

**LOS ANGELES UNIFIED SCHOOL DISTRICT
Charter Schools Policy – Working Draft**

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INTRODUCTION

1
2 In pursuing its mission, the Board of Education for the Los Angeles Unified School
3 District (LAUSD) is committed to providing a wide range of schools and programs to
4 meet the diverse educational needs and priorities of all students and families it has the
5 privilege to serve. Charter schools are valuable partners and among the diverse choices
6 the District offers to advance its mission, help students achieve college preparedness and
7 career readiness, and to encourage positive transformation in public education.

8 The Board of Education approved its first charter school in 1993, shortly after charter
9 legislation went into effect. In March of 2006 the District approved its 100th charter
10 school, becoming the first school district in the nation to authorize 100 charter schools.
11 As of the 2008-09 school year, the District has 148 charter schools in operation serving
12 approximately 57,000 students. Many charter schools have been and continue to be
13 helpful in raising student achievement, relieving overcrowding, providing choice to
14 parents, and serving as “laboratories” for sound and innovative educational and
15 operational practices.

16
17 In the years since the initial charter school legislation was passed, many lessons have
18 been learned nationally and statewide about the roles of authorizing agencies, charter
19 membership organizations, and advocacy groups, among others, in how to support
20 Quality. The emerging philosophy among charter school stakeholders and authorizing
21 agencies, including LAUSD, is that quality charter schools should be fostered and help
22 with replication of promising practices, and that poor performing charter schools should
23 be closed.

24
25 Therefore, the Board of Education is committed to partnering with the community to
26 create quality charter schools and understands that a quality authorizer engages in
27 fiduciary oversight of charter schools by ensuring that schools have both the autonomy to
28 which they are entitled and the public accountability for which they are responsible. In
29 doing so, as the second largest district in the nation and largest charter school authorizer
30 in the nation, the District aspires to further the intent of the California Charter Schools
31 Act by applying lessons learned from charter schools, and reciprocally from District
32 schools, to support and foster success in all of its public schools and for all of its students.
33

LAUSD's CHARTER SCHOOL AUTHORIZING RESPONSIBILITIES

34
35 LAUSD is responsible for creating a comprehensive set of policies and procedures that
36 align with primarily core authorizer functions:

- 37
38
- 39 • Analysis of new charter school applications
 - 40 • Ongoing oversight and evaluation of school performance
 - 41 • Charter renewal decision-making

42 While the core functions of an authorizer can be summarized into the simple statements,
43 they are complex and often interconnected. Further, they include the critical element of
44 collecting the “promising practices” and innovations from charter schools to help

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45 accelerate improvements throughout the system so that all students have access to a
46 quality public education. This framework is intended to guide the Board of Education in
47 developing and implementing a coordinated and coherent approach to fulfilling its
48 authorizing responsibilities effectively and ensuring the quality of the schools it charters,
49 including the replication of promising practices.

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50
51 In doing so, the Board of Education:

- 52
- 53 • Approaches authorizing deliberately and thoughtfully with the intent to improve
- 54 student achievement and offer diverse, quality public school choices to the
- 55 community;
- 56 • Strives for clarity, fairness, rigor, and transparency in authorizing actions and
- 57 decisions;
- 58 • Serves as a source of accurate, performance-based information about the schools
- 59 they oversee; and,
- 60 • Makes the well-being of students and high regard for the public trust the
- 61 fundamental values informing all authorizing actions and decisions.
- 62

63 Taken together, the policies contained in this document support the Board of Education in
64 making informed decisions that are in the best interests of students and the public, and
65 fulfilling its authorizing tasks in a responsible manner, with a focus on quality.
66 Furthermore, when the Board of Education authorizes a charter school, it establishes a
67 partnership towards the realization of a common vision and mission for all students
68 entrusted to its care.
69

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LAUSD VISION

70
71 Every LAUSD student will receive a state-of-the-art education in a safe, caring
72 environment, and every graduate will be college-prepared and career-ready.
73
74

LAUSD MISSION

75
76 Los Angeles Unified School District will provide high quality instruction and a coherent
77 and rigorous curriculum in every classroom to facilitate student learning and
78 achievement.
79

THE CHARTER SCHOOLS ACT OF 1992: THE INTENT OF THE LEGISLATION

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80
81 The Charter Schools Act of 1992 states that charter schools are intended “to provide
82 opportunities for teachers, parents, pupils, and community members to establish and
83 maintain schools that operate independently from the existing school district structure, as
84 a method to accomplish all of the following” (E.C. § 47601):
85

- 86 A. Improve pupil learning.
- 87 B. Increase learning opportunities for all pupils, with special emphasis on expanded
- 88 learning experiences for pupils who are identified as academically low achieving.
- 89 C. Encourage the use of different and innovative teaching methods.
- 90 D. Create new professional opportunities for teachers, including the opportunity to
- 91 be responsible for the learning program at the school site.
- 92 E. Provide parents and pupils with expanded choices in the types of educational
- 93 opportunities that are available within the public school system.
- 94 F. Hold the schools established under this part accountable for meeting measurable
- 95 pupil outcomes, and provide the schools with a method to change from rule-based
- 96 to performance-based accountability systems.
- 97 G. Provide vigorous competition within the public school system to stimulate
- 98 continual improvements in all public schools.
- 99

GUIDING EXPECTATIONS AND PRIORITIES FOR CHARTER OPERATORS

100
101 The Board of Education expects charter schools to fulfill the intent of the Charter Schools
102 Act as stated in Education Code § 47601 et seq. Charter schools shall operate under the
103 provisions of their approved charters, federal laws, specified state laws, LAUSD Charter
104 Policy, and general oversight of the Board of Education.

