



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
March 16, 2020**

**Planning Commission
Commissioners**
Paula Watson-Gardner, Chair
Sara Vasquez, Vice-Chair
George K. Farra
Tina Heany
Wally Wolff

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Vice-Chair Vasquez called the meeting to order at 7:04 p.m. in absence of Chairperson Watson-Gardner.

The following were in attendance:

PRESENT:	Vasquez, Heany, Farra
ABSENT:	Watson-Gardner, Wolff
STAFF:	Hensley, Golding, Galeazzi, Hernandez
DEPUTY CITY ATTORNEY:	None

2. PLEDGE OF ALLEGIANCE:

Farra led the Pledge of Allegiance.

3. APPROVAL OF MINUTES: [February, 18, 2020](#)

Farra moved to approve the minutes of February 18, 2020. Seconded by Heany. The motion was approved 3-0-0-2 (Absent: Watson-Gardner, Wolff)

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

Vice-Chair Vasquez opened Oral Communications for items not on the Agenda. Seeing none the item was closed.

5. PUBLIC HEARINGS:

A. [Conditional Use Permit No. 2019-05: A request for the review and approval to operate a new Massage Establishment within an existing tenant suite located at 2241 Huntington Drive.](#)

Attachments: [Staff Report CUP 19-05](#) and [P C Resolutions 2020-02](#)

Director Hensley reminded the Commission why the Public Hearing was continued from February's meeting, and indicated there was a new comment for the Commission on the item.

Ivan Galeazzi, Associate Planner relayed the comment from the Applicant's Representative to the Commission.

Vice-Chair Vasquez asked Mr. Yongfeng Du, Applicant if he wished to comment on the item.

Mr. Du, stated his representative/translator could not attend to assist him, stating he was not able to communicate due to a language barrier.

Vice-Chair Vasquez called for additional comments. Seeing none, she closed the Public Hearing.

Vice-Chair Vasquez opened Commissioners Comments. There were no comments from the Commissioners.

Vice-Chair Vasquez called for a motion on the item. Farra motioned to approve the Resolution to deny the item and seconded by Heany. The motion was approved 3-0-0-2 (Yes: Vasquez, Heany, Farra; No: None; Abstain: None; Absent: Watson-Gardner, Wolff)

6. **ITEMS FROM DIRECTOR:**

- A. Discussion on proposed Accessory Dwelling Unit (ADU) Ordinance. In September 2019, the Governor signed AB 68, AB 881, and SB 13 into law, which made changes to State Law regarding ADUs, particularly Government Code Sections 65852.2 and 65852.22. The City's ADU requirements will need to be amended. This item is intended to be a discussion with the Commission about the coming requirements to ensure that an acceptable Ordinance is brought forward for action. There will be a Development Code Amendment on this item at the April Commission meeting.

Director Hensley proposed to continue the Accessory Dwelling Unit (ADU) Ordinance discussion until full attendance of the commission. And provided information on the change of operational hours for City Hall due to the COVID-19 Pandemic.

7. **ITEMS FROM COMMISSIONERS:**

There were no items from the Commissioners.

8. **ADJOURNMENT: Monday, April 20, 2020**

Vice-Chair Vasquez adjourned the meeting at 7:13 p.m.

Craig Hensley, Secretary



PLANNING COMMISSION STAFF REPORT

Date: April 20, 2020

Project: Conditional Use Permit 2020-01
New Charter School (Opportunities for Learning)

Location: 1202-1204 Huntington Drive

Applicant: Opportunities for Learning

SUMMARY

The applicant, Opportunities for Learning, is requesting approval to operate a charter school at 1202-1204 Huntington Drive. The business is proposing to locate within an existing commercial center on the property shared with El Pollo Loco restaurant and the Duarte Inn. The school is set up so each student engages in independent learning and attends the school approximately twice per week for 90 minute sessions. The school will be for students in grades 7 through 12 and will have a maximum of 35 students, 11 teachers, and 1 security guard at a time.

Educational uses are permitted in the Duarte Town Center Specific Plan zone with the approval of a Conditional Use Permit by the Planning Commission.

PROJECT DESCRIPTION

The project site is located within a commercial center on a property that is also shared by El Pollo Loco restaurant and the Duarte Inn Hotel. The property is designated Mixed Use Corridor within the Duarte Town Center Specific Plan zone and is developed with the restaurant, hotel, and a four-unit commercial building that have been recently remodeled. The proposed Opportunities for Learning school will occupy a vacant 4,536 square foot unit that was formerly used as office space for Giggle Fiber. Per the property owner, the intended uses for the other units in the 9,384 square-foot building are nail salon and retail, however none of those units are currently occupied (Exhibit B).

Opportunities for Learning is a non-profit, accredited charter school with 135 students that serves students grades 7 through 12 and has an active contract with the Duarte Unified School District (DUSD) (Exhibit C). It provides a non-traditional education option within the school district and counts among its students those that need to support their families, LGBTQ youth, bullied children, students with special needs, student athletes and actors that need special schedules, high achieving students that wish to graduate early, single parents without childcare, expectant mothers, individuals in the juvenile justice system, truants, foster care students, homeless students, and pupils with extended unexcused and unexplained absences, and students with behavioral problems.

The school format focuses on individualized learning and small group instruction. Students both within and outside DUSD boundaries may attend the school. More information regarding the school mission and description can be found in the attached project description (Exhibit A). This school is not a continuation school or home school resource center. Opportunities for Learning currently operates a school in Monrovia and is relocating to Duarte in response to a recent court ruling that requires charter schools to be located in the school district in which the school is chartered.

The floor plan for the proposed school consists of four classrooms (including lab), a large open space in the center for small group study, and auxiliary rooms for staff use. The classrooms are intended for

small groups of approximately 12 students. This layout differs significantly when compared to traditional schools, which typically have classrooms that accommodate up to 35 students.

Hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. Student attendance at school is appointment-based and students typically attend two 90-minute classes per week. The class intervals are at 9:00 a.m., 10:30 a.m., 1:00 p.m., and 2:30 p.m. The school is closed for lunch from 12:00 p.m. to 1:00 p.m. At any given time, there will be a maximum of 35 students, 11 teachers and staff, and 1 security guard.

Students arrive at the school by driving themselves, being dropped off by a parent, taking the bus, biking/skateboarding, or by walking. Per school policy, students that are dropped off by parent must be signed in at the reception area. A security guard will be posted at the front door to monitor student activity on the property and to supervise their safety. The reception area of the school will open 30 minutes before and after the academic day to provide a safe waiting area for students. It will also remain open during the lunch hour.

ANALYSIS

The proposed school is an educational use that would occupy space in a commercial center. Since educational uses often have dissimilar operating characteristics, compared to the retail, office, and personal services that typically occupy commercial centers, a conditional use permit is required to ensure that potential impacts related to use conflicts are examined and addressed through conditions of approval. El Pollo Loco Restaurant and the hotel both have peak times at midday, so parking and circulation is certainly an area where impacts could occur. In addition, the topics of security and general compatibility of use warrant analysis to better understand any conflicts that could occur.

Parking and Circulation

The subject property is developed with 131 parking stalls. The uses on the property include a 2,209 square foot restaurant, a 64-room hotel, and a 9,384 square foot commercial building that is currently vacant. The proposal is to use 4,536 square feet of the commercial building for a school. The remaining 4,848 square feet of the commercial is vacant, but a nail salon is in the process of moving into one unit and the property owner stated her intent on putting retail in the remaining units. The tables below compare the parking required by for the property when calculated at the typical rate versus the parking for the center when the adjusted for the proposed high school use.

<i>Table A: Existing Parking Requirement for Property</i>			
<u>Use</u>	<u>Size</u>	<u>Required Parking per 1,000 s.f.</u>	<u>Parking Required</u>
<u>Hotel</u>	64 Rooms	1:1	64
<u>Commercial Building (Retail/Office)</u>			
<u>Opportunities for Learning Unit</u>	4,536 s.f.	1:200	23
<u>Vacant Units</u>	4,848 s.f.	1:200	25
<u>El Pollo Loco</u>	2,209 s.f.	1:200	12
<u>Total</u>			124

Table A shows summary of the existing parking for the property. The parking requirements for the existing businesses are calculated at their respective rates and the parking requirement for the vacant units is calculated at the retail/office rate that is typical for a commercial center. There are 131 parking spaces on the property and when compared to the 124-space parking requirement for the property, the result is a seven-space parking surplus for the property.

<i>Table B: Opportunities for Learning Parking Requirement</i>			
<u>Classrooms</u>	4	6 spaces per classroom	24
<u>Other Space</u>	3,094	1:350	9
<u>Employees</u>	12		
<u>Required Parking</u>			31

In Table B, the parking requirement for Opportunities for Learning is provided. For this use, the parking for a High School use was used since it is the best match in the Duarte Development Code for the proposed use; which requires that the school provide six parking spaces per classroom and one space per 350 square feet for the remaining space in the unit. When these requirements are applied to the proposed school, the total parking demand for the use is calculated to be 31 spaces. The 31 spaces required for Opportunities for Learning is greater than the 23 parking spaces allotted for the unit as shown in Table A and results in a parking deficiency for the unit of eight parking spaces. For this reason, a condition of approval is provided to ensure that the proposed business only utilize its fair share of the available parking. The best method to address this issue is to allow employees (office staff, teachers and the security) to park on the property and reserve the remaining spaces allotted for the use for parent drop off and guest parking. That works out to be 12 parking spaces for employees and 11 parking spaces for drop off and guest parking. The condition would restrict students from driving to school and parking on the property.

Circulation on the property is an important issue considering the existing conditions of the property. There is only one point of ingress and egress for the property (excepting the drive-thru exit) and parking stalls are placed on both sides of the drive aisle as shown in the attached photos (Exhibit B). El Pollo Loco's drive-thru queue starts near the front of the property and this configuration has regularly caused congestion in the parking aisle when there is more than a few cars in queue for the restaurant, which typically occurs during the lunch hour. These existing conditions are important to consider when reviewing Conditional Use Permit 2020-01 because allowance of a use that has a midday traffic peak could exacerbate the difficult circulation conditions already existing on the property. In this regard, the proposed school is a comfortable fit for the property given that arrival and departure times of students is dispersed throughout the day and in small groups. The inflow and outflow of staff at lunchtime would not add more congestion to the property when compared to a typical retail use for a unit of this size. However, if a significant number of the students were to also drive to school during the midday peak, circulation could be negatively impacted, which adds further support to the recommended condition of approval to prohibit student parking. Parent queuing for pick up and drop off of students is also a common problem associated with educational uses in commercial zones, but the school is proposing a policy prohibiting this practice, which Staff is recommending be added as a condition of approval.

Compatibility of Use

Schools are often associated with characteristics that may conflict with commercial uses. Those characteristics relate to noise, parking and circulation, and loitering; all of which were analyzed for this report. Parking and circulation are the prime areas where impacts could occur and those issues are

discussed in the previous section of this report. In regards to noise, this particular model of school does not have many of the noise generating characteristics that a typical school has that could cause a conflict. Specifically, no bands, sports, rallies, or large social events will be held onsite. The only non-schooling that will occur onsite will be occasional parent teacher conferences, which are not anticipated to create impacts to the adjacent uses. Loitering could be an issue if students linger on the property before or after classes or during lunchtime. In February, Planning Staff conducted multiple visits of the Monrovia campus before 1:00 p.m. during the school week to observe if loitering was taking place. These visits confirmed that students waited outside the business until the lunch hour was over and school resumed. To avoid this impact at the Duarte location, a condition of approval has been added to the report to require the school to allow students to wait inside 30 minutes before and after the school day and during the lunch period. Also, a condition has been added to restrict students from loitering in front of other businesses on the property and a requirement for the school security guard to enforce this condition.

