its uniform complaint procedure to complaints filed pursuant to Education Code section 49013.

Charter School shall extend its uniform complaint procedure to complaints filed pursuant to the Local Control Funding Formula legislation provisions set forth in Education Code section 52075.

RESPONDING TO INQUIRIES

Charter School, including its nonprofit corporation shall promptly respond to all reasonable inquiries, including but not limited to inquiries regarding financial records from the District, and shall cooperate with the District regarding any inquiries. Charter School acknowledges that Charter School, including but not limited to its nonprofit corporation, is subject to audit by LAUSD, including, without limitation, audit by the District Office of the Inspector General. Charter School shall provide the District with current, complete, and accurate contact information for Charter School, Charter School administrators, and Board members.

If an allegation or other evidence of waste, fraud, abuse, or other material violation of law related to Charter School's operations, or breach of the Charter, is received or discovered by the District, Charter School, including but not limited to its nonprofit corporation, employees, and representatives, shall cooperate with any resulting inquiry and/or investigation undertaken by the District and/or the Office of the Inspector General Investigations Unit.

Charter School acknowledges and agrees that persons and entities that directly exercise control over the expenditure of Charter School's public funds shall be subject to all necessary and appropriate District charter school oversight.

NOTIFICATION OF THE DISTRICT

Charter School shall notify the Charter Schools Division (CSD) in writing of any citations or notices of workplace hazards, investigations by outside governmental regulatory or investigative agencies, lawsuits, changes in corporate or legal status (e.g., loss of IRS 501(c)(3) status), or other formal complaints or notices, within one week of receipt of such notices by Charter School. Unless prohibited by law, Charter School shall notify the CSD in writing of any internal investigations within one week of commencing investigation. Charter School shall notify the CSD within 24 hours of any dire emergency or serious threat to the health and safety of students or staff.

STUDENT RECORDS

Upon receipt of a student records request from a receiving school/school district, Charter School shall transfer a copy of the student's complete cumulative record within ten (10) school days in accordance with Education Code section 49068 and all student confidentiality and privacy laws including compliance with the Family Educational Rights and Privacy Act (FERPA). Charter School shall comply with the requirements of California Code of Regulations, title 5, section 3024, regarding the transfer of student special education records. In the event Charter School closes, Charter School shall comply with the student records transfer provisions in Element 15. Charter School shall comply with the requirements of Education Code section 49060 et seq., which include provisions regarding rights to access student records and transfer of records for youth in foster care.

PARENT ENGAGEMENT

Charter School shall not require a parent or legal guardian of a prospective or enrolled student to perform volunteer service hours, or make payment of fees or other monies, goods, or services in lieu of performing volunteer service, as a condition of his/her child's admission, continued

enrollment, attendance, or participation in the school’s educational activities, or otherwise discriminate against a student in any manner because his/her parent cannot, has not, or will not provide volunteer service to Charter School.

The Charter School may encourage parental involvement, but shall notify the parents and guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. (Ed. Code § 47605(n).)

FEDERAL PROGRAM COMPLIANCE

As a recipient of federal funds, Charter School has agreed to meet all applicable programmatic, fiscal and other regulatory requirements of the Elementary and Secondary Education Act (ESEA, also known as Every Student Succeeds Act (ESSA)) and other applicable federal programs. Charter School understands that it is a local educational agency (LEA) for purposes of federal compliance and reporting purposes. Charter School agrees that it will keep and make available to the District any documentation necessary to demonstrate compliance with the requirements of ESEA and other applicable federal programs. Charter School also acknowledges that, as part of its oversight of Charter School, the District may conduct program review for federal as well as state compliance.

Element 5 – Employee Qualifications

“The qualifications to be met by individuals to be employed by the charter school.” (Ed. Code § 47605(c)(5)(E).)

EQUAL EMPLOYMENT OPPORTUNITY

Charter School acknowledges and agrees that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against applicants or employees on the basis of race, color, religion, sex, gender, gender expression, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, genetic information, military and veteran status, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including but not limited to recruitment, selection, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

ESEA/ESSA AND CREDENTIALING REQUIREMENTS

Charter School shall adhere to all requirements of the Elementary and Secondary Education Act (ESEA, also known as Every Student Succeeds Act (ESSA)) that are applicable to teachers and paraprofessional employees. Charter School shall ensure that all teachers are appropriately assigned and fully credentialed in accordance with applicable state requirements for certificated employment, including but not limited to the provisions of Education Code section 47605(1). Charter School shall maintain current copies of all teacher credentials and make them readily available for inspection.

Element 6 – Health and Safety Procedures

“The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish it 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) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.” (Ed. Code § 47605(c)(5)(F).)

HEALTH, SAFETY AND EMERGENCY PREPAREDNESS PLAN

Charter School shall comply with all applicable federal, state, and local requirements related to school and student health, safety, and emergency preparedness.

If Charter School occupies and/or operates on a District facility, Charter School shall comply with all District health, safety, and emergency procedures and requirements applicable to District facilities and related operations, and shall be subject to inspection by the District’s Facilities Services Division, Office of Environmental Health and Safety, and other District offices in the same manner as other LAUSD campuses.

Charter School shall adopt, implement, and maintain at all times a current, comprehensive, and site-specific Health, Safety, and Emergency Preparedness Plan (“Plan”), which must include but is not limited to provisions for building and site emergency evacuation, the acquisition and maintenance of adequate onsite emergency supplies. The Plan must include Charter School’s requirements and procedures for protecting student health and safety during off-campus school-sponsored activities, including but not limited to field trips and transportation. Charter School shall ensure that all staff members receive annual training on Charter School’s health, safety, and emergency procedures, including but not limited to training on bloodborne pathogens, and shall maintain a calendar for, and conduct, emergency response drills for students and staff.

Charter School shall periodically review, and update and/or modify as necessary, its Health, Safety, and Emergency Preparedness Plan, and keep it readily available for on-site use. Charter School shall provide a copy of the Health, Safety, and Emergency Preparedness Plan for review upon CSD request.

Comprehensive School Safety Plan

The Charter School shall adopt a Comprehensive School Safety Plan, to be reviewed and updated by March 1 of every year, which shall include, but not be limited to: (1) an assessment of the current status of school crime committed on Charter School facilities and at Charter School-related functions; and (2) identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the Charter School’s procedures for complying with applicable laws related to school safety, which shall include the development of all of the following pursuant to Education Code section 32282(a)(2)(A)-(J):

- Child abuse reporting procedures
- Routine and emergency disaster procedures
- Policies for students who committed an act under Section 48915 and other Charter School-designated serious acts leading to suspension, expulsion, or mandatory expulsion recommendations
- Procedures to notify teachers of dangerous students pursuant to Education Code section 49079
- A discrimination and harassment policy consistent with Education Code section 200
- Provisions of any schoolwide dress code that prohibits students from wearing “gang-related apparel” if applicable
- Procedures for safe ingress and egress of pupils, parents, and employees to and from the Charter School
- A safe and orderly environment conducive to learning at the Charter School
- The rules and procedures on Charter School discipline
- Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on Charter School campus(es) and at school-related functions.

CHILD ABUSE AND NEGLECT MANDATED REPORTER TRAINING

Charter School shall provide all employees, and other persons working on behalf of Charter School who are mandated reporters, with annual training on child abuse detection and reporting, which shall occur within the first six weeks of each school year, or within the first six weeks of a person’s employment if employed after the beginning of the school year, in accordance with the requirements of Education Code section 44691.

Medication in School

The Charter School will adhere to Education Code section 49423 regarding administration of medication in school. Charter School shall stock and maintain the required number and type of emergency epinephrine auto-injectors onsite and provide training to employee volunteers in the storage and use of the epinephrine auto-injector as required by Education Code section 49414 and section 4119.2 of the Business and Professions Code, as they may be amended from time to time.

ATHLETIC PROGRAMS

Charter School shall comply with the requirements of Education Code section 49475, with respect to any athletic program (as defined in Education Code section 49475) offered by or on behalf of Charter School.

If the Charter School offers an interscholastic athletic program, it shall develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, acquire and regularly test and maintain at least one automated external defibrillator (AED) for the Charter School, and make the AED available at on-campus athletic activities or events according to the requirements of Education Code sections 35179.4 and 35179.6.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Charter School, including its employees, officers, and representatives, shall comply with the Family Educational Rights and Privacy Act (FERPA) and Education Code section 49060 et seq. at all times.

CRIMINAL BACKGROUND CLEARANCES AND FINGERPRINTING

Charter School shall comply with all requirements of Education Code sections 44237 and 45125.1. Charter School shall designate and maintain at all times at least one Custodian of Records duly authorized by the California Department of Justice.

Charter School shall maintain on file and available for inspection evidence that (1) Charter School has performed criminal background checks and cleared for employment all employees prior to employment; (2) Charter School has obtained certification from each of its contracting entities/independent contractors that the entity/contractor has conducted required criminal background clearances for its employees prior to provision of schoolsite services and/or any contact with students, and has requested subsequent arrest notification service; and (3) Charter School has performed criminal background checks and cleared for service all volunteers not directly supervised by staff and who may have contact with students. Charter School shall also ensure that it requests and receives subsequent arrest notifications from the California Department of Justice for all employees and volunteers not directly supervised by staff. Upon request, Charter School shall provide a copy of Department of Justice confirmation of Custodian of Records status for each Custodian of Records. Charter School, including its administrators and officers, shall comply with the requirements of Education Code section 44030.5.

All teachers in Charter School shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Education Code sections 44339, 44340, and 44341.

IMMUNIZATION AND HEALTH SCREENING REQUIREMENTS

Charter School shall require all employees, and any volunteer or vendor/contracting entity employee who may have frequent or prolonged contact with students, to undergo a risk assessment and/or be examined and determined to be free of active tuberculosis (TB) within the period of 60 days prior to employment/service, or otherwise meet the requirements of Education Code section 49406. Charter School shall maintain TB clearance records and certificates on file.

Charter School shall comply with all federal and state legal requirements related to student immunization, health examination, and health screening, including but not limited to screening for vision, hearing, and scoliosis pursuant to Education Code section 49450 et seq, to the same extent as would be required if the students were attending a non-charter public school. Charter School shall maintain student immunization, health examination, and health screening records on file.

SAFE PLACE TO LEARN ACT

Charter School shall comply with all applicable requirements of the Safe Place to Learn Act, Education Code section 234 et seq.

SUICIDE PREVENTION POLICY

If Charter School serves students in any grades Transitional Kindergarten/Kindergarten through 12, Charter School shall comply with the requirements of AB 2246 (2016) and AB 1767, codified in Education Code section 215, including but not limited to the requirement that the school's pupil suicide prevention policy shall be developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts and adopted at a regular public hearing. The Charter School shall review, at a minimum every fifth year, its policy on pupil suicide prevention and, if necessary, update its policy. Charter School shall provide the CSD with a copy of its pupil suicide prevention policy for review upon request.

HUMAN TRAFFICKING PREVENTION RESOURCES

If the Charter School serves students in any grades 6-12, it shall identify and implement the most appropriate methods of informing parents/guardians of human trafficking prevention resources as required by Education Code section 49381.

FEMININE HYGIENE PRODUCTS

If the Charter School maintains any combination of classes in grades 6-12 that meets the 40% pupil poverty threshold required to operate a schoolwide program pursuant to Section 6314(a)(1)(A) of Title 20 of the United States Code, then it shall stock at least 50% of its restrooms with feminine hygiene products at all times, and shall not charge students for these products, as required by Education Code section 35292.6.

