

Agenda Section:

ITEMS SCHEDULED FOR INFORMATION

BUSINESS

2. SCHOOL(S) REPORT

LAUSD SPECIAL BOARD MEETING

8-25-09

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES
Governing Board of the Los Angeles Unified School District

SPECIAL MEETING ORDER OF BUSINESS

333 South Beaudry Avenue, Board Room
9 a.m., Tuesday, August 25, 2009

Roll Call

Pledge of Allegiance

New Business

1. Board of Education Report No. 55 – 08/09 **PUBLIC HEARING**
Charter Schools Division
(Amendment to Charter to Allow Santa Monica Boulevard Community Charter School to Operate One 6th Grade Classroom) Recommends approval of a charter amendment to allow Santa Monica Boulevard Community Charter School from a K-5th grade program to a K-6th grade program with a single class of 25 6th grade students.
2. Board of Education Report No. 56 – 08/09 **PUBLIC HEARING**
Charter Schools Division
(Approval of Charter of Watts Learning Center Charter Middle School) Recommends approval of charter for the Watts Middle School for 5 years with specified conditions to serve 300 students in grades 6-8 to be located at 105th St. and Normandie Ave. in Los Angeles.
3. Board of Education Report No. 57 – 09/10 **PUBLIC HEARING**
Charter Schools Division
(Denial of the Charter Petition for Community Harvest Foundation Middle School) Recommends denial of a charter for a middle school to be located on Slauson Ave. in the City of Los Angeles and the adoption of the Findings of Fact.
4. Board of Education Report No. 58 – 09/10 **PUBLIC HEARING**
Charter Schools Division
(Denial of the Charter Petition for Community Harvest Foundation High School) Recommends denial of a charter for a high school to be located on Slauson Ave. in the City of Los Angeles and the adoption of the Findings of Fact.

Announcements

Adjournment

Please note that the Board of Education may consider at this meeting any item referred from a Board Meeting five calendar days prior to this meeting (Education Code 54954.3(b)(3))

The Board of Education may also refer any item on this Order of Business for the consideration of a Standing Committee of the Board of Education, which meets on the Tuesday or Thursday immediately after this meeting.

Members of the public who wish to address the Board regarding items on this agenda should contact the Board Secretariat in person or by calling (213) 241-7002 one hour prior to the scheduled start time of the meeting to determine if they may be added to the speakers' list. Requests for disability related modifications or accommodations shall be made 24 hours prior to the meeting to the Board Secretariat.

Please note that if you are being compensated for speaking before the Board or with a Board Member or other District staff – as a salesperson, vendor, advocate, lobbyist, lawyer, or even concerned citizen, you may be required to register as a lobbyist with the LAUSD Ethics Office (check www.lausd.net/ethics or call (213) 241-1814).

Materials related to an item on this Order of Business submitted to the Board of Education, including those submitted after the initial distribution of materials, are available for public inspection at the Security Desk on the first floor of the Administrative Headquarters and at the meeting.

In the event an emergency is created at a meeting by the willful interruption of the meeting by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the Board of Education will move to Room 1-136 of the boardroom complex in lieu of clearing the main boardroom, and continue in session. Only matters appearing on the agenda will be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend such a session. Alternatively, the Board of Education may adjourn the meeting.

BOARD OF EDUCATION OF THE CITY OF LOS ANGELES
Governing Board of the Los Angeles Unified School District

SPECIAL MEETING MINUTES
333 South Beaudry, Board Room
9:00 a.m., Tuesday, August 25, 2009

The Board of Education of the City of Los Angeles, acting as the Governing Board of the Los Angeles Unified School District, met in special session on Tuesday, August 25, 2009, at the Los Angeles City Board of Education Administrative Offices, Board Room, 333 South Beaudry, Los Angeles, California.

President Mónica García called the meeting to order at 9:14 a.m.

The following Members were present: Ms. Yolie Flores Aguilar, Ms. Tamar Galatzan, Dr. Richard Vladovic, Mr. Steve Zimmer, and President Mónica García. Ms. Marguerite P. LaMotte and Ms. Nury Martinez were absent.

Later in the meeting, Ms. Garcia read the following statement:

An opportunity is now given to those individuals who have requested to address the Board on the Amendment to the Santa Monica Boulevard Community Charter School, the Approval of the Charter for the Watts Learning Center Charter Middle School, and the Denials of the Charter Petitions for the Community Harvest Foundation Middle and Senior High Schools.