Security

Per the applicant, many of the students will be traveling alone to the school via bus, bicycle, or on foot, so the safety of these students is a concern. It is also a concern of the City to ensure that the activities of the students do not have an adverse impact on adjacent businesses. Two ways to address these concerns is to have an adult supervise students while they are on the property and to have a secure place where students can wait the entire time that they are on the property. Conditions of approval have been added to require that these practices are followed. The first condition requires a security guard to be present at the entrance to the school the entire time the school doors are open. The security guard will supervise students arriving and departing school until the students leave school property. The security guard will also have the responsibility to enforce the requirement not to loiter and to make sure that students are not a nuisance for the neighboring businesses on the property. The next condition of approval that was added was to require that the school lobby remain open 30 minutes before and after the school day and during the lunch period. The intent to this condition is to remove any situation where the student has no option but to loiter on the property. The requirement will ensure that students will have a secure place to stay while waiting for class to start or waiting for their ride to come. The last security-related item to discuss is the procedure for student drop off. The school has a policy that students being dropped off at school are required to have their parent or responsible adult park the car and sign them in at the reception. This practice increases safety for these students and has been added as a condition of approval. The Public Safety Department has reviewed the security component of the proposed use and determined that it is acceptable.

Conclusion

The proposed charter school may be appropriate for this location provided that the proposed conditions of approval are adopted. With the incorporation of the conditions of approval, the business will better integrate with the neighboring commercial uses on the property and in the vicinity; however there is a concern regarding parking and circulation and the limitations on future uses that the approval of this use could have. For the other areas of concern including security and compatibility of use, the operations proposed and the conditions of approval drafted by Staff should be satisfactory to avoid impacts within these categories.

RECOMMENDATION

Based on the information provided in the Staff report, Staff recommends that Planning Commission review the information and carefully evaluate the potential impacts of the proposed use. If the Planning Commission determines that this use is appropriate, then they should adopt PC Resolution 2020-03 approving Conditional Use Permit 2020-01 to allow the proposed charter school use, subject to conditions of approval.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Nick Baldwin".

Nick Baldwin, AICP
Associate Planner

ATTACHMENTS

- Exhibit A: Project Operational Statement
- Exhibit B: Project Plans/Photos
- Exhibit C: Contract with DUSD
- Exhibit D: Correspondence Received in Support of School
- Exhibit E: Laws Requiring Charter Schools to be Located in District
- Exhibit F: Resolution No. 2020-03

RESOLUTION NO. PC 2020-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 2020-01, FOR A CHARTER SCHOOL USE LOCATED AT 1202-1204 HUNTINGTON DRIVE.

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a charter middle and high school, named Opportunities for Learning, at 1202-1204 Huntington Drive; and

WHEREAS, a charter school located in the Town Center Specific Plan zone is a conditionally permitted use pursuant to Town Center Specific Plan Section 3.3.1; and

WHEREAS, notice of a public hearing on the Conditional Use Permit 2020-01 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit 2020-01 and all of the information, evidence and public testimony received at the public meeting held on April 20, 2020 at 7:00 p.m. in the City Council Chambers;

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. RECITALS

All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMITS

The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.050(B), as:

1. The proposed use is consistent with the General Plan;

The charter school educational use is consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities and industrial developments. Also, the proposed business is consistent with Land Use Policy 3.1.2, which promotes flexibility in the implementation of the Town Center Specific Plan. The proposed school is the lone educational use on a property that is developed with a mix of commercial uses, which helps balance the uses over all for the site. The placement of a school at this location could also be beneficial to the restaurant and retail uses in the immediate vicinity and should not introduce adverse impacts to the area provided the recommended conditions of approval are adopted and implemented.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;

An educational use is permitted in the Mixed-Use Corridor designation of the Town Center Specific Plan zone with a Conditional Use Permit. The use is consistent with the specific

plan zoning designation as it provides educational options for the community in a central, convenient location. The use is in compliance with all regulations of the Duarte Development Code and Municipal Code, and conditions of approval have been included to ensure such compliance.

3. The design, location, size and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

The charter school will occupy one of four tenant spaces within an existing shopping center and will be adjacent to a restaurant and hotel located on the same property. The school's space is approximately 4,536 square feet, which is sufficient for accommodating the proposed educational use. The proposed school will be compatible with the project site and other uses in the vicinity provided the conditions of approval are followed. There should be no negative parking impacts associated with this use provided the conditions of approval are followed.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The proposed charter school use is allowed with a conditional use permit in the Town Center Specific Plan zone. The operating characteristics of the school will allow it to complement the other uses in the center, whereas a traditional school may not. The operations feature dispersed arrivals and departures of small groups of students to the site, which is beneficial in terms of parking and circulation. Also, the students at this school only attend the school approximately twice weekly for 90 minute classes. This type of infrequent attendance makes this use more compatible with commercial businesses than a school with a typical secondary school schedule. Outside activities would be prohibited per the school's operation statement and the conditions of approval. Noise-generating activities like band and performing arts would also be prohibited by condition of approval. The conditions of approval have been imposed to help avoid adverse and detrimental impacts on the City and surrounding community. If this school creates repeated impacts that are detrimental to the health and harmony of the City, then the conditional use permit may be called by the Planning Commission for review and or revocation.

5. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

The site is developed with a commercial building, restaurant and a hotel, located in the Town Center Specific Plan zone. The property is accessible from Huntington Drive and is proximate to Buena Vista Avenue and the 210 and 605 Freeways, all of which are capable of accepting the increased traffic associated with the opening of this business. The existing onsite circulation is already impacted during the midday peak and the proposed use will not adversely impact the circulation any more than a typical retail use, provided the proposed conditions of approval are adopted. Emergency vehicle access will remain adequate.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 2020-03 , the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301 and 15303.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 2020-03 based on the findings listed in Section 2, and the conditions listed in "Exhibit F-1", for the proposed charter school educational use at 1202-1204 Huntington Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 20th day of April 2020.

Paula Watson-Gardner, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on April 20, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT F-1
Conditions of Approval
Conditional Use Permit 2020-01
1202-1204 Huntington Drive (Opportunities for Learning)

1. This approval is for the establishment of a charter school at 1202-1204 Huntington Drive as stated in the staff report and described in the applicant's business project operational statement and floor plans, on file with the Planning Division. The school serves students grades 7 through 12. A maximum of 35 students and 11 staff members are allowed at the school at any one time.
2. This conditional use permit shall become invalid if the applicant or its successor fails to maintain a valid contract with Duarte Unified School District. Applicant shall provide a copy of a valid contract upon request by the City.
3. Hours of operation are limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. The school shall not operate between the hours of 6 p.m. and 7 a.m.
4. The school shall be responsible for preparing a security plan, including an on-site security guard to be present during all school hours, to maintain site security. This plan is subject to the review and approval of the City's Director of Public Safety.
5. A security guard shall be present at the school entry during hours of operation, including at least 30 minutes before and 30 minutes after business hours. This guard shall be responsible for the supervision of students while they are on the property and enforce conditions related to student loitering.
6. The students shall be permitted to wait in the lobby area of the school 30 minutes before and after the academic day and during the lunch hour.
7. Students shall be prohibited from parking on the property.
8. Parents dropping students shall park, accompany the student to the school, and sign in at the reception area. The process shall be repeated in reverse for student pick up.
9. Students shall not loiter outside the tenant space anywhere on the property. Arriving students shall report directly to the school once entering the property. Departing students shall promptly leave the promptly after leaving the school. School security shall be responsible for monitoring this requirement and ensuring compliance.
10. All activities shall be held indoors, and remain indoors at all times.
11. Music, noise-generating equipment, or any other educational or business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses or surrounding developments. In no case shall live music, dancing, or other performing arts be permitted in association with this use. Outdoor speakers or other exterior audible devices are prohibited. Any substantiated complaints regarding noise, sound or other audible impacts may require submittal of a Noise Study to the Community Development Director to address any noise concerns and propose appropriate measures

as needed to comply with the City's noise ordinance. The Noise Study shall be prepared by a qualified consultant, to the satisfaction of the City. Continued concerns or violations may require a public hearing before the Planning Commission.

12. Special events and gatherings will require written approval of a Special Event Permit from the Community Development Department; to be filed 10 business days prior to the hosting of an event.
13. A new or modified conditional use permit will be required at the time of change of business ownership when the subsequent business owner/operator proposes changes to the area, configuration, operations, or manner in which the original conditional use permit was approved.
14. The project shall comply with all regulations of the Duarte Town Center Specific Plan Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of the Duarte Development or Municipal Code.
15. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use, shall be reviewed by the Planning Division and may require an application for a new conditional use permit.
16. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with the Sign Guidelines of the Duarte Development Code.
17. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
18. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
19. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
20. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the charter school, or its students, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
21. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.

22. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of business operation. Contact the City Finance Division for more information.
23. The decision of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission's decision. Said appeal must be in writing and filed with fees paid to the City Clerk's Office. The written appeal shall include reasons for the appeal.
24. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this conditional use permit which may be brought within the time period provided for such actions or challenges under applicable law.



**OPPORTUNITIES FOR LEARNING
1202-1204 HUNTINGTON DRIVE, DUARTE, CA
PROJECT DESCRIPTION**

(1/10/20)

- ❖ **Summary Overview** – The Opportunities for Learning (or OFL) project consists of the establishment of a new Charter School/Learning center in an approximate 4,536 square foot space located at 1202-1204 E. Huntington Drive within a multi-tenant building. OFL, defined as a public charter school program, is a non-profit charter school compliant with state American Disabilities Act (ADA) regulations and designed to serve students in grades 7-12. As a registered, active charter school with the California Department of Education (CDE), OFL is accredited by the Western Association of Schools and Colleges (WASC). Students who attend OFL earn course credits and are enrolled at OFL until either they transfer back to a traditional school or graduate from OFL with a high school diploma.
- ❖ **Project Location** – OFL would be located at 1202-1204 E. Huntington Drive within the largest multi-tenant building (Shop A) at. The proposed suite location, which is currently vacant, is situated near an El Pollo Loco Restaurant, 3 vacant suites and the Duarte Inn.
- ❖ **Floor Plan Space** – OFL would occupy a 4,536 square foot tenant space. The floor plan configuration for OFL is uncomplicated. Almost 50 percent of the tenant space would consist of a large, open study hall, reading and seating area, which would be flanked along the south edge by several small, private classrooms, office and conference areas. The balance of the space would consist of storage space, service closets, restrooms and a break room, tucked toward the rear of the facility.
- ❖ **Hours of Operation** – Proposed operational hours for OFL would be weekdays, Monday through Friday; from 8:00 a.m. to 5:00 p.m., and the center would be closed most Saturdays and all Sundays. The learning center operates on an appointment basis. Appointments for consultation or classroom teaching are for 1.5 hours at a time and typically scheduled at intervals starting at 9:00 a.m., 10:30 a.m., 1:00 p.m. and 2:30 p.m. The center closes daily for lunch from 12:00 p.m. to 1:00 p.m.. Approximately four times per year, the center is open on Saturday (from 9:00 a.m. until 12:00 p.m.) for SAT and CASHEE pre testing. Students generally visit the learning center twice a week for their scheduled sessions.
- ❖ **Operational Characteristics (Classes/Students/Teachers)** – At any given time, a maximum of 30-35 students with 11 teachers and staff will be at the learning center. Each teacher serves a maximum of 7-8 students. "Classes" are by appointment only and are scheduled at regular times for 1.5 hours each. Typical student appointments are at 9:00 am, 10:30 am, 1:00 pm and 2:30 during weekdays. Students generally visit the learning center twice a week for their scheduled session to receive teacher assistance and learning assessment.