NUTRITIONALLY ADEQUATE FREE OR REDUCED-PRICE MEAL

The Charter School shall provide 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.

CALIFORNIA HEALTHY YOUTH ACT

The Charter School shall teach sexual health education and human immunodeficiency virus ("HIV") prevention education to students in grades 7-12, at least once in middle school and at least once in high school, pursuant to the California Healthy Youth Act. (Ed. Code § 51930, et seq.)

BULLYING PREVENTION

Charter School shall adopt procedures for preventing acts of bullying, including cyberbullying, and shall annually make available the online training module developed by the California Department of Education pursuant to Education Code section 32283.5(a) to certificated schoolsite employees and all other schoolsite employees who have regular interaction with pupils.

LGBTQ RESOURCES TRAINING

Charter School recognizes that it is encouraged to use schoolsite and community resources developed by the State Department of Education for the support of lesbian, gay, bisexual,

transgender, queer, and questioning (LGBTQ) pupils to provide training at least once every 2 years to teachers and other certificated employees at each Charter School schoolsite that serves pupils in grades 7 to 12, to increase support for LGBTQ pupils and thereby improve overall school climate. (Ed. Code § 218.)

TRANSPORTATION SAFETY PLAN

The Charter School shall develop and maintain a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, the Charter School shall ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Ed. Code § 39831.3; Veh. Code § 28160.)

Element 7 – Means to Achieve Racial and Ethnic 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).)

COURT-ORDERED INTEGRATION

Charter School shall comply with all requirements of the *Crawford v. Board of Education, City of Los Angeles* court order and the LAUSD Integration Policy adopted and maintained pursuant to the Crawford court order by the District’s Student Integration Services (collectively the “Court-ordered Integration Program”). The Court-ordered Integration Program applies to all schools within or chartered through LAUSD.

Charter School has set forth below its initial plan for achieving and maintaining the LAUSD’s Racial and Ethnic Balance goal of a 70:30 or 60:40 ratio. (*Ratio represents the percentage of Predominantly Hispanic Black Asian Other (PHBAO) compared to Other White (OW)*). The written plan lists specific dates and locations of recruitment activities that Charter School will undertake in order to achieve the District’s Racial and Ethnic Balance goal. Charter School shall monitor the implementation and outcomes of the initial plan, and modify it as necessary throughout the term of the Charter to achieve the District’s goal. Upon request, Charter School shall provide the District with a copy of its current written plan.

The District receives neither average daily attendance allocations nor Court-ordered Integration Program cost reimbursements for charter school students. The District may receive the Targeted Instructional Improvement Block Grant (TIIBG) for its Court-ordered Integration Program. The District retains sole discretion over the allocation of TIIBG funding, where available, and cannot guarantee the availability of this funding.

Element 8 – Admission Policies and Procedures

“Admission policies and procedures, consistent with subdivision (e).” (Ed. Code § 47605(c)(5)(H).)

DOCUMENTATION OF ADMISSIONS AND ENROLLMENT PROCESSES

Charter School shall maintain complete and accurate records of its annual admissions and enrollment processes, including but not limited to documentation of implementation of lottery and waitlist criteria and procedures in accordance with the terms of the Charter. These records shall be made available to the District upon request.

HOMELESS AND FOSTER YOUTH

Charter School shall 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 School shall provide specific information, in its outreach materials, websites, at community meetings, open forums, and regional center meetings, that notifies parents that Charter School will enroll and provide services for all students, and provides a standard District contact number for access to additional information regarding enrollment.

Charter School shall 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 shall extend its uniform complaint procedure to complaints filed pursuant to the applicable provisions of AB 379.

NON-DISCRIMINATION

Charter School shall not require a parent/legal guardian/student to provide information regarding a student’s disability, gender, gender identity, gender expression, nationality, legal or economic status, primary language or English Learner status, 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, or any other information that would violate federal or state law, prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment. Charter School may request, at the time of, and as part of, conducting its lottery process, the provision of information necessary to apply specific admissions preferences set forth in this Charter.

Charter School shall not request or require submission of a student’s IEP, Section 504 Plan, or any other record or related information prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment.

Charter School shall not discourage a student from enrolling or seeking to enroll in the Charter School, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner,

neglected or delinquent, homeless, economically disadvantaged, or a foster youth. The Charter School shall not request or require a student's records to be submitted before enrollment. The Charter School shall post on its web site the California Department of Education notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Ed. Code §§ 47605, 47605.6)

Charter School shall adopt policy that is consistent with the model policy developed by the California Attorney General addressing the Charter School's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code section 234.7.

PREGNANT AND PARENTING STUDENT ACCOMMODATIONS

Charter School shall provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The Charter School shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Ed. Code §§ 222, 222.5, 46015.)

SEXUAL HARASSMENT POLICY NOTICE

The Charter School shall create a poster that notifies students of the applicable policy on sexual harassment in accordance with Education Code section 231.6, and shall prominently and conspicuously display the poster in each bathroom and locker room at each schoolsite and in public areas at each schoolsite.

If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level. If Charter School operates multiple school sites, this information shall be disaggregated by school site. (Ed. Code § 221.9.)

Element 9 – Annual 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).)

Charter School shall provide for an annual audit that shall be conducted in compliance with applicable state and federal laws, including but not limited to the requirements of Education Code sections 47605(b)(c)(I) and 41020 as they may be amended from time to time. Charter School shall ensure compliance with the requirements of section 41020(f)(2), which makes it unlawful, absent an Education Audits Appeal Panel waiver, for a public accounting firm to provide audit services

to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local educational agency in each of the six previous years.

The following reports will be submitted to LAUSD, in the required format and within timelines to be specified by LAUSD, each year:

- a. Provisional Budget – Spring prior to operating fiscal year
- b. Final Budget – July of the budget fiscal year
- c. First Interim Projections – November of operating fiscal year
- d. Second Interim Projections – February of operating fiscal year
- e. Unaudited Actuals – July following the end of the fiscal year
- f. Audited Actuals – December 15 following the end of the fiscal year
- g. Classification Report – monthly according to Charter School’s Calendar
- h. Statistical Report – monthly according to Charter School’s Calendar of Reports

In addition:

- P1, first week of January
 - P2, first week of April
- i. Instructional Calendar – annually five weeks prior to first day of instruction
 - j. Other reports as requested by the District

Element 10 – Suspension and Expulsion Procedures

“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 reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process 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 schooldays 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).)

GENERAL PROVISIONS

Charter School shall provide due process for all students, including adequate and timely notice to parents/guardians and students of the grounds for all suspension and expulsion recommendations and decisions and their due process rights regarding suspension and expulsion, including rights of appeal.

Charter School shall ensure that its policies and procedures regarding suspension and expulsion will be periodically reviewed, and modified as necessary, in order to conform to changes in state law.

Charter School shall ensure that its staff is knowledgeable about and complies with the District’s Discipline Foundation Policy and/or current equivalent policy.. Charter School shall comply with the terms of the School Discipline Policy and School Climate Bill of Rights resolution adopted by the LAUSD Board of Education on May 6, 2013.

Charter School shall be responsible for the appropriate interim placement of students during and pending the completion of Charter School’s student expulsion process and shall facilitate the post-expulsion placement of expelled students.

Charter School shall document and implement the alternatives to suspension and expulsion that Charter School utilizes in response to attendance-related concerns, e.g. truancy or excessive tardiness.

No student shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the student has been provided written notice of intent to remove the student no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the student or the student’s parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student’s educational rights holder, and shall inform him or her of the basis for which the pupil is being involuntarily removed and his or her right to request a hearing to challenge the involuntary removal. If a parent, guardian, or educational rights holder requests a hearing, the Charter School shall utilize the same hearing procedures specified below for expulsions, before the effective date of the action to involuntarily remove the student. If the student’s parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include removals for misconduct which may be grounds for suspension or expulsion as enumerated in this section.

HOMEWORK TO SUSPENDED STUDENTS

For any student who has been suspended from school for two or more schooldays, Charter School shall provide student with the homework the student would otherwise have been assigned if requested by the student or student’s parent/guardian. If a homework assignment is requested and turned in to the student's teacher either upon the student’s return to school from suspension or

within the timeframe originally prescribed by the teacher, whichever is later, but it is not graded before the end of the academic term, then that assignment shall not be included in the calculation of the pupil's overall grade in the class. (Ed. Code § 48913.5)

STUDENTS WITH DISABILITIES

Charter School shall establish and implement policies and procedures to ensure full compliance with federal and state laws and regulations regarding the discipline of students with disabilities. If a student is recommended for expulsion and the student receives or is eligible for special education, pending the completion of the expulsion process, Charter School shall identify and provide special education programs and services at an appropriate interim educational placement determined in coordination with the LAUSD Division of Special Education.

In the case of a student who has an Individualized Education Program ("IEP"), or a student who has a Section 504 Plan, Charter School shall ensure that it follows correct disciplinary procedures to comply with the mandates of state and federal laws, including IDEA and section 504 of the Rehabilitation Plan of 1973. As set forth in the MOU regarding special education between the District and Charter School, an IEP team will meet to conduct a manifestation determination and to discuss alternative placement utilizing the District's Special Education Policies and Procedures Manual. Prior to recommending expulsion for a student with a Section 504 Plan, Charter School's administrator will convene a Link Determination meeting to ask the following two questions:

- A. Was the misconduct caused by, or directly and substantially related to the student's disability?
- B. Was the misconduct a direct result of the Charter School's failure to implement Section 504?

NOTIFICATION OF THE DISTRICT

Upon expelling any student, Charter School shall notify the Charter Schools Division by submitting an expulsion packet to the CSD immediately or as soon as practicable, which shall contain:

- Completed "Notification of Charter School Expulsion" [form available from the CSD website or office], including attachments as required on the form
- Documentation of the expulsion proceeding, including statement of specific facts supporting the expulsion and documentation that Charter School's policies and procedures were followed
- Copy of parental notice of expulsion hearing
- Copy of expulsion notice provided to parent stating reason for expulsion, term of expulsion, rehabilitation plan, reinstatement notice with eligibility date and instructions for providing proof of student's compliance for reinstatement, appeal process, and options for enrollment
- If the student is eligible for Special Education, documentation related to expulsion in compliance with IDEA including the Expulsion Analysis page of the pre-expulsion IEP
- If the student is eligible for Section 504 accommodations, documentation that Charter School conducted a Link Determination meeting to address two questions:
 - A. Was the misconduct caused by, or directly and substantially related to the student's disability?

- B. Was the misconduct a direct result of Charter School's failure to implement Section 504 Plan?

Notwithstanding and apart from the documentation sent to the Charter Schools Division as indicated above, if the student is a resident of a school district other than LAUSD, Charter School must notify the superintendent of the student's district of residence within 30 days of the expulsion. Additionally, upon request of the receiving school district, Charter School shall forward student records no later than 10 school days from the date of the request as stated in Education Code section 49068 (a) and (b).

OUTCOME DATA

Charter School shall gather and maintain all data related to placement, tracking, and monitoring of student suspensions, expulsions, involuntary removals, and reinstatements, and make such outcome data readily available to the District upon request.

REHABILITATION PLANS

Pupils who are expelled from Charter School shall be given a rehabilitation plan upon expulsion as developed by Charter School's governing board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. Terms of expulsion should be reasonable and fair with the weight of the expelling offense taken into consideration when determining the length of expulsion. Therefore, the rehabilitation plan should include a date not later than one (1) year from the date of expulsion when the pupil may apply to Charter School for readmission. Charter School shall inform parents in writing of its processes for reinstatement and applying for expungement of the expulsion record.