This constitutes a public hearing on the report, and a maximum of 12 individuals who wish to address the Board on this item will be heard. Those who wish to speak to this report should go to the recording booth at the back of the Board Room and fill out a speaker's card. These individuals will be heard after any speakers already on the list.

NEW BUSINESS

BOARD OF EDUCATION REPORT NO. 55 – 08/09
Amendment to Charter to Allow Santa Monica Boulevard Community Charter
School to Operate One 6th Grade Classroom

There were no public speakers.

Ms. Flores Aguilar moved that the report be adopted. Dr. Vladovic seconded the motion, which by general consent was adopted. Ms. LaMotte and Ms. Martinez were absent.

BOARD OF EDUCATION REPORT NO. 56 – 08/09
Approval of Charter of Watts Learning Center Charter Middle School

There were no public speakers.

Ms. Flores Aguilar moved that the report be adopted. Dr. Vladovic seconded the motion, which by general consent was adopted. Ms. LaMotte and Ms. Martinez were absent.

BOARD OF EDUCATION REPORT NO. 57 – 09/10
Denial of the Charter Petition for Community Harvest Foundation Middle School

Ms. Charletta Johnson, Co-founder, Community Harvest Foundation, Mr. Kweli Umoja, Community Harvest Foundation, and Ms. Linda Watts, Community Harvest Foundation, addressed the Board on the report.

Mr. José Cole-Gutiérrez, Executive Director, Charter Schools Division, responded to questions from Board Members regarding the charter petition process.

There were no other public speakers.

Ms. Flores Aguilar moved that the report be adopted. Ms. Galatzan seconded the motion, which by general consent was adopted.

BOARD OF EDUCATION REPORT NO. 58 – 09/10
Denial of the Charter Petition for Community Harvest Foundation High School

The following speakers addressed the Board:

Mr. Lewis McCammon
Ms. Sonya Luchini

Mr. José Cole-Gutiérrez, Executive Director, Charter Schools Division, responded to questions from Board Members regarding the charter petition process.

Ms. Galatzan moved that the report be adopted. Mr. Zimmer seconded the motion, which by general consent was adopted.

The Board recessed at 10:14 a.m.

The Board reconvened the meeting at 11:08 a.m. The following Board Members were present:
Ms. Flores Aguilar, Ms. Galatzan, Ms. LaMotte, Ms. Martinez, Dr. Vladovic, Mr. Zimmer and President García.

ADJOURNMENT

On motion by Mr. Zimmer, seconded by Ms. Galatzan, the meeting was adjourned by general consent at 11:09 a.m.

APPROVED BY BOARD:

MONICA GARCIA
PRESIDENT

JEFFERSON CRAIN
EXECUTIVE OFFICER OF THE BOARD

TAB 3

LOS ANGELES UNIFIED SCHOOL DISTRICT
Board of Education Report

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Report Number:	#57-09/10
Date:	August 25, 2009
Subject:	Denial of the Charter Petition for Community Harvest Foundation Middle School
Responsible Staff:	
Name	José J. Cole-Gutiérrez, Director
Office/Division	Charter Schools
Telephone No.	(213) 241-2665

A. EXECUTIVE SUMMARY

Action Proposed: Deny the charter petition for Community Harvest Foundation Middle School.

Staff Recommendation and Rationale: Staff proposes that the Board of Education deny the charter petition for Community Harvest Foundation Middle School on the grounds that the petitioners are demonstrably unlikely to successfully implement the program, the petition does not contain the number of signatures required, the petition does not contain all required affirmations, and the petition does not contain a reasonably comprehensive description of the required elements as set forth in Education Code § 47605 (b) (5) (A)-(P). It is also recommended that the Board of Education adopt the Findings of Fact supporting the recommendation for denial which are attached for the Board along with the Charter School Petition Review Form. Documents can be accessed by the public by contacting the Charter Schools Division at 333 South Beaudry Avenue, 20th Floor, Los Angeles, California 90017 or calling 213-241-2665.

Background: The charter petition for grades 6-8 at issue was submitted on April 28, 2009. The school's proposed location is 2069 W. Slauson Avenue, Los Angeles, CA 90047 at the Marie Fegan Building. Community Harvest Foundation Middle School proposes a charter school for 200-300 students with a focus on standards based instruction, including the use of technology. The Charter Schools Division made the determination that the petitioners were demonstrably unlikely to successfully implement the program. The Charter Schools Division communicated this finding in a letter to the lead petitioner, on June 17, 2009. The Community Harvest Foundation Middle School's lead petitioner indicated in an emailed letter on June 26, 2009 that the petitioner did not want to withdraw the petition. The lead petitioner requested a public



**LOS ANGELES UNIFIED SCHOOL DISTRICT
Board of Education Report**

hearing before the Los Angeles Unified School District Board of Education with the knowledge that the petition would be recommended for denial by the Charter Schools Division.