105
106 A charter is granted by Board of Education and sets forth specific goals and operating
107 procedures for the charter school. Charter schools will comply with District policy
108 related to charter schools, as it may be amended from time to time. **[DRAFTING NOTE:**
109 **LANGUAGE MOVED TO ANOTHER SECTION]**

110
111 Material revisions to the provisions of a charter require Board approval. The
112 Superintendent or designee shall develop and implement Memoranda of Understanding
113 between the District and the charter school to stipulate terms pertaining to specific
114 matters and/or procedures. Such examples include, but are not limited to, Special
115 Education services and funding, insurance requirements, and dispute resolution
116 provisions.

117
118 In accordance with the California Charter Schools Act of 1992, the Board of Education,
119 in its role as a charter school authorizer, views the highest purpose of charter school
120 authorizing as a means to improve student achievement. Secondly, through the
121 authorization of quality charter school choices, the Board of Education seeks to
122 accelerate improvement in all LAUSD schools so that every child has access to a high
123 quality public education. The well-being of students and high regard for the public trust
124 are the fundamental values informing all authorizing decision making and actions.

125
126 Within the context of the Intent of the California Charter Schools Act, the Board of
127 Education expresses the following expectations for the authorization, oversight, and
128 renewal of quality charter schools.
129

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Deleted: As a result of new legislation is passed at the State and Federal levels and as lessons are learned about effective charter school operation and oversight, the District has found it necessary to update its policy for charter schools operating under its jurisdiction. Amendments to the Board of Education's Charter Schools Policy will occur according to Board of Education Rules and as part of the public policymaking process. Any such policy changes will be effective for all charters on a date certain set forth by the Board of Education. When there are inconsistencies between the policies and charter language the Charter Schools Policy will prevail. Administrative procedures will be updated to ensure conformity to amendments in the Charter Schools Policy.

The Board of Education authorizes the Superintendent or designee (Charter Schools Division) to develop and implement administrative procedures for charter school including, but not limited to, authorization, oversight, and renewal consistent with Board of Education policy and applicable charter school law. Administrative procedures may be amended as deemed necessary by the Superintendent or designee consistent with Board of Education policy and applicable charter school law. The Superintendent of designee will work with approved charter schools in operation to provide as much advance notice as possible and at a minimum of at least 30 business days.

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130 A. IMPROVE PUPIL LEARNING

131

132 The Board of Education expects charter schools to take full advantage of the
133 freedoms they are afforded under the law to increase student achievement to a higher
134 level and at a faster rate than comparable District schools. This high standard is
135 meant to help foster promising practices and accelerate student achievement in all of
136 the District's schools. Further, beyond solely comparing charter schools to District
137 schools, the Board of Education appreciates the diversity of charter school programs
138 it authorizes and will consider their respective unique programs and their progress
139 towards goals set forth in their approved charter petitions.
140

141 B. INCREASE LEARNING OPPORTUNITIES FOR ALL PUPILS, WITH SPECIAL EMPHASIS ON
142 EXPANDED LEARNING EXPERIENCES FOR PUPILS WHO ARE IDENTIFIED AS
143 ACADEMICALLY LOW ACHIEVING
144

145 The Board of Education expects charter schools to represent the diversity of the
146 District community's student demographics, and demonstrate a primary commitment
147 and specific outreach plan to attract and serve all students, especially in traditionally
148 underserved populations (English Learners, Latino and African American students,
149 students with disabilities, and students eligible for free and reduced-price lunch).
150

151 C. ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE TEACHING METHODS
152

153 The Board of Education expects charter schools take full advantage of the freedoms
154 they are afforded under the law to explore creative instructional practices and/or
155 improve existing models to increase achievement for all students. To support
156 achievement of this goal, charter schools are expected to develop effective methods
157 to use and analyze student performance data to drive continuous improvement and to
158 provide effective means for professional development.
159

160 D. CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS, INCLUDING THE
161 OPPORTUNITY TO BE RESPONSIBLE FOR THE LEARNING PROGRAM AT THE SCHOOL SITE
162

163 The Board of Education expects charter schools to develop leadership and
164 professional development opportunities for teachers to have influence over their
165 work, improve their craft, increase student achievement, and advance the school's
166 mission. In creating new professional opportunities, charter schools are expected to
167 engage teachers, as well as parents and community stakeholders, to develop a
168 collaborative school-site leadership and ethical governance model.
169

170 E. PROVIDE PARENTS AND PUPILS WITH EXPANDED CHOICES IN THE TYPES OF
171 EDUCATIONAL OPPORTUNITIES THAT ARE AVAILABLE WITHIN THE PUBLIC SCHOOL
172 SYSTEM
173

174 The Board of Education expects charter schools to provide expanded choices of
175 quality and safe public schools that are uniquely designed to serve targeted

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Comment: NOTE: We are examining alternative language that places greater emphasis on charter schools increasing student achievement consistently over the term of their charters (analysis of both growth and absolute performance) versus simple comparisons to non-charter district schools. This would include student cohort analysis to assess how students are moving toward proficiency and advanced.

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Comment: NOTE: The Office of General Counsel is working on a legal opinion, per Ms. Garcia's request, regarding the expectation that charter schools have a strategic outreach plan for outreach and to be within certain ranges (i.e., as drafted in the renewal criteria and findings document). Further, to Ms. LaMotte's request, the Office of General Counsel will continue to review the policy draft in total and advise on any legal matters.

