

**BOARD OF EDUCATION OF THE CITY OF LOS ANGELES**  
**GOVERNING BOARD OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT**

**COMMITTEE OF THE WHOLE**  
333 South Beaudry Avenue, Board Room  
9:00 a.m., Tuesday, September 19, 2023

**Method for Accessing the Meeting and Providing Public Comment**

There are three ways members of the public may access this Committee Meeting: (1) online ([Granicus stream](#) or join the [zoom webinar](#)), (2) by telephone by calling (888) 475-4499 and entering the Meeting ID: **841 3628 9341**, or (3) in person.

The Board of Education encourages public comment on the items on this agenda and all other items related to the District. Any individual wishing to address the Board must register to speak using the Speaker Sign Up website: <https://boardmeeting.lausd.net/speakers>, and indicate whether comments will be provided over the phone or in person. Registration will open 24 hours before the meeting. A maximum of 15 speakers may sign up for general Public Comment. Each speaker will be allowed a single opportunity to provide comments to the Committee.

Speakers who do not register online to provide comments may use the following alternative methods to provide comments to Board Members:

- Email all Board Members at [boardmembers@lausd.net](mailto:boardmembers@lausd.net);
- Mail comments via US Mail to 333 S. Beaudry Ave., Los Angeles, CA 90017; and
- Leave a voicemail message at (213) 443-4472, or fax (213) 241-8953.  
Communications received by 5 p.m. the day before the meeting will be distributed to all Board Members.

Speakers registered to provide public comments over the phone need to follow these instructions:

1. Call (888) 475-4499 and enter Meeting ID: **841 3628 9341** at the beginning of the meeting.
2. Press #, and then # again when prompted for the Participant ID.
3. Remain on hold until it is your turn to speak.
4. Call in from the same phone number entered on the Speaker Sign Up website. If you call in from a private or blocked phone number, we will be unable to identify you.
5. When you receive the signal that your phone has been removed from hold and/or unmuted, please press \*6 (Star 6) to be brought into the meeting.

Please contact the Board Secretariat at 213-241-7002 if you have any questions.

**AGENDA**

- I. **Welcome and Introductions** ..... Mr. Scott Schmerelson  
Chairperson
  
- II. **Labor Partners**
  
- III. **Presentations**
  - 1. Purpose, Goals and Plans for the Charter School Division ..... Mr. José Cole-Gutiérrez  
Director, Charter Schools Division  
  
Ms. Jeanette Borden  
Charter Schools Operations Manager
  
  - 2. Resolution Discussion: Creating a Charter Schools ..... Ms. Jackie Goldberg  
Co-Location Policy to Mitigate Impacts Caused  
by Proposition 39 (Res-026-22/23) Board President
  
- IV. **Public Comment**
  
- V. **Adjournment**

Requests for disability related modifications or accommodations shall be made 24 hours prior to the meeting to the Board Secretariat by calling (213) 241-7002.

Materials related to an item on this agenda distributed to the Board of Education are available for public inspection at the Security Desk on the first floor of the Administrative Headquarters, and at:  
<https://achieve.lausd.net/boe - calendar73805/20230118/event/65309>

**Tab 1**  
**Purpose, Goals and Plans**  
**for the Charter School**  
**Division**



# LAUSD

UNIFIED



## Charter Schools Division

September 19, 2023  
Committee of the Whole

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**José Cole-Gutiérrez**  
**Jeanette Borden**

# Charter Schools Division's Mission

*The LAUSD Charter Schools Division (CSD) fosters high quality educational opportunities and outcomes for students in the greater Los Angeles community through exemplary charter public school authorizing, oversight, and sharing of promising practices so that all students maximize their potential.*

# CSD's Diverse Team of Professionals

**Instruction & Data Analysis**

**Governance & Policy**

**Fiscal & Operations**

**Leadership & Administrative**



# LAUSD-Authorized Charter Schools - 2023-2024



\*FYI - LAUSD TK-12 Norm Enrollment, 2022-2023: 110,461 (Ind.); 38,413 (Aff.); 148,874 (Total)



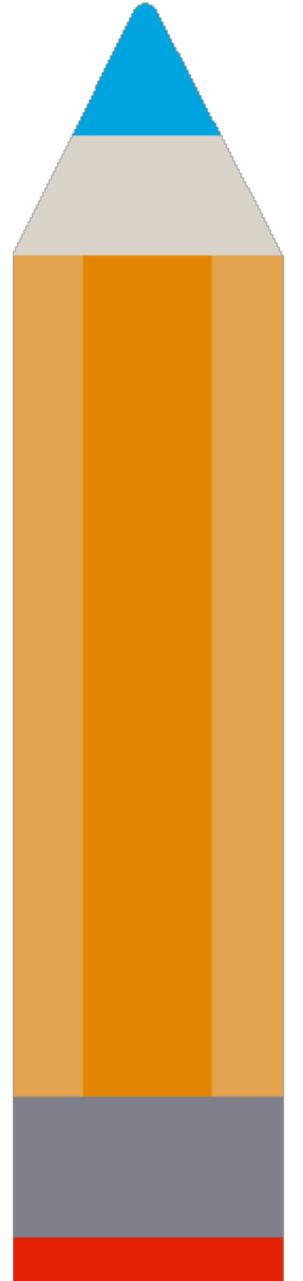
# Prior Academic Achievement Snapshots – Per State

## Independent Charter Schools

- HIGH Performing = 27
- MIDDLE Performing = 168
- LOW Performing = 22

## Affiliated Charter Schools

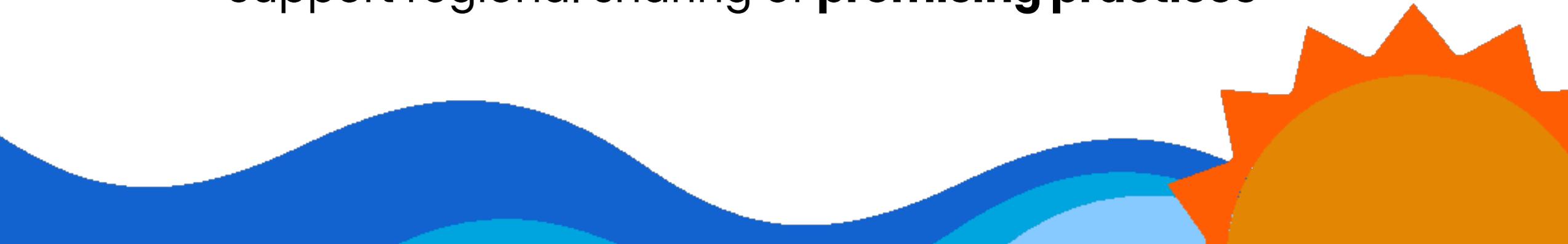
- HIGH Performing = 24
- MIDDLE Performing = 26
- LOW Performing = None



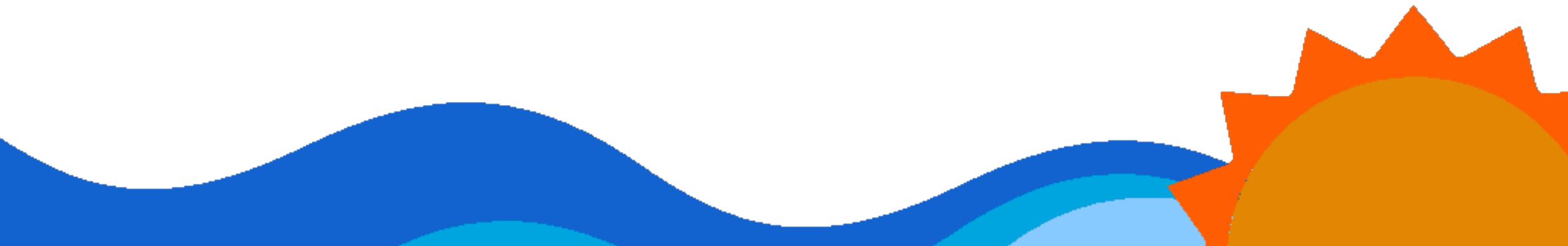
# Overview of Key Roles and Responsibilities



- Evaluate **new charter petition** applications
- Conduct **oversight** of existing charter schools
- Analyze charter school **renewal** applications
- Process **material revision** requests
- Initiate **revocation proceedings**, as appropriate
- Coordinate **Prop. 39** responsibilities with various offices
- Support regional sharing of **promising practices**



- An approved charter is the **foundational document** that directs and guides charter school operations and **serves as a commitment to the public** of the quality educational opportunity that a charter school aspires to realize from inception.
- Staff evaluates petitions in accordance with the standards and criteria set forth in the Charter Schools Act. The Superintendent, upon review of Staff's report regarding the petition, will provide a recommendation to the LAUSD Board for their consideration and action.



**The Charter Schools Act requires chartering authorities to conduct the following oversight activities (Ed. Code, § 47604.32.):**

1. Identify at least one staff member as a contact person for the charter school
2. Visit each charter school at least annually
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law
4. Monitor the fiscal condition of each charter school under its authority
5. Provide timely notification to the California Department of Education (CDE) if a renewal of the charter is granted or denied, the charter is revoked or if the charter school will cease operation for any reason





# Looking Ahead: The Resumption of Renewals

- Charter school renewals last occurred in 2020–2021:
  - In 2021, **Assembly Bill (AB) 130** added Education Code section 47607.4 to specify that all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, shall have their term extended by two additional years.
  - In 2023, **Senate Bill (SB) 114** provided an additional one-year extension to renewal terms.
- Charter school renewal counts expected in the upcoming years:

Renewal Year	Number of Charter Renewals
2024-2025	54
2025-2026	72
2026-2027	89
2027-2028	60

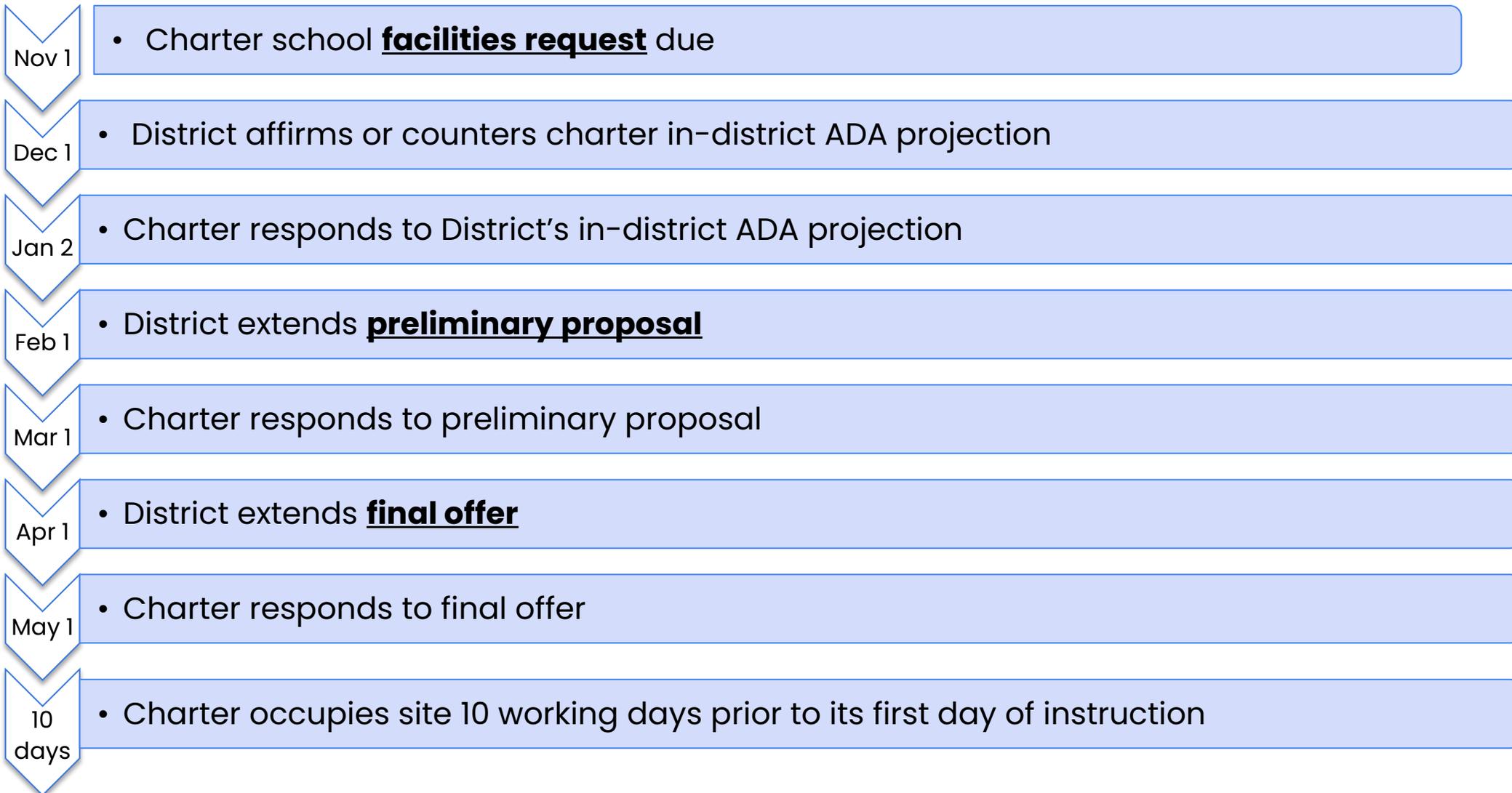


# Proposition 39: Ed Code 47614

- Statewide voter initiative approved by CA voters in November 2000.
- Among other things, amended Education Code section 47614 to declare that “public school facilities should be shared fairly among all public school pupils, including those in charter schools” and authorized the SBE’s adoption of regulations to implement the law.
- Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.
- Facilities provided shall be contiguous, furnished, and equipped.
- The District shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.
- For the 2023–24 school year, there are 52 Prop. 39 co-locations at 50 sites.

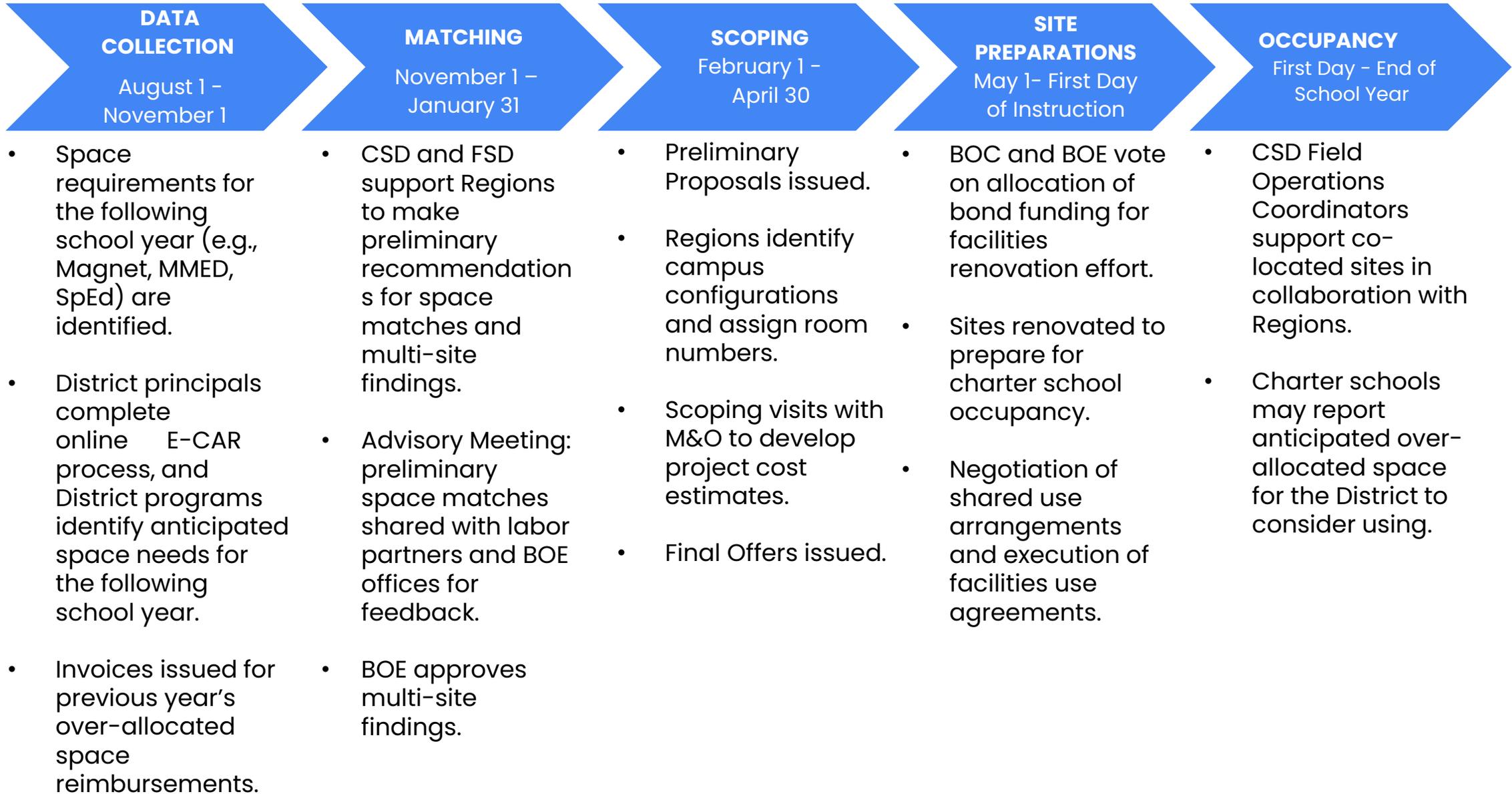


# Proposition 39 Regulatory Timeline





# Overview of Prop. 39 Internal Timeline





# Proposition 39 Matching Guidelines

1. District staff first identifies the classroom inventory by grade level configuration in each geographic region.
2. District staff next identifies which charter schools are already located in District facilities that they have identified in their geographic area of interest and, when feasible, matches those charter schools to their existing site(s).
3. Next, District staff identifies the geographic areas of interest of charter schools not currently located on a District campus.
4. In instances where multiple charter schools request the same space, priority is given to those charters where the match would utilize all available classrooms at a single-site offer.
5. District staff attempts to find the most geographically relevant grade-alike matches, utilizing the least number of sites.
6. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations, as well as after taking into account the paramount considerations of both in-district and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.