READMISSION

Charter School's governing board shall adopt rules establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, Charter School's governing board shall readmit the pupil, unless Charter School's governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered and the decision of the governing board, including any related findings, must be provided to the pupil and the pupil's parent/guardian within a reasonable time.

REINSTATEMENT

Charter School's governing board shall adopt rules establishing a procedure for processing reinstatements, including the review of documents regarding the rehabilitation plan. Charter School is responsible for reinstating the student upon the conclusion of the expulsion period in a timely manner.

GUN-FREE SCHOOLS ACT

Charter School shall comply with the federal Gun-Free Schools Act.

Element 11 – Employee Retirement Systems

“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).)

Charter School shall comply in a timely manner with all applicable federal and state laws and regulations, as they may change from time to time, including but not limited to Internal Revenue Code section 414(d) and related regulations, governing Charter School’s participation in, and/or coverage of its staff members by, the State Teachers’ Retirement System (CalSTRS), the Public Employees’ Retirement System (CalPERS), and/or federal social security.

If Charter School participates in, or otherwise covers its staff members by enrolling or continuing their enrollment in, a “government plan” governed by section 414(d) (e.g., CalPERS), upon dissolution or final liquidation of Charter School, and/or its nonprofit public benefit corporation, notwithstanding any provision in Element 15 to the contrary, Charter School shall distribute its net assets in accordance with section 414(d), related regulations, and the government plan’s requirements.

If Charter School participates in CalSTRS and/or CalPERS, Charter School shall continue such participation for the duration of Charter School’s existence under the same CDS code, if mandated by applicable legal and retirement plan requirements.

Element 12 – Public School 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).)

Pupils of Charter School do not have or gain any right to admission in a particular school of any school district, or program of any school district, as a consequence of applying to or enrolling in Charter School, except to the extent that such a right is extended by the school district.

A pupil who chooses not to attend Charter School may attend a public school within the pupil’s school district of residence in accordance with applicable law and that school district’s policies and procedures. The pupil alternatively may seek to enroll in another charter school in accordance with applicable law and the terms of the school’s charter. If LAUSD is the pupil’s school district of residence, an eligible pupil may pursue an inter-district transfer, if available, in accordance with the admission, enrollment, and transfer policies and procedures of the District, as they may change from time to time.

Element 13 – Rights of District Employees

“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).)

Employees of the District who choose to leave the employment of the District to work at Charter School shall have no automatic rights of return to the District after employment at Charter School unless specifically granted by the District through a leave of absence or other agreement or policy of the District as aligned with the collective bargaining agreements of the District. Leave and return rights for District union-represented employees and former employees who accept employment with Charter School will be administered in accordance with applicable collective bargaining agreements and any applicable judicial rulings.

Element 14 – Mandatory 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).)

GENERAL PROVISIONS

Any claim, controversy or dispute between the District and Charter School arising out of, or relating to, this Charter, except for any claim, controversy or dispute related to the authorization, non-renewal, revision, and/or revocation of this Charter, (“Dispute”) shall be resolved pursuant to the terms of this Element 14.

Notwithstanding any other provision of law, each party shall bear and be solely responsible for all of its own attorneys’ fees, costs and expenses associated with any Dispute, including, but not limited to, any written/oral communication, meeting, Issues Conference, mediation, arbitration, administrative and/or civil action (including all levels of appeal), and no party shall be ordered to pay, or be awarded, any other party’s attorneys’ fees, costs or expenses in connection therewith, regardless of who may be deemed the prevailing party. Any fees, costs and expenses charged by a mediator or arbitrator (including all associated administration fees, costs and expenses) shall be shared equally by the parties regardless of the outcome or award. To that effect, any order or award of attorneys’ fees, costs and/or expenses, or mediator’s or arbitrator’s fees, costs or expenses (including any associated administration fees, costs and expenses), issued by a mediator, arbitrator, judicial officer (including all levels of appeal) or jury in any Dispute shall be deemed invalid as a matter of law and unenforceable by one party against the other party.

PROPOSITION 39 DISPUTES

Any Dispute related to or arising out of Education Code section 47614 and/or its implementing regulations set forth in California Code of Regulations, title 5, section 11969 et seq. (“Proposition 39”), shall be resolved in accordance with the procedures set forth below:

- 1) Any Dispute shall be communicated in writing (“Written Notification”). The Written Notification must identify the nature of the Dispute and all supporting facts. The Written Notification shall be tendered to the other party by personal delivery, by facsimile or e-mail,

or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile or e-mail, upon electronic confirmation of receipt; or (c) if by certified mail, two (2) business days after deposit in the U.S. Mail.

Unless directed otherwise, all Written Notifications to the District and Charter School shall be addressed respectively as follows:

Director
Charter Schools Division
Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, California 90017

Director/Principal
[Charter School Name]
[Charter School Address]

- 2) A written response (“Written Response”) shall be tendered to the other party within fifteen (15) business days from the date of receipt of the Written Notification or other date as determined by mutual agreement of the parties. The Written Response shall be tendered to the other party by personal delivery, by facsimile or e-mail, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such communication if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile or e-mail, upon electronic confirmation of receipt; or (c) if by certified mail, two (2) business days after deposit in the U.S. Mail.
- 3) If the Dispute has not been resolved by mutual agreement from the Written Response, the parties agree to schedule a conference to discuss the Dispute identified in the Written Notice (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date on which the Written Response is received by the other party or other date as determined by mutual agreement of the parties.
- 4) If the Dispute has not been resolved by mutual agreement at the Issue Conference, either party may then request that the Dispute be resolved by mediation. Within fifteen (15) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties, the parties shall mutually agree upon the selection of a mediator. If the parties are unable to mutually agree upon the selection of a mediator, the mediator shall be selected from a list of mediators prepared and provided by the American Arbitration Association. Mediation proceedings shall commence within thirty (30) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties, and conclude within forty (40) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties. Unless the parties mutually agree otherwise, mediation proceedings shall be administered in accordance with the commercial mediation procedures of the American Arbitration Association.

- 5) If the mediation is not successful, either party may then initiate a civil action. Venue for any civil action between the parties shall be the Los Angeles County Superior Court.

NON-PROPOSITION 39 DISPUTES

Any Dispute not related to or arising out of Proposition 39 shall be resolved in accordance with the procedures set forth below:

- 1) Any Dispute shall be communicated in writing (“Written Notification”). The Written Notification must identify the nature of the Dispute and any supporting facts. The Written Notification shall be tendered to the other party by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail.

Unless directed otherwise all Written Notifications to the District and Charter School shall be addressed respectively as follows:

Director
Charter Schools Division
Los Angeles Unified School District
333 South Beaudry Avenue, 20th Floor
Los Angeles, California 90017

Director/Principal
[Charter School]
[Charter School Address]

- 2) A written response (“Written Response”) shall be tendered to the other party within twenty (20) business days from the date of receipt of the Written Notification or other date as determined by mutual agreement of the parties. The Written Response shall be tendered to the other party by personal delivery, by facsimile or e-mail, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such communication if delivered by 5:00 p.m., or otherwise on the business day following personal delivery; (b) if by facsimile or e-mail, upon electronic confirmation of receipt; or (c) if by certified mail, two (2) business days after deposit in the U.S. Mail.
- 3) If the Dispute has not been otherwise resolved by mutual agreement, the parties agree to schedule a conference to discuss the Dispute identified in the Written Notice (“Issue Conference”). The Issue Conference shall take place within fifteen (15) business days from the date from the date on which the Written Response is received by the other party or other date as determined by mutual agreement of the parties.
- 4) If the Dispute has not been resolved by mutual agreement at the Issue Conference, either party may then request that the Dispute be resolved by mediation. Within fifteen (15)

business days of the date of the request for mediation or other date as determined by mutual agreement of the parties, the parties shall mutually agree upon the selection of a mediator. If the parties are unable to mutually agree upon the selection of a mediator, the mediator shall be selected from a list of mediators prepared and provided by the American Arbitration Association. Mediation proceedings shall commence within thirty (30) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties. Unless the parties mutually agree otherwise, mediation proceedings shall be administered in accordance with the commercial mediation procedures of the American Arbitration Association.

- 5) If the mediation is not successful, then the parties agree to resolve the Dispute by binding arbitration conducted by a single arbitrator. Unless the parties mutually agree otherwise, arbitration proceedings shall be administered in accordance with the commercial arbitration rules of the American Arbitration Association. The arbitrator must be an active member of the State Bar of California or a retired judge of the state or federal judiciary of California.

Element 15 – Charter School Closure Procedures

“The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter 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).)

REVOCATION OF THE CHARTER

The District may revoke the Charter pursuant to the provisions set forth in the Charter Schools Act of 1992, as they may be amended from time to time. The District may revoke the Charter of Charter School if the District finds, through a showing of substantial evidence, that Charter School did any of the following:

- Charter School committed a material violation of any of the conditions, standards, or procedures set forth in the Charter.
- Charter School failed to meet or pursue any of the pupil outcomes identified in the Charter.
- Charter School failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Charter School violated any provision of law.

Prior to revocation, and in accordance with Education Code section 47607(g) and state regulations, the LAUSD Board of Education will notify Charter School in writing of the specific violation, and give Charter School a reasonable opportunity to cure the violation, unless the LAUSD Board of Education determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Revocation proceedings are not subject to the dispute resolution provisions set forth in this Charter.

Pursuant to Education Code section 47607.3, a charter school identified for needing assistance and provided advice and assistance from the California Collaborative for Educational Excellence based on failure to satisfy state evaluation rubrics may be subject to revocation.

CLOSURE ACTION

The decision to close Charter School, by the governing board of Charter School must be documented in a “Closure Action”. A Closure Action shall be deemed to have been automatically taken when any of the following occur: the Charter is revoked (subject to the provisions of Education Code section 47607(f)) or non-renewed by the LAUSD Board of Education and Charter School has exhausted its revocation or non-renewal administrative appeal rights pursuant to Education Code sections 47605(k) and 47607(j), or its administrative appeal rights have lapsed, or the charter school voluntarily closes at any stage of the administrative appeal process; the governing board of Charter School votes to close Charter School; or the Charter lapses.

CLOSURE PROCEDURES

The procedures for charter school closure set forth below are guided by Education Code sections 47604.32, 47605, and 47607 as well as California Code of Regulations, title 5, sections 11962 and 11962.1, and are based on “Charter Schools Closure - Requirements and Recommendations” posted on the California Department of Education website. All references to “Charter School” apply to Charter School, including its nonprofit corporation and governing board.

Designation of Responsible Person(s) and Funding of Closure

Prior to or at the time of the taking of a Closure Action by either the governing board of Charter School or the LAUSD Board of Education, the governing board of Charter School shall designate a person or persons responsible for conducting and overseeing all closure-related procedures and activities, and allocate sufficient funding for, or otherwise determine how Charter School will fund, these activities.

Notification of Closure Action

Upon the taking of a Closure Action, Charter School shall send written notice of its closure to:

1. The LAUSD Charter Schools Division (CSD). Charter School shall provide the CSD with written notice of (1) the person(s) designated to be responsible for conducting and overseeing all closure activities, and (2) the source, location, and management of the funding for such activities. If the Closure Action is an act of Charter School, Charter School shall provide the CSD with a copy of the governing board resolution or minutes that documents its Closure Action.
2. Parents/guardians of all students, and all majority age and emancipated minor students, currently enrolled in Charter School within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of the written parent notification to the CSD.
3. Los Angeles County Office of Education (LACOE). Charter School shall send written notification of the Closure Action to LACOE by registered mail within 72 hours of the

Closure Action. Charter School shall simultaneously provide a copy of this notification to the CSD.

