

Birmingham Community Charter High School Transparency Resolution

Ms. Ratliff, Mr. Zimmer – Keeping Parents Informed: Charter Transparency (Res-017 15/16)
(Noticed November 10, 2015 and Postponed from a Previous Meeting)

ADOPTED AS AMENDED BY CONSENT VOTE

Whereas, Charter schools were established in 1992 by the California Education Code as a way to encourage innovation, increase opportunities for teaching and learning and expand school choice for parents and students;

Whereas, A Board of Education or other authorizing entity grants a charter with the expectation that a school will adhere to the procedures outlined in its petition and uphold the public's trust in carrying out the agreement;

Whereas, The Los Angeles Unified School District aims to authorize, and provide sound oversight to, a portfolio of high quality innovative charter schools;

Whereas, California Education Code 47607 allows an authorizing entity to grant a charter for a period not to exceed five years and to grant one or more renewals of five years each;

Whereas, California Education Code 47605(c)(2) states, "Charter schools shall, on a regular basis, consult with their parents, legal guardians and teachers regarding the school's educational programs";

Whereas, California Education Code 47604.32 requires the authorizing entity, including the Governing Board of the Los Angeles Unified School District, to provide oversight of a charter school's operations, including its fiscal conditions and financial operations;

Whereas, California Ed Code 47604.3 requires charter schools to promptly respond to all reasonable inquiries from its chartering authority, including those regarding its financial records;

Whereas, The District requires every charter school to cooperate with investigations of waste, fraud, abuse and other material violations of law related to its operation;

Whereas, California Education Code 47607(c) states that the authorizing entity may revoke a charter through the showing of substantial evidence that the school did any of the following: Committed a material violation of any of the conditions, standards or procedures set forth in the charter; failed to meet or pursue any of the pupil outcomes identified in the charter; failed to meet generally accepted accounting principles or engaged in fiscal mismanagement; violated any provision of the law;

Whereas, California Education Code 47607(c)-(e) and corresponding state regulations require the chartering authority to adhere to the following procedures when revoking a charter: Issuance of a Notice of Violations; issuance of a Notice to Revoke and Notice of Facts in Support of Revocation; a public hearing; and a final vote;

Whereas, The District currently requires charter schools to notify parents and guardians within 72 hours of a closure action and to simultaneously provide proof of the

notification to the Charter Schools Division, but does not mandate any such notice when the revocation process is initiated or underway; and

Whereas, When a school has a renewal hearing before the Board, there is currently no requirement that a school must inform parents, legal guardians, and teachers of the outcome;

Whereas, Traditional public schools are bound by applicable laws to adhere to prescribed standards, and/or to publicly disclose information relating to, their safety and facilities, curriculum and instructional focus, staff qualifications and compensation, governance and finances, food services, academic performance and student demographics;

Whereas, Charter schools are legally afforded greater flexibility with respect to the same standards; and, therefore, there is greater uncertainty about many of the above matters, which could be addressed through enhanced disclosure; and

Whereas, Although the District has an active program of voluntary seismic improvements to District-owned school sites, there may be a lack of clarity among both traditional and charter school parents regarding the seismic vulnerability of their students' school buildings, and the Field Act and (for non-District-owned sites) multiple applicable building codes are complex and have changed over years making it difficult to infer seismic safety from compliance alone; now, therefore, be it

Resolved, That the Los Angeles Unified School District expects every District-authorized charter school to be transparent with its stakeholders (as traditional District public schools are required to be) regarding all aspects of its operation, including the possible revocation of its charter;

Resolved further, That a charter school be required to notify all parents, guardians and teachers in writing within 72 hours when the District issues a Notice of Violations, a Notice of Intent to Revoke and/or Notice of Non-renewal; and that the notification include the District's rationale for the action, if provided by the District. The school shall also be required to simultaneously provide proof of the notification to the Charter Schools Division;

Resolved further, That in order to achieve these goals of transparency, accountability and keeping parents informed (with information similar to that available to traditional public school parents), District-authorized charter schools are required to have available, as allowed by law, to parents, guardians, and staff, information regarding:

Safety and Facilities

- Health and safety plans and procedures
- School facility assessment

Curriculum and Instructional Focus

- Local Education Agency Plan
- Instructional materials
- Curriculum content

Staff

- Teacher credential status
- Qualifications of employees (including school leaders); Staff (including, but not limited

to teachers, administrators, clerical staff, custodial staff, aides, etc.) compensation scheme (including, without limitation, pay scale, bonuses or merit pay and the standards and procedures by which they are earned, benefits and retirement system) should be made available to parents upon request.

Governance Structure and Financial Management

- Brown Act compliancy
- Governance structure and policies
- Any material relationships among the school, its charter management organization (CMO) and any person or entity controlling, controlled by, or under common control with the school or its CMO; As used herein, "control" has the meaning ascribed to it in Rule 405 promulgated under the Securities Act of 1933, as amended – that is, the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.
- Audited Financial Statements
- Local Control Accountability Plan (LCAP)

Food Services

- Meals offered to students
- Whether free and reduced-price meals are provided to students who would be eligible for them at a traditional public school

Admissions

- Lottery processes (including any preferences) and enrollment deadlines
- Academic Performance (in each case, disaggregated for all numerically significant subgroups)
- Statewide testing results
- Four year cohort graduation rates
- Drop-out rates

Student Demographic Rates

- Ethnicity
- Income-eligibility for free and reduced-price meals
- English Language Learner status

Special Education, by type (detailed to the extent permitted by applicable state and federal law and as available by traditional District public schools)

Resolved further, That this information be available to parents both manually and electronically in English and any single primary language meeting the requirements of Sections 45400 through 45403 of the California Education Code;

Resolved further, That for the 2015-16 academic year, this information (other than the Audited Financial Statements and LCAP) shall be available to parents, guardians, and staff no later than March 1, 2016, and the Audited Financial Statements and LCAP shall be made similarly available by December 15, 2016 and June 30, 2016, respectively;

Resolved further, That for the 2016-17 and subsequent academic years, this information (other than the Audited Financial Statements and LCAP) shall be available to parents, guardians, and staff no later than August 31st of the applicable academic year, and the Audited Financial Statements and LCAP shall be made similarly available by December 15 of the following

academic year and June 30 of the applicable academic year, respectively. If at any time, a change occurs with regards to the available information, the charter management organization or charter school will have 72 hours to have available the updated information within a reasonable time;

Resolved further, That each District traditional public school and District-authorized charter school that occupies buildings on the AB300 list shall promptly post a notice to such effect in their main office;

Resolved further, That the Superintendent shall direct appropriate staff to conduct a study to determine appropriate measures and metrics of seismic resistance and seismic hazards of school buildings (the study may consider relevant factors, such as year and type of construction, depth of foundation and soil type, building materials, types of joints, number of floors, and the presence or absence of lateral bracing, proximity to known faults and the activeness of such faults, among other things) and to determine appropriate methods and timeframes for communicating such information and periodic updates to the public;

Resolved, further, That such study shall be conducted with input from the District's stakeholders, including, but not limited to, representatives of parents, community members, and independent charter schools, and that the Superintendent shall report the results of such study to the Board by April 11, 2016; and, be it finally

Resolved, That the Governing Board of the Los Angeles Unified School District encourages each charter school to inform parents, legal guardians, and other stakeholders of the outcome of its renewal hearings.