# Proposition 39 Alternative Agreements

The Proposition 39 implementing regulations permit a charter school and a school district to **mutually agree** to an alternative to specific compliance with any of the provisions of the Proposition 39 implementing regulations.

A charter school or the District may request that a particular alternative agreement be considered by the other party any time.

Alternative agreements may be reached to:

- Reduce the number of sites and/or amounts of space occupied by a given charter school, including withdrawals of facilities requests and/or waivers of the District's obligations to allocate facilities
- Improve operational arrangements at a given school site (e.g., a charter school might waive shared use of spaces like the auditorium, library and/or parent center in exchange for use of an additional classroom, etc.)
- Release legal claims

# Proposition 39 – Roles and Responsibilities



- Staff (Central and Region Offices) provides technical support and expertise of site operations in making recommendations regarding implementation of programs, including alternative agreements. Region Superintendents certify adherence to District's space matching process in January before preliminary proposal recommendations, and March before final offer recommendations. Staff also implements the process to address any over-allocation reimbursements.
- Superintendent (or designee) has delegated authority from the Board of Education to issue preliminary proposals and final offers and execute alternative agreements.
- The Board of Education formally approves the multi-site findings in January and facilities renovation effort in May. Board representatives may provide feedback during the space matching process.



# Proposition 39 – Over-Allocation

- As defined in the state regulations, space is considered over-allocated if the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based by more than a legally-defined "threshold."
- State regulations also require a charter school to notify the district when it anticipates that it will have over-allocated space that could be used by the school district.
- The District may not compel a charter to give space back, but it can collect reimbursement amounts for over-allocated space after the end of the school year. LAUSD issues invoices annually in August.
- Pursuant to the District policy, "Directing Charter School Overallocation Reimbursement Funds to Home Schools (Res-024-19/20)," over-allocation funds are primarily directed back to the District host schools.
- As of June 30, 2023, the District has collected \$8,356,366 in over-allocation reimbursements.

# Thank you & Questions



**Tab 2**  
**Resolution Discussion:**  
**Creating a Charter Schools Co-**  
**Location Policy to Mitigate**  
**Impacts Caused by**  
**Proposition 39**



## Board of Education Report

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**File #: Res-026-22/23, Version: 2**

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Ms. Goldberg, Dr. Rivas- Creating a Charter Schools Co-Location Policy to Mitigate Impacts Caused by Proposition 39 (Res-026-22/23) (Noticed June 13, 2023)

Whereas, ~~The Los Angeles Unified School District does not have a clear, comprehensive, and transparent policy on how Proposition 39 should be implemented in order to minimize the harm that charter co-locations cause district schools, and it~~ **It** is the responsibility of the Governing Board of the Los Angeles Unified School District to ensure the best possible learning environment for our students, **which includes a commitment to continuous evaluation and improvement of existing practices, policies, and procedures, including those relating to the District's Proposition 39 compliance efforts and resulting impacts caused by co-locations;**

Whereas, The co-location of charter schools, ~~as required by~~ **pursuant to** Proposition 39, is **often** detrimental to District schools and the students they educate, and has a tangible negative impact on the District's ability to maintain and grow important priorities including, but not limited to, Black Student Achievement Program (BSAP), Priority Schools, and Community Schools; **now, therefore, be it**

~~Whereas, Efforts to support such important priorities, mitigate impacts, and focus on student success throughout the District's comprehensive Proposition 39 space matching process currently include a wide range of considerations, as well as valuable input from important participants and stakeholders, including, but not limited to, District and Region Office leadership, Charter Schools Division and Facilities Services Division staff, school site staff, and labor partners (including United Teachers Los Angeles);~~

~~Whereas, To ensure robust information gathering, proper allocations of Proposition 39 space, and appropriate oversight and reporting to the Board, District staff also currently reviews and verifies charter schools' projected and actual average daily attendance, and monitors and reports charter schools' payment of facilities-related costs and over-allocated space reimbursements in accordance with applicable law; now, therefore, be it~~

Resolved, That the Superintendent shall report back to the Committee of the Whole in ~~90~~ **45** days with a **Proposition 39** Charter Schools Co-Location Policy (Policy) recommended for adoption by the Governing Board of the Los Angeles Unified School District;

Resolved further, That the Policy, **as operationally feasible and permitted by law**, shall enumerate clear guidelines that ~~prohibit co-locations on the District's 100 Priority Schools, prohibit grade span arrangements that negatively impact student safety and build charter school pipelines that actively deter students from attending district schools, prohibit co-locations on schools with special programs such as BSAP, and Community Schools, and prevent co-locations that compromise schools' capacity to serve neighborhood kids, as operationally feasible and permitted by law,~~ **avoid Proposition 39 co-locations that: (1) are on school sites with the District's 100 Priority Schools, BSAP schools, and Community**

Schools, (2) compromise District schools' capacity to serve neighborhood children, and/or (3) result in grade span arrangements that negatively impact student safety and build charter school pipelines that actively deter students from attending District schools, all so that the District can focus on supporting its most fragile students and schools, key programs, and student safety;

Resolved further, That the Policy shall guide District decisions related to all new school co-location requests and shall also be applied whenever existing co-locations change, for reasons including, but not limited to insufficient space, addition of grade levels, and other material revisions to their charter;

Resolved further, That the Policy shall, as permitted by law, modify the District's existing Proposition 39 practices to ~~require~~ ensure the following: more robust information-gathering, including a site visit to the District school before recommending a co-locations, ~~require improved~~ and more frequent verification of charter schools' average daily attendance, ~~create Board oversight of a Board vote on the approval of all~~ Alternate Agreements, and ~~improve~~ monitoring, enforcement, and reporting of charter schools' payment of ~~co-location fees~~ facilities costs and ~~overallocation fees~~ overallocated space reimbursements;

Resolved further, That the District's annual preliminary co-location proposals, ~~to charters and its final offers,~~ and Alternative Agreements should both all be accompanied by a report to the Board on how the Policy was adhered to in the process; and, be it finally

Resolved, That the Superintendent shall report back in 90 days with a clear plan and timeline for the creation of a redesigned Charter Schools Division page on the district's website or a standalone website which, in addition to its current content, will provide a clearinghouse to the public for information about charter schools, including charter petitions, co-location requests and offers, reports to the Board, Local Control and Accountability Plans, average daily attendance reports, and other relevant data.

**INTEROFFICE CORRESPONDENCE**  
**Los Angeles Unified School District**  
**OFFICE OF THE CHIEF STRATEGY OFFICER**  
*Operational, Policy & Student Impact Statements*

**TO:** Members, Board of Education  
 Alberto M. Carvalho, Superintendent

**DATE:** September 13, 2023

**FROM:** Veronica Arreguin  
 Chief Strategy Officer

José J. Cole-Gutiérrez  
 Director, Charter Schools Division

**SUBJECT: RES-026-22/23**

**RESOLUTION VERSION: 2**

<b>Presented By:</b>			
Ms. Goldberg and Dr. Rivas			
<b>Date Noticed:</b>	6/13/2023	<b>Date Presented for Action:</b>	TBD

<b>Operational Impact</b>
<p>The proposed Resolution seeks to direct the Office of the Superintendent to report back to the Committee of the Whole in 45 days with a Proposition 39 Charter Schools Co-Location Policy (Policy) recommended for adoption by the Governing Board of the Los Angeles Unified School District (Los Angeles Unified or District), with consideration of various enumerated guidelines, as noted in the proposed draft.</p> <p>As context, the District is obligated to comply with Education Code 47614, commonly referred to as Proposition 39 (Prop. 39). Prop. 39 requires that school districts make available, to each charter school operating in the school district, facilities that will accommodate all of the charter school’s in-district students. The District must make “reasonable efforts” to locate the charter school “near” where it wishes to locate, and shall not move the charter school “unnecessarily.” The facilities must be in conditions “reasonably equivalent” to those in which the students would be accommodated if they were attending other public schools of the District.</p> <p>Key details of staff’s comprehensive space matching process to implement the District’s legal obligations under Prop. 39 are publicly documented annually in the District’s multi-site findings Board Report (for reference, see one example Findings document from Board of Education Report No. 142-22/23, attached). Specifically, the multi-site findings Board Report includes a description of how the District determines available classroom inventory to meet charter school facilities requests and material considerations of student “safety and welfare” that inform that process, including, but not limited to, “the disproportionate harm to District students that would result from forcibly</p>

dislocating children from their neighborhood schools to make room for non-neighborhood charter students.”

The District’s Prop. 39 program is coordinated by the Charter Schools Division, with applicable legal review by the Office of General Counsel, and operational participation by Region leadership and the Facilities Services Division, among many other offices. These additional District stakeholders, such as Region Office leadership and school-site staff, provide further input regarding important information, such as impacts of a potential co-location at a particular school site or unique site conditions that might make it unsuitable. Various provisional matches within each Region are identified and deliberated, and participants thoughtfully discuss potential recommendations as part of the District’s comprehensive compliance effort. Per established protocols, input from valuable stakeholders, including labor partners, is also received. The District remains committed to continuing these operations in accordance with the timelines, process, and guidelines set forth in Prop. 39 and its implementing regulations.

In the 2023-24 school year, there are fifty-two (52) Prop. 39 co-locations on fifty (50) District school sites. This represents approximately 6.7% of District school sites. In recent years, the District has received progressively fewer requests for use of District facilities through Prop. 39. For comparison, in the 2015-16 school year, one hundred-one (101) facilities requests were submitted, whereas only fifty-one (51) were submitted for the 2023-24 school year, a reduction of nearly 50%. The number of in-district seats provided through Prop. 39 has likewise decreased, from a high of nearly twenty-three thousand (23,000) in the 2017-18 school year, to eleven thousand nine hundred twenty-two (11,922) in the 2022-23 school year. This trend has continued in the 2023-24 school year, in which approximately eleven thousand two hundred ninety-four (11,294) in-district seats are estimated to be provided at co-located campuses. This amounts to approximately 51% fewer seats provided in the 2023-24 school year from the height in 2017-18.

Moreover, key internal procedures related to the collection of over-allocated space reimbursements were documented by staff in 2019, in the attached “LAUSD Prop. 39 Administrative Procedures for Over-Allocation” that were presented publicly at the Meeting of the Committee of the Whole on October 31, 2019. The Administrative Procedures detail the specific internal timelines and responsibilities of various offices to ensure the timely billing and collection of over-allocated space reimbursements.

Staff respectfully shares the following operational observations, impacts, and questions for consideration:

**Resolved (1) - That the Superintendent shall report back to the Committee of the Whole in 45 days with a Proposition 39 Charter Schools Co-Location Policy (Policy) recommended for adoption by the Governing Board of the Los Angeles Unified School District:**

A 45-day timeline for finalizing a Policy and bringing it to the Committee of the Whole would be operationally challenging given approval timelines for Board documents and the ongoing Prop. 39 legal compliance activities that occur from November 1 through April 1. Moreover, since the regulatory Prop. 39 processes for compliance for the subsequent school year commences on November 1, should the Board of Education (Board) adopt the proposed

resolution, which would direct the Superintendent to report back to the Committee of the Whole with a recommended Policy for the adoption by the Board, the Policy could not be implemented for this school year due to potential challenges that would likely arise with changes to current policy and practice. As such, the recommended Policy (if adopted) would go into effect in November 1, 2024, for the subsequent school year. Given this, Staff would recommend allowing more time for completion (i.e., through next spring/early summer).

**Resolved (2) - further, That the Policy, as operationally feasible and permitted by law, shall enumerate clear guidelines that avoid Proposition 39 co-locations that: (1) are on school sites with the District’s 100 Priority Schools, BSAP schools, and Community Schools, (2) compromise District schools’ capacity to serve neighborhood children, and/or (3) result in grade span arrangements that negatively impact student safety and build charter school pipelines that actively deter students from attending District schools, all so that the District can focus on supporting its most fragile students and schools, key programs, and student safety:**

Avoiding Prop. 39 co-locations on the District’s 100 Priority Schools, BSAP schools and Community Schools would restrict consideration at up to 346 schools for potential co-location. Operationally, this could significantly limit the number of TK-12 school sites that could potentially be matched to fulfill the District’s legal obligations under Prop. 39, particularly considering the need for flexibility to assess various options in an area, including the space at each site.

For the 2023-24 school year, there are 13 co-locations on Priority Schools (11 returning, 2 new), 7 co-locations on Community Schools (6 returning, 1 new), and 19 co-locations on BSAP schools (16 returning, 3 new). In attempting to avoid sites with special designations, it is likely that there will be more multi-site offers, leading to a larger overall number of co-locations Districtwide. This may also lead to increased costs associated with renovation work to make sites ready for co-location, and would likely make it more challenging for the District when making “reasonable efforts” to locate the charter school “near” where it wishes to locate.

Staff recognizes the important needs of the above noted schools and the District’s efforts to accelerate student achievement. Through the operational participation of various District stakeholders, these unique programs are identified and potential co-location options are assessed to minimize impacts.

**Resolved (4) – further, That the Policy shall, as permitted by law, modify the District’s existing Proposition 39 practices to ensure the following: more robust information-gathering, including a site visit to the District school before recommending a co-location, more frequent verification of charter schools’ average daily attendance, a Board vote on the approval of all Alternate Agreements, and monitoring, enforcement, and reporting of charter schools’ payment of facilities costs and overallocated space reimbursements:**

To modify the District’s existing Prop. 39 practices to ensure more robust information-gathering: Recommendations (by Region Superintendents in consultation with operations staff, District school leadership and other central offices) for preliminary proposals are made

to the Office of the Superintendent before Winter Recess, and final offers in March. Often, Region staff visit sites in advance of providing recommendations based on various considerations. However, if visits to all sites were required prior to recommendations being made, Region staff would need to arrange visits to all sites prior to the very limited timeframes discussed above to ensure the District meets its regulatory deadlines. The documentation of the use of space on District campuses currently occurs prior to November 1 and is already captured in the E-CAR process, and signed off on and attested to by principals. Current practice is for Region leadership to arrange site visits or engage in other information-gathering techniques on an as-needed basis prior to making recommendations, given their existing knowledge of their respective schools, and as informed by key space utilization data from E-CAR. This level of appropriate flexibility helps staff address various priorities during these time periods. In addition, stakeholders, including labor partners, are invited to provide feedback on potential recommendations before they are finalized, and feedback is shared with District leadership.

- 1) Further, for Prop. 39 purposes, fiscally independent charter schools (FICS) co-located on District school sites are required to report their actual average daily attendance (ADA) to the District (via the Charter Schools Division) every time they report ADA for apportionment purposes. These reports must include in-district and total ADA, and in-district classroom and total classroom ADA. FICS must maintain records documenting the data contained in their reports and shall make them available upon request by the District. Separate from the Prop. 39 regulations, the District's Attendance & Enrollment Unit (A&E) collects and reviews the monthly classification reports and statistical reports from all FICS, which contain FICS' self-reported data about enrolled students and their attendance on a monthly basis. Specifically, the classification report is a "snapshot" of enrollment counts as of the last school day of the school month, by grade level, which includes students who enroll, withdraw, or happen to be absent on the last day of the school month. The statistical report captures attendance and enrollment activity for the entire school month for every student who was enrolled at any point during the school month. FICS' attendance and enrollment data are entered into A&E's system that validates the data based on State guidelines and helps ensure that reports from month to month are consistent and complete. Additionally, A&E compiles the information from the monthly statistical report, calculates the ADA, and reconciles the ADA to the FICS' ADA report submitted to the State. The District's certification on the FICS' ADA report assures that a charter school has submitted supporting documents for the ADA claimed and that the calculation is correct. One important note is that the data in statistical reports are not disaggregated by the same categories as are required by Prop. 39. For example, these reports do not include in-district classroom ADA, which is the data point the District relies on for determining space allocations and over-allocation reimbursements in Prop. 39, as required by its implementing regulations.

Furthermore, to improve operational efficiency, on October 2, 2018, the Board delegated ongoing authority to the Superintendent and/or his designee(s) to negotiate and execute alternative agreements in lieu of specific compliance with any provisions of the Prop. 39 implementing regulations with charter schools that submitted legally sufficient facilities requests, for the specific school year at issue. If this delegation were to change, the District may delay or miss opportunities to find mutually beneficial space arrangements with charter

schools. The types of significant benefits realized by the District due to timely execution of alternative agreements include, but are not limited to: a reduction of the number of sites and/or amounts of spaces occupied by a given charter school, improved operational arrangements at a given school site, withdrawals of facilities requests and/or waivers of the District's obligation to allocated facilities, reductions in the amount of bond funds expended for Prop. 39 renovations, and releases of potential legal claims, among other things.

Delays to the execution of mutually agreeable alternative agreements may lead to additional costs related to the District's facilities renovation efforts to make sites ready for co-location, because work would need to proceed in accordance with regulatory timelines pending potential Board action. Alternative agreements often eliminate, reduce, or otherwise modify the project scope for the renovation efforts, so delays may cause additional work to proceed (which would eventually need reversal), thereby leading to increased costs. It would be operationally challenging and potentially limiting to bring each alternative agreement proposal to the Board prior to execution. To the extent any of the above challenges also impact facilities renovation effort board reports presented to and considered by the LAUSD School Construction Bond Citizens' Oversight Committee, the timing of such could further extend the consideration of potential alternative agreements.

Furthermore, Staff currently has a process in place to provide the Board with a quarterly Informative related to charter schools' payment of over-allocation reimbursements. If significant changes were to occur in between each quarterly report, staff would inform the Board. However, providing more frequent updates as a course of action would not produce new information. Considering this, staff would need further clarity regarding the Board's direction related to "monitoring, enforcement, and reporting of charters' payment of co-location fees and over-allocation fees."

**Resolved (5) - further, That the District's annual preliminary co-location proposals, final offers, and Alternative Agreements should all be accompanied by a report to the Board on how the Policy was adhered to in the process; and, be it finally:**

At present, Region Superintendents provide written confirmation to the Superintendent of adherence to District processes. If the proposed Resolution and recommended Policy are adopted, staff would prepare a report to the Board on the points below, with some modification. For reference, prior to the District's issuance of preliminary proposals, currently the Region Superintendents confirm that they:

- Collaborated with District divisions, including the Charter Schools Division and Facilities Services Division, to review charter schools' facilities requests in that Region.
- Reviewed District space inventory within that Region in connection with preliminary proposal recommendations, including those at multiple school sites.
- Attended the Proposition 39 Advisory Meeting (This meeting, in which potential matches are discussed prior to issuance of preliminary proposals, includes representatives from the Charter Schools Division, Facilities Services Division, Region leadership, Board offices, and labor partners).