Typically, students arrive at the school by drop-off by their parent or designated adults, or by public transportation. When they are dropped off by a parent (or designated adult), they are required to remain under supervision of the parent/adult until they enter the school and are signed in, at which time the student oversight transitions to supervision of the OFL staff. Based on years of experience operation, OFL has an established policy by which parents are required to park their vehicle and accompany the student between the vehicle and the learning center. Unaccompanied drop-off or pick-up is not permitted and curb-side drop-

off/pick-up or vehicle queuing is not allowed. Experience at other OFL centers supports that, due to their less-privileged economic conditions, most students do not own a car, or have limited access to private rideshare arrangements. Many, if not most, students commute to the center by use of public transportation, bicycle or foot. When a student travels by public transportation, bicycle or foot, whether by preference or necessity, he/she is intercepted by onsite faculty once the student is in near proximity to the center, and escorted into the school under the supervision of faculty who are responsible for supervising the surroundings near the school's immediate location. Students typically arrive 1-10 minutes in advance of the start of class and leave immediately after class or assisted study ends. •

Although a seating area and break room are provided within the center, these facilities are provided for convenience and to provide for a secure area while students wait for sign-out and transportation. No student lounge or any other facilities that support activities outside of the scheduled and supervised learning assistance activities would be provided. All class sessions would be conducted fully indoors within the tenant space. No classes or student gatherings would be conducted within the parking lot or perimeter of the shopping center area.

❖ **Parking** – The preliminary parking analysis for the site is as followed:

El Pollo Loco 1/200 SF=14 Spaces

Vacant Retail 1/250 SF=18 Spaces

OFL 6/Classroom + 1/350 SF Admin Space= 21 Spaces

Inn 1/Room + 1/3 Employees=71 Spaces

Total Required: 124 Spaces

Total Available: 132 Spaces



Opportunities For Learning Public Charter Schools

The mission of Opportunities for Learning -Duarte is to "create an educational choice for all students. Our staff connects with students to empower and inspire them to achieve their goals and make their dreams a reality." We attract students and families who are seeking a non traditional school setting with a focus on individualized learning. The varied individuals we serve in our community include students who have experienced bullying, LGBTQ youth, students with special needs, students who work to support their families, student athletes and actors who need a flexible schedule and high achieving students wishing to graduate early.

Our hybrid educational model includes instruction in both an Independent Study format and Small Group Instruction format where students are taught courses in Math, English and Science. In addition, students can participate in extensive extra curricular activities. These activities include sports, Career and Technical Education (CTE) classes plus experiential learning field trips, such as visits to various college campuses and tours of Washington D.C. and international countries such as Cuba, Italy and China.

In addition, students can participate in Dual Enrollment and attend college while still in highschool. All students receive post secondary counseling and leave our school with a senior portfolio which can aid them in achieving their goals after high school. Each year, a number of our students are accepted to a four year university. Our Spring and Winter Graduations plus our annual Senior Signing Day are just a few events where our families can celebrate our students success!





Opportunities For Learning Public Charter Schools

December 20, 2019

City of Duarte Planning Department
1600 Huntington Drive
Duarte, CA 91010

This letter is in response to the request for information as to why Opportunities For Learning-Duarte, Inc. ("OFL-Duarte") is required by law to have its school resource center within the City of Duarte geographic boundaries.

Assembly Bill 1507 (AB 1507 Charter Schools: location: resource center.) limits the location of any resource center, meeting space, or other satellite facilities to only within the geographic boundaries of the chartering entity. Being that OFL-Duarte is chartered through Duarte Unified School District, the school is required by law to have its resource center within Duarte Unified School District Boundaries.

OFL-Duarte has been partnered with the Duarte Unified since 2013 and in that time has re-engaged underserved students in their education. Duarte Unified School District benefits from the social and economic impact of helping underserved students reach their potential by gaining a high school diploma, pursuing post-secondary education and/or entering the workforce. Duarte Unified School District also works closely with OFL-Duarte in offering a robust summer school program specifically for Duarte Unified School District Students. These students are able to attend summer school that might not be available to the District without the support of OFL-Duarte.

Sincerely,

Abel Cabrera
Director of District Relations

[illegible]

DI	INSIDE DIAMETER	PLAM	PLASTIC LAMINATE	TBLW	TOP OF HILL
DI	INSIDE FEET	PLCN	POINT OF CONNECTION	TST	TURN STEEL
ID	IDENTIFICATION	PERD	PERFORATED	T.V.	TELEVISION OUTLET
IG	ISOLATED GROUND	PDPH	PERIPHERICULAR	TEL	TELEPHONE
IMC	INTERMEDIATE METALLIC CONDUIT	PIA	PISTON #	TH	THRU SHIELD
IMP	IMPROVISED	PL	PLASTER	THD	THREADED
INCL	"INCLUDE, INCLUSIVE"	PL, PL	PLATE	THK	THICK
INSUL	INSULATION	PLAT	PLASTIC	THRU	THROUGH
INT	INTERIOR	PLUMB	PLUMBING	TLT	TOILET
JBOX	JUNCTION BOX	PLYWD	PLYWOOD	TRANS	TRANSFORMER
JCT	JUNCTION	PORF	PORCELAIN	TYP	TYPE
JT	JOINT	PRELAF	PRE-ASSEMBLED	UNE	UNFINISHED
KT	JOINT	PS	POLYMER FIB SQUARE INCH	UR	URINAL
KL	KNOCK DOWN	PSF	POLYMER FIB SQUARE INCH	V.B.	VEHICLE BARRIER
KD	KIND DIED	PTN	PARTITION	V.F.F.	VEGETRY IN FIELD
KO	KNOCK OUT	PVC	POLYVINYLCHLORIDE	VA	VOLT AMPERE
L.E.D.	LIGHT EMITTING DIODE	PWR	POWER	VCT	VINYL COMPOSITION TILE
L.F.T.	LIME FEET	Q.T.	QUANTITY	VENT	VENTILATION
LAM	LAMINATE	QTY	QUANTITY	W/C	WATER CLOSET
LAT.	LATRAL	R	RADIUS	WOW	WATER WORN
LAV	LAVATORY	R.D.	RUNT DRUM LEADER	WCT	WAGING
LD	LEAD	R.D.S.	RUNT DRUM OR BOWLING	WP	WEATHER PROOF
LJ	LINER	R.O.	ROUGH OPENING	WT	WEIGHT
LINO.	LINOLEUM	R.O.W.	R/O W/RIGHT OR WAY	W/	WITHOUT
LIGHT	LIGHT	RF	REFRACTION	W.O	WOOD
L.T.G.	LIGHTING	REF	REFERENCE	WD	WOOD
LVL	LAMINATED VENEER LUMBER	REIN	REINFORCED	W.I.	WROUGHT IRON
M.B.	MACHINE BOLT	REQD.	REQUIRED	YD	YARD
M.H.	MANHOLE	RTRN	RETURN		
MJ	MALLEABLE IRON	REV	REVISION		
MO	MASONRY OPENING	RM	ROOM		
MGR	MASONRY	RMV	REMOVE		
MAS.	MASONRY	S.Z.	SOLID CORE		
MAT'L	MATERIAL	SD	SMOKE DETECTOR		
MCK	MASONRY	S.D.W.	SHIFT OF WALL		
MECH.	MECHANICAL	S/L	SKYLIGHT		
MED.	METHOD	S/S	STAINLESS STEEL		
MFL	MANUFACTURING	SC	SELF CLOSING		
MFR.	MANUFACTURER	SCHED	SCHEDULE		
MIN.	MINIMUM	SECT	SECTION		
MISC.	MISCELLANEOUS	SES	SEVERITY ENTRANCE SECTION		
MOD	MODULAR	SH	SHIRT		
MTL.	METAL	SHIT	SMELTING		
MUL	MULLION	SIM	SIMILAR		
NJC	NOT IN CONTRACT	SPA	SPACE		
N.T.S.	NOT TO SCALE	SPEC	SPECIFICATIONS		
NFC	NON-CORROSIVE METAL	SPKR	SPEAKER		
NCM	NOT FOR CONSTRUCTION	SQ.FT.	SQUARE FEET		
NGL	NAILER	SQ.IN.	SQUARE INCHES		
NO.	NUMBER	STD	SOUND TRANSMISSION CLASS		
NO.	NOMINAL	STC	STANDARD		
N.C.	NOT ON CENTER	STL	STEEL		
O.D.	OUTSIDE DIAMETER	STSP	STIFFENED		
O.H.	OVER HANG	SW	SWITCH		
O.I.	ODDNAME ANTIAL IRON	SYM	SYMMETRICAL		
O.R.	OUTSIDE RADIIUS	SYS	SYSTEM		
OAI	OUTSIDE AIR INTAKE	T & G	TONGUE AND GROOVE		
OR	OVER HEAD	T.O.	THROUGH HOLE		
OPNG	OPENING	T.A.B.	TELEPHONE MOUNTING BOARD		
		T.O.F.	TOP OF		
		T.O.R.	TOP OF ROOF		
		T.O.C.	TOP OF CURB		
		T.O.F.	TOP OF FINISH		

1-1.0	
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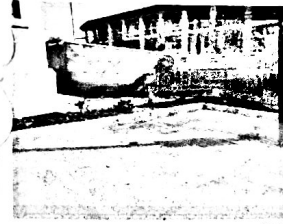




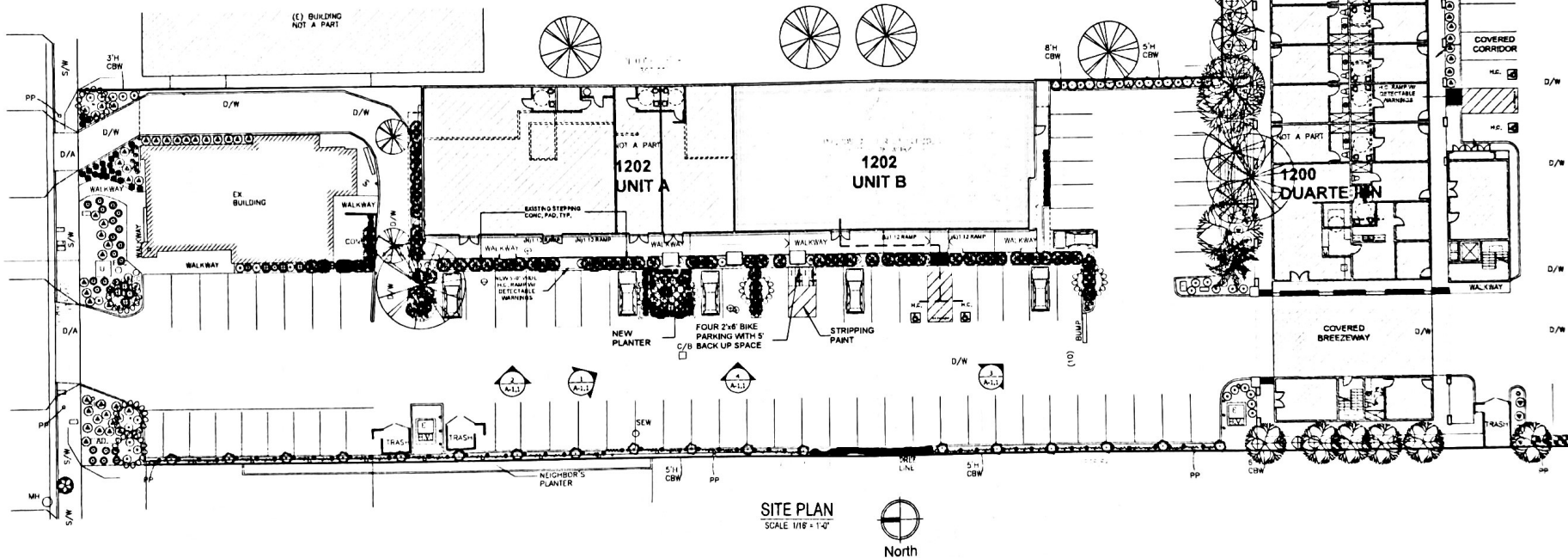
SOUTHEAST-FACADE AND PARKING LOT 1



EAST-FACADE 2



SOUTH- NEIGHBORING UNIT 3



SITE PLAN
SCALE 1/16\"/>



EAST BUILDING ELEVATION- EXISTING 4

EM
Edwin Mohabir
Architects

24979 constitution ave #1435
san diego, ca 92138
tel 323-4586600 edwinmohabir@gmail.com