4. The Special Education Local Plan Area (SELPA) in which Charter School participates. Charter School shall send written notification of the Closure Action to the SELPA in which Charter School participates by registered mail within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of this notification to the CSD.
5. The retirement systems in which Charter School's employees participate. Within fourteen (14) calendar days of the Closure Action, Charter School shall notify, as applicable, the State Teachers Retirement System (STRS), Public Employees Retirement System (PERS), the Social Security Administration, and the Los Angeles County Office of Education of the Closure Action, and follow their respective procedures for dissolving contracts and reporting. Charter School shall provide a copy of these notifications and correspondence to the CSD.
6. The California Department of Education (CDE). Charter School shall send written notification of the Closure Action to the CDE by registered mail within 72 hours of the Closure Action. Charter School shall provide a copy of this notification to the CSD.
7. Any school district that may be responsible for providing education services to the former students of Charter School. Charter School shall send written notification of the Closure Action within 72 hours of the Closure Action. This notice must include a list of potentially returning students and their home schools based on student residence. Charter School shall provide a copy of these notifications, if any, to the CSD.
8. All Charter School employees and vendors within 72 hours of the Closure Action. Charter School shall simultaneously provide a copy of the written employee and vendor notification, with any attachments, to the CSD.

Notification of all the parties above, with the exception of employees and vendors, must include but is not limited to the following information:

1. The effective date of the closure of Charter School
2. The name(s) and contact information for the person(s) handling inquiries regarding the closure
3. The students' school districts of residence
4. How parents/guardians of all students, and all majority age and emancipated minor students, may obtain copies of student records and transcripts, including specific information on completed courses and credits that meet graduation requirements

In addition to the four required items above, notification of the CDE shall also include:

1. A description of the circumstances of the closure
2. The location of student and personnel records

In addition to the four required items above, notification of parents/guardians of all students, and all majority age and emancipated minor students, shall also include:

1. Information on how to enroll or transfer the student to an appropriate school
2. A certified packet of student information that includes closure notice, a copy of the student's cumulative record and other records, including but not limited to grade reports, discipline records, immunization records, completed coursework, credits that meet graduation requirements, a transcript, and state testing results
3. Information on student completion of college entrance requirements, for all high school students affected by the closure

Notification of employees and vendors shall include:

1. The effective date of the closure of Charter School
2. The name(s) and contact information for the person(s) handling inquiries regarding the closure
3. The date and manner, which shall be no later than 30 days from the effective date of the closure of Charter School, by which Charter School shall provide employees with written verification of employment

Within 30 calendar days of the effective date of closure, Charter School shall provide all employees with written verification of employment. Charter School shall send copies of all such employee verification letters to the CSD.

Records Retention and Transfer

Charter School shall comply with all applicable laws as well as District policies and procedures, as they may change from time to time, regarding the transfer and maintenance of Charter School records, including student records. These requirements include:

1. Charter School shall provide the District with all original student cumulative files and behavior records, pursuant to District policy and applicable District handbook(s) regarding cumulative records for secondary and elementary schools, for all students, both active and inactive, of Charter School. Transfer of the complete and organized original student records to the District, in accordance with District procedures applicable at the time of closure, shall occur within seven (7) calendar days of the effective date of closure.
2. Charter School's process for transferring copies of student records to receiving schools shall be in accordance with applicable law and LAUSD procedures for students moving from one school to another.
3. Charter School shall prepare and provide an electronic master list of all students to the Charter Schools Division in accordance with the District procedures applicable at the time of closure. This list shall include the student's identification number, Statewide Student Identifier (SSID), birthdate, grade, full name, address, home school/school district,

enrollment date, exit code, exit date, parent/guardian name(s), and phone number(s). If the Charter School closure occurs before the end of the school year, the list also shall indicate the name of the school to which each student is transferring, if known. This electronic master list shall be delivered to the CSD in the form of a CD or otherwise in accordance with District procedures.

4. Charter School must organize the original cumulative files for delivery to the District in two categories: active students and inactive students. Charter School will coordinate with the CSD for the delivery and/or pickup of student records.
5. Charter School must update all student records in the California Longitudinal Pupil Achievement Data System (CALPADS) prior to closing.
6. Charter School must provide to the CSD a copy of student attendance records, teacher gradebooks, and Title I records (if applicable).
7. Charter School must provide to the CSD the name, title, and contact information of the person designated to maintain all Charter School personnel records after the closure. Personnel records to be transferred to and maintained by the designee must include any and all employee records, including but not limited to, records related to performance and grievance. Charter School must provide to the CSD and the designee a list of all active and inactive employees and their periods of service. Both Charter School and the designee, individually and separately, shall inform the CSD immediately upon the transfer of Charter School's employee records to the designee.
8. Charter School shall ensure that all records are boxed and clearly labeled by classification of documents and the required duration of storage in accordance with District procedures.
9. Charter School shall provide to the responsible person(s) designated by the governing board of Charter School to conduct all closure-related activities a list of students in each grade level and, for each student, a list of classes completed and the student's district of residence.

Financial Close-Out

After receiving notification of closure, the California Department of Education (CDE) will notify Charter School and the authorizing entity of any liabilities Charter School owes the state, which may include overpayment of apportionments, unpaid revolving fund loans or grants, and/or similar liabilities. The CDE may ask the county office of education to conduct an audit of the charter school if it has reason to believe that the school received state funding for which it was not eligible.

Charter School shall ensure completion of an independent final audit within six months after the closure of Charter School that includes:

1. An accounting of all financial assets. These may include cash and accounts receivable and an inventory of property, equipment, and other items of material value.

2. An accounting of all liabilities. These may include accounts payable or reduction in apportionments due to loans, unpaid staff compensation, audit findings, or other investigations.
3. An assessment of the disposition of any restricted funds received by or due to Charter School.

This audit may serve as Charter School's annual audit if it meets all of the requirements of the annual audit.

Charter School shall pay for the financial closeout audit of Charter School. This audit will be conducted by a neutral, independent licensed CPA who will employ generally accepted accounting principles. Any liability or debt incurred by Charter School will be the responsibility of Charter School and not LAUSD. Charter School understands and acknowledges that Charter School will cover the outstanding debts or liabilities of Charter School. Any unused monies at the time of the audit will be returned to the appropriate funding source. Charter School understands and acknowledges that only unrestricted funds will be used to pay creditors. Any unused AB 602 funds will be returned to the District SELPA or the SELPA in which Charter School participates, and other categorical funds will be returned to the source of funds.

Charter School shall ensure the completion and filing of any annual reports required. These reports include but are not necessarily limited to:

1. Preliminary budgets
2. Interim financial reports
3. Second interim financial reports
4. Final unaudited reports

These reports must be submitted to the CDE and the authorizing entity in the form required. These reports should be submitted as soon as possible after the Closure Action, but no later than the required deadline for reporting for the fiscal year.

For apportionment of categorical programs, the CDE will count the prior year average daily attendance (ADA) or enrollment data of the closed Charter School with the data of the authorizing entity. This practice will occur in the first year after the closure and will continue until CDE data collection processes reflect ADA or enrollment adjustments for all affected LEAs due to the charter closure.

Disposition of Liabilities and Assets

The closeout audit must identify the disposition of all liabilities of Charter School. Charter School closure procedures must also ensure appropriate disposal, in accordance with the District Required Language provisions in Element 11 of this Charter, Charter School's governing board bylaws, fiscal procedures, and any other applicable laws and regulations, of any net assets remaining after all liabilities of Charter School have been paid or otherwise addressed. Such disposal includes, but is not limited to:

1. Charter School, at its cost and expense, shall return to the District any and all property, furniture, equipment, supplies, and other assets provided to Charter School by or on behalf of the District. The District discloses that the California Education Code sets forth the requirements for the disposition of the District's personal property and Charter School shall bear responsibility and liability for any disposition in violation of statutory requirements.
2. The return of any donated materials and property in accordance with any terms and conditions set when the donations were accepted.
3. The return of any grant and restricted categorical funds to their sources according to the terms of the grant or state and federal law.
4. The submission of final expenditure reports for any entitlement grants and the filing of Final Expenditure Reports and Final Performance Reports, as appropriate.

If Charter School is operated as or by a nonprofit corporation, and if the corporation does not have any functions other than operation of Charter School, the corporation shall be dissolved according to its bylaws.

Charter School shall retain sufficient staff, as deemed appropriate by the Charter School governing board to complete all necessary tasks and procedures required to close the school and transfer records in accordance with these closure procedures.

Charter School's governing board shall adopt a plan for wind-up of Charter School and, if necessary, the corporation, in accordance with the requirements of the Corporations Code.

Charter School shall provide LAUSD within fourteen (14) calendar days of the Closure Action with written notice of any outstanding payments due to staff and the time frame and method by which Charter School will make the payments.

Prior to final close-out, Charter School shall complete all actions required by applicable law, including but not limited to the following:

- a. File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.
- b. Make final federal tax payments (employee taxes, etc.)
- c. Complete and submit all required federal and state filings and notices to the State of California, the Internal Revenue Service, and the Department of the Treasury, including but not limited to final tax returns and forms (e.g., Form 990 and related Schedules).

This Element 15 shall survive the revocation, expiration, termination, cancellation of this Charter, or any other act or event that would end Charter School's authorization to operate as a charter school or cause Charter School to cease operation. Charter School agrees that, due to the nature of the property and activities that are the subject of this Charter, the District and public shall suffer irreparable harm should Charter School breach any obligation under this Element 15. The District therefore reserves the right to seek equitable relief to enforce any right arising under this Element 15 or any provision of this Element 15 or to prevent or cure any breach of any obligation

undertaken, without in any way prejudicing any other legal remedy available to the District. Such legal relief shall include, without limitation, the seeking of a temporary or permanent injunction, restraining order, or order for specific performance, and may be sought in any appropriate court.

Additional Provisions

FACILITIES

Charter School shall comply with all geographic and site limitations and related requirements set forth in Education Code sections 47605.1, 47602(a), and 47605(a).

District-Owned Facilities

If Charter School is using District facilities as of the date of the submission of this charter petition or takes occupancy of District facilities prior to the approval of this charter petition, Charter School shall execute an agreement provided by the District for the use of the District facilities as a condition of the approval of the charter petition. If at any time after the approval of this charter petition Charter School will occupy and use any District facilities, Charter School shall execute an agreement provided by the District for the use of the District facilities prior to occupancy and commencing use. Charter School shall implement and otherwise comply with the terms of any and all applicable facilities use agreements between Charter School and the District.

The circumstances of Charter School's occupancy of District facilities may change over time such as, but not limited to, enrollment, programs, and the conditions of facilities, and the District has a vested interest in having an agreement that is appropriate for the situation.

For a Sole Occupant Agreement or any other use agreement that is not a Proposition 39 Single Year Co-location Use Agreement or a lease issued through the Notice of Intent and bid process, the term may be co-terminous with the approved Charter, as permitted by law. Charter School and the District shall negotiate any modifications of the agreement with the goal of such amendment or new agreement being considered by the LAUSD Board of Education with the renewal of the charter petition. If Charter School and the District cannot execute an agreement in time for such to be considered by the Board of Education with the renewal of the charter petition, the approval of the renewal of the charter petition shall be conditioned upon Charter School and the District executing an amendment to the existing use agreement or a new agreement no later than May 1st or within nine (9) months of the date of the Board of Education's approval of the renewal of the charter petition. During such time period Charter School shall be permitted to remain in occupancy of the District facilities under the terms and conditions of the immediately preceding, executed use agreement; provided, that if Charter School and the District cannot agree upon and execute an amendment or new use agreement by said deadline, Charter School shall vacate the District facilities on or before June 30th of said school year.