- Discussed with District school principals at the school sites that have been identified for preliminary proposal recommendations within that region.
- Communicated with respective Board offices, as appropriate.

Additionally, prior to the District’s issuance of final offers, currently the Region Superintendents confirm that they:

- Collaborated with District divisions, including the Charter Schools Division and Facilities Services Division, to review the status of charter schools’ facilities requests in that Region.
- Reviewed District space inventory within that Region in connection with final offer recommendations, including those at multiple school sites.
- Approved room number identification and campus configuration at the school sites recommended for final offers within that Region.
- Communicated with respective Board offices and school communities, as appropriate.

Depending on what information is required with regard to alternative agreements, significant staff time may be needed to complete additional reporting requirements which might otherwise be spent supporting District school sites with co-locations.

**Resolved (6) - That the Superintendent shall report back in 90 days with a clear plan and timeline for the creation of a redesigned Charter Schools Division page on the district’s website or a standalone website which, in addition to its current content, will provide a clearinghouse to the public for information about charter schools, including charter petitions, co-location requests and offers, reports to the Board, Local Control and Accountability Plans, average daily attendance reports, and other relevant data:**

Staff will be able to reorganize existing content and add some additional items in a single location on the CSD website. This may require coordination with a designee on the Information Technology Services team. However, it is unclear what is intended by “reports to the Board,” “average daily attendance reports,” and “other relevant data.” Staff would also need advisement on the desired cadence for making updates to information.

**Space Impact: Yes  No  If yes, please describe**

Depending on what is adopted in a subsequent Charter Schools Co-Location Policy (Policy), the inventory of space might be limited for the District’s Prop. 39 compliance efforts. If some school sites will be restricted from consideration, they might not face space impacts from Prop. 39. However, staff would need to assess other school sites, and this could lead to an increased number of multi-site co-locations. This might also lead to more operationally disruptive co-locations at sites. Given the various complexities, if the Resolution is adopted, the final Policy would need to provide appropriate flexibility to staff to recommend co-locations that would minimize operational disruptions, preserve District schools’ capacities to serve neighborhood children, ensure student safety, and mitigate against increased liabilities, based on prior experience.

**Please indicate if proposed actions above will be completed with current resources or if additional resources will be required, i.e., staff, funding, etc. (Please connect with Budget if funding impact)**

Existing resources would be used to the maximum extent possible. However, depending on the final version of the Resolution, staff may need to plan for additional resources, and will review with the Office of the Superintendent, as appropriate.

### Policy Impact

The District complies with its obligations and strives to minimize disruptions to all students in the implementation of Prop. 39. In the spirit of continuous improvement, staff annually assesses areas for improvement. Should the proposed Resolution be enacted, staff remains committed to applying the direction of the Board and lessons learned to further do so.

Staff shares the following observations:

- 1) In Resolved 2, staff notes that the District presently has programs with various grade level spans such as TK-8, 6-12, and TK-12, among other variations.
- 2) In Resolved 4, staff notes that the District currently follows the process outlined in the state regulations for collecting and monitoring ADA projections for charter schools on co-located sites. The relevant timelines process in the regulations is:

Title 5, California Code of Regulations, section 11969.9, subd. (1): “The charter school must report actual ADA to the school district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available on request by the school district.”

Staff utilizes data collected through this reporting process to help prepare over-allocated space notices. Moreover, staff understands from public statements at the June 13, 2023 Regular Meeting of the Board, that the proposed Resolution would be prospective vis a vis a potential avoidance of co-locations on certain sites. This could be clarified further depending on the final direction of the Board.

### Student Impact

Any potential recommended Policy would continue to avoid, to the maximum extent possible, negative impacts to all students, and support the District’s compliance efforts while supporting the safety and well-being of all students.

Contact Person:	Telephone:	Email:
Veronica Arreguin José J. Cole-Gutiérrez	(213) 241-4240 (213) 241-0399	<a href="mailto:varre3@lausd.net">varre3@lausd.net</a> <a href="mailto:jose.cole-gutierrez@lausd.net">jose.cole-gutierrez@lausd.net</a>

Attachments:

- LAUSD Administrative Procedures for Prop 39 Over-Allocation Reimbursement
- BINF Prop 39 Over-Allocation Reimbursement Payments Status 2023 Q1
- 01-17-23 – LAUSD Multi-Site Findings
- Appendix B – Attachment 19 WISH Community School

# Los Angeles Unified School District Administrative Procedures for Proposition 39 Over-Allocation Reimbursement Notification, Billing, and Collections

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## INTRODUCTION

### **Background**

State law and the State Board of Education's ("SBE") Proposition 39 implementing regulations control charter schools' mandatory reimbursement obligations to school districts for over-allocated space. Specifically, Education Code section 47614 declares that each year, each charter school desiring facilities from a school district must provide the district with a reasonable projection of average daily attendance ("ADA") for the school year for which facilities are requested, and the District must allocate facilities based on this projection. If the charter school generates less ADA than it projected for the school year, "the charter school ***shall reimburse the district*** for the over-allocated space at rates to be set by the (SBE)".

The SBE has adopted an implementing regulation that provides (1) the methodology for determining if Proposition 39 space is over-allocated, (2) an explanation of how the per-pupil rate for over-allocated space is to be calculated by the California Department of Education ("CDE"), and (3) the uniform formula for determining the reimbursement amount owed by a charter school to a school district for over-allocated space using the CDE's per-pupil rate. (Cal. Code Regs., tit. 5, section 11969.8.)

### **Over-Allocation Analysis**

For each charter school allocated Proposition 39 space by the District, an analysis of a potential over-allocation by a charter school is undertaken consistent with the regulatory formula.

First, each charter school's projected and actual in-district classroom ADA is examined to determine whether the charter school was over-allocated space in the relevant school year. Pursuant to the regulation, a cushion is applied to the difference. Specifically, the cushion is a "threshold" of 25 ADA, or ten percent (10%) of the charter school's projected ADA, whichever is greater. Therefore, space is only considered over-allocated if the difference between the charter school's projected and actual ADA is greater than the "threshold."

Next, for a charter school that was over-allocated space, the uniform regulatory formula is applied to determine the over-allocation reimbursement amount the charter school owes to the District.

### **Over-Allocation Notification**

The District notifies all charter schools of their legal obligations to reimburse the District for over-allocated space under Proposition 39. Each charter school is reminded of these obligations in the District's preliminary proposal, final notification of space offered (i.e., final offer), notices throughout the year with illustrative examples of potential reimbursement payments, reminders of reporting deadlines and appropriate formats, as well as in-person trainings and workshops highlighting charter school over-allocation obligations. Additionally, if the District and a charter school enter into a Proposition 39 alternative agreement, the charter school expressly affirms that it remains subject to potential reimbursement obligations for over-allocated space.

### **Over-Allocation Billing and Collections**

A written notice, including an invoice is sent to each charter school that owes reimbursement to the District for over-allocated space in the applicable school year. The notice explains how the charter school was determined to have over-allocated space, details how the reimbursement amount was calculated by applying the uniform formula, identifies the specific reimbursement amount owed, and provides instructions for payment to the District.

## OUTCOMES

### Technical Workshops & Compliance Training

- Semiweekly in October, Proposition 39 Online Facilities Request Informational Workshops highlighting over-allocation reporting obligations and illustrative examples of reimbursement payments (Appendix A). (**Charter Schools Division**)
- In May, each Local District Co-location Operations Training includes explanation of over-allocation reporting obligations for all charter schools that accept offers of space (Appendix B). (**Charter Schools Division**)

### Over-Allocation Reimbursement Notices

- Using illustrative examples, provide notices (in October, January and April) for the current operating year to each Proposition 39 charter school regarding the charter school's potential for over-allocation reimbursement payments if the charter school fails to meet projections (Appendix C). (**Real Estate**)

### Reminders in Regulatory Documents

- Consistent with regulatory guidelines, include over-allocation reminders in regulatory documents, as follows (Appendix D):
  - September 1 - Annual reminder
  - December 1 -- District ADA projection for charter school;
  - February 1 -- Preliminary Proposal to charter school;
  - April 1 -- Final Offer to charter school; and
  - Alternative Agreements -- throughout the school year. (**Charter Schools Division**)

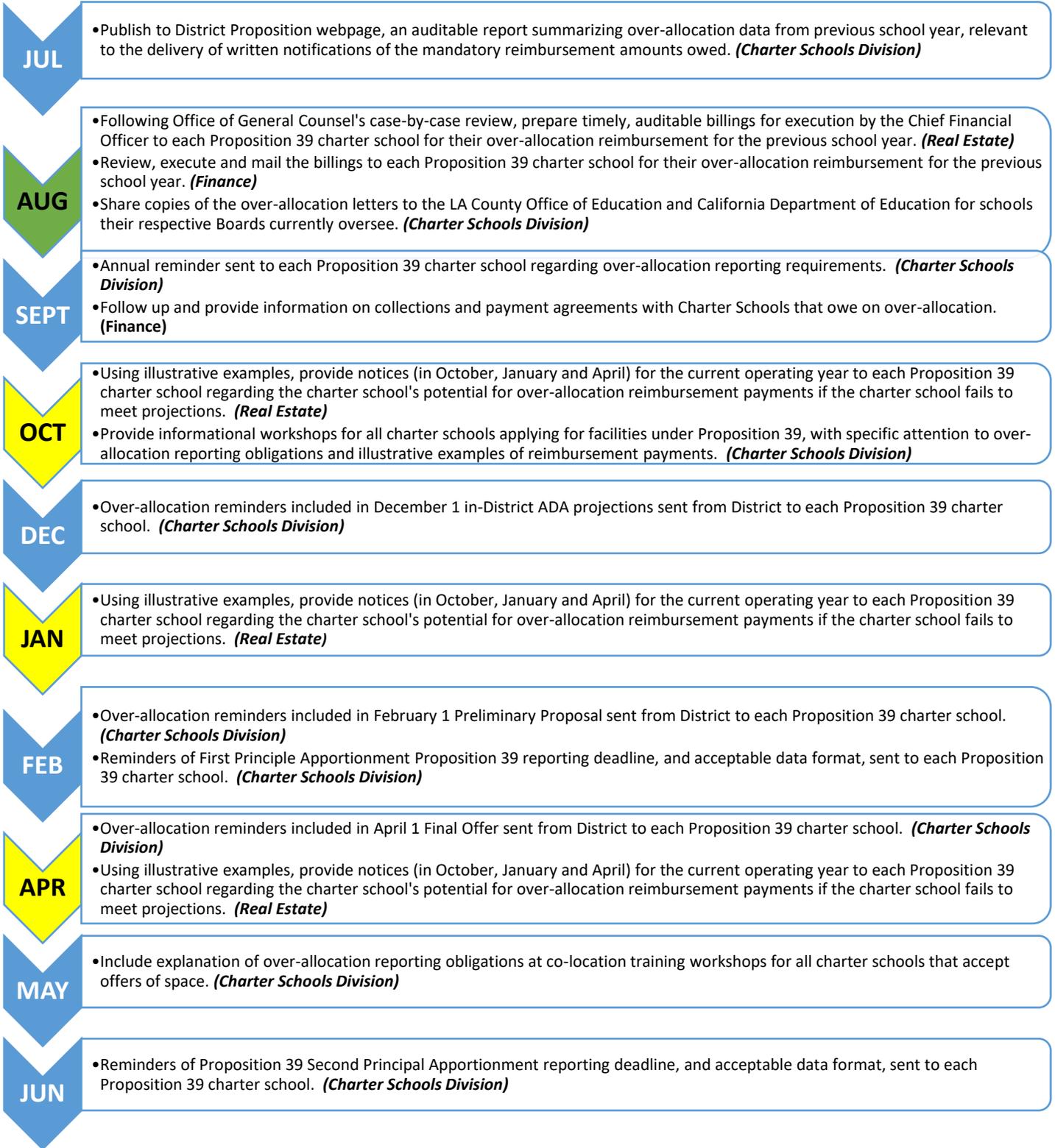
### Charter School Reporting Management

- In advance of the reporting windows for 1st & 2nd Principle Apportionments, provide specific reminders of over-allocation reporting deadlines and acceptable reporting format (Appendix E). (**Charter Schools Division**)
- On or before July 31 of each school year, publish an auditable report summarizing over-allocation data relevant to the delivery of written notification of regulatory reimbursement amounts owed to the District (Appendix F). (**Charter Schools Division**)
- Share copies of the over-allocation letters to the LA County Office of Education and California Department of Education for schools their respective Boards currently oversee. (**Charter Schools Division**)

### Over-Allocation Reimbursement Billing and Collection

- Following Office of General Counsel's case-by-case review, prepare timely, auditable billings for execution by the Chief Financial Officer to each Proposition 39 charter school for their over-allocation reimbursement for the previous school year (Appendix G). (**Real Estate**)
- Provide timely customer service to Proposition 39 charter school inquiries regarding billing statements. (**Real Estate**)
- A written notice, including an invoice, is sent to each charter school that owes reimbursement to the District for over-allocated space in the applicable school year. The notice explains how the charter school was determined to have over-allocated space, details how the reimbursement amount was calculated by applying the uniform formula, identifies the specific reimbursement amount owed, and provides instructions for payment to the District (Appendix H). (**Finance**)

**PROCESS FLOWCHART**



**ROLES & RESPONSIBILITIES MATRIX**

The purpose of the Roles & Responsibility Matrix is to unpack Outcomes by mapping out critical tasks, milestones and/or key decisions involved in bringing an Outcome to fruition. This model brings structure and clarity to describing how internal stakeholders across six (6) departments and six (6) Local Districts will work together to achieve a common goal.

The matrix includes assignments for staff that are Responsible for the work, which personnel are Accountable for certifying completion, and, where appropriate, which personnel must be Consulted before a Task is completed, or Informed with an update on progress.

The four roles that stakeholders might play include the following:

- **Responsible**: People who do the work. They must complete the task or objective, or make the decision. Several people can be jointly *Responsible*.
- **Accountable**: Person who is the "owner" of the work. He or she must sign off or approve when the task, objective or decision is complete. This person must make sure that responsibilities are assigned in the matrix for all related activities. Success requires that there is only one person *Accountable*: "the buck stops there."
- **Consulted**: People who need to give input before the *Accountable* person can provide certification of completion. These people are "in the loop" and active participants.
- **Informed**: People who need updates on progress or decisions, but do not provide formal consultation, nor do they contribute directly to the task or decision.
- \*: No role assigned.

<b><u>Typical Observations</u></b>	<b><u>Guiding Questions for Best Practices</u></b>
I don't see any R's indicating a stakeholder that is Responsible for completing the task.	Who is doing the work in this step and getting things done? Whose role is it to take the initiative?
I see more than two (2) R's, indicating multiple Responsible stakeholders.	Is this a sign of too many "cooks in this kitchen" to keep things moving? Or, is the task stretched across departments requiring Responsible stakeholders to direct staff in various chains of command?
I don't see any A's indicating the Accountable stakeholder.	Who is <i>Accountable</i> ? There must be one 'A' for every step. One stakeholder must be <i>Accountable</i> for the thing happening -- "the buck stops" with this person.
I see more than one A, indicating multiple Accountable stakeholders.	Is there confusion on decision rights? Stakeholders with accountability have the final say on how the work should be done and how conflicts are resolved. Multiple A's invite slow and contentious decision-making.
I see every box filled in indicating that each stakeholder is involved in every task.	Do all the stakeholders really need to be involved? Are there justifiable benefits in involving all the stakeholders, or is this just covering all the bases? Overloading stakeholders can result in disengagement.
I see a lot of C's indicating Consulted stakeholders.	Do all the stakeholders need to be routinely <i>Consulted</i> ? Or, can they be kept <i>Informed</i> and raise exceptional circumstances if they feel they need to be <i>Consulted</i> ? Too many C's in the loop really slows down the process.
I don't see stakeholders in the matrix that I think should be included.	What role do you think this stakeholder should have? Communicate your recommendation to <a href="mailto:prop39@lausd.net">prop39@lausd.net</a> so that the Office of the Superintendent may consider adding the additional stakeholder(s) to the matrix.

OUTCOMES	Roles (R = Responsible    A = Accountable    C = Consulted    I = Informed    * = No Role Assigned)					
	Charter Schools Division	Real Estate	Facilities Technology Services	Finance	Office of the Superintendent	Local Districts
<p><b>Technical Assistance (Charter Schools Division)</b></p> <p>In October, provide Proposition 39 Facilities Request Semiweekly Workshops: Include informational workshops for charter schools with specific attention to over-allocation reporting obligations and illustrative examples of reimbursement payments (Appendix A).</p>	A/R/C	C	C/I	I	I	I
<p><b>Technical Assistance (Charter Schools Division)</b></p> <p>In May, provide Proposition 39 Co-location Operations Training: Include explanation of over-allocation reporting obligations at co-location training workshops for charter schools that accept offers of space (Appendix B).</p>	A/R/C	R/I	C/I	I	I	I
<p><b>Reminders in Regulatory Documents (Charter Schools Division)</b></p> <p>In September, December, February and April, include over-allocation reminders in regulatory documents sent to each Proposition 39 charter school, including in preliminary proposal, final offer, and alternative agreement, if applicable (Appendix D).</p>	A/C/R	I	C/I	I	I	I
<p><b>Charter School Reporting Management (Charter Schools Division)</b></p> <p>In February and June, provide specific reminders to each Proposition 39 charter school of reporting deadlines and acceptable data format (Appendix E).</p>	A/C/R	C	C/I	I	I	I
<p><b>Charter School Reporting Management (Charter Schools Division)</b></p> <p>In July, publish to the District Proposition 39 webpage, an auditable report summarizing over-allocation data from previous school year, relevant to the delivery of written notifications of the mandatory reimbursement amounts owed (Appendix F).</p>	A/C/R	C/I	C/I	I	I	I

OUTCOMES	Roles (R = Responsible    A = Accountable    C = Consulted    I = Informed    * = No Role Assigned)					
	Charter Schools Division	Real Estate	Facilities Technology Services	Finance	Office of the Superintendent	Local Districts
<p><b>Over-Allocation Reimbursement Notices</b> <i>(Real Estate)</i></p> <p>Using illustrative examples, provide notices (in October, January and April) for the current operating year to each Proposition 39 charter school regarding the charter school's potential for over-allocation reimbursement payments if the charter school fails to meet projections (Appendix C), and provide timely response to charter schools who inquire about the notice.</p>	I	A/R	C/I	C	I	I
<p><b>Over-Allocation Reimbursement Billing</b> <i>(Real Estate)</i></p> <p>In August, following Office of General Counsel's case-by-case review, prepare auditable billings for execution by the Chief Financial Officer to each Proposition 39 charter school for their over-allocation reimbursement for the previous school year (Appendix G).</p>	I	A/R	*	C	I	I
<p><b>Mailing of Letters and Collections</b> <i>(Finance)</i></p> <p>In August, a letter is sent to each charter school that owes reimbursement to the District for over-allocated space in the applicable school year. The letter includes an invoice that identifies the specific reimbursement amount owed, due dates for payment, and payment instructions. Staff (with advisement from OGC) to pursue all appropriate dispute resolution procedures and other legal options to recoup payments, if necessary (Appendix H).</p>	C	C	C	A/R	I	I

Appendix A

Proposition 39

Online Facilities Request Workshop

**Sample Agenda**

(Semi-weekly in October 2019, informational workshops for charter schools, with specific attention to over-allocation reporting obligations and illustrative examples of reimbursement payments.)