A PROJECT FOR:

Opportunities For Learning
Public Charter Schools

1202 E. HUNTINGTON DR.
DUARTE, CA 91010

CLIENT:



715 ARROW GRAND CIRCLE
COVINA, CA 91722

REVISIONS

PROJECT DATA

DATE 01-03-19
ARCHITECT EM
CHECKED BY EM
DRAWN BY EM
PROJECT NO.
SCALE AS NOTED

SHEET TITLE

EXISTING
CONDITIONS

SHEET NO.
A-1.1



A PROJECT FOR

Opportunity For Learning
Public Charter Schools

1202 E. HUNTINGTON DR.
DUARTE, CA 91010

CLIENT



75 ARROW GRAND CIRCLE
COVINA, CA 91722

REVISIONS

PROJECT DATA

DATE 01-03-19

ARCHITECT EM

CHECKED BY EM

DRAWN BY EM

PROJECT NO.

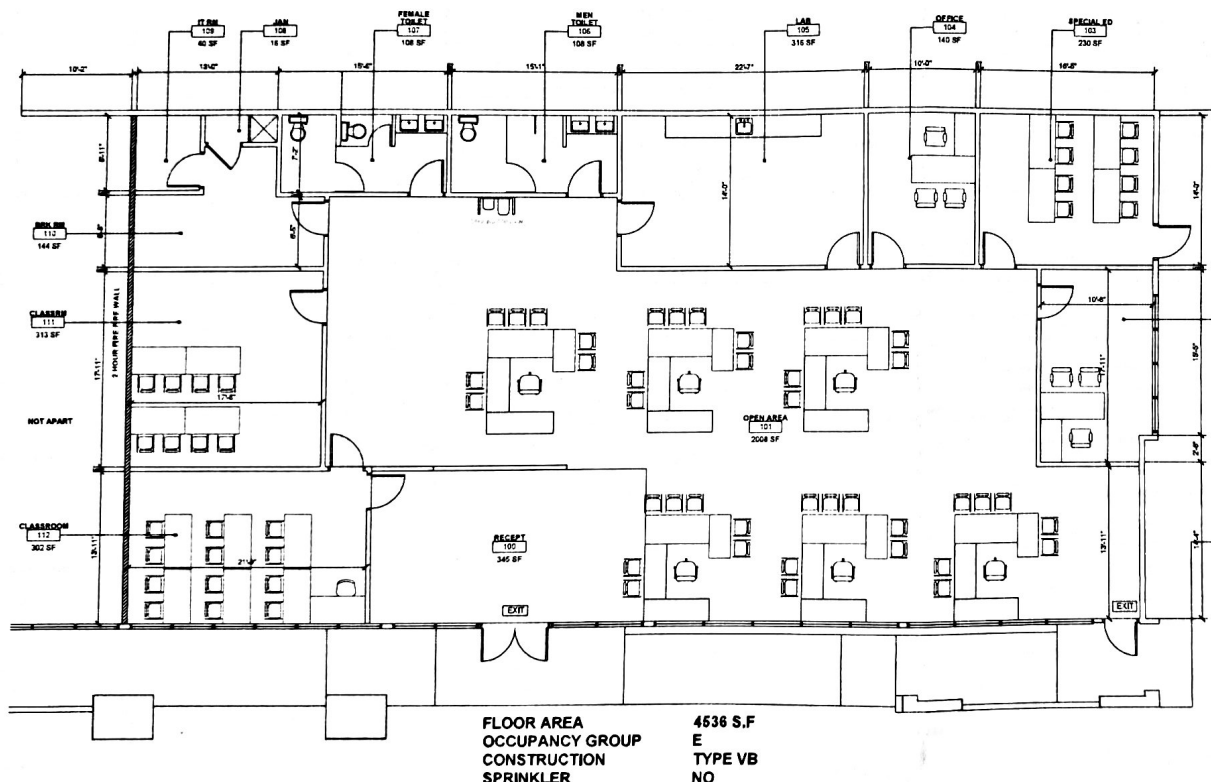
SCALE AS NOTED

SHEET TITLE

PROPOSED
FLOOR PLAN

SHEET NO.

A-2.0



Occupancy Area Breakdown for Exit Calculation				Planning Occupant Load		
Name	Number	Area	Occupant Classification	OK Factor	Occupants	OK Factor
Reception/Entry	100	345 S.F.	Accession	0.42	0	0.42
Reading Room	101	2008 S.F.	Classroom/Reading Room	10.0	40.18	40.18
Office	102	180 S.F.	Office	1.00	1.88	1.88
Classroom	103	230 S.F.	Classroom	20.0	11.5	11.5
Office	104	140 S.F.	Office	1.00	1.4	1.4
Science Lab	105	318 S.F.	Non-scientific Lab	10.0	4.39	4.39
Male	106	108 S.F.	Accession	0.42	0	0.42
Female	107	108 S.F.	Accession	0.42	0	0.42
Janitor	108	16 S.F.	Accession	0.42	0	0.42
IT	109	45 S.F.	Accession	0.42	0	0.42
Breakroom	110	144 S.F.	Accession	0.42	0	0.42
Classroom	111	313 S.F.	Classroom	20.0	19.69	19.69
Classroom	112	302 S.F.	Classroom	20.0	19.1	19.1
Grand Total		4299 S.F.			80.7	80.7

Means of Egress: Egress Width per occupant required for Sprinklered Building
Other Egress = 0.15" per Occupant
93 occupant x 0.15 = 13.95" required
Provided 7' 0" wide doors = 36.24" = 182"

Travel Distance: 250 Feet for Sprinklered Building maximum
Travel Distance to an Exit

68 Occupants
Lab men & 28 Women
Males
WC 1.00 = 1 req. 1 provided
Lab 1.00 = 1 req. 1 provided
Lab 1.00 = 1 req. 2 provided
Female
WC 1.00 = 1 req. 2 provided
Lab 1.00 = 1 req. 2 provided
1 service area provided
1 Drinking Fountain provided

1 Proposed Floor Plan

Scale: 3/16"=1'-0"





Subject Property, view from front entry



Vacant units of 4-unit commercial building



Unit at rear of 4-unit building that school proposes to occupy.



Parking area between school unit and hotel



Opportunities For Learning
Public Charter Schools

OPPORTUNITIES FOR LEARNING DUARTE PUBLIC CHARTER

SCHOOL PETITION

Renewal Term: 5 Years

July 1, 2015-June 30, 2020

Submitted to:

DUARTE UNIFIED SCHOOL DISTRICT

Request for Material Revision submitted April 8, 2019

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- C. Student / Parent Handbook**
- D. Curriculum and Assessment**
- E. OFL Duarte Student Demographics and Academic Outcomes**
- F. Projected Budget**
- G. Individualized Learning Plan**
- H. Student Master Agreement**
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- K. Emergency Preparedness Guide**
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- M. OFL-Duarte, Inc.'s Articles of Incorporation and Bylaws**
- N. 2018/2019 Local Control and Accountability Plan**
- O. Comprehensive School Safety Plan**
- P. Job Descriptions**

Affirmations/Assurances

Opportunities For Learning-Duarte (hereinafter “OFL-Duarte”, “OFL Duarte” or the “Charter School”) has been operated by OFL-D, LLC, a California limited liability company. By this material revision, going forward, the Charter School will be operated by OFL-Duarte, Inc., a California nonprofit public benefit corporation formed February 4, 2019 that qualifies for exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code. The Charter School hereby certifies that the information submitted in this materially revised petition for a California public charter school submitted to Duarte Unified School District (hereinafter the “District”), is true to the best of our knowledge and belief; we also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, we understand that if the material revision to the charter is approved, the Charter School:

1. Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Section 60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
2. Declares that it shall be deemed the exclusive public school employer of the employees of the Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(6)]
3. Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
4. Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
5. Shall admit all students who wish to attend the Charter School, unless the Charter School receives a greater number of applications than there are spaces for students, in which case it will hold a public random drawing to determine admission. Except as required by Education Code Section 47605(d)(2) and Education Code Section 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the state. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B)(i)-(iv). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(C)]
6. Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]

7. Shall adhere to all provisions of Federal law related to students with disabilities including but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Improvement Act of 2004.
8. Shall meet all requirements for employment set forth in applicable provisions of law, including but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
9. Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools is required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]
10. Shall at all times maintain all necessary and appropriate insurance coverages.
11. Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D) as it applies to independent study charter schools.
12. If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the Superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the Charter School within 30 days if the Charter School demonstrates that the pupil had been enrolled in the Charter School. [Ref. California Education Code Section 47605(d)(3)]
13. May encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the Charter School. [Ref. Education Code Section 47605(n)]
14. Shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection. [Ref. Education Code Section 47612.5(a)(2)]
15. Shall, on a regular basis, consult with its parents and teachers regarding the Charter School's educational programs. [Ref. Education Code Section 47605(c)]

16. Shall comply with any applicable jurisdictional limitations to the locations of its facilities. [Ref. Education Code Sections 47605 and 47605.1]
17. Shall comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. Education Code Sections 47612(b), 47610]
18. Shall comply with all applicable portions of the Elementary and Secondary Education Act (ESEA), as reauthorized and amended by the Every Student Succeeds Act.
19. Shall comply with the Public Records Act.
20. Shall comply with the Family Educational Rights and Privacy Act.
21. Shall comply with the Ralph M. Brown Act.
22. Shall meet or exceed the legally required minimum number of school days. [Ref. Title 5 California Code of Regulations Section 11960]
23. Shall comply with Government Code Section 1090.
24. Shall comply with the Political Reform Act of 1974 (Government Code Section 81000 et seq.).

I. Founders and Leadership Team

A. Founders

Opportunities For Learning Public Charter Schools (“OFL” or “Opportunities For Learning”) is a network of California charter schools that grew out of the dream and passion of educators John and Joan Hall. The former Los Angeles Unified School District teachers share a special commitment to providing educational alternatives for at-risk students.

John Hall earned his Bachelors of Science and Lifetime California Teaching Credential from California State University of Northridge, and continued in his education to study for the ministry at Princeton Theological Seminary before deciding to follow his passion for education. He accepted a teaching position at Hollywood High School, where dropouts and failing students were commonplace, and later became an Assistant Dean of Students.