176 communities and populations, as well as demonstrate a level of performance that
177 exceeds comparable District schools. To support the expansion of quality, safe
178 educational choices, charter schools are expected to provide a safe learning
179 environment and adequate facilities for students and their families.
180

181 F. HOLD THE SCHOOLS ESTABLISHED UNDER THIS PART ACCOUNTABLE FOR MEETING
182 MEASURABLE PUPIL OUTCOMES, AND PROVIDE THE SCHOOLS WITH A METHOD TO
183 CHANGE FROM RULE-BASED TO PERFORMANCE-BASED ACCOUNTABILITY SYSTEMS
184

185 The Board of Education, as the authorizing entity, is responsible for creating a clear,
186 rigorous, transparent, and fair system of oversight and accountability that emphasizes
187 performance. The oversight system will respect the autonomy entrusted to charter
188 schools under the law and hold schools accountable for student performance and
189 fulfillment of their approved charter. The District will also ensure adherence to
190 applicable laws and regulations.
191

192 G. PROVIDE VIGOROUS COMPETITION WITHIN THE PUBLIC SCHOOL SYSTEM TO
193 STIMULATE CONTINUAL IMPROVEMENTS IN ALL PUBLIC SCHOOLS
194

195 Through the abovementioned expectations and accompanying results, the Board of
196 Education expects to stimulate healthy competition and shared knowledge throughout
197 the District and the greater Los Angeles area for the benefit of all students. In order
198 to implement the “promising practices” component of the Charter Schools Act, the
199 District will collaborate with charter schools to share effective practices and
200 opportunities for professional development and create the conditions across the
201 District to accelerate improvement in all schools.
202

203 LAUSD individual charter schools and the charter school community share a
204 responsibility for fulfilling these expectations across the charter schools authorized by the
205 Board of Education. Decision making and actions regarding authorization, oversight, and
206 renewal for individual charter schools will focus on improving student achievement,
207 increasing access for underserved populations, fulfilling the goals of the charter, and
208 creating the conditions necessary for fulfilling these expectations (i.e., governance,
209 finances, facilities, and human resources).
210

211 **POLICIES FOR CHARTER SCHOOL APPLICATION PROCESS**
212

213 **PURPOSE OF APPLICATION PROCESS**

214 The Board of Education strives to grant charters only to governing boards that
215 demonstrate strong capacity for establishing and operating a quality charter school. The
216 charter school application process and timelines are designed to comply with Education
217 Code §47605, et seq. and is meant to provide prospective petitioners with a clear road
218 map of and the requirements for charter school authorization in LAUSD beginning with
219 submission of the petition and ending with the final action before the LAUSD Board of
220 Education.

221 To meet the purposes of its charter school application process, the Board of Education
222 implements a transparent application process that follows fair procedures, rigorous
223 criteria, and clear decision-making processes.

224
225 The Board of Education shall authorize the Superintendent or other agents of the Board
226 as necessary to fulfill the application processes described herein. These processes are
227 delineated in the LAUSD Application for Charter School Authorization.

228
229 In determining whether to grant or deny a charter, the Board of Education shall carefully
230 review the proposed charter and any supplementary information, consider public and staff
231 input, and determine whether the charter petition adequately addresses all the provisions
232 required by law. The Board of Education shall not deny a charter school petition unless
233 specific written factual findings are made pursuant to law and administrative regulation.
234 If the Board denies a charter, petitioners may submit the petition first to the County
235 Board of Education and then, if denied by the County Board of Education, to the State
236 Board of Education.

237
238 Any charter granted by the Board of Education shall contain adequate processes and
239 measures for holding the school accountable for fulfilling the terms of its charter. These
240 shall include, but not be limited to, multiple measures and metrics to evaluate student
241 achievement and educational performance; public governance and organizational
242 management; fiscal operations; resolution of parent complaint systems; and student
243 outreach efforts and demographics. The Superintendent or designee may inspect or
244 observe any part of the charter school at any time, including audits by the Office of
245 Inspector General. (Education Code § 47607; Code of Federal Regulations 0500 -
246 Accountability).

247
248 All independent charter schools operating in the District will operate as, or be operated
249 by, a nonprofit public benefit corporation, formed and organized pursuant to the
250 California Nonprofit Corporation Law and have tax exempt status under Section
251 501(c)(3) of the Internal Revenue Service. The Board of Education may choose to
252 exercise its right to place a representative on any charter school's governing board at any
253 time. The Board may select any individual it deems appropriate to serve in this capacity
254 and to determine whether that person will be an ex-officio member on the charter school's
255 board. (Education Code § 47604)

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256
257 The Board shall not require any student to attend a charter school and shall not require
258 any Board employee to work at a charter school. (Education Code, § 47605)

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260 Governing Boards

261 The ability of a charter school to carry out its mission depends greatly upon the strength
262 of its governing board. Research has demonstrated, for example, that an effective board
263 provides strategic direction for the school; ensures the terms of the charter are being
264 executed; selects and supports strong school leaders; and ensures the school's
265 instructional, financial, operational, and legal soundness. The LAUSD Board of
266 Education expects charter school applicants to demonstrate evidence of a governing

267 board that has both the commitment and expertise to faithfully carry out the fiduciary
268 responsibility entrusted to them.

269 Charter schools and/or their non-profit corporation will be solely responsible for the debts
270 and obligations of the charter school. The charter school's governing board will comply
271 with the Ralph M. Brown Act.