The Charter Schools Division has analyzed the Community Harvest Foundation Middle School petition and determined that the petition does not satisfy the standards set forth in Education Code § 47605.

Education Code § 47605 (b) sets forth grounds for denying a charter petition:

“The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition;
- (3) The petition does not contain the number of signatures required by subdivision 47605 (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of § 47605; or
- (5) The petition does not contain reasonably comprehensive descriptions of all of the sixteen elements set forth in § 47605 (b) (5).

The Charter Schools Division analyzed Community Harvest Foundation Middle School’s petition and budget and concludes that:

- The petitioners are demonstrably unlikely to successfully implement the program;
- The petition does not contain the number of signatures required by subdivision 47605 (a);
- The petition does not contain an affirmation of each of the conditions described in subdivision (d) of § 47605;



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- The petition does not contain reasonably comprehensive descriptions of all of the sixteen elements set forth in § 47605 (b) (5).

Note: A capacity interview was not held due to the petitioner's request to take the petition, forward to the Board of Education with a recommendation for denial. The determination regarding the lack of capacity is based upon due diligence and submitted documents.

Supporting documentation and further detail is provided in the Findings of Fact and Charter School Petition Review Form which are attached for the Board. Documents can be accessed by the public by contacting the Charter Schools Division at 333 South Beaudry Avenue, 20th Floor, Los Angeles, California 90017 or calling 213-241-2665.

- Policy Implications:** The Policy for Charter Schools adopted in 2002
- Budget Impact:** None
- Issues/Considerations:** Supporting documentation and further detail is provided in the Findings of Fact and Charter School Petition Review Form which can be accessed by contacting the Charter Schools Division.
Refer to the legal issue noted below.
- Effect of "yes" vote:** A "yes" vote would deny the establishment of Community Harvest Foundation Middle School. The petitioners may appeal to the Los Angeles County Board of Education and to the California State Board of Education.
- Effect of "no" vote:** A "no" vote would approve the establishment of Community Harvest Foundation Middle School, approve a petitioner team that is demonstrably unlikely to successfully implement the program, lacks the required signatures, lacks the required affirmations, and approve a charter petition that the Charter Schools Division has determined is not reasonably comprehensive.

B. BOARD REPORT

- Action Proposed:** Deny the new charter petition for Community Harvest Foundation Middle School and adopt the Findings of Fact supporting the recommendation on file in the Charter Schools Division.



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Expected Outcomes: Denial will prevent the establishment of Community Harvest Foundation Middle School as a Los Angeles Unified School District authorized charter school.

Board Options and Consequences: A “yes” vote would deny the establishment of Community Harvest Foundation Middle School. The petitioners may appeal to the Los Angeles County Board of Education and to the California State Board of Education.

A “no” vote would approve the establishment of Community Harvest Foundation Middle School, approve a petitioner team that is demonstrably unlikely to successfully implement the program, lacks the required signatures, lacks the required affirmations, and approve a charter petition that the Charter Schools Division has determined is not reasonably comprehensive.

Policy Implications: The Policy for Charter Schools adopted in 2002

Budget Impact: None

Issues and Analysis: Aside from the Ed. Code section 47605(b)(1)-(5) basis for denial as set forth in the Findings of Fact, Community Harvest Foundation High School has the following significant issues:

Legal issues

1. Petition does not have an unequivocal statement that its non-profit corporation will be solely responsible for the debts and obligations of the Charter School;
2. Petition lacks the requisite insurance policies mandated by the District;
3. Bylaws conflict with the Brown Act.

Committee Information: The charter petition for Community Harvest Foundation Middle School did not go before the Charters and Innovation Committee. Pursuant to Board Policy, charter petitions recommended for denial are presented directly to the Board of Education.

Reporting Requirements and Benchmarks: None

Accountable Staff: Robert Bravo, Coordinator



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**Applicable Board
Delegations:**

The new petition is delegated to the Charters and Innovation Committee to conduct certain public hearings and make recommendations, except in the event that a petition is being recommended for denial.