Joan Hall earned her Bachelors of Science and Lifetime California Teaching Credential from the University of California at Los Angeles. She was gifted in helping students with special needs and taught elementary school and special education in the Watts area of Los Angeles for more than ten years.

The Halls believe that some students are better suited to alternative forms of education. Opportunities For Learning marks the realization of their dream—a dream that involves using the best of American creativity and innovation to provide outstanding public

educational options for all children.

Since 1987, OFL has helped thousands of young men and women find the courage and discipline to re-engage in their education, earn a high school diploma, and follow their own dreams after graduation, including the pursuit of post-secondary educational opportunities.

B. Leadership Team

OFL-Duarte has an experienced and respected senior leadership team, which will continue to serve the Charter School as operated by OFL-Duarte, Inc. A short biography of each of our current senior leadership team members is included in **Exhibit A: Leadership Team**.

C. Board of Directors

OFL Duarte has also benefited from the wisdom and multi-faceted experience of a Board of Managers consisting of respected professionals from the fields of business, education and academia. Once OFL-Duarte, Inc. takes over operations of the Charter School pursuant to this material revision, all the responsibilities of the Board of Managers stated throughout this charter will apply to the Board of Directors of OFL-Duarte, Inc., and all references to and obligations of “OFL-D, LLC” or its Board of Managers under this chapter shall be replaced with “OFL-Duarte, Inc.” and its Board of Directors, wherever appropriate. A list of the Board of Directors for OFL-Duarte, Inc. is included in **Exhibit B: Board Member Biographies**.

D. Educational and Operational Services and Support

The Charter School will contract for educational and operational services and support, as needed. The Board of Directors shall have ultimate responsibility for the operation and activities of the Charter School. The Charter School will comply with all laws applicable to the provision of services to charter schools, including Education Code section 47604 (AB 406). Examples of the types of educational and operational services and support the Charter School may contract for include but are not limited to the following:

- Services from a Charter Management Organization (“CMO”), such as management of the Charter School’s day to day operations as its administrative manager;
- Back office services, such as human resources, payroll, accounting and other related administrative services;
- Special education and related services, such as from a Nonpublic, Nonsectarian Agency;
- Information technology services, including software and hardware services;
- Experiential and social-emotional learning opportunities for students;
- Other educational services, such as curriculum development and procurement, professional development of the Charter School’s employees, compliance, and assessments.

II. School Mission, Educational Philosophy, and Vision

A. Opportunities For Learning Mission

OFL Duarte is an exemplary model of a successful blended learning program. Our staff empowers, inspires, and connects with our students to help them achieve their goals, positively change their lives, and make their dreams a reality. Our schools are a supportive environment where all stakeholders are successful.

B. Educational Philosophy

OFL Duarte believes that an educated person in the 21st century will be a lifelong learner possessing the following skills necessary to meaningfully contribute to society at large:

1. Initiative and self-direction
2. Flexibility and adaptability
3. Leadership and responsibility
4. Productivity and accountability

OFL Duarte provides educational opportunities to those students most at-risk of reaching adulthood without the knowledge, skills, and attributes required to enjoy productive and fulfilling lives. The Charter School offers students an opportunity to recover academically and get back on track to receive a high school diploma. OFL Duarte provides an education that also increases their options upon graduation for either post-secondary learning or entering the professional market.

The paramount goals of the Charter School are: (i) to offer a comprehensive learning experience under the Common Core to students; (ii) to identify students who are not being served in the traditional public school system and provide them educational services; and (iii) to help students become self-motivated, competent, life-long learners. The Charter School Program also strives to provide pupils and parents expanded educational choices within California's public school system.

We believe students should be involved in the planning and implementation of their own educational program. The program is designed so that students work within an educational environment in which they learn best, thereby avoiding boredom and frustration. Through the use of standards-based assignments that can be completed in a few days, students will receive immediate feedback and continual encouragement that will build success and lead to greater self-confidence. In addition, the academic and behavioral standards to which the students will be held will develop self-discipline and productive work habits.

C. Students to be Served

It is the intent of the Charter School to serve students in grades 7-12 currently existing outside traditional public schools, through a guided personalized learning system. OFL Duarte's students may include, among others, single parents without childcare, expectant

mothers, individuals in the juvenile justice system, truants, foster care students, homeless students, and pupils with extended unexcused and unexplained absences (e.g. for more than twenty days), students with behavioral problems, and students with IEPs or Section 504 Plans.

Students transferring into the Charter School may be referred by:

- District/administrative referrals
- Court/judicial system referrals
- Social Service and Community agencies
- Self-referral
- Word of mouth (often from students and siblings already attending the program)
- Expulsion committees

Nothing in this section precludes the Charter from eventually offering an independent study educational program serving grades K-6.

D. Curriculum and Instructional Design

The Charter School endeavors to move its students away from a conventional seat-time educational delivery system by providing students the opportunity to complete academic work and credits through a variety of means, including, but not limited to, tutoring, direct instructional classes, and personalized communication. Students, with the support of their teachers and parents, are provided the opportunity to choose their appointment schedule and select the courses they wish to take, based on the intake placement assessment and the educational path they choose. It is the belief of OFL Duarte that allowing for students' input in their own educational experience promotes a positive attitude toward school.

Curriculum

The curriculum is based on the California Curriculum Frameworks and State Content Standards, fully supporting the Common Core State Standards and Next Generation Science Standards. The curriculum focuses on instructional delivery covering core knowledge to ensure that students receive a strong foundation of essential skills so that they can reach proficiency or above in all core content areas, as evidenced through the mandated state testing through the California Assessment of Student Performance and Progress ("CAASPP") assessment system. Students participate in an instructional system that incorporates personalized support from qualified, fully credentialed teachers in all core subjects. In addition, advanced courses (including Advanced Placement English and Math) and electives are available for those students who desire to engage in more challenging opportunities beyond the "core" subject areas (see **Exhibit C: Student/Parent Handbook**).

Curriculum offerings include various levels of courses in English, Math, Science, Social Studies, Physical Education, Health, Art, Music, and other subjects (see **Exhibit D: Curriculum and Assessment**). In order to match the individual student's level of prior knowledge and motivation, these rigorous courses are differentiated in various ways and

presented in a language and format that are readily comprehensible to all learners. Courses are designed to provide structured learning and individualized supports for students who may not readily experience successes as indicated in mandated standardized assessments. Standard coursework is framed around the University of California A-G approved courses and electives, and is available for students pursuing a college preparatory curriculum. In recent years, OFL Duarte has increased the number of certified advanced placement courses on our menu of college preparatory curriculum, and our curriculum department has met its goal of providing options for all A-G requirements with the addition of Spanish 1 and 2, and biology labs. As a school, we work to move our students who are in need of intensive support to accept the challenges of college preparatory courses. Students and parents are informed about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements during the enrollment meetings, in newsletters, and in the student handbook (see **Exhibit C: Student/Parent Handbook**).

In accordance with the intent of the state legislature, the Charter School shall also be a forum for piloting and implementing new instructional methodologies and curricular materials, using current research to guide our decision making. To that end, OFL Duarte strives to seek the best and most recent educational research and data that then leads to the development of curriculum that is effective and inspiring to students. The curriculum, to the highest extent possible, draws on local community resources to expand the students' educational experiences.

Examples of these include online curriculum, a spoken word poetry class aimed at developing literacy, Experiential Learning opportunities including sustainability, organic farming, working on a ranch in Colorado, student leadership, PX2 (Pathways to Extreme Success) focused on motivating at-risk students, and Small Group Instruction classes focused on bringing students together in a non-traditional educational environment.

Instructional Design

The Charter School's instructional model creates a system and processes for students to continually improve their academic performance, practice responsibility by regularly attending their learning sessions, and develop positive attitudes about learning and school. Students participate in an instructional system that incorporates personalized support from fully credentialed teachers in all core academic subject areas including foreign language and visual and performing arts. OFL Duarte may employ, in a manner consistent with charter school laws, any instructional modality that will produce optimal educational outcomes. Overall, the instructional design of the program includes but is not limited to: Individualized Learning Plans; Small Group Instruction; Focused Learning and Subject Matter Concentration; Guided Personalized Learning; Targeted Intervention; Online Learning; Experiential Learning; Summer School; and Parental Involvement.

All students who enroll in the program are carefully evaluated for placement in the appropriate level of instruction based on multiple measures, such as assessed reading and

math levels and remaining graduation requirements. Only concepts not previously mastered at our school/other schools, as demonstrated by failing grades or lack of credit attainment, are required and advancement is granted upon mastery of skills and attainment of full credit for each course. Learning is thus focused on the specific skills and tasks that will result in the maximum advancement in the minimum time. This focused approach to learning, within a personalized and individualized environment, permits students to devote time to the acquisition of higher order learning tasks, such as analysis, evaluation, and synthesis.

The key components of our instructional program are:

- **Focused Learning and Subject Matter Concentration:** Students generally work on one to three courses at a time. Concentrating on a few subjects at a time permits greater depth of learning in each subject area and allows students who may have difficulty concentrating on several core subject areas to focus on specific subjects and skills. This focused approach allows students to master content thoroughly, complete a course more quickly than in a traditional semester system, and acquire regular, timely feedback that contributes to increased motivation. The relationship between teacher and student supports the growth and development of individualized study habits, which are critical to delivering an effective differentiated educational program.

Due to a variety of reasons, including low levels of confidence in school that come with persistent failure, many at-risk students have difficulty focusing on five or six courses at once. This can cause them to become overwhelmed trying to manage their time for each course effectively, and if forced to do so, may abandon formal learning altogether. By focusing on just a few subjects at a time, students are able to perform at maximum proficiency level, experience greater control over their learning, and enjoy increased self-efficacy.

- **Self-paced learning:** The guided personalized learning format permits each student to tailor his or her work pace to meet personal needs and goals. Teachers and other support staff, including tutors, center coordinators, ELL Coaches, the special education department and assigned aides, and student advisors are able to collectively support and coach students towards their individual goals while assisting students to focus on areas of growth. Guided personalized learning is a proven formula for accelerated and successful learning, where teachers help students acquire a positive attitude toward learning and the motivation to achieve their goals. Each student will sign a Student Master Agreement which outlines the terms for the student to remain enrolled in the program. Per the Student Master Agreement for independent study, these appointments occur at least bi-weekly; however, students are required to attend as often as needed to ensure they are making satisfactory progress (see **Exhibit H: Student Master Agreement**).
- **Mastery:** Students are placed in the core subjects of English Language Arts and

Mathematics based on the assessed achievement levels and other data, including the student's transcripts of previous coursework and state test results. Emphasis by the staff is given toward student responses to unit tests, formative and benchmark assessments, as well as the summative course exams. Advancement and actual mastery of skills is determined through a variety of assessment processes, including but not limited to, teacher observational data, work samples, as well as formative and summative assessments. Many of these assessments are tailored to meet the specific learning style of the unique student population, including compositions, multimedia presentations, and artistic expression. To earn credit in a course, a student must demonstrate mastery by achieving a grade of 70 percent or better. OFL Duarte defines mastery as a score of 70 percent or higher on both coursework and unit exams. Therefore, students who do not meet this requirement must review and revisit a differentiated instructional process, which could include Small Group Instruction, hybrid and online applications, and individualized tutoring at a Resource Center in order to master the skills and content.

- Student Schedule: OFL Duarte students are encouraged to complete a set number of assignments per week and to attend regular appointments for assistance and assessment. These appointments occur, per the master agreement for independent study, at least bi-weekly; however, students are required to attend as often as needed to ensure they are making satisfactory progress. This format provides students with a structured schedule and process that promotes good work habits, in addition to encouraging personal accountability and satisfaction. It also provides the teachers an opportunity to evaluate and provide feedback on student work at least twice each week, or more frequently at the teacher's discretion, in order to intervene in a timely manner should problems arise.