Charter School acknowledges and agrees that occupancy and use of District facilities shall be in compliance with applicable laws and District policies for the operation and maintenance of District facilities and furnishings and equipment. Charter School shall comply with all District health, safety, and emergency procedures and requirements and shall be subject to inspection by the District's Facilities Services Division, OEHS, and other District offices in the same manner as

other LAUSD campuses. All District facilities (i.e., schools) will remain subject to those laws applicable to public schools.

In the event of an emergency, all District facilities (i.e., schools) are available for use by the American Red Cross and public agencies as emergency locations, which may disrupt or prevent Charter School from conducting its educational programs. If Charter School will share the use of District facilities with other District user groups, Charter School agrees that it will participate in and observe all District safety policies (e.g., emergency chain of information and participation in safety drills).

The use agreements provided by the District for District facilities shall contain terms and conditions addressing issues such as, but not limited to, the following:

- Use: Charter School will be restricted to using the District facilities for the operation of a public school providing educational instruction to public school students consistent with the terms of the Charter and incidental related uses. Separate and apart from its right as authorizer to observe and inspect any part of the charter school at any time pursuant to Education Code 47607(a)(1), the District shall have and reserves the right to inspect District facilities upon reasonable notice to Charter School.
- Furnishings and Equipment: The District shall retain ownership of any furnishings and equipment, including technology, (“F&E”) that it provides to Charter School for use. Charter School, at its sole cost and expense, shall provide maintenance and other services for the good and safe operation of the F&E.
- Leasing; Licensing: Use of the District facilities by any person or entity other than Charter School shall be administered by the District. The parties may agree to an alternative arrangement in the use agreement.
- Programs, Services, and Activities Outside Instructional Program; Third Party Vendors:
 - (i) Any program, service, or activity provided outside the instructional program shall be subject to the terms and provisions of the use agreement, and, additionally, may require a license, permit, or additional agreement issued by the District. The term “instructional program” is defined, per Education Code section 47612 and 5 CCR section 11960, as those required educational activities that generate funding based on “average daily attendance” and includes those extracurricular programs, services, and/or activities that students are required to participate in and do not require the payment of any consideration or fee.
 - (ii) Any program, service, or activity requiring the payment of any consideration or fee or provided by a third party vendor (defined as any person or entity other than Charter School), whether paid or volunteer and regardless of whether such may be within the instructional program, shall be subject to the terms and provisions of the use agreement and such third party vendor shall be required to obtain a license, permit, or additional agreement from the District.

- Minimum Payments or Charges to be Paid to District Arising from the Facilities:
 - (i) Pro Rata Share: The District shall collect, and Charter School shall pay a Pro Rata Share for facilities costs as provided in the Charter Schools Act of 1992 and its regulations. The parties may agree to an alternative arrangement regarding facilities costs in the use agreement; and
 - (ii) Taxes; Assessments: Generally, Charter School shall pay any assessment or fee imposed upon or levied on the LAUSD facilities that it is occupying or Charter School's legal or equitable interest created by the use agreement.

- Maintenance & Operations Services: In the event the District agrees to allow Charter School to perform any of the operation and maintenance services, the District shall have the right to inspect the District facilities, and the costs incurred in such inspection shall be paid by Charter School.
 - (i) Co-Location: If Charter School is co-locating or sharing the District facilities with another user, the District shall provide the operations and maintenance services for the District facilities and Charter School shall pay the Pro Rata Share. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such in the use agreement.
 - (ii) Sole Occupant: If Charter School is a sole occupant of District facilities, the District shall allow Charter School, at its sole cost and expense, to provide some operations and maintenance services for the District facilities in accordance with applicable laws and LAUSD's policies on operations and maintenance services for facilities and F&E. NOTWITHSTANDING THE FOREGOING, the District shall provide all services for regulatory inspections which as the owner of the real property it is required to submit, and deferred maintenance, and Charter School shall pay LAUSD for the cost and expense of providing those services. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such services in the use agreement.

- Real Property Insurance: Prior to occupancy, Charter School shall satisfy requirements to participate in LAUSD's property insurance or, if Charter School is the sole occupant of LAUSD facilities, obtain and maintain separate property insurance for the LAUSD facilities. Charter School shall **not** have the option of obtaining and maintaining separate property insurance for the LAUSD facility IF Charter School is co-locating or sharing the LAUSD facility with another user.

Non-District-Owned Facilities

Occupancy and Use of the Site: Prior to occupancy or use of any school site or facility, Charter School shall provide the CSD with a current Certificate of Occupancy or equivalent document issued by the applicable permitting agency that allows Charter School to use and occupy the site as a charter school. Charter School shall not exceed the operating capacity of the site and shall operate within any limitations or requirements provided by the Certificate of Occupancy and any applicable permit. Charter School may not open or operate without providing a copy of an

appropriate Certificate of Occupancy to the CSD. If Charter School intends to move or expand to another facility during the term of this Charter, Charter School shall adhere to any and all District policies and procedures regarding charter material revision and non-material amendment. Prior to occupancy or use of any such additional or changed school site, Charter School shall provide an appropriate Certificate of Occupancy to the CSD for such facility. Notwithstanding any language to the contrary in this Charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process outlined in Element 14.

Facility Compliance: Prior to occupancy or use of any non-District-owned school site and/or facility, Charter School shall ensure that the site and/or facility complies with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which Charter School is to be located, federal and state accessibility requirements (including the Americans with Disabilities Act (ADA) and Section 504), and all other applicable fire, health, and structural safety and access requirements. This requirement shall also apply to the construction, reconstruction, alteration of or addition to the facility. Charter School shall resolve in a timely manner any and all corrective actions, orders to comply, and notices issued by any authorized building and safety agency. Charter School cannot exempt itself from applicable building and zoning codes, ordinances, and ADA/Section 504 requirements. Charter School shall maintain on file readily accessible records that document facilities compliance and shall promptly provide such documentation to the CSD upon request.

Pest Management: Charter School shall comply with the Healthy Schools Act, Education Code section 17608, which details pest management requirements for schools.

Asbestos Management: Charter School shall comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40 C.F.R. part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

INSURANCE

Insurance Requirements

No coverage shall be provided to Charter School by the District under any of the District's self-insured programs or commercial insurance policies. Charter School shall secure and maintain, at a minimum, insurance as set forth below with insurance companies acceptable to the District [A.M. Best A-, VII or better] or the equivalent provided through a California Joint Powers Authority self-insurance program to protect Charter School from claims which may arise from its operations. Each Charter School location shall meet the below insurance requirements individually.

It shall be Charter School's responsibility, not the District's, to monitor its vendors, contractors, partners, and/or sponsors for compliance with the insurance requirements.

The following insurance policies are required:

1. Commercial General Liability, including Fire Legal Liability, coverage of \$5,000,000 per Occurrence and in the Aggregate. The policy shall be endorsed to name the Los Angeles

Unified School District and its Board of Education as named additional insureds and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and Charter School's insurance shall be primary despite any conflicting provisions in Charter School's policy. Coverage shall be maintained with no Self-Insured Retention above \$15,000 without the prior written approval of the Division of Risk Management and Insurance Services for the LAUSD.

2. Workers' Compensation Insurance in accordance with provisions of the California Labor Code adequate to protect Charter School from claims that may arise from its operations pursuant to the Workers' Compensation Act (Statutory Coverage). The Workers' Compensation Insurance coverage must also include Employers Liability coverage with limits of \$1,000,000/\$1,000,000/\$1,000,000.
3. Commercial Auto Liability, including Owned, Leased, Hired, and Non-owned, coverage with limits of \$1,000,000 Combined Single Limit per Occurrence if Charter School does not operate a student transportation service. If Charter School provides student transportation services, the required coverage limit is \$5,000,000 Combined Single Limit per Occurrence.
4. Crime Insurance or Fidelity Bond coverage shall be maintained by Charter School to cover all Charter School employees who handle, process or otherwise have responsibility for Charter School funds, supplies, equipment, or other assets. Minimum amount of coverage shall be \$1,000,000 per occurrence/\$1,000,000 aggregate, with deductible that is acceptable to the Los Angeles Unified School District.
5. Cyber Liability insurance coverage with minimum limits of \$500,000 per occurrence and \$500,000 general aggregate.
6. Professional Educators Errors and Omissions liability coverage with minimum limits of \$5,000,000 per occurrence and \$5,000,000 general aggregate.
7. Sexual Molestation and Abuse coverage with minimum limits of \$5,000,000 per occurrence and \$5,000,000 general aggregate. Coverage may be held as a separate policy or included by endorsement in the Commercial General Liability or the Errors and Omissions Policy. Whether this coverage is separately issued or included by endorsement to another policy, such coverage shall be endorsed to name the Los Angeles Unified School District and Its Board of Education as named additional insureds and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and Charter School's insurance shall be primary despite any conflicting provisions in Charter School's policy.
8. Employment Practices Legal Liability coverage with limits of \$5,000,000 per occurrence and \$5,000,000 general aggregate.
9. Excess/Umbrella Liability insurance with limits of not less than \$10,000,000 is required of all high schools and any other school that participates in competitive interscholastic or intramural sports programs.

Coverages and limits of insurance may be accomplished through individual primary policies or through a combination of primary and excess policies and alternative methods of coverage as approved by the District. Where specifically required above, and with respect to any other coverage for which such endorsements and/or provisions are available, each policy shall be endorsed to name the Los Angeles Unified School District and Its Board of Education as named additional insureds and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and Charter School's insurance shall be primary despite any conflicting provisions in Charter School's policy.

Evidence of Insurance

Charter School shall furnish to the District's Division of Risk Management and Insurance Services located at 333 S. Beaudry Ave, 28th Floor, Los Angeles CA 90017 at the outset of the Charter agreement and within 30 calendar days of the inception or effective date of any new policies, renewals, or changes, certificates of insurance evidencing such coverage and signed by authorized representatives of the insurance carrier. Certificates shall be endorsed as follows:

“Charter school shall be required to provide LAUSD with 30 days prior written notice by certified mail, return receipt requested, if the insurance afforded by this policy shall be suspended, cancelled, reduced in coverage limits or non-renewed.”

With respect to the coverages for which additional insured status is required as set forth above, the certificate(s) of insurance shall reflect Los Angeles Unified School District's and Its Board of Education's status as named additional insureds thereunder, and shall attach a copy of the endorsement(s) extending such coverage.

Facsimile or reproduced signatures may be acceptable upon review by the Division of Risk Management and Insurance Services. However, the District reserves the right to require certified copies of any required insurance policies.

Should Charter School deem it prudent and/or desirable to have insurance coverage for damage or theft to Charter School, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by the District and its purchase shall be the responsibility of Charter School.

Hold Harmless/Indemnification Provision

To the fullest extent permitted by law, Charter School does hereby agree, at its own expense, to indemnify, defend and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorneys' fees, brought by any person or entity whatsoever, arising out of, or relating to, this Charter agreement. Charter School further agrees to the fullest extent permitted by law, at its own expense, to indemnify, defend, and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorneys' fees, brought by any person or entity whatsoever for claims, damages, losses and expenses arising from or relating to acts or omission

of acts committed by Charter School and/or its officers, directors, employees or volunteers. Moreover, Charter School agrees to indemnify, defend and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers, for any contractual liability resulting from third party contracts with Charter School's vendors, contractors, partners or sponsors.