272 Charter School Expansion/Replication
273 As stated previously in this policy, the Board of Education is committed to fostering
274 quality charter schools and replicating promising practices. Often, existing charter school
275 operators submit charter school applications to expand and replicate their educational
276 model. In such cases, the charter school operators will submit all required information as
277 part of the application process. Given that the applicant has at least one existing school
278 in operation, as part of the evaluation process, District staff will assess the school's
279 capacity to expand additional sites based on the school's/organization's record of
280 performance in their existing schools. These areas are consistent with the District's
281 oversight performance evaluations and are documented as part of the school's
282 performance record: student achievement and educational performance; governance and
283 organizational management; fiscal operations, and fulfillment of the charter. Further
284 information is provided in the LAUSD Application for Charter School Authorization.
285
286
287

288
289 **[DRAFTING NOTE: Code of Ethics forthcoming]**

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290 DEFINITIONS

291 To provide clarity for readers of this policy, the following basic definitions apply to
292 identify the types of charter schools LAUSD authorizes.

293 Independent Charter School

294 An independent charter school is one that operates independently of LAUSD in almost all
295 respects. These charter schools have the greatest degree of flexibility to design and
296 implement the goals and procedures described in their charter petition. They are
297 recognized by the State as their own Local Education Agency (LEA) for certain purposes,
298 and may be either locally or direct funded. Direct-funded charter schools obtain their
299 general purpose block grant from the State of California through the County Office of
300 Education. Locally-funded charter schools obtain their general purpose block grant from
301 the State of California through the District. They are deemed public schools of the
302 District as part of the LAUSD Special Education Local Plan Area (SELPA). The charter
303 petition will state whether the school is the exclusive employer of its employees.
304
305

306 Dependent (Affiliated) Charter School

307 An affiliated charter school is a charter school that functions under the auspices of
308 LAUSD. With respect to funding, LAUSD continues to administer all funding programs,
309 including the Categorical Block Grant. Employees of affiliated charter schools are
310 LAUSD employees and are members of its collective bargaining units. Affiliated charter
311 schools generally have greater flexibility in their instructional programs, choice of
312

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Deleted: An affiliated charter school is a semi-autonomous charter school that operates much like a regular LAUSD school with respect to its policies and procedures. With the exception of the Categorical Block Grant, the funding for these charter schools continues to be administered by LAUSD. Most affiliated charter schools are locally funded. Employees of affiliated charter schools are LAUSD employees and are members of its collective bargaining units. Affiliated charter schools generally have flexibility in their instructional programs, mission & vision, and related matters. These are outlined clearly in their charter petitions.

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313 curricular materials, governance structure, staffing procedures, and enrollment processes
314 as outlined in their approved charter petitions.

315
316 Start-Up Charter School

317 A start-up charter school is a school that begins its existence with the approval of its
318 charter petition.

319
320 Conversion Charter School

321 A conversion charter school is one that existed as a regular LAUSD school and converted
322 to charter status. In its charter petition, a conversion school identifies whether it will
323 convert as an “independent” or “affiliated” school.

324
325 It should be noted that more than one of the defined terms may apply to a charter school.
326 For example a school may be an “independent start-up” charter school, an “affiliated
327 start-up” charter school, or an “independent conversion” charter school.

328
329 **APPLICATION CRITERIA**

330 In accordance with the Law, the Board shall only approve charter school applicants that
331 present sound plans in accordance with applicable laws, regulations and rules, for
332 establishing and operating a quality public school in the State of California. These
333 criteria are delineated in the LAUSD Application for Charter School Authorization.

334
335 The Board of Education reserves the right to consider approval on the basis of a one-year
336 delay in the commencement of charter school operation. The charter school’s operative
337 date (term) could be deferred up to a full school year cycle based upon the timing of the
338 charter petition approval and consideration of when the charter school can demonstrate
339 readiness to operate by completing requirements defined in the Charter School Pre-
340 Opening Checklist. This includes providing evidence of secured facility with an
341 appropriate Certificate of Occupancy (COO) at a minimum of 45 days prior to a proposed
342 opening date. If the school chooses to obtain a facilities from the District under
343 Education Code § 47614 (otherwise known as Proposition 39), the District will work with
344 the school following Board of Education approval of their petition to provide space for an
345 opening in the subsequent year.

346
347 The Board may interpret failure to open an approved charter school for more than two
348 years following Board approval as evidence of inability to implement the charter school's
349 educational program.

350
351 Additionally, the Board of Education recognizes that charter schools can help alleviate
352 some of the problems typical of large urban districts, such as overcrowding and low
353 student achievement in underserved communities. The Board of Education may
354 proactively use the charter school model to advance the District’s strategic goals,
355 mission, and vision, such as relieving overcrowding. LAUSD may identify potential
356 partners for development of specific projects by, among other means, direct contact with
357 potential petitioners, proposals submitted by potential petitioners, or a request for
358 proposal process. Any such proposals (i.e., Request for Proposals) will be created and

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359 publicly disseminated with specific guidelines, timelines, and a delineated process to
360 address the specific goals and needs of the desired project.

362 **SUPPORT AND RESOURCES FOR APPLICANTS**

363 The Board of Education recognizes that the charter school application process is rigorous
364 and that fulfilling the requirements and meeting the criteria for approval is a challenging
365 endeavor. However, the Board of Education is unwavering in its demands of applicants
366 and believes that a rigorous application process is needed to ensure that only applicants
367 with strong potential to open a quality charter school are granted the authority to do so.