**LOS ANGELES UNIFIED SCHOOL DISTRICT  
CHARTER SCHOOLS DIVISION**

**Proposition 39**

**Online Facilities Request Workshop**

Tuesday, October 1, 2019

Beaudry – 23rd Floor – Room 180

10:00 a.m. – 12:00 p.m.

**AGENDA**

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**I. ONLINE FACILITIES REQUEST REGISTRATION**

---

**II. OVER-ALLOCATION REIMBURSEMENT OBLIGATIONS, REPORTING FORMAT, AND ILLUSTRATIVE EXAMPLES**

---

**III. ONLINE FACILITIES REQUEST Q&A**

---

**IV. NEXT STEPS**

Appendix B

Proposition 39

Co-location Operations Training

Sample Agenda

(In May 2020, District operations training for charter schools that accept offers of space, with specific explanation of over-allocation reporting obligations.)

**LOS ANGELES UNIFIED SCHOOL DISTRICT  
CHARTER SCHOOLS DIVISION**

**Local District Central**

**Proposition 39 Co-location Operations Training**

Wednesday, May 6, 2019

Beaudry – 23rd Floor – Room 180

1:00 – 3:00 p.m.

**AGENDA**

- 
- I. WELCOME AND INTRODUCTIONS**

---

  - II. OVER-ALLOCATION REIMBURSEMENT OBLIGATIONS, REPORTING FORMAT, AND ILLUSTRATIVE EXAMPLES**

---

  - III. LA SCHOOL POLICE**

---

  - IV. INTEGRATED SAFE SCHOOL PLAN**

---

  - V. PROJECT EXECUTION**

---

  - VI. CAMPUS CLEANING SCHEDULE**

---

  - VII. SHARED USE AGREEMENT**

---

  - VIII. NEXT STEPS**

## Appendix C

### Over-Allocation Reimbursement Notice

(Notices in October 2019, January and April 2020 of the current operating year, which include illustrative examples, to each Proposition 39 charter school regarding the charter school's potential for over-allocation reimbursement payments if the charter school fails to meet projections.)

## **SAMPLE LETTER**

Via E-mail (EMAIL ADDRESS)

[DATE]

[NAME], [TITLE]  
[CHARTER SCHOOL NAME]  
[ADDRESS]

RE: Potential Proposition 39 Over-Allocated Space Reimbursement Obligation

Dear Charter School Operator,

This serves as a courtesy reminder regarding over-allocated space pursuant to Education Code section 47614 (“Prop. 39”), and illustrates Charter School’s potential financial reimbursement obligation for the current school year. Please note Charter School’s over-allocation reporting responsibilities, and the potential opportunity to limit its reimbursement obligations if it has over-allocated space.

Since Charter School is occupying Prop. 39 facilities, it must notify the Los Angeles Unified School District when it anticipates that it will have over-allocated space that could be used by the District. If Charter School has over-allocated space that is not returned for District use, the reimbursement amount owed by Charter School to the District could be significant. (This amount is in addition to pro rata share and other payments that Charter School may owe the District.)

The following chart is provided to Charter School as a reference guide illustrating the potential general range of reimbursement amounts owed to the District if Charter School’s actual in-district classroom average daily attendance (“ADA”) is less than its projected in-district classroom ADA for the current school year.

Charter School’s **Projected** In-District Classroom ADA: **400.00**

<b>Charter School’s Actual In-District Classroom ADA</b>	<b>Percentage of Projected In-District Classroom ADA</b>	<b>Reimbursement Amount Owed by Charter School</b>
400.00 (or above) - 360.01	100 (or above) - 90.01	\$0.00
360.00 - 320.00	90 - 80	\$44,220.00 - 132,660.00
319.99 - 280.00	80 - 70	\$132,682.11 - 221,100.00
279.99 - 240.00	70 - 60	\$221,122.11 - 309,540.00
239.99 - 200.00	60 - 50	\$309,562.11 - 397,980.00
199.99 - 160.00	50 - 40	\$398,002.11 - 486,420.00
159.99- 120.00	40 - 30	\$486442.11 - 574,860.00
119.99 - 80.00	30 - 20	\$574,882.11 - 663,300.00
79.99 - 40.00	20 - 10	\$663,322.11 - 751,740.00
39.99 - 0.00	10 - 0	\$751,762.11 - 840,180.00

Please be advised that the foregoing is provided for illustrative purposes only, and does not serve as an over-allocation notice or invoice from the District. The formula and rates for determining specific reimbursement amounts owed are set by the State Board of Education and are based on Charter School’s projected and actual in-district classroom ADA. Since the California Department of Education publishes the per-pupil rate for over-allocated space after each applicable school year has concluded, the rate applied to the foregoing illustrations is based on the CDE’s most recently published rate. (Please refer to Education Code section 47614 and California Code of Regulations, title 5, section 11969.8 for additional details.)

**IMPORTANT:** To potentially limit Charter School’s financial obligation, it must notify the District when it anticipates that it will have over-allocated space that could be used by the District. In response, if the District notifies Charter School that it intends to use all or a portion of the over-allocated space, Charter School’s payments for over-allocated space and pro rata share payments will be reduced accordingly beginning at the time of the District’s notification. If the District notifies Charter School that it does not intend to use the space, Charter School must continue to make payments for over-allocated space and pro rata share payments.

Based on the foregoing, Charter School should carefully monitor its actual in-District classroom ADA and immediately notify the District when it anticipates that it will have over-allocated space that could be used by the District in the current school year. To submit a notification to the District, or if you have any questions, please contact our team at [prop39@lausd.net](mailto:prop39@lausd.net). Thank you for your attention to this matter.

Sincerely,

[NAME]

[TITLE]

## Appendix D

### Proposition 39 Regulatory Communications to Charter Schools

(Over-allocation reminders included in regulatory documents sent to each Proposition 39 charter school, including an alternative agreement (if applicable), average daily attendance projection, preliminary proposal, and final offer.)

January 29, 2019

[Redacted] Operations and Administration  
[Redacted]

**RE: PROPOSITION 39 REQUEST FOR FACILITIES ALTERNATIVE AGREEMENT**

Dear Charter School Operator,

The Los Angeles Unified School District ("District") wishes to express its gratitude for th

term of Charter School's occupancy of the facilities at Stoner ES.

As an additional material term of this alternative agreement, Charter School agrees to comply with California Code of Regulations, title 5, section 11969.9 subdivision (l), for the 2019-20 school year and report its actual ADA to the District via [prop39@lausd.net](mailto:prop39@lausd.net) every time that Charter School reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. Charter School agrees to separately set forth in the reports to the District actual in-district and total ADA and in-district and total classroom ADA by school site (i.e., at [Redacted] and any other location(s) at which Charter School will operate), and also to maintain records documenting the data contained in the reports and make the records available upon the District's request.

Charter School remains subject to potential reimbursement obligations for over-allocated space in the 2019-20 school year pursuant to California Code of Regulations, title 5, section 11969.8. For purposes of determining whether space is considered to be over-allocated in accordance with California Code of Regulations, title 5, section 11969.8 and for purposes of determining whether fees may be assessed for facilities related services due to resulting increased impacts and costs as stated in section 9 of Exhibit "C" to the Use Agreement, Charter School's projected in-district classroom ADA [Redacted] which the facility allocation is based will be 153.44. (Note: No in-district classroom ADA from any location(s) operated by Charter School other than [Redacted] shall be included when determining potential reimbursement obligations for over-allocated space.)

This alternative agreement does not release, waive, or otherwise impact in any

Sincerely,



Frances Gibson, Ph.D.  
Chief Academic Officer

- c: Austin Beutner
- David Holmquist
- José Cole-Gutiérrez
- Jeanette Borden

By signing below, I represent that I have the authority to enter into this alternative agreement for Proposition 39 facilities, and confirm ICEF's acceptance on behalf of Charter School.

[Redacted] \_\_\_\_\_  
Name

DIP. B. SANCHEZ OPS 41692  
Title

[Redacted] \_\_\_\_\_  
Signature

January 31, 2019  
Date

December 1, 2018

[Redacted]  
[Redacted] d Technol  
[Redacted]

**VIA U.S. MAIL & E-MAIL**  
[Redacted]

**RE: CHARTER SCHOOL'S ADA PROJECTIONS IN PROPOSITION 39 FACILITIES REQUEST FOR THE 2019-20 FISCAL YEAR**

[Redacted]

(District), we have thoroughly reviewed your facilities request.

Pursuant to California Code of Regulations, title 5, section 11969.9, subdivision (d), the District has reviewed [Redacted] ("Charter School") average daily attendance ("ADA") projections in Charter School's Proposition 39 Facilities Request for the 2019-2020 school year. The District has accepted Charter School's in-district classroom ADA projection for the 2019-2020 fiscal year, as follows: 835.56.

Furthermore, for purposes of determining whether space is considered to be over-allocated in the 2019-20 school year in accordance with California Code of Regulations, title 5, section 11969.8, projected in-district classroom ADA on which the facility allocations are based are as follows: 835.56

Please submit all written communications to the District regarding the foregoing including Charter

[Redacted]

School's response (if any) pursuant to California Code of Regulations, title 5, section 11969.9, subdivision (e), via e-mail only to prop39@lausd.net.

Sincerely,

  
José Cole-Gutiérrez  
Director, Charter Schools Division

- c: David Holmquist
- Frances Gipson
- Pedro Salcido
- Local District Superintendent
- Local District Administrator of Operations
- Robert Perry
- Jeanette Borden

February 1, 2019

SENT BY U.S. MAIL AND EMAIL

[Redacted]  
Los Angeles, CA 90043

**2019-20 PRELIMINARY PROPOSAL REGARDING SPACE TO WHICH  
ACADEMY IS TO BE PROVIDED ACCESS  
(CALIFORNIA CODE OF REGULATIONS,  
TITLE 5, SECTION 11969.9, SUBDIVISION (F))**

Dear Charter School Operator:

Pursuant to California Code of Regulations, title 5, section 11969.9, subdivision (F), the Los

**2. The Projection of in-District Classroom ADA on which the Proposal is Based:**

259.35

The District reserves the right to seek a monetary reimbursement amount from Charter School for over-allocated space pursuant California Code of Regulations, title 5, section 11969.8. Space is to be considered over-allocated if: (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based; and, (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of the projected in-district classroom ADA, whichever is greater. (Cal. Code Regs., tit. 5, § 11969.8, subd. (a).) California Code of Regulations, title 5, section 11969.8, subdivision (a), also specifies the regulatory formula for determining the reimbursement amount owed by a charter school to a school district if space has been over-allocated. Caution: If Charter School is over-allocated space, the reimbursement amount owed to the District could be significant. Refer to Section 11969.8 for additional details Pursuant to California Code of Regulations, title 5, section 11969.9 subdivision (I), Charter School is required to report its actual ADA to the District via [prop39@lausd.net](mailto:prop39@lausd.net) every time that Charter Schools report ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. Charter Schools must maintain records documenting the data contained in the reports and make the records available upon the District's request.

**3 All Conditions Pertaining to the Space:**

[prop39@lausd.net](mailto:prop39@lausd.net). Please **DO NOT** contact the LAUSD school site directly.

Sincerely,

  
Frances Gipson, Ph.D.  
Chief Academic Officer

Attachments

- c: Austin Beutner
- David Holmquist
- José Cole-Gutiérrez
- Robert Perry
- Jeanette Borden

April 1, 2019



**SENT BY U.S. MAIL AND EMAIL**

**FINAL NOTIFICATION OF SPACE OFFERED TO 1 ACADEMY (CAL. CODE REGS., TIT. 5, § 11969.9, SUBD. (H))**

Dear Charter School Operator:

Pursuant to California Code of Regulations, title 5, section 11969.9, subdivision (h), the Los Angel

**5. The In-District Classroom ADA Assumptions upon which the Allocation is Based:**

413.22

The District reserves the right to seek a monetary reimbursement amount from Charter School for over-allocated space pursuant California Code of Regulations, title 5, section 11969.8. Space is to be considered over-allocated if: (1) the charter school’s actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based; and, (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of the projected in-district classroom ADA, whichever is greater. (Cal. Code Regs., tit. 5, § 11969.8, subd. (a).) California Code of Regulations, title 5, section 11969.8, subdivision (a), also specifies the regulatory formula for determining the reimbursement amount owed by a charter school to a school district if space has been over allocated. Caution: If Charter School is over-allocated space, the reimbursement amount owed to the District could be significant. Refer to Section 11969.8 for additional details.

Pursuant to California Code of Regulations, title 5, section 11969.9 subdivision (l), Charter School is required to report its actual ADA to the District via [prop39@lausd.net](mailto:prop39@lausd.net) every time that Charter School reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. Charter School must maintain records documenting the data contained in the reports and make the records available upon the District’s request.

Notification of Space, please contact the District via e-mail at [prop39@lausd.net](mailto:prop39@lausd.net). Please **DO NOT** contact the offered District school site directly.

Sincerely,

  
Frances Gipson, Ph.D.  
Chief Academic Officer

Attachments

- c: Austin Beutner
- David Holmquist
- José Cole-Gutiérrez
- Robert Perry
- Jeanette Borden

## Appendix E

### Proposition 39 Reporting Deadline and Acceptable Data Format Reminders to Charter Schools

(In February and June, specific reminders to each Proposition 39 charter school of reporting deadlines and acceptable data format.)

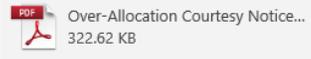
**ACTION: P1-Reporting for Over-allocation Due 02-22-19**



Prop 39 <prop39@lausd.net>  
2/16/2019 2:52 PM



Bcc: d[REDACTED]



On behalf of Prop. 39 of Los Angeles Unified School District

Dear Charter Operators:

This email serves as a reminder of your charter school's obligation pursuant to Prop. 39 to report its average daily attendance (ADA) to the District every time the charter school reports ADA to the state for apportionment purposes. (Cal. Code Regs., tit. 5, §11969.9, subd. (I).)

According to the California Department of Education, P1 reporting must be certified by February 20, 2019. Therefore, please report the charter school's actual ADA, including in-district and total ADA and in-district and total classroom ADA, for the 2018-19 school year, by **no later than Friday, February 22, 2019**. Please identify each of the ADA figures by specific school site (i.e., if the charter school operates at multiple sites, the ADA figures must be broken apart and separately reported to the District for each applicable school site). Please send the reports to the District via email to [prop39@lausd.net](mailto:prop39@lausd.net). The charter school must also maintain records documenting the data contained in the reports and make the records available upon the District's request.

Please see the attached correspondence from September 2018, in which the District reminded charter schools of this reporting requirement. If you have already submitted the reports, please disregard this notice.

Thank you in advance for your prompt attention to this matter. Please feel free to reach out if you have any questions.

Sincerely,

***Proposition 39***

Los Angeles Unified School District  
Charter Schools Division  
Office (213) 241-0399 | Fax (213) 241-2054  
Website: <http://charterschools.lausd.net>



**LOS ANGELES UNIFIED SCHOOL DISTRICT  
CHARTER SCHOOLS DIVISION**

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

**AUSTIN BEUTNER**  
Superintendent of Schools

**FRANCES GIPSON, Ph.D.**  
Chief Academic Officer  
Division of Instruction

**JOSÉ COLE-GUTIÉRREZ**  
Director, Charter Schools Division

September 10, 2018

**RE: OVER-ALLOCATION OF SPACE AND AVERAGE DAILY ATTENDANCE REPORTING FOR  
2018-19 SCHOOL YEAR IN COMPLIANCE WITH PROP. 39**

Dear Charter School Board Chairs and Charter School Leaders:

It is my hope that each of your schools is off to a successful start for the 2018-2019 school year. This serves as a courtesy reminder regarding both over-allocated space and your charter school’s mandatory reporting of average daily attendance (“ADA”) for the 2018-19 school year pursuant to Prop. 39.

A charter school occupying facilities under Prop. 39 must notify the Los Angeles Unified School District (“District”) when it anticipates that it will have over-allocated space in the 2018-19 school year. Space is to be considered over-allocated if: (1) the charter school’s actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based; and, (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of the projected in-district classroom ADA, whichever is greater. (Cal. Code Regs., tit. 5, § 11969.8, subd. (a).) California Code of Regulations, title 5, section 11969.8, subdivision (a), also specifies the regulatory formula for determining the reimbursement amount owed by a charter school to a school district if space has been over-allocated. Please note, if your charter school is over-allocated space, the reimbursement amount owed to the District could be significant. Please refer to California Code of Regulations, title 5, section 11969.8 for additional details.

Additionally, pursuant to California Code of Regulations, title 5, section 11969.9, subdivision (1), a charter school occupying facilities under Prop. 39 must report its ADA to the District every time the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. These reports must be submitted to the District at [prop39@lausd.net](mailto:prop39@lausd.net). The charter school must also maintain records documenting the data contained in the reports and make the records available upon the District’s request.

The District notified your charter school of these legal obligations for the 2018-19 school year in both the preliminary proposal and the final notification of space offered that were issued by the District earlier this year. Please note that your charter school’s failure to comply with these notification and reporting requirements may constitute violations of Prop. 39, the Single-Year Co-Location Facilities Use Agreement for the applicable school year, and its operative charter petition.

If you have any questions, please contact our team at [prop39@lausd.net](mailto:prop39@lausd.net). Thank you for your attention to this matter.