Additional student appointments may be required for Small Group Instruction courses, meetings with Student Advisors, tutoring, extra-curricular activities and group learning activities. Small Group Instruction courses include instruction in the core content areas of English, Math, and Lab Sciences, while at the same time incorporating test taking strategies, study skills, and educational technology.

Appointments with Student Advisors are customized for the individual student's post-secondary goals. Support from Student Advisors includes but is not limited to: coaching towards graduation, skills inventories, research into college and vocational options, resume writing, job applications, scholarship applications, and FAFSA and college applications.

- Intervention: Personal issues or logistical problems may sometimes hinder students from completing coursework. The system of personalized learning between the teacher and student makes it possible for such issues to be uncovered at the beginning stages, as well as for effective and timely interventions to occur. The propensity for success is greatly increased when students are matched with a caring teacher, and other

supportive staff in the school community. When the students experience unusual economic or personal hardship, the Charter School staff may consult with local governmental, health, and charitable entities in an attempt to ensure that the student receives the necessary support.

OFL Duarte provides professional development for teachers and intervention strategies for students in order to close achievement gaps by race or socioeconomic status. A variety of professional development activities and student interventions are employed, all within the framework of goal-setting, accountability, and high expectations. Workshops for staff focus on maintaining high expectations for all students regardless of circumstance, as well as providing intervention strategies for working with struggling students. Teams of staff at resource centers with the highest population of socioeconomically disadvantaged and lower achieving students meet in professional learning community teams to take on their graduate (20 percent increase) growth goals and commit to the asset-based strategies they will use in working with students to meet these goals. Interventions employed include peer tutoring and peer mentoring, study groups for at-risk students such as teen parents, study skills classes, teachers providing positive reinforcement of incremental student behavior improvements, support with transportation, meetings with school psychologists, and collaborative meetings between teachers, support staff, parents, and students that result in student contracts.

Small Group Instruction and tutoring are offered in a manner flexible enough to take advantage of the unique structure of our curriculum, and to provide additional support to students as they matriculate through their Individualized Learning Plan. Small Group Instructors are trained in current research-based teaching practices in order to effectively engage students, many of whom have had negative classroom-based experiences in the past. Small Group Instruction takes place in groups as small as 6 and no larger than twenty, allowing for an increased amount of differentiation and 1-on-1 support for struggling students. Efforts are made to create strong relationships among the students in Small Group Instruction courses so that they can support each other instructionally and motivate each other towards completion of course work.

- Online Learning: To provide students an alternative method of accessing the curriculum, selected curriculum is offered through our online program, using the Apex Learning platform. The online program offers students interactive, mastery-based lessons in English, Math, Science, Social Science, Foreign Language, and many other elective courses. OFL Duarte currently offers all of its Advanced Placement courses through the APEX Learning platform. Courses are monitored and facilitated by certificated and qualified teachers who have been provided instructional strategies specific to online learning. The online curriculum accommodates various reading levels by using a variety of instructional strategies including spoken text, transcripts of videos, interactive dictionaries, and for mathematics courses the ability to have the text read to the student in Spanish if necessary. A calendar located within the online classroom is used to assist the students with time management by providing assignment due dates.

- Personalized Approach (Individualized Education): Every effort will be made to encourage and support students to be successful. As part of this effort, teachers and support staff will determine whether there are logistical problems or personal issues that hinder students from completing their course work. The personalized interaction between teachers and students makes it possible for such issues to be discovered at the early stages of the relationship. Supports can then be provided to help the student have his or her basic needs met, while at the same time working toward achieving the goals stated in the Individualized Learning Plan. Students, parents, the assigned teacher, and a student advisor partner together to create an Individualized Learning Plan (ILP) that respects and meets the academic needs of the students and accommodates their responsibilities outside of school. A copy of the ILP is provided in **Exhibit G**. The ILP is tailored to fit each student's ability and learning level and students are monitored weekly by their assigned teacher to ensure progress.

Absenteeism or the failure to complete course work is quickly noticed by the teacher during student appointments. OFL Duarte policy requires that teachers contact parents of minor students if they fail to complete course work or fail to keep appointments. Teachers contact adult students directly. Teachers, staff, and administrators make every reasonable effort to identify the reasons for student absenteeism and to encourage students to continue with the program. OFL Duarte will work to provide necessary supports to help students stay enrolled in school and make satisfactory progress.

The failure to complete course work or to meet performance standards may also be due to academic difficulty. This, too, will be quickly discovered as students are regularly assessed for mastery of skills. In such cases, additional time at the center may be scheduled for supplemental review and practice of the subject matter. If the student has a pressing personal issue, the student may limit or reduce the number of courses that he or she is taking. Due to the flexible nature of the program, students will be able to reduce their course-load and concentrate on the number of courses in which they are able to be successful. This will help to avoid the problem that students sometimes face in conventional public school, where the sheer number of courses itself leads to failure. In addition, this will enable the students to maintain a connection with the program. Such a connection, once broken, is often difficult to restore. By continuing with even one course, the student will be better able to regain the momentum needed to complete the course work.

- Parental Involvement: Parents are encouraged to become involved in their child's education. The Charter School consults with parents on a regular basis. Parents can find numerous ways to become involved at OFL Duarte, such as through participation in Local Control Accountability Plan ("LCAP") focus groups, Resource Center Open Houses and Back to School Nights, field trips, student council meetings, community service events, and WASC (Western Association of Schools and Colleges) visits. The various school-wide parent-outreach opportunities create positive and meaningful experiences for students. Parents will also be encouraged to participate in all Charter School events,

such as.

School staff notifies parents immediately when problems with attendance, academic progress or personal issues arise. Parents are given suggestions about ways they can support the learning process. A written report of student progress can be provided to parents of Charter School students immediately upon request. Parents may also receive more regular updates by calling or emailing the teacher, or visiting the Resource Center.

Communication with parents will also take place through regular phone calls from teachers, open houses each semester, quarterly newsletters, and progress reports. Student Advisors also hold meetings with parents and guardians to help guide them through post-secondary options and financial aid options, as well as holding quarterly parent information meetings.

Parents may provide feedback to the Charter School via scheduled parental focus group meetings and the school's website. The Charter School shall have a number of parent information sessions scheduled throughout the year, including back to school nights, events on-site at the Charter School, LCAP informational sessions. LCAP informational meetings will be in both Spanish and English.

- Career Technical Education: Students will also have access to Career and Technical Education (CTE) coursework. The CTE program helps further our Charter School's ability to help students re-engage in their education, determine careers they may choose to pursue in the future, and make community connections. CTE is an educational program that specializes in 15 different industry sectors including skilled trades, applied arts and sciences, modern technologies, and career preparation. In developing these program pathways, a key element is the integration of coursework and academic knowledge with technical and career readiness skills. The combination of academic knowledge and technical skills is possible through rigorous coursework made relevant to students through work-based learning experiences, providing them with practical and relevant skills they need to pursue post-secondary education or enter into their careers. A component of our programs includes opportunities for students to participate in dual enrollment with local community colleges, a vital indicator of college and career preparedness, giving students a head-start in earning their degrees. Our CTE programs provide students with opportunities to gain work experience through internships, work-based learning, and industry certification opportunities.

E. Services to Students With Disabilities

OFL Duarte recognizes the importance of providing educational opportunities to all students regardless of the special needs they face. A smaller and more intimate learning environment, the personal connections with the general and special education staff, clear expectations, the ability to work on fewer classes at one time, and the less distracting environment have all been identified as contributing factors to the success of students with disabilities.

OFL Duarte complies with all applicable State and Federal laws regarding students with special needs, including but not limited to Section 504 of the Rehabilitation Act of 1974 ("Section 504"), the Americans with Disabilities Act ("ADA"), the Individuals with Disabilities Education Improvement Act ("IDEA"), and all applicable California Education Code sections.

All students have access to the Charter School and no student shall be denied admission nor counseled out of the Charter School due to the nature, extent, or severity of his/her disability or due to the student's request for, or actual need for, special education services.

Pursuant to *Education Code Sections* 47641(a) and 47646, OFL Duarte has established itself as a Local Educational Agency ("LEA") and participates in the Los Angeles County Charter Special Education Local Plan Area ("SELPA"). The Charter School will ensure that all children with disabilities enrolled in the Charter School receive special education and designated instruction and services ("DIS" or "Related Services") in conformity with their Individualized Education Programs ("IEP") and in compliance with IDEA and all applicable State and Federal Law (Cal. Ed. Code § 47646(a)).

OFL Duarte is exclusively responsible for the coordination and provision of special education services for the Charter School's students. OFL Duarte agrees to provide all special education and related services to eligible students attending OFL Duarte. If OFL Duarte is unable to provide the services using its own employees, then OFL Duarte will contract with appropriate outside agencies to provide all required services. OFL Duarte shall comply with all requirements of state and federal law relating to the provision of services to students with special needs and the following responsibilities:

- OFL Duarte shall work to identify students with special needs under the IDEA and comply with all child find obligations. OFL Duarte has a formal child find policy in place. Students with disabilities are actively sought and identified by OFL Duarte. The child find process includes a section of the LEA's annual notice to all parents that references the referral of students with exceptional needs. At orientation, every parent or adult student is provided a copy of the child find brochure which explains what child find is and how to access evaluation and services. Parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs. Charter School personnel, parents, outside agencies working with the student, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a student for possible identification as an individual with exceptional needs. Such identification procedures shall be coordinated with school site and LEA procedures for referral of students with needs that cannot be met with modification to the general education instructional program. All students are assessed using the Star Renaissance assessment and if results indicate further assessment is needed, the teacher completes a checklist and a referral to the Student Study Team is made, if deemed necessary.

- OFL Duarte, as an LEA, is responsible to offer a full continuum of services to address the needs of students with IEPs and provide a “free appropriate public education” (FAPE) as defined in the IDEA at no cost to the parent/student.
- OFL Duarte shall obtain the cumulative files, prior and/or current IEP and other special education information for any student enrolling.
- OFL Duarte shall provide appropriate and timely interim placements for students who are new to OFL Duarte and have IEPs. Students with an existing IEP are entitled to receive a comparable program on a 30-day "interim placement" basis, unless the parent and OFL Duarte agree otherwise. The interim placement shall begin as soon as OFL Duarte verifies the student has an existing IEP and the parent completes the school enrollment process.
- OFL Duarte shall participate in the evaluation and assessment processes to make certain that the appropriate services are provided on an individualized basis for every child with a disability.
- The teacher, along with the IEP team, will lead development of IEPs, manage IEPs, communicate plans for modifications and accommodations, and work with teachers and stakeholders to implement the IEP.
- OFL Duarte will develop, maintain and implement policies and procedures to ensure that all parents/guardians are fully informed of their rights and that families of special education students are given copies of the SELPA’s Parent Rights and Procedural Safeguards document.

OFL Duarte agrees to adhere to the policies and requirements of the SELPA Local Plan, including utilizing the SELPA’s approved web-based IEP system. The Charter School shall represent itself at all SELPA meetings as an LEA. As its own LEA for special education purposes, the Charter School is eligible to receive federal and state special education funds directly as if it were a school district.