FISCAL MATTERS

District Oversight Costs

The District may charge for the actual costs of oversight of Charter School not to exceed 1% of Charter School's revenue, or the District may charge for the actual costs of oversight of Charter School not to exceed 3% if Charter School is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District may charge the maximum oversight fee allowed under the law as it may change from time to time. The oversight fee provided herein is separate and distinct from the charges arising under charter school facilities use agreements.

Cash Reserves

Charter School acknowledges that the recommended cash reserve is 5% of expenditures, as provided in section 15450, title 5 of the California Code of Regulations.

Third Party Contracts

Charter School shall ensure that all third party contracts, whether oral or written, for supplies, equipment, goods and/or services, for the direct or indirect benefit of, or otherwise related to the operation of, Charter School, require compliance with and otherwise conform to all applicable local, state, and federal policies, regulations, laws, and guidelines, including but not limited to licensing and permit requirements as well as requirements related to protection of health and safety.

Special Education Revenue Adjustment/Payment for Services

In the event that Charter School owes funds to the District for the provision of agreed upon or fee for service or special education services or as a result of the State's adjustment to allocation of special education revenues from Charter School, Charter School authorizes the District to deduct any and all of the in lieu property taxes that Charter School otherwise would be eligible to receive under section 47635 of the Education Code to cover such owed amounts. Charter School further understands and agrees that the District shall make appropriate deductions from the in lieu property tax amounts otherwise owed to Charter School. Should this revenue stream be insufficient in any fiscal year to cover any such costs, Charter School agrees that it will reimburse the District for the additional costs within forty-five (45) business days of being notified of the amounts owed.

Student Body Funds

Charter School shall supervise and manage any and all student body funds in a manner consistent with the provisions of Education Code sections 48930-48938. Charter School shall include and address student body funds in its financial reports, and ensure that such funds are included and addressed in Charter School's annual audit as a stand-alone item.

Audit and Inspection of Records

Charter School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining its charter authorization:

- Charter School is subject to District oversight.
- The District's statutory oversight responsibility continues throughout the life of the Charter and requires that the District, among other things, monitors the fiscal condition of Charter School.
- The District is authorized to revoke this Charter for, among other reasons, the failure of Charter School to meet generally accepted accounting principles or if Charter School engages in fiscal mismanagement.

Accordingly, the District hereby reserves the right, pursuant to its oversight responsibility, to audit Charter School books, records, data, processes and procedures through the District Office of the Inspector General or other means. The audit may include, but is not limited to, the following areas:

- Compliance with terms and conditions prescribed in the Charter agreement,
- Internal controls, both financial and operational in nature,
- The accuracy, recording and/or reporting of Charter School's financial information,
- Charter School's debt structure,
- Governance policies, procedures and history,
- The recording and reporting of attendance data,
- Charter School's enrollment process,
- Compliance with safety plans and procedures, and
- Compliance with applicable grant requirements.

Charter School shall cooperate fully with such audits and shall make available any and all records necessary for the performance of the audit upon 30 days' notice to Charter School. When 30 days' notice may defeat the purpose of the audit, the District may conduct the audit upon 24-hours' notice.

Fiscal Policies and Procedures

Charter School shall establish, maintain, and implement sound fiscal policies and procedures, including but not limited to internal controls governing all financial and business-related activities.

Apportionment Eligibility for Students Over 19 Years of Age

Charter School acknowledges that, in order for a pupil over nineteen (19) years of age to remain eligible for generating charter school apportionment, the pupil shall be continuously enrolled in public school and make satisfactory progress toward award of a high school diploma. (Ed. Code § 47612(b).)

Local Control and Accountability Plan

In accordance with California Education Code sections 47604.33 and 47606.5, Charter School 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). (Ed. Code § 47606.5(b).)

Attachment C

**LAUSD Policy and Procedures
for Charter Schools**

[see attached]



LAUSD

Policy and Procedures for Charter Schools

Adopted by the Board of Education on August 11, 2020
Amended by the Board of Education on January 25, 2022

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.

Table of Contents

I.	POLICY INTRODUCTION	1
II.	PROCEDURES	5
A.	NEW CHARTER SCHOOL PETITIONS	5
	Resources for Petitioners	5
	New Petition Application Review Process and Timelines	6
	Criteria for Evaluating New Petitions	11
B.	RENEWAL PETITIONS	26
	Resources for Petitioners	26
	Renewal Application Review Process and Timelines	27
	Criteria for Renewal and Grounds for Nonrenewal	29
C.	APPEALS.....	39
	1. Appeal to the Los Angeles County Board of Education	39
	2. Appeal to the State Board of Education.....	40
D.	MATERIAL REVISIONS.....	42
	Introduction.....	42
	Material Revision Standards.....	42
	Request for Material Revision Review Process	44
E.	TRANSPARENCY AND ACCOUNTABILITY	51
F.	OVERSIGHT	55
	Quarterly Electronic Document Submission	58
	Annual Performance-Based Oversight Visit	58
	Tiered Intervention Approach to Oversight.....	60
	Technical Assistance.....	61
	Oversight Fees	61
G.	ENSURING EQUITY AND ACCESS TO ALL STUDENTS	61
	1. Enrollment and Admission Practices	62
	2. Meeting the Needs of All Students	64
	3. Prohibition on Pupil Fees.....	68
H.	TEACHER CREDENTIALING AND BACKGROUND CLEARANCES.....	68
I.	FACILITIES.....	71
	1. Charter Schools Facilities Requirements.....	71

2. Proposition 39	71
3. LAUSD-Owned Facilities	71
4. Non-LAUSD Facilities	72
5. Charter School Facility Location	73
J. REVOCATION	73
1. Revocation Standards	73
2. Revocation Process and Timelines	74
3. Schools Receiving Assistance from the California Collaborative for Educational Excellence	75
K. AFFILIATED CHARTER SCHOOLS	76
1. Admissions and Enrollment	77
2. Staffing	77
3. Certificated Personnel	78
4. Classified Personnel	78
5. Fiscal Relationship	78
6. Local Control and Accountability Plan	78
7. Professional Development	79
8. Educational Program and Schedule	79
9. Integration Program	80
10. Submission of a New Affiliated Charter Petition	80
11. Renewal of Affiliated Charter Schools	83
12. Appeals; Revocation; Closure	83
L. PUBLIC SCHOOL CHOICE CHARTER SCHOOLS	83
1. SELPA	85
2. Admissions and Enrollment	85
3. Public School Choice Campus	86
4. Submission of a PSC Charter School Petition	86
5. Renewal Process for a PSC Charter School	86
6. Appeals; Revocation; Closure	86

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.¹ 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.²

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...”³ 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

¹ 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)

² California Education Code section 47601.

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

charter and traditional schools to work together collaboratively in service of their communities and neighborhoods.”⁴

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.⁵ 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.⁶ 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.”⁷ 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.⁸

⁴ *Id.*

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

⁶ 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://d3n8a8pro7vnm.cloudfront.net/unitela/pages/4859/attachments/original/1532387068/We_Choose_All_-_The_Book.pdf?1532387068.

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

⁸ 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).

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 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.⁹

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

⁹ 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.

understanding of the requirements and responsibilities of operating a charter school in LAUSD.

II. PROCEDURES

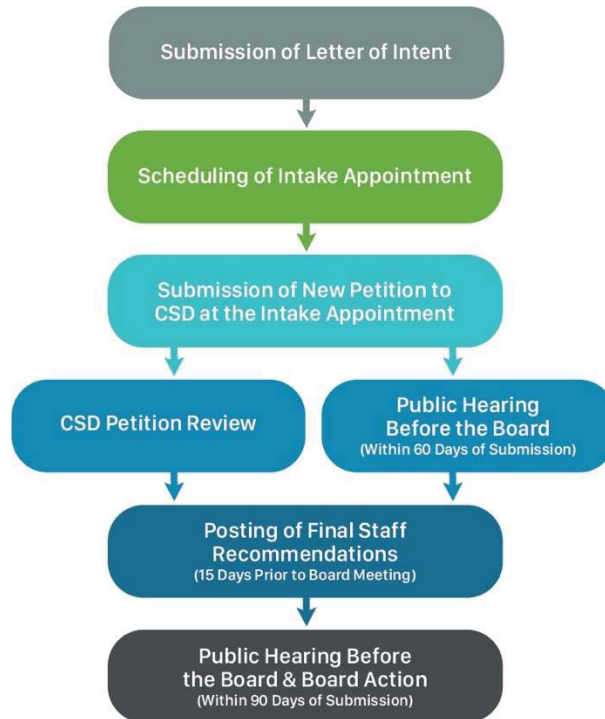
A. NEW CHARTER SCHOOL PETITIONS

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)¹⁰
- Projected instructional starting date (must be in the academic year immediately following petition submission)
- Grade levels to be served

¹⁰ 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.

- Projected enrollment (including grade “roll-out” schedule)
- Location
- Facilities plan
- Programs and services
- 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)

2. Submission of a New Petition to the District¹¹

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”) ¹² 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”).

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

¹¹ 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.)

¹² The Certification of Completeness can be found on the CSD website.

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).)

The petitioner will be notified of a denial recommendation prior to the 15-day advance posting. If the petitioner chooses to withdraw a petition after the 15-day advance posting of a denial recommendation, which is on the 75th 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.¹³ 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.¹⁴ 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).)

¹³ The amount of equivalent time may change subject to LAUSD Board rules and procedures.

¹⁴ See Ed. Code, § 47605(c); see also, Title 5 California Code of Regulations, section 11967.5.1.

- 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).)
- 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.¹⁵ 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.

¹⁵ "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.

- 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 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:¹⁶

- 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.

¹⁶ 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.

- 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
 - 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.¹⁷

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

¹⁷ 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.

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 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).)

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 Analysis¹⁸

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

¹⁸ 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).)

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 1505,¹⁹ and the LAUSD Board’s policy vision for a unified ecosystem of public education articulated herein, new charter school petitions will 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;²⁰ trends in declining/increasing enrollment;²¹

¹⁹ 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: “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-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.”

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

²¹ 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

effective use of district facilities and resources;²² and, needs to achieve adequacy of funding for public schools.²³

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 an 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.) and on evidence of community engagement and outreach. 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

For purposes of this Policy and Procedures, a “community” includes families and individuals who reside, work, and/or are served in the identified geographical area, and all public schools (District and charter), serving similar grade levels as the proposed new charter school. The identified geographical area will be based on LAUSD Community of Schools²⁴ 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.

<https://www.ppic.org/publication/declining-enrollment-in-california-schools-fiscal-challenges-and-opportunities-in-the-coming-decade/>

²² 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; see also, “Exploration of Potential Opportunities to Realign Administrative and Operational Support Facilities” (LAUSD Board of Education Report 373-19/20)

²³ “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)

²⁴ 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.

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 shall also 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, survey results, etc.). The Community Impact Assessment is to be complete at the time of submission. As part of the submitted materials, Petitioners are to include publicly disclosable information/documentation of the stakeholders' responses (to the extent possible) and a summary of the responses received from stakeholders as part of the petitioner's assessment of the impact to the community, which will be shared with the LAUSD Board.

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 District 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. 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 the petitioner of 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).²⁵ If the petitioner submits an application for a new charter school in a community in which under-enrollment among existing District 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. Upon submission, the District will review the petitioner's assessment and will provide an enrollment trend analysis including whether District and charter schools in the community are at, under, or over their enrollment target or capacity.