369 In order to support applicants in understanding and successfully fulfilling the
370 requirements of the charter school application process, District staff will:

- 372 • Host informational sessions to explain the charter school application process and
373 criteria for charter approval;
- 374 • Post all application materials on the Charter Schools Division's website for public
375 review;
- 376 • Answer technical questions about the charter school application process and its
377 requirements;
- 378 • Provide lists of external organizations/resources that may offer direct technical
379 assistance to applicants in developing their school plans.

384 The Board recognizes that charter schools are independent of the District, but shall
385 endeavor to structure relationships between charter schools and the District that stimulate
386 continual improvements in all public schools. The Board expects charter developers to
387 create their charter proposals independently from the District as one indication of their
388 readiness to operate a charter school.

390 As the charter school application process is intended to evaluate the applicant's capacity
391 to establish and operate a quality school, the Board of Education and its agents shall not
392 develop, write, specify or otherwise produce components of an applicant's application.
393 [Note: As referenced previously in this policy, Memoranda of Understanding developed
394 by the District to stipulate terms pertaining to specific matters and/or procedures will be
395 established as a requirement of LAUSD charter school applications and an expectation
396 for all charter petitions approved by the Board of Education.] The petition process will
397 be completed in its entirety, upon which time District staff will make their findings and
398 present a recommendation to the Board of Education. District staff will communicate
399 with applicants as to the results of the analysis and next steps in preparation for action by
400 the Board of Education. As indicated earlier in this policy, the Board and its agents shall
401 indicate the criteria for a quality application and may, upon the sole discretion of the
402 Board of Education and its agents, inform potential applicants of weaknesses in proposed
403 application materials and contents.

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405 In cases where the Board of Education or its agents have identified partners with whom
406 to develop a specific charter application to advance a District goal (as referenced above),
407 the Board of Education may use its discretion to direct staff to work with the charter
408 partner to co-develop the concept, plan, and application.
409

410 The Board of Education or designee may, depending upon the facts of particular cases,
411 consider multiple re-submissions of a charter petition from petitioner team (i.e., due to
412 insufficiently meeting standards set forth by the Board of Education and administrative
413 procedures), as a factor in determining the capacity of the petitioners to successfully
414 implement the program set forth in the proposed charter.
415

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416 The Superintendent or designee may work with charter school operators to establish
417 workable plans for technical assistance or other contracted services, after a charter is
418 granted, which the District may provide to charter schools on a fee-for-service basis.
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POLICIES FOR DISTRICT OVERSIGHT OF CHARTER SCHOOLS

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422
423 As a charter school authorizing entity, the Board of Education is responsible for ensuring
424 the charter school meets its performance goals and adheres to all applicable laws and the
425 terms of its charter. Education Code § 47604 et. seq. set forth minimum duties for the
426 authorizer and specifically requires a charter school to respond to reasonable requests for
427 information from its charter authorizer and from the State Superintendent of Public
428 Instruction. The Board of Education shall authorize the Superintendent or other agents of
429 the Board as necessary to fulfill the oversight process. These processes are delineated in
430 the LAUSD Charter School Oversight Procedures.
431

432 Consistent with the intent of the legislation, the District's oversight will emphasize
433 charter school performance. Thus, the Board of Education and its agents expect to work
434 with charter schools in a manner whereby the applicable areas of compliance are
435 addressed as efficiently and prudently as possible so that the majority of the relationship
436 between with the District and charter school is based on discussion of student
437 achievement.
438

439 Furthermore, the Board of Education recognizes and values the diverse portfolio of
440 charter schools it has authorized to help address the diverse needs of students and
441 families. Accordingly, oversight policies and procedures must take into account the
442 diversity of charter schools serving LAUSD students and the terms and goals set forth in
443 the approved charter petitions. The oversight system will respect the autonomy entrusted
444 to charter schools under the law and hold schools accountable for increased student
445 achievement and fulfillment of their approved charter.
446

DATA SHARING

447 As a component of District-wide goals to increase accountability, transparency, and
448 support for all schools, LAUSD began issuing school-level report cards in January, 2009,
449 including some charter schools. This initiative is intended to serve all public schools and
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451 their communities, and the Board of Education directs the Superintendent or designee to
452 work with charter schools to ensure implementation of the District Report Card include
453 all charter schools beginning in the 2009-10 school year. To facilitate this process, the
454 District and charter schools shall establish mechanisms for data sharing, including, but
455 not limited to, integration of charter schools on the District's Student Information System
456 (SIS) and forthcoming Integrated Student Integration System (ISIS); and periodic
457 reporting of data to the District's Planning and Assessment Division.

458
459 As a binding requirement of the Chanda Smith Modified Consent Decree (MCD), all
460 public schools in the District, including charter schools, are required to utilize ISIS (as
461 well as Welligent, currently available and in use). Therefore, District and charter schools
462 staff shall establish, execute, and sustain an action plan to ensure all charter schools
463 comply with this data sharing requirement. The Board of Education views more effective
464 data sharing as an opportunity to advance the District's efforts to meet or exceed the
465 terms of the MCD; to assess charter school student-level performance longitudinally; to
466 increase efficiency in exchanging student cumulative records across schools, including
467 baseline data, where available. Ultimately, these efforts will assist all schools to support
468 increased student achievement for all students.

469
470 All Family Educational Rights and Privacy Act (FERPA) requirements shall be followed.

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POLICIES FOR CHARTER SCHOOL RENEWAL

474
475 Renewals of charters are governed by Education Code § 47607 et seq., which allows the
476 Board of Education to grant one or more subsequent renewals of charters it has
477 authorized. The Board of Education shall authorize the Superintendent or other agents of
478 the Board as necessary to fulfill the renewal processes. These processes and guidelines
479 are delineated in the LAUSD Charter School Renewal Procedures.