Sincerely,

  
José Cole-Gutiérrez  
Director, Charter Schools Division

- c: Dr. Frances Gipson  
Local District Superintendents  
Local District Administrators of Operation  
Robert Perry  
Sean Jernigan

Jeanette Borden  
CSD Oversight Administrators

Appendix F

Over-Allocation Data Report

(In July, published to the District Proposition 39 webpage, an auditable report summarizing over-allocation data from previous school year, relevant to the delivery of written notifications of the mandatory reimbursement amounts owed.)

**CHARTER SCHOOLS OVER ALLOCATION DATA REPORT 2019-20**

CHARTER SCHOOL	DISTRICT SITE	PRIVATE SITE ?	FINAL PROJ ADA	P2 IN-DISTRICT ADA 2019-20 (reported)	P2 is Greater than Proj	Charter School Reported Over-Allocation (Y/N)
Amigo Charter Middle School #8	Marx McLeod Bethune Middle School	N	146.4	104.23	N	N

Ammo South Los Angeles Charter High School	Henry Clay Middle School	Y	305.05	489.80	Y	N
APEX Academy	Helen Bernstein High School					
Apple Academy Charter Public Schools	Manhattan Place Elementary School					
Ararat Charter School	Erwin Elementary School Kindergarten Learning Acad					
Celerity Cardinal Charter School	Sun Valley Magnet School					
Celerity Nascent Charter School	42nd Street Elementary School					
Celerity Octavia Charter School	Washington Irving MS Magnet Fletcher Drive Elementary					
Celerity Palmati Charter School	Roy Romer Middle School					
Celerity Troika Charter School	Luther Burbank Middle School Garvanza Elementary					
Citizens of the World Charter School Hollywood	Joseph Le Conte Middle School					
Citizens of the World Silver Lake	Lockwood Avenue Elementary Grant Elementary Ramona Elementary					
City Charter Elementary School	Coliseum St Elementary William De... Elementary	N	282.48	267.17	N	N

Appendix G

Over-Allocation Billing Statements

(In August, auditable billings for execution by the Chief Financial Officer to each Proposition 39 charter school for their over-allocation reimbursement for the previous school year.)

# Invoice

**\*\*\*THIS IS A BILL\*\*\***

Invoice Date: \_\_\_\_\_  
Invoice Number: 19-20-\_\_\_\_\_

(Charter School)  
(Charter School Corporate Address)  
(CITY), CA (ZIP)  
Attn: (Charter School Contact/ Title)

School Site: (District Campus)

Usage: Prop 39 Occupancy

Dates	DESCRIPTION	Total Charges
(Instructional Year)	Prop 39 Over-Allocated Space Reimbursement	\$0.00

**Total amount Due: \$0.00**

Please make check payable to: Los Angeles Unified School District

\*Note our new mailing address below\*

**Mail to:**

Los Angeles Unified School District LAUSD Permit Office

333 S Beaudry Ave, 1st Floor Los Angeles, CA 90017

ATTN: Over-Allocated Space Payment

Appendix H

Over-Allocation Notice

(In August, a letter is sent to each charter school that owes reimbursement to the District for over-allocated space in the applicable school year., which includes an invoice that identifies the specific reimbursement amount owed, due dates for payment, and payment instructions.)

**MEMBERS OF THE BOARD**

**DR. RICHARD A. VLADOVIC, PRESIDENT**  
**MÓNICA GARCÍA**  
**JACKIE GOLDBERG**  
**KELLY GONEZ**  
**DR. GEORGE J. MCKENNA III**  
**NICK MELVOIN**  
**SCOTT M. SCHMERELSON**



**LOS ANGELES UNIFIED SCHOOL DISTRICT**

**AUSTIN BEUTNER**  
Superintendent

**MEGAN K. REILLY**  
Deputy Superintendent

**V. LUIS BUENDIA**  
Interim Chief Financial Officer

**SAMPLE LETTER**

[DATE]

[PRINCIPAL]

[CHARTER SCHOOL]

**SUBJECT: PROPOSITION 39 OVER-ALLOCATED SPACE IN 2016-17 SCHOOL YEAR**

Dear Charter School Operator,

The Los Angeles Unified School District (“District”) has determined that (“Charter School”) was over-allocated Proposition 39 space in the (“Applicable School Year”). This letter shall serve as written notice of Charter School’s reimbursement obligation to the District for over-allocated space in the Applicable School Year. This letter also explains how the reimbursement amount of **\$59,814.72** was calculated pursuant to the formula set forth by state law, and provides instructions for Charter School’s payment to the District.

**Definition of Over-Allocated Space**

State law controls Charter School’s mandatory reimbursement obligations to the District for over- allocated Proposition 39 space. Pursuant to Education Code section 47614, subdivision (b)(2), if Charter School generated less in-district classroom average daily attendance (“ADA”) than it projected for the Applicable School Year, Charter School “shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.”

The State Board of Education adopted California Code of Regulations, title 5, section 11969.8, subdivision (a), which declares that space is considered to be over-allocated if:

1. Charter School’s actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based, and
2. The difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater.

As shown below, Charter School’s actual in-district classroom ADA was less than its projected in- district classroom ADA upon which the facility allocation was based for the Applicable School Year. In addition, the difference was greater than or equal to the greater of 25 ADA or 10 percent of projected in-district classroom ADA.

<b>Projected In-District Classroom ADA<sub>1</sub></b>	<b>Actual In-District Classroom ADA<sub>2</sub></b>	<b>Difference</b>	<b>Is the Difference greater than or equal to 25 ADA, or 10 percent of projected in-district classroom ADA, whichever is greater?</b>
146.40	104.23	42.17	YES

Based on the foregoing, Charter School was over-allocated space in the Applicable School Year.

**Reimbursement Amount Owed by Charter School to the District**

Pursuant to section 11969.8, subdivision (a), the mandatory reimbursement amount owed by Charter School to the District due to over allocated space for the Applicable School Year was calculated using a per-pupil rate posted on the California Department of Education (“CDE”) website. <sup>3</sup>The per-pupil rate for over-allocated space for the Applicable School Year is \$2,016. (See <https://www.cde.ca.gov/sp/ch/overallocated.asp>.)

Section 11969.8, subdivision (a), states that the reimbursement amount owed by Charter School for over-allocated space shall be equal to (1) the per-pupil rate times the difference between Charter School’s actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA. The “threshold ADA” is defined by section 11969.8, subdivision (a), as 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater. Based on this regulatory formula, the following describes the reimbursement amount owed by Charter School to the District for the Applicable School Year.

<sup>1</sup> If Charter School and the District did not enter into a Proposition 39 alternative agreement for the Applicable School Year, Charter School’s projected in-district classroom ADA was calculated by applying the projection identified in the District’s final notification of space offered. If Charter School and the District entered into a Proposition 39 alternative agreement for the Applicable School Year, Charter School’s projected in-district classroom ADA was calculated by multiplying the ratio of ADA-to-teaching stations (classrooms) provided to students attending Charter School’s comparison group schools with the number of exclusive use teaching stations (classrooms) allocated to Charter School.

<sup>2</sup> In compliance with California Code of Regulations, title 5, section 11969.8, subdivision (a), “actual in- district classroom ADA” was determined using the report submitted by Charter School pursuant to section 11969.9(l) in conjunction with the second principal apportionment under Education Code section 41601.

<sup>3</sup> “The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263 for 2005-06, adjusted annually thereafter by the CDE by the annual percentage change in the general-purpose entitlement to charter schools calculated pursuant to Education Code section 47633, rounded to the next highest dollar, and posted on the CDE Web site.” California Code of Regulations, title 5, section 11969.8, subdivision (a).

<b>(1) Per-Pupil Rate times the difference between Charter School's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based</b>	<i>less</i>	<b>(2) Per-Pupil Rate times one-half the threshold ADA</b>	<i>equals</i>	<b>Reimbursement Amount Owed by Charter School to the District</b>
$2,016 \times 42.17 = \$85,014.72$	-	$2,016 \times (\frac{1}{2} \text{ of } 25.00) = \$25,200.00$	=	$\$59,814.72$

Therefore, Charter School owes the District a reimbursement amount of \$59,814.72 (“Reimbursement”) due to over-allocated space for the Applicable School Year.

Charter School was reminded of its legal obligations to reimburse the District if it was over-allocated space both in the preliminary proposal and the final notification of space offered, if any, that were issued by the District for the Applicable School Year. If Charter School and the District entered into a Proposition 39 alternative agreement for the Applicable School Year, Charter School also affirmed therein that it remains subject to potential reimbursement obligations for over-allocated space pursuant to California Code of Regulations, title 5, section 11969.8. Moreover, the enclosed July 8, 2016 letter sent to charter schools from the District reminded charter schools – prior to the Applicable School Year – of their legal obligations to reimburse the District if they were over-allocated space.

Please remit the Reimbursement within 20 days of delivery of this letter via check payable to “The Los Angeles Unified School District” and delivered to:

Los Angeles Unified School District  
 LAUSD Permit Office  
 333 South Beaudry Avenue, 1st Floor  
 Los Angeles, CA 90017  
 ATTN: Over-Allocated Space Payment

Please be sure to include Charter School’s name and “Prop. 39 over-allocated space for (school year)” in the memo section of the check.

If you have any questions or wish to discuss this matter further, please send an e-mail to [prop39@lausd.net](mailto:prop39@lausd.net).

Sincerely,

Luis Buendia  
 Interim Chief Financial Officer

Attachment

c: Austin Beutner, Superintendent

INTEROFFICE CORRESPONDENCE  
Los Angeles Unified School District  
Office of the Superintendent

**INFORMATIVE**

**DATE:** June 5, 2023

**TO:** Members, Board of Education

**FROM:** Alberto M. Carvalho, Superintendent 

**SUBJECT: PROPOSITION 39 OVER-ALLOCATION REIMBURSEMENT PAYMENTS  
STATUS Q 1 2023**

This informative provides a quarterly update on the District’s collections of Proposition 39 over-allocation reimbursements. The updates below are for the quarter ending on March 31, 2023. For additional details, please see the attached Charter Schools Over-Allocation Summary.

**PAYMENT STATUS SUMMARY (ALL YEARS)**

*(2015-16, 2016-17, 2017-18, 2018-19, 2019-20, 2020-21, and 2021-22 school years)*

Total Amount Owed*	Total Amount Paid	Total Remaining Amount Owed
\$ 12,058,627	\$ 8,052,542	\$ 4,006,086**

\*Following resolution of disputes/claims against certain charter schools

\*\*\$1 variance in total remaining amount owed is due to rounding of dollar amounts

As of March 31, 2023, 57 of 64 charter schools had fully paid, or were current on payment plans to fully pay, their total over-allocation reimbursement amounts owed for the above-referenced school years:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Animo Ellen Ochoa Charter Middle School</li> <li>2. Animo Florence Firestone (Formerly Animo #8)</li> <li>3. Animo South Los Angeles</li> <li>4. APEX Academy</li> <li>5. Ararat Charter School</li> <li>6. Bert Corona Charter High School (YPI Valley Public Charter School)</li> <li>7. California Collegiate Charter School</li> <li>8. California Creative Learning Academy (Formerly Los Feliz Charter)</li> <li>9. Celerity Rolas Charter School (CLOSED)</li> <li>10. Celerity Troika Charter School (CLOSED)</li> <li>11. Citizen of the World Charter School 5</li> <li>12. Citizens of the World – Mar Vista</li> <li>13. Citizens of the World – Silver Lake</li> <li>14. Citizens of the World – Hollywood</li> <li>15. Collegiate Charter High School of Los Angeles</li> <li>16. Crenshaw Arts/Tech Charter High (CATCH)</li> <li>17. Crown Preparatory Academy</li> <li>18. Extera Public School</li> <li>19. Extera Public School 2</li> <li>20. Gabriella Charter School 2</li> <li>21. Girls Athletic Leadership School</li> </ol> | <ol style="list-style-type: none"> <li>22. Global Education Academy 2</li> <li>23. Goethe International Charter School</li> <li>24. High Tech Los Angeles MS</li> <li>25. ICEF Vista Elementary Charter Academy</li> <li>26. Ingenium Charter Middle School</li> <li>27. Ingenium Charter School</li> <li>28. ISANA Cardinal Academy (Formerly Celerity Cardinal)</li> <li>29. ISANA Nascent Academy (Formerly Celerity Nascent)</li> <li>30. ISANA Octavia Academy (Formerly Celerity Octavia)</li> <li>31. ISANA Palmati Academy (Formerly Celerity Palmati)</li> <li>32. KIPP Ignite Academy</li> <li>33. KIPP K-8/Corazon</li> <li>34. KIPP Pueblo Unido</li> <li>35. Larchmont Charter School</li> <li>36. Lashon Academy</li> <li>37. Lashon Academy City</li> <li>38. Libertas College Preparatory</li> <li>39. Los Angeles Academy of Arts &amp; Enterprise</li> <li>40. Magnolia Science Academy 3</li> <li>41. Magnolia Science Academy 4</li> <li>42. Magnolia Science Academy 5</li> </ol> |
|---|--|

- |  |   |
|--|---|
| 43. Magnolia Science Academy 6   | 51. Stella Elementary Charter Academy                         |
| 44. New Heights Charter School   | 52. USC College Prep Orange Campus Charter School (Esperanza) |
| 45. New Horizons Charter Academy   | 53. Valiente College Preparatory                              |
| 46. New Los Angeles Charter Elementary School  | 54. Valley International Preparatory High School              |
| 47. New Millennium Secondary School  | 55. Vista Horizon Global Academy                              |
| 48. Ocean Charter School   | 56. Watts Learning Center Charter Middle School               |
| 49. Prepa Tec Los Angeles High   | 57. WISH Academy High School                                  |
| 50. Russell Westbrook Why Not? Charter Middle School (Formerly LA's Promise Charter Middle School) |   |

As of March 31, 2023, 7 of 64 charter schools had not fully paid, or were not current on payment plans to fully pay, their total over-allocation reimbursement amounts owed for all of the above-referenced school years:

- |  |   |
|--|---|
| 1. Clemente Charter School (CLOSED)                | 4. ICEF Lou Danzler Preparatory Charter Elementary (CLOSED) |
| 2. Excelencia Charter Academy (CLOSED)             | 5. Pathways Community School (CLOSED)                       |
| 3. Global Education Academy Middle School (CLOSED) | 6. Resolute Academy (CLOSED)                                |
|  | 7. Summit Preparatory Charter School (CLOSED)               |

### **DISTRIBUTION OF REIMBURSEMENTS TO DISTRICT SCHOOLS**

In January 2023, over-allocation reimbursements collected between July 1, 2022, and December 31, 2022, were directed to District “host” school sites pursuant to District policy, “Directing Charter School Overallocation Reimbursement Funds to Home Schools (Res-024-19/20)”. The disbursements were made as follows:

<b>District School Name</b>	<b>Amount</b>	<b>District School Name</b>	<b>Amount</b>
Arlington Hts El	\$ 4,850	Audubon MS	\$ 15,853
Breed El	\$ 70,353	Belvedere MS	\$ 17,279
Eastman El	\$ 90,798	Columbus MS	\$ 102,375
Erwin El	\$ 28,243	Curtiss MS	\$ 86,195
Fair El	\$ 43,402	Romer MS	\$ 44,283
Fletcher Dr El	\$ 56,440	Fulton College Prep	\$ 216,642
42nd St El	\$117,645	Irving Mme Mag	\$ 71,833
Glenwood El	\$ 23,845	Le Conte MS	\$ 126,376
Grant El	\$ 16,638	Maclay MS	\$ 12,752
Hobart Blvd El	\$ 45,266	Marina Del Rey MS	\$ 185,307
Pacific Blvd School	\$ 157,097	Robert L Stevenson College & Career Prep	\$ 48,665
Lockwood El	\$ 7,340	Sun Valley Et Mag	\$ 63,990
Lorena El	\$ 130,115	Sutter MS	\$ 61,210
Pio Pico MS	\$ 52,683	Van Nuys MS	\$ 37,800
112th St El	\$ 39,438	Virgil MS	\$ 15,659
Ramona El	\$ 9,298	Webster MS	\$ 9,482
King Jr El	\$ 62,076	Roybal LC	\$ 3,770
2nd St El	\$ 87,656	Chatsworth Chtr HS	\$ 16,835

<b>District School Name</b>	<b>Amount</b>	<b>District School Name</b>	<b>Amount</b>
Shirley El	\$ 1,056	Panorama SH	\$ 29,960
6th Ave El	\$ 16,824	Gardena SH	\$ 1,115
Obama Global Prep Acad	\$ 24,226	Bernstein SH	\$ 134,456
Trinity El	\$ 83,106	South East SH	\$ 3,727
24th St El	\$ 53,806	Wesm Hlth/Sports Med	\$ 272,392

**OVER-ALLOCATION REIMBURSEMENT OBLIGATION REMINDERS**

- In February, the District included over-allocation reminders in February 1 Preliminary Proposals sent from the District to each Proposition 39 charter school.
- In February, the District sent reminders of the First Principal Apportionment Proposition 39 reporting deadline and acceptable data format to each Proposition 39 charter school. All applicable charter schools reported the required data.
- In March, the District issued notices using illustrative examples for the current operating year to each Proposition 39 charter school regarding the charter school’s potential for over-allocation reimbursement payments if the charter school fails to meet projections.

Should you have any questions regarding the above, please contact Luis Buendia at (213) 241-7970 or via e-mail at [luis.buendia@lausd.net](mailto:luis.buendia@lausd.net) or José Cole-Gutiérrez at (213) 241-0399 or via e-mail at [jose.cole-gutierrez@lausd.net](mailto:jose.cole-gutierrez@lausd.net).