²⁵ 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.

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 enrollment 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).²⁶ 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.²⁷ 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) including but not limited to providing an enrollment trend analysis. 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. In addition, District staff will analyze the impact of the charter school to existing District schools' proposed programs that are in the planning stages or will commence the same academic year as the petitioning charter school. Such programs could include schools becoming magnets, dual language, community school, HEET, or other program that would be negatively affected by a new, expanding or relocating charter school.

²⁶ 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).

²⁷ 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."

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:²⁸

- Analysis of estimated total revenue losses for existing District schools
- 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.

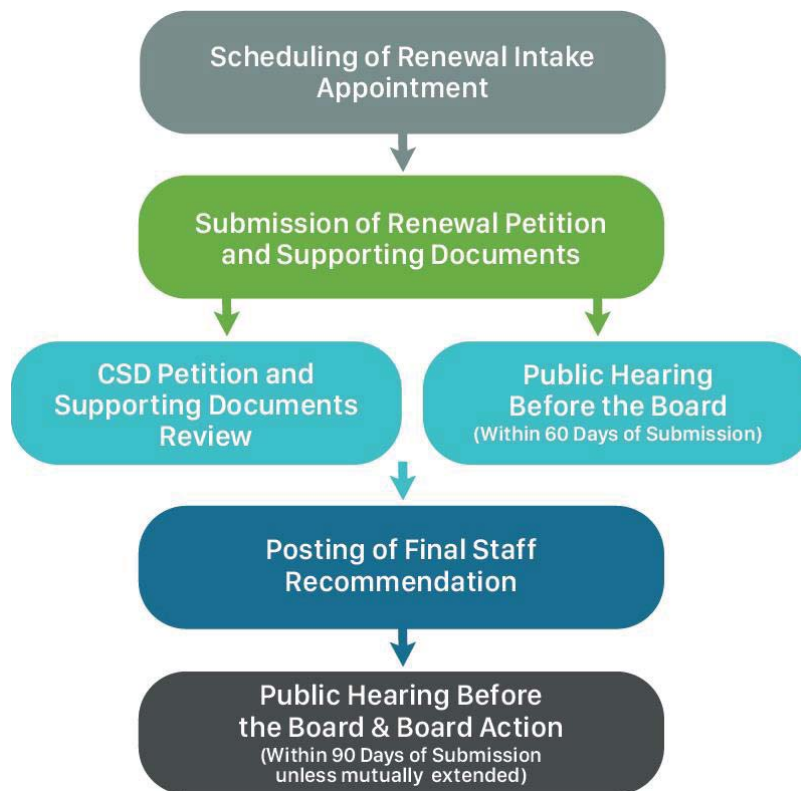
If a new charter school is approved by the LAUSD Board and subsequently seeks to locate in a community different from the community the charter school was originally authorized to serve, the charter school operator must submit a material revision for approval with an updated Community Impact Assessment 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.

²⁸ See CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), As Amended September 5, 2019

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. If a request for a material revision is submitted at the same time as a renewal petition, the renewal petition and the request for a material revision will be reviewed and recommended for LAUSD Board action at the same meeting, to the extent possible.

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 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.²⁹ 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

²⁹ The amount of equivalent time may change subject to LAUSD Board rules and procedures.

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 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.³⁰

³⁰ 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.

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.

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><u>SHALL NOT DENY RENEWAL</u> 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"> 1. Scored green or blue schoolwide on all state indicators on the California School Dashboard; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 2. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels performance that are higher than the state average. <hr/> <p>For charter schools satisfying the criteria in this column:</p>	<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"> 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.” 2. Shall also consider clear and convincing evidence, demonstrated by verified data, showing either: <ol style="list-style-type: none"> a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> b. Strong postsecondary outcomes equal to similar peers. <p><u>MAY DENY ONLY</u> upon making written findings that:</p> <ol style="list-style-type: none"> 1. The charter school has failed to meet or make sufficient progress toward meeting 	<p><u>SHALL NOT RENEW</u> 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"> 1. Scored red or orange schoolwide on all state indicators on the Dashboard; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 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 levels that are lower than the state average. <p>However, <u>MAY RENEW ONLY</u> upon making BOTH of the following written factual findings:</p> <ol style="list-style-type: none"> 1. 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

<ul style="list-style-type: none"> - 5 to 7-year renewal term - 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 - Charter schools eligible for technical assistance not eligible for renewal under this column 	<p>standards that provide a benefit to pupils of the school;</p> <p style="text-align: center;">AND</p> <p>2. The closure is in the best interest of the pupils;</p> <p style="text-align: center;">AND</p> <p>3. If applicable pursuant to (1) and (2) above, its decision provided greater weight to the performance on measurements of academic performance.</p> <hr/> <p>For charter schools satisfying the renewal criteria in this column-</p> <ul style="list-style-type: none"> - 5-year renewal term - Verified data considered for the next two subsequent renewals until January 1, 2026 	<p>the governing body of the charter school;</p> <p style="text-align: center;">AND</p> <p>2. There is clear and convincing evidence, demonstrated by verified data, showing either:</p> <p style="padding-left: 20px;">a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school;</p> <p style="text-align: center;">OR</p> <p style="padding-left: 20px;">b. Strong postsecondary outcomes equal to similar peers.</p> <hr/> <p>For charter schools satisfying the criteria in this column-</p> <ul style="list-style-type: none"> - 2-year renewal term - Verified data considered until June 30, 2025 for a school operating on or before June 30, 2020 for the next two subsequent renewals
---	---	---

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 subgroups³¹ 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-

³¹ "Subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

Based Oversight Visit Report in the area of Student Achievement and Educational Performance for the previous two years;

- 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). Effective January 1, 2021, pursuant to Education Code section 47607.2(c)(2), the State Board of Education adopted criteria to define verified data and identified an approved list of valid and reliable assessments.³² Staff’s review of the charter school’s submitted materials will be based on verified data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)). Charter schools submitting verified data for this purpose must adhere to the state-approved criteria.

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. Staff’s review of the charter school’s submitted materials will be based on verified data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)).

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.

³² <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>

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.

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.

Effective January 1, 2021, pursuant to Education Code section 47607.2(c)(2), the State Board of Education adopted criteria to define verified data and identified an approved list of valid and reliable assessments.³³ Staff's review of the charter school's submitted materials will be based on verified data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)). Charter schools submitting verified data for this purpose must adhere to the state-approved criteria.

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. Staff's review of the charter school's submitted materials will be based on verified

³³ <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>

data sources and related information adopted by the State Board of Education (Ed. Code, § 47607.2(c)(3)).

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,
- 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 Resident Schools Median, 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.³⁴

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:

³⁴ LAUSD may also consider a list of (demographically) similar schools if and when an appropriate methodology is determined for the purpose of charter renewal.

- 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 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.

Pursuant to Education Code section 47605.9, to the extent applicable, a charter school operating under a charter approved by the SBE pursuant to Education Code section 47605, as that section read on January 1, 2019, may continue to operate under the authority of the SBE only until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district (i.e., LAUSD Board) within the boundaries of which the charter school is located. If the LAUSD Board denies the renewal petition, the charter school may submit the petition for renewal directly to the SBE, which shall review the petition in accordance with Education Code section 47605(k)(1)(B). If the SBE grants renewal pursuant to Education Code section 47607, the SBE shall designate, in consultation with the petitioner, either the LAUSD Board or the county board of education in which the charter school is located as the chartering authority. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the designated chartering authority, including review by the SBE in accordance with Education Code sections 47605(k)(2) and 47607.

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 if outside the community)
- Change in location/address outside the community (requires Community Impact Assessment)³⁵
- 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 capacity as approved in the charter³⁶
 - For schools occupying LAUSD facilities, an increase above the enrollment capacity which could impact the usage of the site
- Changes to admission preferences or procedures³⁷
- 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).

³⁵ 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.

³⁶ The purpose of the range is to provide reasonable flexibility to account for fluctuation in student enrollment (e.g., attrition) that may occur at the charter school, and not as permission to steadily increase enrollment year to year even if such increase is below the enrollment threshold of 20% or 100 students, whichever is less. To the extent the charter school has exceeded the enrollment capacity identified in its approved charter but remains below the enrollment threshold of 20% or 100 students, whichever is less, the charter school must provide the CSD a reasonable plan for the charter school to align its enrollment with the enrollment capacity identified in the approved charter by the following academic school year.

³⁷ 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.
- 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

If a request for a material revision is submitted at the same time as a renewal petition, the renewal petition and the request for a material revision will be reviewed and recommended for LAUSD Board action at the same meeting, to the extent possible.

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, within seven (7) business days, will review the submitted application materials and determine whether such materials contain the information and/or documents necessary to begin processing. If the material revision application contains the minimum requirements for processing, CSD staff will communicate with the charter school accordingly. During the review process, it may be necessary for the CSD to request additional information in order to determine whether or not the proposed change(s) meet applicable criteria. If the material revision application does not contain the minimum requirements for processing, CSD staff will communicate with the charter school noting the deficient areas for correction and the appropriate steps for resubmission. 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.

While there is no applicable statutory or regulatory timeline governing when the chartering authority (i.e., LAUSD Board) must consider the request for a material revision, CSD staff will present its recommendation to the LAUSD Board for consideration within 120 days after processing has commenced.

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 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.

Allow Petitioners and Staff to Present at Board Meetings on Material Revision Items

District staff and petitioners will have three minutes each to make a presentation for items placed on discussion. Either District staff or petitioner may forego providing a presentation to the LAUSD Board. 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.

Community Impact Analysis³⁸

The LAUSD Board may deny a request for a material revision to expand operations to one or more additional sites or grade levels, or if the charter school seeks to locate in a community different from the community the charter school was originally authorized to serve, if the LAUSD Board determines that the charter school is demonstrably unlikely to serve the interests of the entire community pursuant to Education Code sections 47605(c)(7) and 47607(a)(4). As part of the material revision application, and consistent with the Charter Schools Act, the charter school must detail specific facts and circumstances that analyze and consider the following factors:

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

(B) Whether the proposed material revision request would duplicate a program currently offered within the school district and the existing program has sufficient capacity

³⁸ As applicable, please refer to the related footnotes (i.e., footnotes 18-28) in the community impact analysis subsection in the New Charter Petitions section of this Policy and Procedures document. The footnotes in this subsection have been omitted for brevity's sake.

for the pupils proposed to be served within reasonable proximity to where the charter school is located or intends to locate (per the material revision request).

The charter school's material revision application will 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; trends in declining/increasing enrollment; effective use of district facilities and resources; and, needs to achieve adequacy of funding for public schools.

Community Impact Assessment

For material revisions that require a Community Impact Assessment, consistent with this Policy and Procedures, petitioners³⁹ must submit a Community Impact Assessment as part of its application. Staff will assess whether the charter school is demonstrably likely or unlikely to serve the interests of the entire community.

The Community Impact Assessment will be based on an 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.) and on evidence of community engagement and outreach. 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 Charter School

For purposes of this Policy and Procedures, a "community" includes families and individuals who reside, work, and/or are served in the identified geographical area, and all public schools (District and charter), serving similar grade levels as the charter school (inclusive of the proposed additional grade levels being requested, if applicable). The identified geographical area will be based on LAUSD Community of Schools and neighborhoods within a three-mile radius from the location identified by the charter school's material revision application. 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 charter school seeks to locate through its

³⁹ For purposes of this Policy and Procedures, "petitioners" include a lead petitioner or other authorized person(s) on behalf of the organization that submits a petition to the District seeking to establish or renew a charter school, or submits a request for a material revision application.

material revision request. These shall also 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, survey results, etc.). The Community Impact Assessment is to be complete at the time of submission. As part of the submitted materials, Petitioners are to include publicly disclosable information/documentation of the stakeholders' responses (to the extent possible) and a summary of the responses received from stakeholders as part of the petitioner's assessment of the impact to the community, which will be shared with the LAUSD Board.