480
481 The Board of Education connects new charter approval to oversight and charter renewal
482 as part of a coherent approach to evaluating charter school performance. An approved
483 charter petition outlines specific accountabilities for the charter school, including
484 performance measures for students, and sound fiscal, operational, and governance
485 practices. The ongoing oversight performed by District staff during the school's term
486 monitors progress towards and adherence to these specific accountability measures, as
487 well as applicable laws and regulations. Consistently positive reviews of the charter
488 school, supported by sound data, during the charter term should lead to renewal of the
489 charter. Conversely, negative school reviews, supported by sound data, may either
490 prompt revocation or non-renewal of the charter. In either case, there should be clarity
491 for the charter school at the time of renewal. The approved charter petition will serve as
492 the guiding accountability contract and aid in effective oversight as a record of
493 performance over the charter term. A charter school and District staff should know
494 exactly where the charter school stands at the time of renewal. Regulatory Note: The
495 California State Board of Education is in the process of developing regulations for the

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496 process of charter school revocations (2009) and will inform District practice in this area
497 at the time of adoption.

498
499 Superintendent or designee shall develop and implement Memoranda of Understanding
500 between the District and the charter school to stipulate terms pertaining to specific
501 matters and/or procedures. Such examples include, but are not limited to, Special
502 Education services and funding, insurance requirements, and dispute resolution
503 provisions.
504

505 **MINIMUM PERFORMANCE STANDARDS FOR CHARTER RENEWAL**

506 Education Code § 47607 sets minimum performance criteria for authorizers to consider
507 as part of its renewal decision-making process. After a charter school has been in
508 operation for four years, a charter school must meet at least one of the following criteria
509 to receive a charter renewal:

- 510 1. Attained its Academic Performance Index (API) growth target in the prior year or in two
511 of the last three years, or in the aggregate for the prior three years.
- 512 2. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last
513 three years.
- 514 3. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school
515 in the prior year or in two of the last three years.
- 516 4. (A) The school district or county office of education that granted the charter determines
517 that the academic performance of the charter school is at least equal to the academic
518 performance of the public schools that the charter school pupils would otherwise have
519 been required to attend, as well as the academic performance of the schools in the school
520 district in which the charter school is located, taking into account the composition of the
521 pupil population that is served at the charter school.
- 522 (B) The determination made pursuant to this paragraph shall be based on all of the
523 following:
- 524 (i) Documented and clear and convincing data
- 525 (ii) Pupil achievement data from assessments, including, but not limited to, the
526 Standardized Testing and Reporting (STAR) program for demographically similar pupil
527 populations in the comparison schools
- 528 (iii) Other information submitted by the charter school
- 529 (C) A chartering authority shall submit to the State Superintendent of Public Instruction
530 copies of supporting documentation and a written summary of the basis for any
531 determination made pursuant to this paragraph. The State Superintendent of Public
532 Instruction shall review the materials and make recommendations to the chartering
533 authority based on that review. The review may be the basis for a recommendation made
534 pursuant to Education Code Section [47604.5](#).
- 535 (D) A charter renewal may not be granted to a charter school prior to 30 days after than
536 charter school submits materials pursuant to this paragraph.
- 537 Renewals and material revisions of charters are governed by the standards and criteria in
538 *Education Code* Section 47605. Whenever a charter is renewed or a material revision is
539 granted, the charter petition must be revised to reflect any new requirement of charter
540 schools enacted into law after the charter was originally granted or last renewed.
- 541

542 If the following criteria are not met, a charter may not be renewed. If they are met, then a
543 renewal may be considered according to the process and guidelines set forth in the
544 LAUSD Charter School Renewal Procedures.

545
546 If charter school does not have at least four years of data at the time of their charter
547 renewal (for example, due to an initial term of fewer than 5 years or due to delayed
548 opening), the Charter Schools Division will evaluate the schools performance according
549 to the process and guidelines set forth in the LAUSD Charter School Renewal
550 Procedures, including the consideration of providing a recommendation to the Board of
551 Education for a material amendment to the charter to extend its term to the five-year
552 period allowed in Education Code § 47607 to allow for more student achievement data to
553 become available.

554
555 **BOARD OF EDUCATION DISCRETION**

556 At the time of consideration of a new charter petition or a charter renewal petition, the
557 Charter Schools Division will present an analysis of its findings, and a recommendation
558 for action by the Board of Education. The determination of whether a charter will be
559 granted or renewed will be based upon the requirements of the Education Code and
560 Board-approved policies and is within the sole purview and discretion of the Board of
561 Education.

562
563 **POLICY AND PROCEDURES AMENDMENT PROCESSES**

564 As a result of new legislation is passed at the State and Federal levels and as lessons are
565 learned about effective charter school operation and oversight, the District has found it
566 necessary to update its policy for charter schools operating under its jurisdiction.
567 Amendments to the Board of Education's Charter Schools Policy will occur according to
568 Board of Education Rules and as part of the public policymaking process. Any such
569 policy changes will be effective for all charters on a date certain set forth by the Board of
570 Education. When there are inconsistencies between the policies and charter language, the
571 Board of Education will determine how such inconsistencies are resolved and applied to
572 charter schools within the timeframe of the date certain specified for implementation of
573 new policies. Administrative procedures will be updated to ensure conformity to
574 amendments in the Charter Schools Policy.