Attachment: Charter Schools Over-Allocation Summary as of 03-31-2023

c: Devora Navera Reed  
 Pedro Salcido  
 Karla V. Estrada  
 Kristen K. Murphy  
 Jaime Torrens  
 Amanda Wherritt  
 Autri Streeck  
 Patricia Chambers

Carol Delgado  
 Michael McLean  
 David D. Hart  
 Veronica Arreguin  
 Luis Buendia  
 José Cole-Gutiérrez  
 Jeanette Borden

**Charter Schools Over-Allocation Summary**

Item	School	Over-Allocation Amounts				Amount Outstanding	Payment Plan*
		FY 2021-22	FY 2015-16 through FY 2020-21	Total Amount Owed	Total Amount Paid		
1	Animo Ellen Ochoa Charter Middle School	\$0	\$43,004	\$43,004	\$43,004	\$0	N/A
2	Animo Florence Firestone (Formerly Animo #8)	\$0	\$184,769	\$184,769	\$184,769	\$0	N/A
3	Animo South Los Angeles	\$0	\$39,162	\$39,162	\$39,162	\$0	N/A
4	APEX Academy	\$139,272	\$348,927	\$488,199	\$488,199	\$0	N/A
5	Ararat Charter School	\$59,208	\$0	\$59,208	\$59,208	\$0	N/A
6	Bert Corona Charter High School (YPI Valley Public Charter School)	\$0	\$145,293	\$145,293	\$46,113	\$99,180	Yes
7	California Creative Learning Academy (Formerly Los Feliz Charter)	\$0	\$34,458	\$34,458	\$34,458	\$0	N/A
8	California Collegiate Charter School	\$0	\$40,185	\$40,185	\$40,185	\$0	N/A
9	Celerity Rolas Charter School (CLOSED)	\$0	\$20,592	\$20,592	\$20,592	\$0	N/A
10	Celerity Troika Charter School (CLOSED)	\$0	\$80,698	\$80,698	\$80,698	\$0	N/A
11	Citizen of the World Charter School 5	\$0	\$10,388	\$10,388	\$2,178	\$8,210	Yes
12	Citizens of the World - Mar Vista	\$0	\$84,830	\$84,830	\$47,204	\$37,626	Yes
13	Citizens of the World - Silver Lake	\$0	\$263,861	\$263,861	\$162,889	\$100,972	Yes
14	Citizens of the World Charter School - Hollywood	\$134,640	\$66,857	\$201,497	\$161,057	\$40,440	Yes
15	Clemente Charter School (CLOSED)	\$0	\$444,182	\$444,182	\$0	\$444,182	No
16	Collegiate Charter High School of Los Angeles	\$54,072	\$180,039	\$234,111	\$96,982	\$137,129	Yes
17	Crenshaw Arts/Tech Charter High (CATCH)	\$0	\$95,620	\$95,620	\$30,196	\$65,424	Yes
18	Crown Preparatory Academy	\$59,784	\$0	\$59,784	\$59,784	\$0	N/A
19	Ednovate - Esperanza College Prep (Formerly USC College Prep Orange Campus Char	\$0	\$60,266	\$60,266	\$60,266	\$0	N/A
20	Excelencia Charter Academy (CLOSED)	\$0	\$157,894	\$157,894	\$5,000	\$152,894	No
21	Extera Public School	\$166,356	\$75,204	\$241,560	\$200,119	\$41,441	Yes
22	Extera Public School 2	\$223,392	\$94,780	\$318,172	\$265,215	\$52,957	Yes
23	Gabriella Charter School 2	\$92,340	\$26,267	\$118,607	\$118,607	\$0	N/A
24	Girls Athletic Leadership School	\$33,288	\$75,427	\$108,715	\$108,715	\$0	N/A
25	Global Education Academy 2	\$86,904	\$121,683	\$208,587	\$208,587	\$0	N/A
26	Global Education Academy Middle School (CLOSED)	\$0	\$153,739	\$153,739	\$0	\$153,739	No
27	Goethe International Charter School	\$146,172	\$324,218	\$470,390	\$257,089	\$213,301	Yes
28	High Tech Los Angeles MS	\$42,000	\$77,708	\$119,708	\$119,708	\$0	N/A
29	ICEF Lou Danzler Preparatory Charter Elementary (CLOSED)	\$0	\$263,677	\$263,677	\$0	\$263,677	No
30	ICEF Vista Elementary Charter Academy	\$0	\$58,649	\$58,649	\$58,649	\$0	N/A
31	Ingenium Charter Middle School	\$58,344	\$57,476	\$115,820	\$79,915	\$35,905	Yes
32	Ingenium Charter School	\$83,700	\$271,153	\$354,853	\$144,506	\$210,347	Yes
33	ISANA Cardinal Academy (Formerly Celerity Cardinal)	\$71,100	\$21,008	\$92,108	\$92,108	\$0	N/A
34	ISANA Nascent Academy (Formerly Celerity Nascent)	\$130,716	141,506	\$272,222	\$272,222	\$0	N/A
35	ISANA Octavia Academy (Formerly Celerity Octavia)	\$142,524	\$163,146	\$305,670	\$305,670	\$0	N/A
36	ISANA Palmati Academy (Formerly Celerity Palmati)	\$75,696	\$317,470	\$393,166	\$393,166	\$0	N/A

**Charter Schools Over-Allocation Summary**

Item	School	Over-Allocation Amounts				Amount Outstanding	Payment Plan*
		FY 2021-22	FY 2015-16 through FY 2020-21	Total Amount Owed	Total Amount Paid		
37	KIPP Ignite Academy	\$0	\$213,877	\$213,877	\$213,877	\$0	N/A
38	KIPP K-8/Corazon	\$0	\$192,061	\$192,061	\$192,061	\$0	N/A
39	KIPP Pueblo Unido	\$174,552	\$0	\$174,552	\$174,552	\$0	N/A
40	Los Angeles Academy of Arts & Enterprise	\$0	\$383,528	\$383,528	\$354,210	\$29,318	Yes
41	Larchmont Charter School	\$0	\$21,655	\$21,655	\$21,655	\$0	N/A
42	Lashon Academy	\$203,304	37,409	\$240,713	\$240,712	\$0	N/A
43	Lashon Academy City	\$0	18,693	\$18,693	\$18,692	\$0	N/A
44	Libertas College Preparatory	\$0	\$76,342	\$76,342	\$76,342	\$0	N/A
45	Magnolia Science Academy 3	\$95,772	\$410,012	\$505,784	\$505,784	\$0	N/A
46	Magnolia Science Academy 4	\$0	\$351,457	\$351,457	\$351,457	\$0	N/A
47	Magnolia Science Academy 5	\$0	\$63,763	\$63,763	\$63,763	\$0	N/A
48	Magnolia Science Academy 6	\$58,536	\$0	\$58,536	\$58,536	\$0	N/A
49	New Heights Charter School	\$0	\$216,770	\$216,770	\$128,091	\$88,679	Yes
50	New Horizons Charter Academy	\$105,312	\$261,785	\$367,097	\$115,886	\$251,211	Yes
51	New Los Angeles Charter Elementary School	\$0	\$53,926	\$53,926	\$53,926	\$0	N/A
52	New Millennium Secondary School	\$0	\$39,389	\$39,389	\$30,548	\$8,841	Yes
53	Ocean Charter School	\$0	\$1,265,158	\$1,265,158	\$191,108	\$1,074,050	Yes
54	Pathways Community School (CLOSED)	\$0	\$193,144	\$193,144	\$115,954	\$77,190	No
55	Prepa Tec Los Angeles High	\$0	\$28,414	\$28,414	\$28,414	\$0	N/A
56	Resolute Academy (CLOSED)	\$143,328	\$49,713	\$193,041	\$49,713	\$143,328	N/A
57	Russell Westbrook Why Not? Charter Middle School (Formerly LA's Promise Charter Middle School)	\$0	\$26,812	\$26,812	\$26,812	\$0	N/A
58	Stella Elementary Charter Academy	\$0	\$72,123	\$72,123	\$72,123	\$0	N/A
59	Summit Preparatory Charter School (CLOSED)	\$0	\$82,910	\$82,910	\$0	\$82,910	No
60	Valiente College Preparatory	\$92,664	\$23,003	\$115,667	\$99,565	\$16,102	Yes
61	Valley International Preparatory High School	\$0	\$104,369	\$104,369	\$37,567	\$66,802	Yes
62	Vista Horizon Global Academy	\$31,173	\$148,476	\$179,649	\$69,418	\$110,231	Yes
63	Watts Learning Center Charter Middle School	\$0	\$96,529	\$96,529	\$96,529	\$0	N/A
64	WISH Academy High School	\$225,252	\$153,773	\$379,025	\$379,025	\$0	N/A
	<b>Totals</b>	<b>\$2,929,401</b>	<b>\$9,129,226</b>	<b>\$12,058,627</b>	<b>\$8,052,542</b>	<b>\$4,006,086</b>	

\*Charter school has committed to pay total amount owed for FY 2015-16 through FY 2020-21 in multiple installments via a payment plan



## Board of Education Report

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**File #:** Rep-142-22/23, **Version:** 1

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**Proposition 39 Charter Facilities Compliance for the 2023-2024 School Year - Finding and Written Statements of Reasons Why Certain Charter Schools Cannot be Accommodated on a Single School Site, and Determination of Necessity to Move**

**January 17, 2023**

**Office of the Chief Strategy Officer  
Facilities Services Division**

**Action Proposed:**

Pursuant to California Education Code section 47614 and its implementing regulations (“Regulations”), find and adopt a written statement of reasons why certain charter schools (as identified in the Attachments hereto) that submitted a Proposition 39 facilities request for the 2023-2024 school year cannot be accommodated on a single school site. Also determine it is necessary to move part of certain charter schools’ operations to an additional school site.

**Background:**

With the passage of Proposition 39 in November 2000, California Education Code section 47614 (“Proposition 39”) was amended with the intent that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

Proposition 39 requires that school districts make available, to each charter school operating in the school district, facilities that will accommodate all of the charter school’s in-district students. The facilities must be in conditions “reasonably equivalent” to those in which the students would be accommodated if they were attending other public schools of the district. For each legally sufficient facilities request submitted by a charter school to a school district, the Regulations require the school district to deliver to the charter school a preliminary proposal on or before February 1st, and a final offer on or before April 1st.

The Board of Education has authorized the Superintendent (and/or their designee(s)) to issue preliminary proposals and final offers of space to all charter schools that submitted legally sufficient facilities requests, for the specific school year at issue, in accordance with requirements and timelines of Proposition 39 and the Regulations. (Board Report No. 098 - 18/19, dated October 2, 2018).

The District is prepared to make preliminary proposals and final offers of space at operating District school sites to all eligible charter school applicants. While most preliminary proposals and final offers will accommodate charter schools at a single school site, some will accommodate certain charter schools (identified in the Attachments hereto) at more than one school site.

Section 11969.2, subdivision (d), of the Regulations provides that if a school district’s preliminary proposal or final offer of space does not accommodate a charter school at a single school site, the district’s governing board must first: (i) make a finding that the charter school cannot be accommodated at a single site; and (ii) adopt a written statement of the reasons explaining the finding.

The charter schools identified in the Attachments hereto cannot be accommodated at a single site because of several factors, such as: the large number of seats identified in the charter school's facilities request, the lack of available classrooms on a single site in the specific area requested by the charter school, multiple charter schools' requests for facilities at the same school site or in the same area, and/or the charter school's request to be located at more than one school site. In addition to design capacity and geographical limitations, the District gave substantial consideration to District and charter students' safety and welfare, including, but not limited to, the disproportionate harm to District students that would result from forcibly dislocating children from their neighborhood schools to make room for non-neighborhood charter students.

Each Attachment includes the following, as mandated by Proposition 39 and the Regulations:

- a) The process for staff's determination that a particular charter school cannot be accommodated on a single site. The process included, among other things, (1) a description of how the District determined available classroom inventory to meet a charter school's facilities request; (2) the rationale for making a multiple site offer; and (3) material considerations of student safety and welfare when balancing all available alternatives; and
- b) A recommended finding that a certain charter school could not be accommodated at a single site and written statement of reasons explaining the finding, and a determination that it is necessary to move part of the charter school's operations to an additional school site (if applicable).

**Expected Outcomes:**

As mandated by Proposition 39 and the Regulations, the Board will make findings and adopt written statements of the reasons why certain charter schools (as identified in the Attachments hereto) that submitted Proposition 39 facilities requests cannot be accommodated at a single school site for the 2023-2024 school year. The Board will also determine it is necessary to move part of certain charter schools' operations to an additional school site.

**Board Options and Consequences:**

If "no" vote, the District will not be in compliance with section 11969.2, subdivision (d) of the Regulations requiring the Board to make findings and adopt written statements as to why certain charter schools (as identified in the Attachments hereto) will receive Proposition 39 preliminary proposals and/or final offers accommodating them at more than one school site. The Board will also not determine it is necessary to move part of certain charter schools' operations to an additional school site.

If "yes" vote, the District will be in compliance with section 11969.2, subdivision (d) of the Regulations requiring the Board to make findings and adopt written statements as to why certain charter schools (as identified in the Attachments hereto) will receive Proposition 39 preliminary proposals and/or final offers accommodating them at more than one school site. The Board will also determine it is necessary to move part of certain charter schools' operations to an additional school site.

**Policy Implications:**

This action does not change District policies.

**Budget Impact:**

This finding has no budget impact.

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**File #:** Rep-142-22/23, **Version:** 1

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**Student Impact:**

Pursuant to Proposition 39, public school facilities should be shared fairly among all public school pupils, including those in charter schools. Through this proposed action, the Board is adhering to this mandate.

**Equity Impact:**

Not Applicable.

**Issues and Analysis:**

Pursuant to Proposition 39 and the Regulations, the District is required to make a preliminary proposal and final offer of space to each charter school that submitted a legally sufficient request for facilities. If a charter school cannot be accommodated at a single school site, the Board must first make a finding that the charter school cannot be accommodated at a single site and adopt a written statement of the reasons explaining the finding.

**Attachments:**

Appendix A: Index of Charter Schools

Appendix B: Attachment for Each Charter School that Cannot be Accommodated on a Single School Site. Each Attachment includes two tabs:

- (a): Staff Report on the Deliberative Process for Determining Why the Charter School Cannot be Accommodated at a Single Site; and
- (b): Board of Education Finding that the Charter School Could Not be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding, and Determination of Necessity to Move (if applicable)

The documents for each charter school identified in Attachments will be available for viewing at the following link: [https://drive.google.com/drive/folders/1JSJvMFXEUn4iig1PTLgg1ywntU\\_NkpNF?usp=share\\_link](https://drive.google.com/drive/folders/1JSJvMFXEUn4iig1PTLgg1ywntU_NkpNF?usp=share_link)

**Informatives:**

Not applicable

**Submitted:**

01/05/23

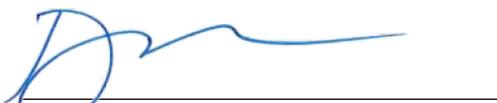
**RESPECTFULLY SUBMITTED,**

  
ALBERTO M. CARVALHO  
Interim Superintendent

**APPROVED & PRESENTED BY:**

  
VERONICA ARREGUIN  
Chief Strategy Officer

**REVIEWED BY:**

  
DEVORA NAVERA REED  
General Counsel

**APPROVED & PRESENTED BY:**

  
MARK HOVATTER  
Chief Facilities Executive  
Facilities Services Division

Approved as to form.

**REVIEWED BY:**

  
TONY ATIENZA  
Director  
Budget Services and Financial Planning

Approved as to budget impact statement.

## APPENDIX A

## BOARD OF EDUCATION REPORT 142-22/23

January 17, 2023

**INDEX OF CHARTER SCHOOLS****Proposition 39 Charter Facilities Compliance for the 2023-24 School Year  
Findings and Written Statements of Reasons Why Certain Charter Schools  
Cannot be Accommodated on a Single School Site, and Determination of Necessity to Move**

The charter schools identified below will be accommodated at more than one school site. For each of these charter schools, Appendix B includes Attachments (a) and (b), as follows:

- (a) Staff Report on Deliberative Process for Determining Why the Charter School Cannot be Accommodated at a Single Site;
- (b) Board of Education Finding that the Charter School Could Not be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding, and Determination of Necessity to Move (if applicable)

<b>ATTACHMENT</b>	<b>CHARTER SCHOOL NAME</b>	<b>DISTRICT SCHOOL SITES</b>
1	Animo Jackie Robinson Charter High School	John Adams Middle School William Jefferson Clinton Middle School
2	Ararat Charter School	Erwin Elementary Kindergarten Learning Academy
3	Citizens of the World Charter School Hollywood	Joseph Le Conte Middle School Ramona Elementary
4	Citizens of the World Charter School Mar Vista	Grand View Boulevard Elementary Webster Middle School
5	Citizens of the World Charter School Silver Lake	Alexandria Avenue Elementary Virgil Middle School
6	Extera Public School	Breed Street Elementary 2nd Street Elementary
7	Extera Public School #2	Eastman Avenue Elementary Lorena Street Elementary
8	Gabriella Charter School 2	Trinity Street Elementary West Vernon Avenue Elementary
9	HighTech Los Angeles Middle School	Louis Armstrong Middle School Van Nuys Middle School

ATTACHMENT	CHARTER SCHOOL NAME	DISTRICT SCHOOL SITES
10	ISANA Nascent Academy	42nd Street Elementary Thomas Bradley Global Awareness Magnet
11	ISANA Octavia Academy	Fletcher Drive Elementary Washington Irving Middle School Math, Music, and Engineering Magnet
12	ISANA Palmati Academy	Glenwood Elementary Roy Romer Middle School
13	Larchmont Charter School	Selma Elementary Hoover Street Elementary
14	Lashon Academy	Robert Fulton College Preparatory School Valerio Street Elementary
15	New Los Angeles Elementary School	Baldwin Hills Elementary Pilot & Gifted Magnet Cienega Elementary
16	North Valley Military Institute College Preparatory Academy	Valley Oaks Center for Enriched Studies (VOCES) Magnet Mount Gleason Middle School Francisco Sepulveda Middle School
17	Rise Kohyang High School	Berendo Middle School West Adams Preparatory Senior High
18	Synergy Charter Academy	28th Street Elementary Quincy Jones Elementary
19	WISH Community School	Orville Wright Engineering & Design Magnet Paseo Del Rey Elementary Natural Science Magnet Westchester Enriched Sciences Magnets

## APPENDIX B

### BOARD OF EDUCATION REPORT 142-22/23

January 17, 2023

#### **ATTACHMENT 19(a): WISH COMMUNITY SCHOOL**

##### Staff Report on Deliberative Process for Determining Why WISH Community School Cannot be Accommodated at a Single Site

##### **Charter School's Facilities Request**

1. On or before November 1, 2022, WISH Community School ("Charter School") submitted a Proposition 39 Online Facilities Request Form ("Facilities Request") to the District, requesting use of District facilities for a projected in-district classroom average daily attendance ("ADA") of 724.73 in grades TK-8 for the 2023-24 school year ("Next Fiscal Year"). Charter School identified 43 different District schools that its charter school students would otherwise attend. Charter School's Facilities Request was one of 51 that the District received for the Next Fiscal Year. Charter School appears to have requested facilities at Orville Wright Engineering and Design Magnet, with Westchester Enriched Sciences Magnets identified as an additional site if the request cannot be accommodated at just Orville Wright Engineering and Design Magnet. Charter School is currently co-located at Orville Wright Engineering and Design Magnet and Westchester Enriched Sciences Magnets.