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

To help determine the extent to which the proposed material revision substantially undermines existing services, academic offerings, or programmatic offerings in a community, the District 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. 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 the petitioner of the impact of the school's proposed material revision and the financial viability of the proposed material revision, as well as impacts to existing services, academic offerings or programmatic offerings (e.g., English Learner instruction, hands-on science, music, and theater). If the petitioner submits a material revision application for a charter school to locate in a community in which under-enrollment among existing District schools and/or charter schools is prevalent, this factor may constitute a significant fact in determining that the proposed material revision has a substantially undermining effect. Upon submission, the District will review the petitioner's assessment and will provide an enrollment trend analysis including whether District and charter schools in the community are at, under, or over their enrollment target or capacity.

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 enrollment projection, when applicable, in its current year 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 the 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 charter 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). 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. The petitioner's assessment should consider how its 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 materials related to material revision applications) including but not limited to providing an enrollment trend analysis. Moreover, staff will also analyze the impact of the 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. In addition, District staff will analyze the impact of the charter school to existing District schools' proposed programs that are in the planning stages or will commence the same academic year as the petitioning charter school. Such programs could include schools becoming magnets, dual language, community school, HEET, or other program that would be negatively affected by a new, expanding or relocating charter school.

Fiscal Impact to the Community

The District will assess the extent to which the 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 the material revision application will include, but not be limited to, the following factors:

- Analysis of estimated total revenue losses for existing District schools
- 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 material revision request 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 leading to the denial recommendation of the material revision request.

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 open, public meeting regarding the impact of the proposed 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 determines that either of the following is a ground for denial:

- 1) The charter school is demonstrably unlikely to serve the interests of the entire community pursuant to Education Code section 47605(c)(7);⁴⁰ 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 schools⁴¹ to comply with the same open 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 Act⁴² (Govt. Code, §§ 54950 et seq.)
- California Public Records Act (Govt. Code, §§ 6250 et seq.)

⁴⁰ Refer to the community impact analysis procedures in the New Charter Petitions section of these Administrative Procedures.

⁴¹ "Entity managing a charter school" means a nonprofit public benefit corporation that operates a charter school consistent with Education Code section 47604.

⁴² A charter school operated by an entity pursuant to Government Code, § 47620 et seq. shall comply with the Bagley-Keene Open Meetings Act.

- 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).)

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.⁴³ 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.

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

⁴³ 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.

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"),⁴⁴ 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.

⁴⁴ See CSD website.

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.

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.⁴⁵

⁴⁵ 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

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 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

violation which constitutes a severe and imminent threat to the health or safety of students. (Ed. Code, §47607(g).)

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).⁴⁶

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

⁴⁶ 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).

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.

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.⁴⁷ 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.

⁴⁷ Established through LAUSD Board of Education Resolution 149/10-11

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.
- *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, 17th Floor
Los Angeles, CA 90017
(213) 241-5430
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 outside of the community, 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 CSD⁴⁸.

⁴⁸ Charter Schools that seek to expand to additional locations outside of the community or move to a different community must undergo community interest and fiscal impact analysis pursuant to Education Code section 47607(a)(3).

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 one or more additional sites, or move any of its sites outside of the community 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 one or more additional sites, or move operations outside of the community, until a material revision has been granted.⁴⁹

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

⁴⁹ Charter Schools that seek to expand to additional locations outside of the community or move to a different community must undergo community interest and fiscal impact analysis pursuant to Education Code section 47607(a)(3).

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.
- 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.⁵⁰

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

⁵⁰ This section also applies to independent conversion charter schools.

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).

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.⁵¹

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.

⁵¹ 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.

- 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 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.

Appeal to California School Finance
Authority Board –
Charter School Facility Grant Program

Academy of Media Arts
(CDS: 19-64733-0139055)

Exhibit 2: CSFA Staff's Final
Determination

California School Finance Authority (CSFA)
Good Standing Confirmation Form
CHARTER SCHOOL FACILITY GRANT PROGRAM

Academy of Media Arts (19647330139055) has applied to the above CSFA Program(s). CSFA is requesting that the Chartering Authority provide a response to the declarations below to consider this school's eligibility for Program funds. An eligible Program Applicant must satisfy all three of the following conditions: 1) compliance with the terms of its Charter Agreement, 2) no pending or outstanding Notices of Violation described in Education Code (EC) §47607(g), and 3) no pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

An unreturned form will be presumed an acknowledgment that there are no outstanding compliance, violation, or revocation issues for **Academy of Media Arts**.

Please check all the boxes that apply:

1) Academy of Media Arts is NOT in compliance with the terms of its Charter Agreement with Los Angeles Unified School District.

If checked, please provide or attach an explanation:

Please see attached letter for additional information regarding the Charter School's Not in good standing.

2) Academy of Media Arts has one or more pending or outstanding Notices of Violation described in EC §47607(g).

3) Academy of Media Arts has one or more pending or outstanding Notices of Intent to Revoke described in EC §47607(h).

If 2 or 3 is checked, please select the basis for the Notice(s) from the following:

- Committed a material violation of any of the conditions, standards, or procedures set forth in the Charter Agreement.
- Failed to meet or pursue any of the pupil outcomes identified in the Charter Agreement.
- Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- Violated any provision of law.

If 2 or 3 is checked, please provide or attach an explanation:

4) At this time, Academy of Media Arts is in compliance with the terms of its Charter Agreement, has no pending or outstanding Notices of Violation described in EC §47607(g), and has no unresolved or outstanding Notices of Intent to Revoke described in EC §47607(h).

I hereby certify that to the best of my knowledge and belief, this information is true and correct. This form was completed based on information as of this date and does not reflect future determinations of compliance or violations.



Signature
José Cole-Gutiérrez

Printed Name

10/14/2022

Date
Charter Schools Division Director

Title

The sole purpose of this form is to establish CSFA Program eligibility based on the date signed. This form is for internal use only.



LOS ANGELES UNIFIED SCHOOL DISTRICT CHARTER SCHOOLS DIVISION

333 South Beaudry Avenue, 20th Floor, Los Angeles, CA 90017
Office: (213) 241-0399 ♦ Prop. 39: (213) 241-5130 ♦ Fax: (213) 241-2054

ALBERTO M. CARVALHO
Superintendent

VERONICA ARREGUIN
Chief Strategy Officer

JOSÉ COLE-GUTIÉRREZ
Director, Charter Schools Division

October 14, 2022

To Whom It May Concern:

Academy of Media Arts (Charter # 2038, CDS Code 19647330139055, with the charter term expiring June 30, 2026¹) (“Charter School” or “AMA”) is currently operating as a charter school authorized by the Los Angeles Unified School District (“LAUSD”) Board of Education.

LAUSD acknowledges that, at this time, the Charter School’s charter is active, but its charter is currently **not in good standing** with LAUSD. Moreover, the Charter School has not taken all the required corrective measures to address and cure its non-compliance with all applicable law, *LAUSD Policy and Procedures for Charter Schools* (“Policy”), and terms of the operative charter. As of this date, the Charter School does not have a pending revocation issued by LAUSD, however, the District has communicated with the charter school that AMA’s current breach meets criteria for the District to initiate revocation action. The District will review the Charter School’s plan and any additional relevant information (i.e., pertaining to Charter School’s performance and operations, etc.), to further assess appropriate action(s) and timing.

On August 2, 2022, the LAUSD Board of Education (“Board”) considered AMA’s material revision request to locate to a new facility located at 345 S. Figueroa St., Los Angeles, CA 90071 (“Figueroa Site”) and the Board denied AMA’s request accordingly for the multiple reasons noted in the Board materials and discussion. On August 15, 2022, AMA’s first day of instruction of the 2022-2023 school year, the CSD staff conducted a site visit to the Figueroa Site and confirmed that AMA’s school operations were being held at that unapproved site. Thus, the CSD issued a Notice to Cure on August 15, 2022, requesting that AMA cure and remediate the specific violation of unauthorized move to the Figueroa Site, which remains uncured at the time of this letter. As part of its ongoing oversight, LAUSD will continue to monitor the Charter School’s compliance with law, Policy, and terms of the operative charter.

LAUSD reserves the right to issue additional corrective actions and/or initiate revocation proceedings at any time pursuant to LAUSD’s oversight rights and obligations, which may be related but not limited to results of audits, investigations, or special reviews by LAUSD, its Office of the Inspector General (“OIG”), and/or other agencies. Charter schools may be randomly audited by the OIG, and the Charter School may or may not have been audited.

LAUSD’s statement regarding the Charter School’s current standing as a charter school is limited to the foregoing. Nothing herein shall be interpreted as an affirmation, representation, guarantee, warranty, claim, prediction, or otherwise by LAUSD regarding any other issues related to the Charter School, including, but not limited to, its past, present, or future finances (e.g., revenues, expenses, assets, liabilities, budgets, etc.), legal claims or disputes, other items pertaining to its operation as a charter school, or its standing as a charter school at any time after this date.

Sincerely,

José Cole-Gutiérrez, Director
Charter Schools Division

c: Marla Willmott
Lillian Lee
Christine Kae
Sally Ngov

¹ This expiration date includes the automatic extension enacted by AB 130, which added Section 47607.4 to the California Education Code to extend the charter term of all charter schools whose term would otherwise expire on or between January 1, 2022, and June 30, 2025, inclusive, by two years.



CALIFORNIA SCHOOL FINANCE AUTHORITY

300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
p (213) 620-4608
f (213) 620-6309

901 P. Street, Suite 313-B
Sacramento, CA 95814
p (916) 651-7710
f (916) 651-7709

csfa@treasurer.ca.gov
www.treasurer.ca.gov/csfa

MEMBERS

FIONA MA, CPA, CHAIR
State Treasurer

TONY THURMOND
*State Superintendent of
Public Instruction*

JOE STEPHENSHAW
Director of Finance

EXECUTIVE DIRECTOR
Katrina M. Johantgen

August 1, 2023

Dana Hammond
Chief Executive Officer
Academy of Media Arts
345 S. Figueroa Street
Los Angeles, CA 90071

Via Email: dana.h@academyofmediaarts.org

Dear Mr. Hammond:


Staff has considered the appeal response provided by the school and consistent with Charter School Facility Grant Program (Program) Regulations, staff must uphold its original determination of ineligible. Representatives from Los Angeles Unified School District (District) provided certification stating that Academy of Media Arts (CDS: 19-64733-0139055) was not in good standing and/or not in compliance with the terms of its charter during the 2022-23 Funding Round. A copy of the associated form and letter are attached.

Pursuant to Program regulations §10170.3(f), a charter school is eligible for a grant if the charter school is in "good standing with it's the chartering authority and is in compliance with the terms of its charter at the time of application submission, and without interruption throughout the term of the grant." Furthermore, the Authority has not received any superseding information from the District to reverse this determination.

Pursuant to Program regulations section 10170.10(d), the applicant may appeal staff's final determination to the Board, by submitting a letter of appeal within 30 calendar days from the date of this notice, August 31, 2023.

Should you have any questions or need additional information, please feel free to contact SB740@treasurer.ca.gov.

Sincerely,

DocuSigned by:

B15FADD9619E1A9...

Ryan Storey
Staff Services Manager I