575
576 The Board of Education authorizes the Superintendent or designee (Charter Schools
577 Division) to develop and implement administrative procedures for charter school
578 including, but not limited to, authorization, oversight, and renewal consistent with Board
579 of Education policy and applicable charter school law. Administrative procedures may
580 be amended as deemed necessary by the Superintendent or designee consistent with
581 Board of Education policy and applicable charter school law. The Superintendent of
582 designee will work with approved charter schools in operation to provide as much
583 advance notice of material changes as possible and at a minimum of at least 20 business
584 days.

DRAFTING NOTE: ADDITIONAL AREAS STILL IN DEVELOPMENT AND FORTHCOMING (i.e., Ethics, Facilities)

Legal Reference:

EDUCATION CODE

33054 Waivers
41365 - 41367 Charter School Revolving Loan Program
42100 Annual Statement of Receipts and Expenditures
42238.51-42238.53 Funding for Charter Districts
44237 Criminal Record Summary
44830.1 Certificated Employees, Conviction of a Violent or Serious Felony
45122.1 Classified Employees, Conviction of a Violent or Serious Felony
46201 Instructional Minutes
47600-47616.5 Establishment, Operation, Evaluation and Oversight of Charter Schools
47610 Education Code General Exemption and Exceptions
47640-47647 Special Education Funding for Charter Schools
47652 Funding of First-Year Charter Schools
48000 Minimum Age of Admission (Kindergarten)
48010 Minimum Age of Admission (First Grade)
48011 Minimum Age of Admission from Kindergarten or Other School
51745-51749.3 General Independent Study
52052 Alternative Accountability System
54032 Limited English or Low-Achieving Pupils
56026 Special Education
56145-56146 Special Education Services in Charter Schools
47600-47604.5 Charter School General Provisions
47605-47608 Establishment of Charter Schools
47610-47615 Charter School Operation
47616.5-47616.7 Notice
47620-47626 University Charter Schools
47630-47632.5 Funding - General Provisions
47633-47635 Funding - Charter School Block Grant
47636-47638 Funding - Other Operational Funding Available to Charter Schools
47640-47647 Funding - Special Education
47650-47652 Funding - Apportionment
47660-47664 Funding - Computations Affecting Sponsoring Local Educational Agencies
60605 Academic Content and Performance Standards; Assessments
60600-60618, 60630, 60640-60649 California Assessment of Academic Achievement; Standardized Testing and Reporting Program
60850-60859 California High School Exit Examination

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
5110-6910 California Corporations Code, Nonprofit Corporation Law
54950-54963 The Ralph M. Brown Act

PENAL CODE

667.5 Definition of Violent Felony
1192.7 Definition of Serious Felony

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter Schools
11960 Charter School Average Daily Attendance
11963, 11963.1, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6 SB740 Funding Determination
11969.1-11969.9 Charter School Facilities
11967.5 & 11967.5.1 Criteria for the Review and Approval of State Board Charter School
Petitions
11700, 11700.1, 11701, 11701.5, 11702-11705 Independent Study
11965 Definitions, including Satisfactory Progress and Private Schools
11969 Numbering of Charter School Petitions
11967 Appeals on Charter Petitions That Have Been Denied

UNITED STATES CODE, TITLE 20

6311 Adequate Yearly Progress
6319 Qualifications of Teachers and Paraprofessionals
8061-8067 Charter Schools Program
8071 Charter School Facilities

CODE OF FEDERAL REGULATIONS, TITLE 34

200 Accountability
ATTORNEY GENERAL OPINIONS
96-1206 Ops. Cal. Atty. Gen. (1997)
80 Ops. Cal. Atty. Gen. 52 (1997)

70 Ops. Cal. Atty. Gen. 297(1995)

WORKING DRAFT



Charter Policy Discussion

Charters and Innovation Committee

Thursday, February 18, 2009

Charter Facilities

Guiding Principles:

- **All** public school students deserve safe, high-quality learning environments
- Facilities **support** an instructional vision

Preliminary Components of Charter Facilities Policy

- Facilities Plan and Strategy Specified in Charter Petitions
- Standards and Oversight
- Proposition 39 implementation
- Long-term planning and solutions
 - Partnerships to meet common challenges
- Use and Allocation of Local Bond funding

Discussion

Questions?

Thank you.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Inter-Office Correspondence

INFORMATIVE

TO: Members, Board of Education

DATE: February 17, 2009

FROM: José J. Cole-Gutiérrez, Executive Director
Charter Schools Division

**SUBJECT: TEMPLATE CHARTER SCHOOL POLICY FROM THE CALIFORNIA
SCHOOL BOARDS ASSOCIATION**

Attached please find a sample board charter schools policy that the California School Boards Association (CSBA) provides school districts as a reference. CSBA provides support to school boards and districts across the state, such as advocacy and policy analysis. This template policy is being provided in response to a request from Board Member Canter at the January meeting of the Charters and Innovation Committee following my reference to the document in my presentation.

Many districts in California use this template as the basis of making their own charter schools policy and expand upon it to fit their needs. In developing an updated policy for the LAUSD Board of Education to consider, I have also consulted the CSBA document, and have forwarded our current draft to CSBA staff for input. To date, we have received positive initial feedback from CSBA staff indicating that the draft is "...very thorough and will serve as a model for other districts as they go through this process."

We are still engaging stakeholder input to improve our draft policy and accompanying criteria for the new petition process, oversight, and renewal, and are encouraged by this initial feedback from CSBA.

