



LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

Report Number:	216 – 09/10
Date:	February 9, 2010
Subject:	State Board of Education Attendance Boundary Waiver Request for Charter School Operators in the Public School Choice Resolution
Responsible Staff:	
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BOARD REPORT

Action Proposed: Staff requests two waivers of portions of California Education Code section 47605.

Waiver A

Requesting a limited waiver of a portion of California Education Code section 47605 (d) (1) which presently reads:

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (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 public school. [Underscoring added for emphasis.]

Waiver B

Requesting a waiver of California Education Code Section 47605(d)(2)(A) which presently reads:

(d)(2)(A) A charter school shall admit all pupils who wish to attend the school.

The District requests the State Board of Education waive the application of the above underscored language of Education Code section 47605(d)(1) and section 47605(d)(2)(A), applicable only to charter schools operating under the Los Angeles Unified School District's Public School Choice program.

These waivers would apply only to those charter schools specifically approved by the District's Board of Education to operate a District campus under the Public School Choice Resolution (PSC) process and those charter



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schools executing the District's contract for the operation of the PSC designated campus. The waivers would be valid for that period of time authorized by law or coterminous with the term of the charter school's respective charter petitions and any subsequent renewals of their respective charter petitions provided the school remains a PSC school, whichever term shall expire first.

The waivers are needed to lawfully require a charter school to provide first preference in enrollment to students based on their residency within the attendance boundaries of a particular PSC campus. The bond measures providing the funds for the construction of new schools or the modernization of existing schools stated that those funds would be used to provide overcrowding relief to certain schools and neighborhoods. In order to insure compliance with statutes and regulations related to the use of these bond funds and provide the relief to the schools and neighborhoods as intended when the voters approved the bond measures, the operators of PSC campuses must provide first preference in enrollment to students based on their residency (or the student's parent or legal guardian) within the attendance boundaries for the particular PSC campus it is awarded to operate.

Under these waivers, students from the designated attendance area will be given first choice to attend the PSC campus. Thereafter, any remaining available seats will be filled with any student who wishes to attend the PSC campus pursuant to the requirements of Section 47605(d)(1) and 47605(d)(2)(B).

We are working with the State department of education personnel to ensure proper wording of the waiver and there could be slight modifications to the language, as needed, without changing spirit or intent of the waiver.

Background:

As part of the Board of Education's PSC Resolution, any applicant selected to operate a school must assure that they will enroll the requisite number of students from the impacted campuses that the new and underperforming school is intended to relieve, and that the students coming from the attendance areas of the designated overcrowded schools including students with disabilities will be served first and foremost.

The waivers requested are limited to charter school applicants and their respective charter agreements selected under the PSC Resolution process.

Expected Outcomes:

Charter School applicants selected in the PSC process will enroll students from district schools that the PSC school is intended to serve and/or relieve, and that the students coming from the attendance areas of the designated overcrowded schools including students with disabilities will be served first and foremost.



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- Board Options and Consequences:** If a waiver is not submitted, and approved by the SBE, there is no legal assurance that charter school applicants awarded under PSC will be able to implement the first-priority enrollment to students from the attendance boundary.
- Policy Implications:** There is no change to District policy.
- Budget Impact:** The waiver, if approved, will help to facilitate the operation of schools identified by the PSC process by charter school operators. To the extent that more independent charter schools are created as a result of this waiver, District revenue and expenditure projections must be adjusted accordingly.
- Issues and Analysis:** N/A
- Attachments:** N/A
- Informative**
- Desegregation Impact Statement**

Respectfully submitted,

RAMON C. CORTINES
Superintendent of Schools

APPROVED &
PRESENTED BY:

José J. Cole-Gutiérrez
Director, Charter Schools
Innovation and Charter Schools
Division

APPROVED BY:

JAMES MORRIS

REVIEWED BY:

DAVID HOLMQUIST

General Counsel

- No legal issues
- Legal informative

REVIEWED BY:

YUMI TAKAHASHI

Budget Director

- No budget issues
- Budget Informative