**Superintendent's
Comments:**

**Miscellaneous Issues
and Matters:**

**Desegregation
Impact Statement
attached**

**Division of
Accountability and
Systemwide
Performance**

Informative

Respectfully submitted,

RAMON C. CORTINES
Superintendent of Schools

APPROVED AND
PRESENTED BY:

APPROVED BY:

JOSE J. COLE-GUTIERREZ
Director
Charter Schools

JAMES MORRIS
Chief of Staff

Community Harvest Foundation Middle School Charter Petition

Findings of Fact

August 25, 2009

The charter approval process requires the authorizer to evaluate whether the charter petition meets the criteria for approval.

Education Code Section 47605 (b) states the required petition elements and conditions for denial.

Education Code Section 47605 outlines additional petition criteria.

A. **The Charter Petition of Community Harvest Foundation Middle School does not meet the criteria under EC § 47605 (b)**

EC § 47605 (b) states: A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. EC § 47605 (b) provides that the governing board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.
- (5) The petition does not contain a reasonably comprehensive description of all required elements.

The District's analysis of the charter petition submitted on or about April 28, 2009, by the Community Harvest Foundation for the establishment of Community Harvest Foundation Middle School indicates:

Regarding #2 above:

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:

- A search of public records shows lead petitioner Charletta Johnson as President or Registered Agent for Community Harvest Foundation and Community Harvest Charter Schools, two non-profit corporations. Both of the corporations were found to be subject to substantial tax liens. The Charter Schools Division informed Ms. Johnson that the petition would not be recommended for approval as long as these liens were in effect as they signaled problems with fiscal management. On July 17, 2009, Ms Johnson provided the Charter Schools Division of evidence that the IRS had been paid \$17,151.95 to suspend the tax liens for Community Harvest Foundation. However, the Community Harvest Charter Schools liens remain unresolved. Ms. Johnson says she is no longer affiliated with the board of Community Harvest Charter Schools but the California Secretary of State's website still shows Ms. Johnson as the President or Registered Agent.
- The petition's budget does not demonstrate sufficient start-up funds. The petition did not provide other source of revenue for at least five months of operation. The petition did not provide other source of revenue to replace the Start-up grant.

Regarding #3 above:

The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605:

- The Charter School Teacher Approval Sign-Off states that the total number of teachers estimated to be employed at Community Harvest Foundation Middle School during the first year of operation would be 16. In the petition, only 7 teachers' signatures were submitted. However, 8 teachers' signatures were needed to satisfy the 50% meaningfully interested teachers' signatures at the time of submission.

Regarding #4 above:

The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.

- The following affirmations were not made in the petition as mandated by Education Code section 47605(d):

1. Except as provided in paragraph [2], admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within the state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

2. A charter school shall admit all pupils who wish to attend school.

3. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in, no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

Regarding #5 above:

The petition does not contain a reasonably comprehensive description of all of the elements required in EC § 47605 (b) based on the following findings of fact:

Description of the School's Educational Program (Element 1)

The petition does not contain a reasonably comprehensive description of the charter school's educational program.

- The petition indicates that the projected grade levels will be 6-8. However, the petition did not include demographic data or achievement data for the targeted population. The petition only provided high school demographic and achievement data in the appendix.
- The petition does not include a roll-out plan enrollment chart by grade level to ensure that the enrollment numbers indicated throughout the petition are accurate and consistent for the initial term of the charter. The petition, on page 7, indicates that student enrollment may potentially be as high as 300 although the petition states that the proposed number is 200 for the initial term of the charter. This would impact the Average Daily Attendance (ADA).
- The petition does not include a mission statement that addresses how the education goals of the instructional program are aligned to meet the needs of the targeted student population.
- The petition does not provide a daily schedule that is aligned to content areas.
- The petition includes an incomplete list of California Contents Standards on pages 13-28. The petition includes an overview of all the standards which must be covered in the core content areas. The petition does not include state standards for each content area.
- The petition includes limited descriptions on how the classroom environment and instruction is designed to meet the needs for students in this population. Furthermore, the petition provides limited descriptions for the criteria and procedures that will be implemented to monitor the reclassification of English Learners.
- The petition does not indicate how academically low-achieving students will be identified and what differentiated instructional strategies will be utilized.

- The petition does not indicate how gifted and talented students will be identified. Also, the petition offers limited strategies in regards to how instruction will be differentiated for this group of students.
- The petition does not address how the program will meet the needs of the students of low socio-economic status.
- The petition does not adequately address the required funding for Special Education.
- References in the petition to the Modified Consent Decree do not address District's current requirements for Modified Consent Decree compliance.

