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September 7, 2012

VIA ELECTRONIC MAIL

David Holmquist
General Counsel
Los Angeles Unified School District
333 S. Beaudry Avenue
Los Angeles, CA 90017

**Re: LAUSD Board of Education Meeting September 11, 2012, Agenda Item C.2.:
Updating Charter Authorizing and Oversight Resolution**

Dear Mr. Holmquist:

We are writing to express our very deep concerns and objections to the above-referenced resolution introduced by Board Member Zimmer ("Resolution"). At a time when the leadership of the Los Angeles Unified School District ("District") is working to transform education for all students and parental demand for improved educational choices is at an all-time high in Los Angeles, this Resolution disenfranchises all families in the District by seeking to limit expanded public school educational choices, and by disregarding the Board's legal obligations to hear and act on charter petitions. We are also concerned that introduction of the Resolution at the September 11 Board meeting could violate the Board of Education's own Rule 72. **We ask that the Board delay any action on the Resolution unless and until the Resolution (1) is introduced consistent with the timeline under Rule 72, and (2) can be amended to reflect the Board's legal obligations and to remove the Resolution's counter-productive and onerous proposals affecting charter schools. We would welcome the opportunity to work with you to make these amendments.**

First, as a procedural matter, we are concerned that introduction and consideration of the Resolution at the September 11 Board meeting may violate Meeting Rule 72, which requires a 13 day waiting period between submission of a Board member's resolution and introduction of that resolution at a Board meeting. This requirement may only be waived after consultation with a Special Counsel, who must determine that a need for "immediate action" exists requiring earlier consideration of the resolution. Here, we are unaware of any need for immediate action which would create grounds for a waiver of Rule 72. The Board's evaluation of its role as a charter authorizer is not a time-sensitive matter considering that the District has been authorizing charters for nearly two decades. Moreover, examination of the Board's role as a charter authorizer is an important policy matter which would affect hundreds of charter schools and thousands of families in Los Angeles, and we take issue of the harried manner in which this Resolution is being introduced.

Second, this Resolution very clearly violates the Charter Schools Act, which imposes a mandatory duty on the Board of Education to conduct hearings and take action on any charter petition submitted to it. (Education Code Section 47605(b).) The Charter Schools Act provides that the governing board of a school district, “*shall* hold a public hearing” on each charter petition within prescribed timelines, and “*shall* grant a charter for the operation of a school” if the petition meets statutory requirements. (*Id.*, emphasis added.)

Specifically, we object to the Resolution’s “suggestion” that “the review of new charter applications be postponed or be referred to the Los Angeles County Office of Education until the information and analysis requested herein is provided. Urgent charter petitions can be heard during this time period with a majority vote by the Board of Education.” The Board cannot simply “postpone” its legal duties or “refer” its duties to another agency, as the Resolution would suggest. Moreover, we believe that every charter petition is “urgent,” as over 10,000 students are currently on wait lists for charter schools and demanding expanded charter options in Los Angeles.

The California Supreme Court has recently ruled that the Charter Schools Act is the sole authority governing the approval of charter petitions in California. In *UTLA v. LAUSD* – a case which the District won on appeal – the Court observed, “we agree with the District that section 47605 establishes a comprehensive process for approval of charter petitions, spelling out precisely what is expected of a charter applicant.” (*UTLA v. LAUSD*, 54 Cal. 4th 504, 526 (2012).) The Court of Appeals has also ruled that, “Local school districts are ... *mandated* to approve charters that meet statutory requirements and are consistent with sound educational practices.” (*CSBA v. SBE, Aspire Public Schools*, 186 Cal.App.4th 1298, 1318 (2010) (emphasis in original).) Any board resolution or policy which varies from this mandated, comprehensive process and disregards a charter authorizer’s statutory obligations is contrary to, and preempted by, state law. Therefore, the Board of Education must continue to accept, hear, and take action on all charter petitions – both petitions for new schools and renewal petitions.

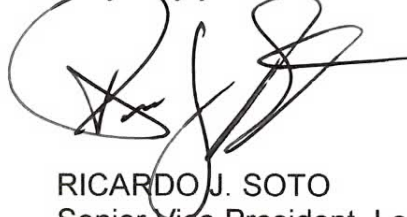
We remind you of the Charter Schools Act’s admonishment that, “the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.” (Education Code Section 47605(b).) In passing the Charter Schools Act, the Legislature also expressed its intent for charter schools to be established and maintained in order to increase learning opportunities, and provide parents and students with expanded choices in the types of available educational opportunities, among many other benefits. (Education Code Section 47601.) This Resolution, as currently worded, is contrary to the letter and the spirit of this Legislative intent. Indeed, the Resolution *discourages* the establishment of additional charter schools and suggests placing a freeze on reviewing all new charter petitions in the District.

Third, the Resolution imposes onerous requirements on charter schools and makes counter-productive proposals affecting charter schools. Specifically, we believe that the “Charter Oversight Commission” would create a significant financial burden on the District, and we remind you that the Board eliminated a charter subcommittee approximately four years ago because of superfluous

costs and inefficiencies. Additionally, charter schools are committed to serving all students, including students with special needs, and we support the District's efforts toward full compliance with the *Chanda Smith* Modified Consent Decree. To that end, we would like to continue our work with the District to develop and implement a comprehensive data system in 2013, with ISIS being one of the options considered and available to charter schools.

Finally, CCSA and the charter school community stand ready to collaborate on the aspects of the Resolution which could advance the charter school movement in Los Angeles, including the proposals to share best practices and create long-term facilities solutions. However, CCSA has deep concerns with the language and tone of the vast majority of the Resolution, and we find it an affront to the staff, parents, and community members who work exceedingly hard to provide excellent public educational options to all students. Therefore, we ask that the Board delay consideration of the Resolution until our concerns expressed above are resolved.

Very truly yours,



RICARDO J. SOTO
Senior Vice President, Legal Advocacy and
General Counsel

Cc: Members of the LAUSD Board of Education
John Deasy, Superintendent, LAUSD