2. District staff reviewed information provided in support of Charter School's ADA projections and determined that a reasonable in-district classroom ADA projection for Charter School is 721.68.

3. Education Code section 47614, subdivision (b) requires the District to provide charter schools with facilities sufficient for the charter school to accommodate all of its in-district students in conditions "reasonably equivalent" to those in which the students would be accommodated if they were attending other public schools of the district.

4. To determine whether the conditions of facilities provided to a charter school are "reasonably equivalent" to the school district facilities that charter school students would otherwise attend, the District adheres to the Proposition 39 implementing regulations (California Code of Regulations, title 5, section 11969.1, et seq.) which direct school districts to measure those facilities against the facilities used by district students at a "comparison group" of schools. As the District is

divided into high school attendance areas, in selecting comparison group schools, the District must follow California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), which states, “[t]he comparison group shall be the district-operated schools with similar grade levels that serve students living in the high school attendance area... in which the largest number of students of the charter school reside.” District staff reviewed Charter School’s projected in-district classroom ADA broken down by grade level and its identification of the 43 different District schools its projected charter school students would otherwise attend. Based on the information provided by Charter School, District staff determined that the attendance area where the largest number of Charter School’s projected students reside is the Westchester Enriched Sciences Magnets attendance area. Consequently, based on the grade levels that Charter School projected it will serve, District staff identified the following as the District-operated schools with similar grade levels that serve students within the Westchester Enriched Sciences Magnets attendance area; i.e., Charter School’s comparison group schools: Cowan Avenue Elementary School, Johnson STEM Academy, Kentwood Elementary School, Loyola Village Elementary School, Paseo del Rey Elementary School, Playa Vista Elementary School, Westport Heights Elementary School, Windsor Hills Elementary Magnet, and Orville Wright Engineering and Design Magnet.

5. The District also follows California Code of Regulations, title 5, section 11969.3, subdivision (b)(1), which requires that the facilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations (classrooms) to ADA as those provided to students in the district attending comparison group schools. To implement a fair sharing of space, the District determines the ratio of ADA-to-classrooms provided for each of the charter school’s comparison group schools and uses an average of those figures to determine the number of classrooms to provide to the charter school. It also results in the District allocating classroom space sufficient to allow a charter school to maintain the same minimum number of seats in a classroom as maintained in the District’s comparison group schools, that is, to maintain conditions reasonably equivalent to the comparison group schools as required by Proposition 39. In other words, it results in accommodating charter school students on District school sites as they would be accommodated if they otherwise attended those District

schools. Consequently, this calculation is used to ensure the number of classrooms provided to charter schools is equivalent to the number of classrooms allocated to a charter school's comparison group schools.

6. Relying upon an in-district classroom ADA projection of 721.68 for the Next Fiscal Year, and an average ADA to classrooms provided ratio at the comparison group schools of 18.35, the District determined that Charter School is entitled to 39 teaching stations (classrooms) and one classroom space to be used for its administrative office. The District also determined that Charter School is entitled to 5 special education classroom(s).

7. Charter School's facilities request states: "WISH Community would like to be all together on the Wright Middle School Campus. If that is not possible, it would like to stay in its current locations both on the Wright Middle School Campus and the Westchester Enriched Sciences Magnet Campus.... If a contiguous space cannot be provided for WISH Community grades TK-Grade 8 at Wright MS or Westchester SH then WISH would like to continue to co-locate on both campuses. Due to its close connection with LMU and its status as a professional development school. WISH must remain within close proximity to the university. Other sites within the target geographic area are Westchester SH, Emerson Adult School, Playa Vista Elementary, Paseo Del Rey, Loyola Village, Playa Del Rey, and any other elementary or middle schools within a 1-mile radius of Loyola Marymount University and within the 90045 zip code."

8. Based on the foregoing, if the in-district classroom ADA of Charter School cannot be accommodated entirely at Orville Wright Engineering and Design Magnet in the Next Fiscal Year, District staff recommends allocating Charter School facilities at Orville Wright Engineering and Design Magnet and at more than that school site.

9. As explained below, pursuant to Proposition 39, District staff first engaged in an effort to create a single-site offer to accommodate Charter School's projected total in-district classroom ADA in the Next Fiscal Year at Orville Wright Engineering and Design Magnet. District staff evaluated space at Orville Wright Engineering and Design Magnet (the District school site at which Charter School

wishes to locate) and determined that Orville Wright Engineering and Design Magnet will not have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year. Rather than attempt to locate Charter School on a single site different from the requested site, pursuant to Education Code section 47614, District staff engaged in an effort to satisfy Charter School’s request and provide a multi-site allocation of contiguous facilities.

10. Therefore, District staff recommends providing space at the following locations to Charter School to accommodate its total in-district classroom ADA for the Next Fiscal Year: Orville Wright Engineering and Design Magnet, Westchester Enriched Sciences Magnets, and Paseo del Rey Elementary School (collectively, the “Recommended Co-Locations”). By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate and to minimize the number of sites assigned to Charter School.

**Process and Matching Guidelines District Staff Followed to Locate Space for Charter School**  
**Pursuant to Proposition 39**

11. The District’s Charter Schools Division (“CSD”) determined that in the 2022-23 school year, more than 150,059 students enrolled in charter schools authorized by the District. This figure reflects a 928 student decrease compared to the number of students enrolled during the previous school year. In the 2022-23 school year, the District had the most charter students attending schools authorized by a District of any school district in the nation. The District ensured that every eligible in-district charter student was offered a seat.

12. For the 2023-24 Proposition 39 cycle, the District is applying a comprehensive process to ensure that every eligible in-district charter school student is offered a seat at a District campus. The District is following a critical schedule of steps, from receiving the initial request for facilities by a charter school to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. The general process District staff followed in administrating Charter School’s Facilities Request is the same that it used to process each of the other facilities requests the District received from

charter schools for the Next Fiscal Year. That process is as follows:

13. Beginning in September 2022, School Management Services and Demographics (“SMS”) staff, which includes District personnel in the District’s Facilities Services Division experienced in public school facilities utilization that assess all of the space within the District, conducted a comprehensive analysis of the use of District school facilities, called ALT E-CAR, similar to the Electronic Capacity Assessment Review (“E-CAR”) tool utilized in previous Proposition 39 cycles. As a result of the September 2022 cyberattack to the District’s information technology systems, the District has had to adapt its usual E-CAR process, which involved a comprehensive web-based application, to ALT E-CAR. Similar to E-CAR, ALT E-CAR was implemented at the beginning of the Proposition 39 process to assess capacity at school sites throughout the District, and required principals at over 700 District campuses to specifically identify and validate classroom space utilized as teaching stations and set-asides, along with classroom numbers, locations, and sizes. Additionally, the principals identified classrooms occupied by special education programs, charter schools, preschools, alternative education programs, and other third-party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements. The purpose of ALT E-CAR is to accurately assess the present capacity of each District school site in several respects: the number and size of classrooms, the manner in which those classrooms are presently used, and the school’s operating capacity. ALT E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that space is used efficiently and uniformly throughout the District.

14. ALT E-CAR commenced with a preparation period during which SMS staff examined materials submitted by all District schools in the previous year for accuracy, as well as for consistency with previous assessments’ classroom usage and availability determinations. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of total classroom space at District school sites. The purpose of this calculus is to assess

the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.

15. The ALT E-CAR process was similar to the E-CAR process. It involved District school principals at more than 700 District school sites logging in online to verify their school's enrollment and to review and confirm details regarding the school site's classrooms and their respective utilization. The school principals specifically identified and validated classroom space utilized as teaching stations and "set-asides" (classrooms used for purposes other than general education), along with classroom numbers, locations, and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, alternative education programs, and other third-party users, as well as swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety/physical condition requirements.

16. To ensure that District school administrators are provided the data necessary for a complete and accurate assessment of school capacity, they were instructed to reference the following resource materials for their school site: A current school map; the school's former or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2022); the Norm Day classification report for any magnet centers and/or dual language programs located on the school site; the Classroom Inventory and Allocation Worksheet pages from the prior school year's Capacity Assessment Review report, which contains information for classroom counts and allocations into precisely-defined categories; and the number of teaching positions in all categories, including general education, special day, magnet, dual-language, physical education, and off-norm-funded positions. The school administrators were also provided reference documents, a training class, and a quick-start manual, as well as additional preparation support available for live, one-on-one expert telephone assistance.

17. Categorizing classrooms in this way is important because a school's capacity involves more than its raw seats and room numbers. The District must determine whether a school site has facilities available to sufficiently serve the particular requirements of a school, such as grade levels,

classes, special education programs, magnet centers, Small Learning Communities, Personalized Learning Environments, legal mandates, and other student needs.

18. As a result of the foregoing, District staff reviewed data regarding specific capacity information at District school sites for the Next Fiscal Year. Utilizing this data, SMS provided CSD with the number of estimated available seats, as well as classrooms, at each District school site given specific operating capacities per programmatic and mandated qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats.” To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 100 seats across a campus than to provide four or five empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District middle and high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

19. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set asides.” Public school districts are required to provide special education space, and at least one parent center at each school which is classified as a set-aside. Also, pre-kindergarten and adult education students are served in classrooms at school sites across the District.

20. District staff analyzed each District school’s estimated available seats and classrooms for

the Next Fiscal Year based on the data.

21. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that educational environment, as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, the District determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

22. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2) to determine comparison group schools. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school

were reasonably equivalent to those of the comparison group schools.

### **Matching Guidelines Utilized by the District for Charter School**

23. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supports and facilitates the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or on multiple sites only if necessary or specifically requested by the charter school, in the charter school applicant's geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school's projected in-district classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations, as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

24. District staff first identifies the classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

25. District staff next identifies which charter school applicants are currently located in District facilities that they have identified in their geographic area of interest for the following Proposition 39 cycle and, when feasible, matches those charter schools to those school sites. District staff then examines and identifies the geographic areas of interest of other charter school applicants. As described above, multiple charter schools often request space in the exact same location so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single-site offer. Priority is given to those charters where these two goals can be achieved.

26. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-district classroom ADA of each charter

school. District staff attempts to find the most geographically relevant grade-alike matches. For multi-site scenarios, District staff eliminates set-asides whenever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single-site offers. District staff frequently engages in the materially disruptive measure of eliminating set-asides used to provide services at District schools in order to share space fairly among charter and non-charter students in the District. Set-asides are divided into two categories: District set-asides and School set-asides.

27. School set-asides allocate space for instructional, safety, and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered School set-asides. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, School set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income students and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)

28. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may be used for the District’s Response to Instruction and Intervention (“RTI<sup>2</sup>”) program. RTI<sup>2</sup> integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI<sup>2</sup>, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to charter schools requesting Proposition 39 facilities, District staff has eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low-income, low-performing, or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

29. District set-asides use school space to implement key District-wide instructional, health, and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny or interfere with students’ ability to receive the special education and related services to which they are entitled, or force students to travel as much as 50 miles to the next closest center. In the 2022-23 fiscal year, the District’s school-based health clinics are projected to provide approximately 156,000 visits to children who would otherwise have been challenged to access health care. This number is an increase from the previous school year as our staffing ratios improve and clinic hours increase with newly opened clinics. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high-quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of Beyond the Bell include academic tutorial, recreational, and enrichment programs. During a typical school year, over 100,000 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See

LAUSD, *Beyond the Bell: Expanded Day Programs*, <http://btb.lausd.net/about>.) Students who participate in after-school programs have improved attendance. (*Ibid.*) Indeed, Beyond the Bell's after-school programs resulted in improved test scores in English/Language Arts and Mathematics. (*Ibid.*) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after-school hours. (*Ibid.*) Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (*Ibid.*) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol, and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (*Ibid.*) Teens who participate in after-school programs are three times less likely to skip classes than teens who do not participate. (*Ibid.*) They are also three times less likely to do drugs, consume alcohol, and engage in sexual activity. (*Ibid.*) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

30. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

31. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of 51 different charter school applicants and cycled through its comprehensive space matching process as conscientiously as possible, shifting space and potential matches to fulfill the District's obligation to share space fairly among all students – charter school students and those students attending District schools alike. In doing so, District staff kept in the forefront considerations of student safety and welfare.

32. Often, many charter schools request to be located at the same school site, requiring District staff to assess conflicting geographic as well as particular site interests. In fact, 16 different charter schools (including Charter School) requested space in Region West for the Next Fiscal Year. District staff had to contend with the conflicting needs of these 16 charter schools, as well as all 51 eligible charter school applicants, shifting space and potential matches to fulfill the District's obligation to share space fairly among all in-district students. The process is extraordinarily dynamic with a complex set

of ever-changing pieces, decisions regarding any one of which can result in very real ripple effects for students and programs across multiple school sites.

33. The District’s space matching guidelines are just that – guidelines. They cannot be applied in a vacuum and without rationale. In allocating space to charter schools, the District must consider the impact on other public school students, both those attending District schools and those attending other charter schools requesting space. District staff applied the District’s matching guidelines in conjunction with thoughtful considerations of the real world impacts on all public students in providing co-location offers to charter schools for the Next Fiscal Year.

34. The District began its space analysis for Charter School by examining data from ALT E-CAR for Orville Wright Engineering and Design Magnet related to the 2023-24 school year. As explained above, the ALT E-CAR data for Orville Wright Engineering and Design Magnet reflects classroom usage as of September 16, 2022, which is known as “Norm Day.” The ALT E-CAR data is a “snapshot in time” that reflects classroom availability and usage at a particular school site at the time it is prepared. It is merely the starting point for the District’s comprehensive space analysis of the current and projected utilization and availability of space for a charter school. It does not contemplate any prospective future revisions or factor in projected classroom usage for any subsequent school year, or changes in space utilization needs that occur after the ALT E-CAR data is prepared, such as, for example, increases or decreases in the District school site’s enrollment projections for the upcoming school year, planned programmatic expansions, adjustments to ADA-to-classrooms ratios and/or assigned teachers, changes to grade levels served, construction projects, removal of portable classrooms, charter schools’ potentially forthcoming Proposition 39 facilities requests, the planned occupancy by other charter schools or District programs, or any other factor that would result in an adjustment of the number of available classrooms for the Next Fiscal Year. There were 0 unassigned standard size classrooms at Orville Wright Engineering and Design Magnet at Norm Day. Charter School exclusively occupies 23 spaces at the school site in the current school year pursuant to a Proposition 39 alternative agreement, which resulted in a smaller (single-site) allocation of space than the District’s (multi-site) final notification of space offered at Orville Wright Engineering and Design Magnet, Westchester Enriched Sciences Magnets, and Paseo del Rey Elementary School, with a correspondingly reduced projected

ADA. In the alternative agreement, Charter School expressly acknowledged that its occupancy of facilities at the Orville Wright Engineering and Design Magnet site and Westchester Enriched Sciences Magnets site for the current school year “does not create any obligation for the District to offer or allocate, or any expectation by WISH or Charter School[] to receive, any of these same spaces for Charter School[]’s use in subsequent school years. In other words, this is a ‘one-year only’ arrangement for [] the [] 2022-23 school year[].”

35. In the second week of November 2022, Regional Offices were provided information regarding charter schools that had requested Proposition 39 space, and potential space availability at District school sites. Region West was advised of the District school site(s) and/or general geographic area in which Charter School wishes to locate, and that it was entitled to exclusively use a total of 45 spaces (39 instructional spaces, 5 special education spaces, and one administrative office space) for the Next Fiscal Year. Region West was also advised that there were 16 charter schools that had requested facilities within that same Region.

36. Meetings were also conducted between CSD, SMS, and others, so that additional District stakeholders such as Regional Office leadership and school-site staff could provide further valuable input regarding important information, such as impacts of a potential co-location at a particular school site or unique site conditions that might make it unsuitable. Various provisional matches within each Region were identified and deliberated, and participants thoughtfully discussed potential recommendations as part of the District’s comprehensive compliance effort. Per established protocols, the District also invited labor partners, including United Teachers Los Angeles, to an Advisory meeting to offer feedback.

37. During the course of the meetings and numerous additional discussions, CSD, Region West, District administrators, SMS, and others discussed that Orville Wright Engineering and Design Magnet will not have adequate availability of space in the Next Fiscal Year to accommodate Charter School’s entire in-district classroom ADA due to the planned programmatic needs as accounted for in ALT ECAR. Due to these circumstances, Orville Wright Engineering and Design Magnet will be unable to accommodate Charter School’s entire projected in-district classroom ADA in the Next Fiscal Year.

38. In summary, the District has no realistic ability to allocate 45 exclusive use classroom spaces to Charter School at the Orville Wright Engineering and Design Magnet site for the Next Fiscal Year. Allocating such space to Charter School would present significant safety, educational, scheduling, facilities, and operational challenges, and result in significantly harmful negative impacts, displacements, and disruptions to Orville Wright Engineering and Design Magnet students. Allocating such space to Charter School would result in an unfair sharing of space between Charter School and Orville Wright Engineering and Design Magnet on this school site.

39. If Charter School was provided 45 classroom spaces at Orville Wright Engineering and Design Magnet, it would so severely diminish the Orville Wright Engineering and Design Magnet program's usable instructional space that it could require some of its teachers to hold classes outside of classroom settings. Alternatively, Orville Wright Engineering and Design Magnet could either overcrowd its existing classrooms by reducing its teaching staff and increasing the number of student desks in classrooms or require two teachers to teach class simultaneously in one classroom. Both options would not only overburden the teachers forced to teach those classes, but would also unfairly crowd students and block safe access to doors. None of these possibilities are realistically feasible.

40. District staff has determined that the quality of the education for both Orville Wright Engineering and Design Magnet students and Charter School students would suffer significantly if Charter School were provided 45 classroom spaces at Orville Wright Engineering and Design Magnet. Orville Wright Engineering and Design Magnet's existing space constraints have already substantially impacted Orville Wright Engineering and Design Magnet students, teachers, staff, and administrators. Provision of facilities sufficient to accommodate the entirety of a charter school's projected in-district classroom ADA in the Next Fiscal Year would further exacerbate the negative harmful impacts to such a point that it would be impossible for all of the students to share space fairly and receive a proper education. It would also result in increased emotional hardship and further loss of morale in students, teachers, staff, and administrators alike.