Section 504 and the Americans with Disabilities Act

Absent specific agreement of the parties to the contrary, OFL Duarte shall be solely responsible, at its own expense, for compliance with Section 504 and the Americans with Disabilities Act with respect to eligible students. OFL Duarte shall ensure that no qualified person with a disability shall, on the basis of that disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of OFL Duarte. OFL Duarte shall comply with Section 504 as it relates to students with disabilities by conducting assessments, determining eligibility, developing and implementing Section 504 Plans, providing all placement, services, and accommodations, and responding to parent concerns and complaints. OFL Duarte shall also develop Section 504 Procedural Safeguards. When a student qualifies for and receives an annual Section 504 support package, students and parents will receive a copy of their Procedural Safeguards that inform them of their rights under Federal and State laws as well as critical information they can use to assist in accessing support for the student.

Section 51745(c) and Independent Study

Section 51745, subsection (c) of the *Education Code* states, “[a]n individual with exceptional needs, as defined in Section 56026, shall not participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.” Although the Education Code requires that the IEP allow for participation, no student will be denied enrollment in the Charter School due to their disability. If the statement is not included in the current IEP, the Charter School’s IEP team will convene and note that the student will participate in independent study. The determination regarding the appropriateness of independent study for a particular student receiving special education services shall be made by the student’s IEP Team. The District agrees to provide specific information regarding appropriateness of independent study placement in the IEP for resident students of the District, prior to enrollment in OFL Duarte.

F. English Language Learners

Recognition of, and instructional support for, English Language Learners (“ELL”) will begin upon enrollment, or will continue throughout the time a student is enrolled in OFL Duarte. The Charter School will administer the home language survey upon a student’s initial enrollment into OFL Duarte via an enrollment form. In addition, students are administered the English Language Proficiency Assessments for California (“ELPAC”) within 90 calendar days from the date of enrollment to identify the proficiency level of all English Language Learners as specified in state law. The assessments will be used to track the progress of ELL students in acquiring the skills of listening, speaking, reading, and writing in English, as well as to modify the delivery of personalized instruction for each student. All English Language Learners enrolled in OFL Duarte will be provided access to the core curriculum with carefully designated English Language Development (“ELD”) support. Deficiencies in oral and written language will be addressed with intensive support where necessary. It is the goal of the Charter School that every ELL student will be reclassified as proficient in English. Additionally, every reclassified student who remains in OFL Duarte shall be carefully monitored for a minimum of two years after redesignation in order to assure students’ continued success. Other instructional materials may be used to more directly support the student’s current learning needs, as identified in their Individualized Learning Plan. OFL-Duarte will provide translation services on an as needed basis for Charter School communication with non-English speaking parents of enrolled students.

The Structured English Immersion (“SEI”) Model is specifically designed to meet the needs of students enrolled in an Independent Study/Blended Instruction Program, which includes instructional strategies supported by an Independent Study Teacher, Small Group Instructor, Online Facilitator, Intervention Specialist, and Tutor and English Language Support Team Member. Prior to or upon enrollment the level of support a student needs is evaluated through Vantage assessments in English and Math, ELPAC, and the reclassification process. The SEI Model involves multiple components: Independent Study Integration, English Language Support Team Designated Instruction, Small Group

Instruction Classroom Format, and Student Assessment and Placement.

Students are involved in the planning and implementation of their educational program. Students work independently to complete self-guided assignments and work with instructors to complete performance tasks and receive feedback. The time spent working individually with instructors allows students to gain knowledge of content, improve communication skills, reflect and assess process, and build on prior knowledge to improve understanding. Independent Study suggests that students work 4-6 hours per day at home and attend appointments as determined by the instructor. While working at home, students engage independently with ELD strategies as prescribed by the instructor and based on the Individualized Learning Plan. Reading and writing are the primary focus of the independent practice, while speaking and listening are emphasized during student and teacher interaction.

English Language Learners enrolled in OFL Duarte receive targeted instruction in ELD from the English Language Support Team throughout their stay. This begins prior to enrollment with Vantage placement assessments in English, Writing, and Math that are administered to all students and continues with frequent formative and summative assessments throughout the year. Scores are used to determine course placement and Personalized Adaptive Learning Plans (“PALP’s”) are assigned to bolster skills in areas of deficiency on an individual basis. PALP’s can be either completed independently or with the guidance of an English Language Support Team Member. ELL students are encouraged to participate in Small Group Instruction courses, during which they receive one-on-one support as well as peer collaboration in the completion of performance tasks and course assignments.

All English Language Learners are administered the ELPAC annually, and progress toward reclassification is monitored by both instructors and school leadership. In addition, Small Group Instructors use Vantage assessments as a baseline before beginning instruction, as well as a progress-monitoring tool throughout the course. Another form of student monitoring is the use of standardized assessments such as CAASPP, and common assessments for all internal coursework. Results of these exams are used by instructors and school leadership to inform stakeholders on the progress of the ELL Program, as well as for the program as a whole. Comparative analyses ensure that we are providing the highest level of support to our ELL population.

In order to determine student reclassification eligibility, the ELL Support Team meets to review the following:

- ELPAC annual assessment results
-
- Vantage CAT Reading test scores
- MyAccess writing scores
- Student performance in written and oral English language fluency, as informed by rubrics. Rubrics are based upon observable student interaction with instructional

- staff, peers, and support staff.
- Current course grades and credit completion

Throughout the evaluation process parents are notified of their student's progress. The school's open door policy provides flexible opportunities for parents/guardians to meet with members of the ELL Support Team. Assistance is provided to parents in making further decisions about student's academic support and additional support needed at home.

If the ELL Support Team deems a student as not being ready for reclassification, the student continues to be provided with targeted English Language interventions.

More detailed information as to how students will access the core curriculum may be found in the Charter School's English Language Development Master Plan attached as **Exhibit I.**

III. Measurable Student Outcomes and Other Uses of Data

A. Measurable Student Outcomes

OFL Duarte will comply with all requirements pursuant to California *Education Code* 47605(b)(5)(A)(ii) including developing annual goals, for all pupils (i.e. school-wide) and for each subgroup of pupils as identified in California *Education Code* 52052, for each of the applicable eight (8) state priorities identified in California *Education Code* 52060(d). In accordance with *Education Code* 47606.5, OFL Duarte will comply with all elements of the LCAP pursuant to regulations and templates adopted by the California State Board of Education and reserves the right to establish additional, school-specific goals and corresponding assessments throughout the duration of the charter. OFL Duarte shall submit the LCAP to the District and the County Superintendent of Schools annually on or before July 1, as required by *Education Code* 47604.33.

Student assessment, both formal and informal, is an essential component of the Charter School instructional model. Appropriately selected and administered assessment instruments provide information that is critical for

- Meaningful placement decisions
- Documentation of student growth through pre-testing and post-testing
- Assistance to teachers in making effective decisions about instructional content and pacing for individual students
- Evaluation of overall Program effectiveness

Test scores are only one indicator of a student's abilities and knowledge. Such scores are best used in context with other information about the student, and only after careful consideration of the most appropriate test to administer and a full understanding of the individual student being tested. This is particularly true for an at-risk student whose progress is not typically reflected by traditional evaluation methods. To that end, the Charter School will use additional multiple measures and indicators to accurately determine student success.

As discussed later in Section VI, OFL Duarte uses Vantage SPMS to assess students upon enrollment in order to place them in the appropriate English Language Arts and Mathematics classes. In order to better track the skill growth of students enrolled in our program, this year, OFL initiated a schedule of annual Vantage assessments. OFL will use these updated diagnostic assessments of student skill growth to measure the program's success and provide adjustments to students' Individualized Learning Plans.

Pursuant to *Education Code* Sections 47605(b)(5)(A)(ii) and 47605(b)(5)(B), OFL Duarte has established goals, actions, and measurable outcomes, which address and align with the eight state priorities. Each of these goals addresses the unique needs of students who are eligible for Free or Reduced Price Meals, are English Language Learners, or are living in

Foster Care. The metrics associated with these goals help OFL Duarte to ensure that these specific subgroups are making satisfactory progress, and are provided with necessary additional supports made possible by additional funds from the Local Control Funding Formula. Each of OFL Duarte's goals is listed below, along with the specific metrics that are used to monitor progress toward achieving these goals.

Below is a description of the Charter School's goals and metrics used to monitor progress toward achieving the eight state priorities as presented in 2015:

Goal 1: 100 percent of core English and Math courses are aligned to Common Core State Standards and 100 percent of teachers are effectively trained to implement this new curriculum.

Goal 1 aligns with the following state priorities: basic services (#1), implementation of State Standards (#2), student achievement (#4), pupil engagement (#5), and course access (#7). In order to achieve this goal, in alignment with these state priorities, the following actions and services will be provided.

To ensure that 100 percent of core English and Math curriculum is aligned to the Common Core State Standards, the curriculum department will spend significant time and resources on curriculum development. In addition, there will be an investment in technology to ensure that students can complete Common Core-related tasks and the Smarter Balanced Assessments. We will invest in the upgrade of our internal Student Information System to ensure online assessment and subgroup data is available to all stakeholders. Furthermore, additional online course logins (including additional core courses, typing, and developmental reading, writing, and math programs) will be purchased to support the requirements of Common Core and SBAC for all learners, specifically those who do not have technology easily accessible.

To ensure that 100 percent of teachers are effectively trained to implement curriculum, OFL Duarte will provide school-wide best practices workshops, regional trainings, and will provide additional pay for professional development activities conducted outside the normal school day.

Yearly improvement goals based on chosen metrics will be as follows:

- 100 percent alignment to Common Core
 - 2014-2015: Core Math & ELA Curriculum aligned to CCSS
 - 2015-2016: Core Math & ELA Curriculum aligned to CCSS and all students will complete CCSS-aligned courses
 - 2016-2017: Core Math & ELA Curriculum aligned to CCSS and all students will complete CCSS-aligned courses
- 100 percent of teachers effectively trained to implement curriculum
 - 2014-2015: In-depth Common Core trainings presented to all teachers.

Content strategies presented to all teachers. Eighty-five percent of teachers agree or strongly agree that “Common Core training has effectively prepared me for the roll-out of the new Common Core courses” based on surveys.

Eighty-five percent of teachers attend professional development opportunities based on sign-in sheets.

- 2015-2016: Best practices professional development allows for a deeper level of understanding and new tools for teaching the common core. Ninety percent of teachers agree or strongly agree that “Common Core training has effectively prepared me for the roll-out of the new Common Core courses” based on surveys. Ninety percent of teachers attend professional development opportunities based on sign-in sheets.
- 2016-2017: Best practices professional development allows for a deeper level of understanding and new tools for teaching the common core. Ninety-five percent of teachers agree or strongly agree that “Common Core training has effectively prepared me for the roll-out of the new Common Core courses” based on surveys. One hundred percent of teachers attend professional development opportunities based on sign-in sheets.

Goal 2: Credit completion towards graduation is accomplished through an overall reduction in absenteeism for all students.

Goal 2 aligns with the following state priorities: basic services (#1), school climate (#6), student achievement (#4), pupil engagement (#5), and parental involvement (#3). In order to achieve this goal, in alignment with these state priorities, the following actions and services will be provided: Additional compliance coordinators, Small Group Instructors, and credentialed teaching staff, including regional English Learner specialists, will be hired in order to ensure more teacher-student instructional time and to address the specific needs of English Learners. Additionally, we will invest in a student email system, as well as upgrades to Student Information System (iSIStrac) to allow for a parent portal, as well as the ability to email the whole school community or individual students/parents.