Should you have questions or comments, please contact me at (213) 241-3143 or jose.cole-gutierrez@lausd.net.

c: Ramón C. Cortines
Jefferson Crain
Judy Elliot
Dave Holmquist
Jim Morris
Randy Ross
Jerry Thornton

CSBA Sample Board Policy

Philosophy-Goals-Objectives and Comprehensive Plans

BP 0420.4(a)

CHARTER SCHOOLS

Note: The following policy is **optional**. Education Code 47600-47616.5 authorize the establishment of a capped number of public charter schools. Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the State Board of Education (SBE) to convert all its schools to charter schools and thus become a charter district.

Pursuant to Education Code 47610, charter schools are generally exempted from Education Code provisions governing school districts unless otherwise specified in law. Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Board.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to gather information about the proposal and suggest components that would align the petition with the district's vision and goals for student learning. As needed, he/she may work with the petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

Note: The following paragraph is **optional**. CSBA's publication [Charter Schools: A Manual for Governance Teams](#) suggests that a staff advisory committee is one method that can be used to obtain input on proposed charters.

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review a submitted petition and the supporting documentation. Such a committee may be used to evaluate the completeness of the proposal, the merits of the proposed educational program, the level of community support, and any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel as appropriate regarding compliance of the proposal with legal requirements.

(cf. 1220 - Citizen Advisory Committees)

Note: Education Code 47605 requires the Board to grant a charter as long as it is satisfied that granting the charter is consistent with sound educational practice. A charter can be denied only if certain factual findings are made; see the accompanying administrative regulation. Pursuant to Education Code 47605, if the district denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the SBE. 5 CCR 11967.5-11967.5.1 establish criteria for the SBE to use in reviewing and approving charter petitions.

CHARTER SCHOOLS (continued)

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

Note: The following paragraph is **optional** and may be revised to reflect district practice. Although not required by law, CSBA's publication Charter Schools: A Manual for Governance Teams recommends one or more memoranda of understanding (MOU) to address matters that are related to the charter petition, but are not included in the petition, and to establish expectations by which the charter school can be held accountable. The publication provides examples of issues pertaining to business operations, administrative and support services, special education, and student assessment that might be addressed in an MOU.

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school and adjusted as necessary.

The district shall not require any student to attend a charter school and shall not require any district employee to work at a charter school. (Education Code 47605)

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the Board.

(cf. 0500 - Accountability)

Note: Under the No Child Left Behind Act (20 USC 6311), charter schools are subject to the same federal Title I accountability requirements as all other public schools in the state, including requirements to make "adequate yearly progress" as defined by the SBE; see BP/AR 0520.2 - Title I Program Improvement Schools. U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, clarifies that the entity which authorizes the charter is responsible for ensuring that the charter school complies with accountability provisions.

The Board shall monitor each charter school to determine whether it makes "adequate yearly progress" as defined by the State Board of Education and federal Title I accountability requirements. If a charter school fails to make adequate yearly progress for two or more consecutive years, the Board shall take action for program improvement in accordance with law, Board policy, and administrative regulations.

(cf. 0520.2 - Title I Program Improvement Schools)

CHARTER SCHOOLS (continued)

Note: The following paragraph is **optional**. The intent and language of the state’s charter school law allow districts to convert their own schools into charter schools. In addition, whenever a school receiving Title I funds has failed to make “adequate yearly progress” for five consecutive years, the federal No Child Left Behind Act (20 USC 6316) requires that the district create a plan for restructuring the school, one option of which is to reopen it as a public charter school.

The Board may consider converting an existing school to a charter school when state or federal law requires restructuring of the school because of low performance or when otherwise deemed beneficial by the district and community.

*Legal Reference:*EDUCATION CODE*17280-17317 Field Act**17365-17374 Field Act, fitness for occupancy**33054 Waivers**41365 Charter school revolving loan fund**42100 Annual statement of receipts and expenditures**42238.51-42238.53 Funding for charter districts**44237 Criminal record summary**44830.1 Certificated employees, conviction of a violent or serious felony**45122.1 Classified employees, conviction of a violent or serious felony**46201 Instructional minutes**47600-47616.7 Charter Schools Act of 1992, as amended**47640-47647 Special education funding for charter schools**47652 Funding of first-year charter schools**48000 Minimum age of admission (kindergarten)**48010 Minimum age of admission (first grade)**48011 Minimum age of admission from kindergarten or other school**51745-51749.3 Independent study**52052 Alternative accountability system**54032 Limited English or low-achieving pupils**56026 Special education**56145-56146 Special education services in charter schools**60600-60649 Assessment of academic achievement, including:**60605 Academic content and performance standards; assessments**60640-60649 Standardized Testing and Reporting Program**60850-60859 High school exit examination*GOVERNMENT CODE*3540-3549.3 Educational Employment Relations Act**54950-54963 The Ralph M. Brown Act*PENAL CODE*667.5 Definition of violent felony**1192.7 Definition of serious felony*CODE OF REGULATIONS, TITLE 5*11700.1-11705 Independent study**11960-11969 Charter schools*

Legal Reference continued: (see next page)

CHARTER SCHOOLS (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress

6319 Qualifications of teachers and paraprofessionals

7223-7225 Charter schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

300.18 Highly qualified special education teachers

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

89 *Ops. Cal. Atty. Gen.* 166 (2006)

80 *Ops. Cal. Atty. Gen.* 52 (1997)

78 *Ops. Cal. Atty. Gen.* 297 (1995)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

CSBA: <http://www.csba.org>

California Building Standards Commission: <http://www.bsc.ca.gov>

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

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