41. To accommodate Charter School's entire in-district classroom ADA at Orville Wright Engineering and Design Magnet would also present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to accommodate all of Charter

School's students at Orville Wright Engineering and Design Magnet would require the forcible displacement of a significant number of students attending Orville Wright Engineering and Design Magnet. Displacing students out of Orville Wright Engineering and Design Magnet would have far-reaching safety, instructional, and social implications.

42. For instance, many Orville Wright Engineering and Design Magnet students walk to and from their school. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-district children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

43. Not only is the ability to walk to school at Orville Wright Engineering and Design Magnet a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health ("DPH"), close to one-third of California's children are overweight or obese. The DPH's California Active Communities ("CAC"), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child's overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider* (2008).) Active transportation – such as walking and biking – to school can help increase physical activity levels of students and their families. (ChangeLabSolutions, *Incorporating Safe Routes to School into Local School Wellness Policies* (July 2015).) Physical activity reduces the risk of obesity and related chronic diseases, and improves mental health, attendance, and academic performance. (*Ibid.*) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,

encouraging cost savings, and building a stronger sense of community. (*Ibid.*) Increasing physical activity through walking and biking to school can help address high obesity rates. (*Ibid.*)

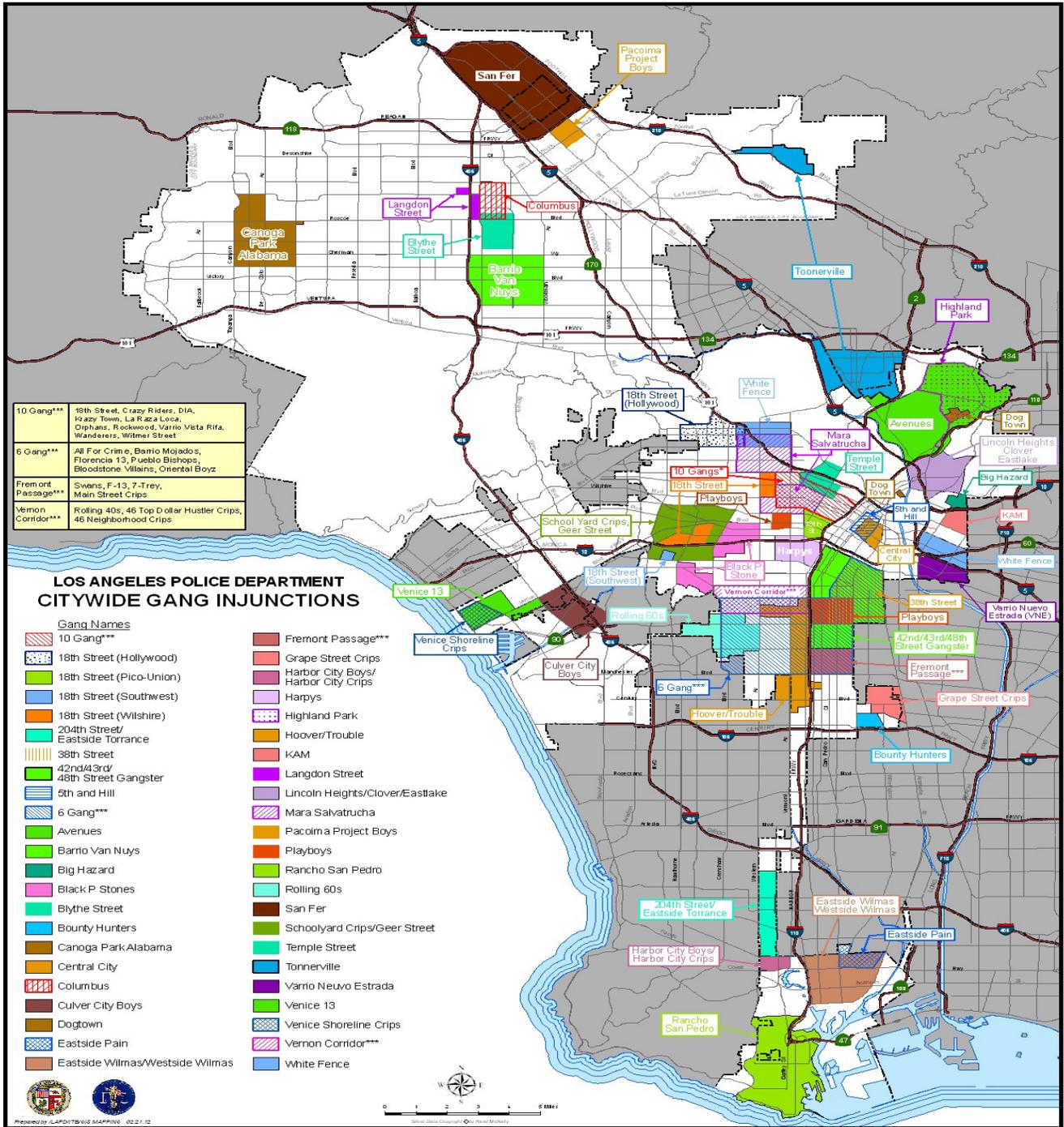
44. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider* (2008).) A study published in the *Journal of Public Health Policy* examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, *Journal of Public Health Policy* (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC, and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

45. Displacing a significant number of students from Orville Wright Engineering and Design Magnet to make additional room for Charter School would prevent a significant number of Orville Wright Engineering and Design Magnet children who currently have the ability to safely walk to school from being able to do so. Conversely, Charter School draws its attendance from 43 different District schools. Therefore, providing a single-site offer at Orville Wright Engineering and Design Magnet to Charter School would endanger a significant number of children currently attending their nearby school. Moreover, the forcible displacements would not just be limited to the children attending Orville Wright Engineering and Design Magnet. Instead, those students would need to be absorbed into other District schools which may have insufficient space, programs and/or resources to house the influx of students, and would thereby cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of children to relocate for the benefit of a far lesser number of Charter School's children. Such a decision would pose disproportionate harm to a significant number of Orville Wright Engineering and Design Magnet students and to those District students displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

46. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create safe

passages to and from school in neighborhoods suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their school.

47. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As shown by the map depicting former gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:



48. On March 15, 2018, the City of Los Angeles was enjoined from enforcing these gang injunctions. (See, *Youth Justice Coalition, et al., v. City of Los Angeles, et al., CV 16-07932 VAP.*) The inability to enforce these injunctions may result in an increase in gang-related activity and crime.

49. Involuntarily displacing students who themselves or whose parents are tied to a particular gang and placing them in a different school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff, and parents at a particular school.

50. Pulling children out of their District schools and placing charter students at those school sites prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and other relevant considerations their families have made, and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending District schools. As parents of charter school students have elected to send their child to a school outside of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend District schools may not have the means to find alternate transportation and need to rely on children walking to their school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes.

51. Displacing children attending Orville Wright Engineering and Design Magnet for the purpose of making a single-site offer to Charter School would have additional instructional and social ramifications. California has an accountability system reported through the California School Dashboard. The state's accountability system includes a three-level identification and support system for local educational agencies, and categorizes district performance levels using a system of five colors, stated in order from lowest to highest performing (Red, Orange, Yellow, Green, and Blue). The first release of the California School Dashboard was in fall of 2017, and identified the District for "Level 2" assistance from the Los Angeles County Office of Education ("LACOE"), because two of the District's student groups, Foster Youth and Students with Disabilities, had a Red performance level in the Graduation Rate Indicator and in the Academic Indicators (English Language Arts ("ELA") and math grades 3-8). As a result, the District and LACOE are working collaboratively to address identified performance issues with these student groups and develop strategies for accelerating progress. The following year, the fall 2018 Dashboard results indicated that the District had been assigned Yellow

performance levels for three of the six state indicators for all students: College/Career Readiness, ELA, and Mathematics. A Green performance level had been assigned for the Graduation Rate indicator and a Blue performance level for Suspension Rate. The only indicator that was assigned an Orange performance level was the Chronic Absenteeism indicator. The District did not receive any Red performance levels. The Dashboard also reports results for various student groups. The outcome for student groups showed that of the thirteen total student groups identified in the District, ten student groups were assigned at least one Red or Orange performance level. The fall 2019 Dashboard results indicated that the District had been assigned the same performance level as it did in the previous year in four of the six indicators: Suspension Rate (Blue), ELA (Yellow), Mathematics (Yellow), and College/Career Readiness (Yellow). The District's performance, however, dropped in two indicators: Chronic Absenteeism (which moved from Orange to Red) and Graduation Rate (which moved from Green to Yellow). The Red performance level for Chronic Absenteeism marked the first time the District received a Red performance level for any indicator. Of the District's thirteen total student groups, eleven (American Indian, African American, Students with Disabilities, English Learners, Foster Youth, Hispanic, Homeless, Pacific Islander, Socioeconomically Disadvantaged, Two or More Races, and White) received a Red, and two (Asian and Filipino) received an Orange for the Chronic Absenteeism indicator. Due to the COVID-19 pandemic, state law suspended the reporting of indicators on the 2020 and 2021 Dashboards. However, reporting resumed for the 2021-22 school year. For the fall 2022 Dashboard, performance levels are reported using one of five status levels (ranging from Very High, High, Medium, Low and Very Low). The results show the District has been assigned a Medium Status level for two of the six state indicators based on the performance of all student groups: English Learner Progress and Graduate Rate indicators. A Low status level has been assigned to ELA and Mathematics, and a Very Low status level for Suspension Rate. The District received one Very High-status level for Chronic Absenteeism. Of the thirteen student groups reported, four are in the Very Low status level, five in Low, three in High, and one in Very High.

52. As the foregoing indicates, the District is continuing its efforts to improve performance in all state indicators. Displacing District children attending their District school at Orville Wright Engineering and Design Magnet would thwart these efforts, and have instructional and social ramifications. Studies have empirically established that disrupting a child's trajectory to his or her district high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

53. In 1998, a seminal study on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were *twice* as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

54. The safety and welfare of all students is the District's paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social, and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace children from their existing school (such as Orville Wright Engineering and Design Magnet) in order to make way for students who would attend school at that site (such as Charter School) from distant neighborhoods, especially when other solutions for sharing space fairly are feasible.

55. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools. California State Board of Education Policy #89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child's

educational career. Forcibly displacing students attending Orville Wright Engineering and Design Magnet would make it more challenging for those children to reap the benefits of parental involvement in their new schools.

56. An alternative to displacing students attending Orville Wright Engineering and Design Magnet would be to overcrowd the site by adding more of Charter School's students. However, this would cause severe safety and operational ramifications due to the design capacity of the Orville Wright Engineering and Design Magnet site, making this course of action infeasible. Adding Charter School's students to the Orville Wright Engineering and Design Magnet site or any other District campus with insufficient space to feasibly accommodate Charter School's total in-district classroom ADA would raise both schools' classroom loading ratios, thereby disadvantaging both of these schools' children. Likewise, having children over a school site's capacity sharing space would pose a great risk to student safety and well-being.

57. In making decisions regarding allocations of space, District staff placed the safety of students attending Charter School, Orville Wright Engineering and Design Magnet, and other charter and District schools at the forefront of the decision-making process. District staff made substantial efforts to locate charter schools, including Charter School, at or near their desired geographic location and further made material efforts to minimize the number of sites on which each charter school was located. As Charter School's parents/guardians have made a decision to place their child in a school outside of their District school, they have had the opportunity to weigh the safety implications of this decision for their child. On the contrary, the families of forcibly displaced students would have no place in such a decision-making process. Thus, forcibly displacing children from Orville Wright Engineering and Design Magnet and/or other impacted District schools would not afford their parents/guardians the same opportunity. In addition, the decision to forcibly displace students to make way for Charter School students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many Charter School students already voluntarily travel to attend Charter School, these children may

not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south.

58. Based on the foregoing, the District determined that it was simply not feasible to provide Charter School with a single-site offer at Orville Wright Engineering and Design Magnet, and only a total of 24 spaces (21 teaching stations, 2 special education spaces, and one administrative office space) could be provided to Charter School at Orville Wright Engineering and Design Magnet for the Next Fiscal Year. Therefore, in order to ensure a sufficient allocation of special education and administrative office spaces are provided to Charter School at each District school site, the District has identified 24 classrooms (18 instructional spaces, 4 special education spaces, and two administrative office space) at one or more additional District school site(s). While it is always the District's goal to accommodate a charter school's entire program on a single District school site, sometimes charter schools must be offered space on more than one site, particularly if, as in the case of Charter School, the charter school has a large projected in-district classroom ADA and has indicated in its facilities request a preference not to be moved from its current site.

59. Based on the geographic area of interest identified in Charter School's Facilities Request, the District reviewed and considered the space availability at various alternative nearby District sites with reasonably equivalent facilities in order to accommodate the remainder of the Charter School's ADA that could not be accommodated at Orville Wright Engineering and Design Magnet. In its facilities request, Charter School indicated a preference to stay in its current locations both on the Wright Middle School Campus and the Westchester Enriched Sciences Magnet Campus if it is not possible to be provided space at Orville Wright Engineering and Design Magnet only. Therefore, the District next determined the amount of space that could be allocated at the Westchester Enriched Sciences Magnets site. It was determined that the District could allocate 15 spaces at the Westchester Enriched Sciences Magnets site (12 instructional spaces, two special education spaces, and one office). No more space will be available at the Westchester Enriched Scienced Magnets in the Next Fiscal Year site due to programmatic needs of District programs and a single-site allocation of Proposition 39 space to another

charter school that is currently occupying the site. The remaining allocation (6 instructional spaces, two special education spaces, and one office) was able to be provided at Paseo del Rey Elementary School.

60. Education Code section 47614, subdivision (b), provides that facilities provided to a charter school by a school district must be, among other things, “contiguous.” The definition of “contiguous” expressed in California Code of Regulations, title 5, section 11969.2, subdivision (d), states that facilities are “contiguous” if they are contained on the school site or immediately adjacent to the school site, and that if the in-district classroom ADA of a charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety. Although it would be preferable to accommodate Charter School’s entire program at the Orville Wright Engineering and Design Magnet site for the Next Fiscal Year, for the reasons set forth herein it is not possible to provide Charter School with 45 classrooms at the Orville Wright Engineering and Design Magnet site without presenting significant, safety, educational, scheduling, facilities, and operational challenges. The Westchester Enriched Sciences Magnets site, which is within Region West and Board District 4, and is located 0.4 miles from the Orville Wright Engineering and Design Magnet site according to Google Maps, was expressly requested by Charter School. Charter School is also currently occupying space at the Westchester Enriched Sciences Magnets site. The Paseo del Rey Elementary School site is within Region West and Board District 4, is 2.1 miles from the Orville Wright Engineering and Design Magnet site according to Google Maps, and located approximately 200 feet (less than 0.1 miles) from the Westchester Enriched Sciences Magnets site. Paseo del Rey Elementary School was also expressly identified in Charter School’s Facilities Request as a site “within the target geographic area,” and (like Orville Wright Engineering and Design Magnet) is a comparison group school for Charter School. The Westchester Enriched Sciences Magnets and Paseo del Rey Elementary School sites are the closest reasonably equivalent school sites that could also accommodate Charter School. Based on a school district spanning over 710 square miles, and the plain language of California Code of Regulations, title 5, section 11969.2, subdivision (d), the Westchester Enriched Sciences Magnets site and Paseo del Rey Elementary School

site are “contiguous” with the Orville Wright Engineering and Design Magnet site. Furthermore, all three of the Recommended Co-Locations are within the Westchester Enriched Sciences Magnets attendance area and, as requested by Charter School, within close proximity of Loyola Marymount University.

61. Based on all of the foregoing considerations, District staff recommends providing Charter School with a multi-site offer of contiguous facilities at the Recommended Co-Locations.

## **ATTACHMENT 19(b): WISH COMMUNITY SCHOOL**

### **Board of Education Finding that WISH Community School Cannot Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding (Cal. Code Regs., tit. 5, § 11969.2, subd. (d)), and Determination of Necessity to Move**

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter and District school students of making a multi-site offer, and balances the safety, instructional, and social consequences of displacing children from their District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 51 charter schools requested facilities under the Proposition 39 process, asking for approximately 15,082 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;

Whereas, The Board hereby incorporates by reference the entire Staff Report on the Deliberative Process for Determining Why Charter School Cannot be Accommodated at a Single Site for the Next Fiscal Year;

Whereas, District staff engaged in an effort to create a single-site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at Wright Engineering and Design Magnet;

Whereas, 16 different charter schools (including Charter School) requested space in Region West for the Next Fiscal Year;

Whereas, District staff determined that Orville Wright Engineering and Design Magnet (the District school site or general geographic area in which Charter School wishes to be located) will not have sufficient classroom space to accommodate Charter School’s entire projected in-district classroom ADA in the Next Fiscal Year;

Whereas, The District cannot accommodate Charter School’s entire in-district classroom ADA at Orville Wright Engineering and Design Magnet;

Whereas, To accommodate Charter School's entire in-district classroom ADA at Orville Wright Engineering and Design Magnet would present substantial, disproportionate safety concerns for both Charter School's students and students attending their District school;

Whereas, To accommodate all of Charter School's students at Orville Wright Engineering and Design Magnet would require the displacement of a significant number of children attending Orville Wright Engineering and Design Magnet, and potentially additional District schools;

Whereas, Involuntarily displacing children out of their existing District schools has far-reaching safety, instructional, and social implications including: prohibiting children from safely walking to school; subjecting children to possible gang violence; increasing high-school drop-out rates; and impairing parental involvement in their children's schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of Orville Wright Engineering and Design Magnet and other the District schools intact;

Whereas, Alternatively, over-crowding a school's campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications, making this course of action infeasible;

Whereas, The District can provide Charter School with a multi-site contiguous offer of reasonably equivalent facilities at the "Recommended Co-Locations";

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities;

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate; and

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School's entire in-district classroom ADA; therefore be it

Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site;

Resolved, That pursuant to Education Code sections 35160-35160.1 and 47614, and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes the preliminary

proposal and final offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites; and therefore be it finally

Resolved, That pursuant to Education Code section 47614, subdivision (b), for the reasons set forth herein and as further expressed by District staff, if to the extent that part of Charter School's operations which existed at the Orville Wright Engineering and Design Magnet site and/or Westchester Enriched Sciences Magnets site for the 2022-2023 school year must be accommodated at the Paseo del Rey Elementary School site for the Next Fiscal Year constitutes a "move" of Charter School, the Governing Board of the Los Angeles Unified School District determines that such a move is necessary.