Measurable Pupil outcomes (Element 2)

The petition does not contain a reasonably comprehensive description of the charter school's measurable pupil outcomes.

- The petition does not contain quantitative goals by which to measure success of the program in terms of student achievement of grade level content standards.
- The petition does not provide information about the frequency of all summative and formative assessments that will be utilized as objective means of measuring pupil outcomes.
- The petition does not include the school's Academic Performance Index growth target.
- The petition does not include the proposed school's California Standards Test target.
- The petition does not adequately address benchmarks for renewal.

Benchmarks to Assess Pupil's Progress

- The petition fails to sufficiently address how achievement of the charter school will be measured and how growth, absolute, and other measurements will be compared to the to the achievement of comparison District schools that are similar to demographic and other characteristics at the time of renewal.
- The petition does not include descriptions on the assessment tools and/or timelines it will implement for the innovative components (technology, the arts, character development and community involvement) of the instructional program.

Method For Measuring Pupil Progress (Element 3)

The petition does not contain a reasonably comprehensive description of the charter school's methods for measuring pupil progress.

Testing

- The petition does not specify that it will comply with the following state mandated testing- STAR, CELDT, or CAHSEE- and the method it will use to report test results to the District.

Governance Structure (Element 4)

The petition does not contain a reasonably comprehensive description of the charter school's governance structure.

- The petition, although Articles of Incorporation for Community Harvest Foundation indicate an active status, there was until recently, an extended lapse in the timeline from 2001 until 2009 during which the corporation was in suspended status.
- The petition contains an incomplete organizational chart that does not list any of the support committees that will support governance of the school.
- The petition indicates on the organizational chart that there will also be an Executive Leadership Team, but does not include information on the roles and responsibilities of this body as it relates to school governance and how it will interface with the other governing bodies.
- The petition narrative and the organizational chart outline three different governing bodies- Board of Directors, the Executive Committee within the Board and the Executive Leadership Team. The petition does not describe the responsibilities of each to ensure effective organizational structure for decision making and communication structure.
- The petition provides for 6 "possible" committees but does not identify the number of representatives for each committee, or delineate the responsibilities of each of those committees.
- The petition puts inappropriate restrictions on the appointment of the LAUSD representative.

Composition of the Board

- The petition and bylaws provides for 3 (three) non-voting members. However, it fails to address how business operational issues will be voted on in a situation when only a 5-member Board is in place.
- The petition and bylaws provide conflicting terms for members of the Board. The petition states that all Board members will serve 3-year renewable terms while the bylaws indicate 1-year terms.

Audit and Inspection of Records

- The petition fails to acknowledge the charter school's obligation to cooperate with District audits and inspections performed as part of the District's oversight responsibilities.

Civil Liability Effects

- The petition fails to sufficiently provide an assurance that the charter school and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school. Rather, petition only states that the Charter School's Board is responsible for the school's debts and obligations.

Nonprofit Integrity Standards

- The petition fails to provide an assurance that members of the charter school's board, any administrators, managers or employees, and any other committees of the school will comply with federal and state laws, nonprofit integrity standards and the District's charter school policies and regulations regarding ethics and conflicts of interest.

Brown Act and Bylaws

- The petition and Bylaws fail to sufficiently address the manner by which the Charter School and its non-profit corporation will comply with Brown Act requirements regarding posting meeting notices, distributing agendas and recording governing board actions to ensure public participation. Although the petition states that the Charter School will comply with the Brown Act, the Bylaws conflict with the Brown Act in the following ways:
 1. The Bylaws indicates that Board meetings may be held "outside the State of California." This is contrary to the intent of the Brown Act since a Board meeting outside California will present an obstacle to public participation and contravenes the open meeting laws of the Brown Act.
 2. Bylaws address meeting notice to Board members but is silent on notice to the public.
 3. The Bylaws do not provide a statement that the meetings of the School Support Committees or any action by the committees shall also comply with the Brown Act.
 4. The Bylaws do not specify how Meeting Minutes will be made available to the public.

Bylaws and Amendment

- The petition and Bylaws fail to agree in regards to amendment of the Bylaws. While the petition, as required by District policy, states that "any amendments to its bylaws, or the bylaws of a parent nonprofit corporation, that affect or impact the charter or school operations must be approved through the District's petition amendment process", Art. VI of the Bylaws only addresses the process.