Yearly improvement goals based on student population:

- All Students
 - 2014-2015: Increase utilization two percent annually to meet goal of 84.56 percent overall utilization
 - 2015-2016: Increase utilization two percent annually to meet goal of 86.56 percent overall utilization
 - 2016-2017: Increase utilization two percent annually to meet goal of 88.56 percent overall utilization
- Students in Foster Care
 - 2014-2015: Gap between general student population and foster care students will narrow two percent. Foster care utilization goal: 76.24 percent.
 - 2015-2016: Gap between general student population and foster care students

- will narrow two percent. Foster care utilization goal: 78.24 percent.
- 2016-2017: Gap between general student population and foster care students will narrow two percent. Foster care utilization goal: 80.24 percent.
- English Learners
 - 2014-2015: Maintain closed utilization gap between English Learners and all students; increase English Learner subgroup utilization two percent. English Learner utilization goal: 90.76 percent.
 - 2015-2016: Maintain closed utilization gap between English Learners and all students; increase English Learner subgroup utilization two percent. English Learner utilization goal: 92.76 percent.
 - 2016-2017: Maintain closed utilization gap between English Learners and all students; increase English Learner subgroup utilization two percent. English Learner utilization goal: 94.76 percent.
- Low Income Students
 - 2014-2015: Gap between general student population and low income students will narrow two percent. Low income student utilization goal: 88.9 percent.
 - 2015-2016: Gap between general student population and low income students will narrow two percent. Low income student utilization goal: 90.9 percent.
 - 2016-2017: Gap between general student population and low income students will narrow two percent. Low income student utilization goal: 92.9 percent.

Goal 3: All students complete a rigorous course of study, including completion of A-G courses.

Goal 3 aligns with the following state priorities: basic services (#1), implementation of state standards (#2), student achievement (#4), pupil engagement (#5), and course access (#7). In order to achieve this goal, in alignment to these state priorities the following actions and services will be provided: Additional compliance coordinators, Small Group Instructors, and credentialed teaching staff, including regional English Learner Specialists, will be hired in order to ensure more teacher-student instructional time and to address the specific needs of English Language Learners. Additional Math and ELA tutors will be hired to ensure that students have appropriate instructional support to become proficient in rigorous coursework. An investment in technology to ensure students can complete Common Core-related tasks and SBAC will be made.

Yearly improvement goals based on student populations:

- All Students
 - 2014-2015: Growth of internal Average Course Difficulty (ACD) rating by 0.02. Goal rating of 3.091.
 - 2015-2016: Growth of internal Average Course Difficulty rating by 0.02. Goal rating of 3.111.
 - 2016-2017: Growth of internal Average Course Difficulty rating by 0.02. Goal rating of 3.131.

- Students in Foster Care
 - 2014-2015: Maintain closed ACD gap between Foster Care students and all students; increase Foster Care subgroup utilization in line with the general population: 3.091.
 - 2015-2016: Maintain closed ACD gap between Foster Care students and all students; increase Foster Care subgroup utilization in line with the general population: 3.111.
 - 2016-2017: Maintain closed ACD gap between Foster Care students and all students; increase Foster Care subgroup utilization in line with the general population: 3.131.
- English Learners
 - 2014-2015: Maintain closed ACD gap between ELL students and all students; increase ELL subgroup utilization in line with the general population: 3.091.
 - 2015-2016: Maintain closed ACD gap between ELL students and all students; increase ELL subgroup utilization in line with the general population: 3.111.
 - 2016-2017: Maintain closed ACD gap between ELL students and all students; increase ELL subgroup utilization in line with the general population: 3.131.
- Low Income Students
 - 2014-2015: Maintain closed ACD gap between Low Income students and all students; increase Low Income subgroup utilization in line with the general population: 3.091.
 - 2015-2016: Maintain closed ACD gap between Low Income students and all students; increase Low Income subgroup utilization in line with the general population: 3.111.
 - 2016-2017: Maintain closed ACD gap between Low Income students and all students; increase Low Income subgroup utilization in line with the general population: 3.131.

Goal 4: All students will receive support and instruction focused on social-emotional development in order to increase graduation rates and better prepare students for their future lives.

In the 2015-2016 school year, OFL Duarte will add Goal 4 to our LCAP. Goal 4 aligns with the following state priorities: basic services (#1), course access (#7), school climate (#6), pupil engagement (#5), and other student outcomes (#8). In order to achieve this goal, in alignment with these state priorities the following actions and services will be provided: teacher training on Character Education courses, piloting and introduction of a new Character Education course in all of the resource centers, and integration of Character Education tenants into OFL Duarte's school culture.

Yearly improvement goals based on chosen metrics will be as follows:

- Teachers will be trained on the implementation of a Character Education course
 - 2015-2016: Fifty percent of teachers will be effectively trained, based on sign-in

- sheets and teacher feedback surveys
 - 2016-2017: Seventy-five percent of teachers will be effectively trained, based on sign-in sheets and teacher feedback surveys.
 - 2017-2018: One hundred percent of teachers will be effectively trained, based on sign-in sheets and teacher feedback surveys.
- Each Resource Center will offer the Character Education course to students
 - 2015-2016: Each Resource Center will offer the Character Education course at least two times.
 - 2016-2017: Each Resource Center will offer the Character Education course at least four times.
 - 2017-2018: Each Resource Center will offer the Character Education course on an ongoing basis.
- Each Resource Center will ensure that the students take the Character Education course
 - 2015-2016: At least 25 percent of students enrolled in OFL Duarte for six months or longer will complete the Character Education Course.
 - 2016-2017: At least 40 percent of students enrolled in OFL Duarte for six months or longer will complete the Character Education Course.
 - 2017-2018: At least 50 percent of students enrolled in OFL Duarte for six months or longer will complete the Character Education Course.

B. Program Outcomes

High School Diploma

OFL Duarte is authorized to award high school diplomas to those students who successfully complete the academic and behavioral requirements established by the Charter School (see **Exhibit D: Curriculum and Assessment**). Graduation Requirements for students shall meet or exceed the Duarte Unified School District requirements.

Accreditation

OFL Duarte will be accredited by the Western Association of Schools and Colleges (WASC). As such, accreditation will allow credits awarded by the Charter School to be transferable to the District.

Other Measures and Considerations

Many students attend OFL Duarte as a sound alternative to earn their high school diploma. However, a number of students attend OFL Duarte to partake in our academic recovery program to assist them in catching up on credits and then return to their resident or neighborhood school. Many at-risk students, based upon their own academic and personal goals, transition in-and-out of the Charter School over the course of their academic careers.

Reflecting this dynamic, it is necessary for OFL Duarte to enact more innovative measures as to how it uses multiple assessments, in the long-term, across the entire student population. Consequently, OFL Duarte's specific expected outcomes and its student results

are averaged over the length of years in which the charter petition is in effect, in order to gain an overview of the program's effectiveness and student learning.

Based on the length of enrollment for each student, OFL Duarte will use at least one of following measures of academic achievement in determining program success:

- CAASPP– movement of student from one proficiency level to the next in a given subject;
- R-FEP results – the number and percentage of ELL students who have exited the ELL Program and have mainstreamed into SEI;
- Course Level Assessment – demonstration of proficiency in grade level courses using summative assessments.

Outcomes will be based upon a comparison with past performance and with the understanding that OFL Duarte students are those who have not or would not have been served in the traditional school environment. Reported results will be based upon average student performance over the years of the Charter School petition.

Fundamental outcomes on which OFL Duarte should be judged include periodic assessments in reading, writing and mathematics and the results on standardized assessments, as compared to similar programs where a student would have otherwise attended or schools within the District serving similar students. OFL Duarte should also be judged according to student and parent satisfaction indices, the number of students graduating from the Program and the number of students returning to traditional school environments.

OFL Duarte shall submit an annual report to Duarte Unified School District within six months after the fiscal year, containing year-end information on academic outcomes (including results on the CAASPP assessments, R- FEP results, and other standardized tests) as well as the annual financial audit. Data provided in this report will be specific to students enrolled under this charter as approved by the Duarte Unified School District Board of Trustees.

C. Methods of Assessment

Students will be regularly tested to assess skill level growth and the appropriateness of the program in meeting their individual needs. All students will participate in any testing programs as required by law. Furthermore, OFL Duarte will annually report the data on student achievement to staff and parents. Regular efforts are made to help students and parents understand the results of assessments through individual Parent Conferences, IEP meetings, and Section 504 conferences, to name a few options available.

OFL Duarte uses a variety of assessments including standardized assessments, required State assessments, charter school-developed formative, benchmark, and summative assessments, as well as alternative assessment processes including teacher developed rubrics, performance tasks, and portfolios.

Personalized Assessment

After identification of students who are interested in enrolling, OFL Duarte identifies the particular needs of each student by providing diagnostic assessments in content areas such as Math and English, to determine gaps in the individual student's knowledge and skill base. These assessments are scored and results are communicated to students promptly.

Enrollment interviews are also conducted. This process provides the student's teacher with a sense of the student's communication skills, how the student views schooling, why the student left his or her previous learning environment and what, if any, are the student's goals. These understandings are extremely important in working with this particular at-risk population and provide information the teacher can use in helping the student shape his or her educational and personal goals. This process is vital to the overall success of the personalized learning process.

By using data from the enrollment interview, along with the student's transcripts, the teacher, student and parent, work together to develop an Individualized Learning Plan to help maximize the student's success in the program. OFL Duarte recognizes that individual students have varied and often changing needs and teachers adjust the Individualized Learning Plan to meet these needs, while maintaining strict adherence to a well-defined set of content standards and graduation requirements. As such, students are provided a balance between structure and flexibility in their learning process.

The Charter School actively pursues the following objectives when developing the Individualized Learning Plan for each student:

- An assessment of the academic strengths and weaknesses of the student, using both formal and informal assessment procedures
- A thorough examination of the expectations for each individual student
- Determination of the degree of fit between the student's ability and the Charter School's expectations for the student
- An understanding of the cause of any discrepancy between the Charter School's expectations and the student's knowledge base
- Location of available resources and services so that an appropriate match between the expectations and the student's knowledge base can be achieved
- The development of a personalized plan of action that is flexible, modifiable and includes an evaluation procedure to determine achievement of desired outcomes

In all cases, students must demonstrate that they have met the standards required for the course work. Attendance is calculated and an audit trail of all course work is maintained for each student based on the California *Code of Regulations* charter school regulations.

D. OFL Duarte Student Academic Outcomes: 2013 – 2015

Below is a description of the student academic outcomes presented in 2015:

During the year and a half it has been in operation, OFL Duarte has endeavored to increase pupil academic achievement for all groups of pupils served by the charter school, which *Education Code 47607(a)(3)(A)* states is “the most important factor in determining whether to grant a charter renewal.” As of the writing of this renewal petition, OFL Duarte has been in operation for less than two years and has administered only one round of annual assessments. It is still building its enrollment, and many of its pupil subgroups have less than 30 pupils with valid test scores, rendering them numerically insignificant under *Education Code 52052(a)(3)(A)*. Because of this, and due to the suspension of API, OFL Duarte does not have enough data to properly and fully compare its own pupil subgroups. However, in this section we explore our students’ outcomes by using the few metrics available.

Compared to the student body of traditional public schools, OFL Duarte’s student body is made up of a greater percentage of students who had or would have dropped out of their original schools, and who exist outside of traditional public schools, such as single parents without childcare, individuals in the juvenile justice system, students in the foster care system, homeless students, students with extended unexcused and unexplained absences, students with behavioral problems, and students with IEPs. The demographics of OFL Duarte can be seen in charts and graphs on page 1 of **Exhibit E**. As of the writing of this petition, OFL Duarte has 400 students, of which 330 qualify for the Free and Reduced Meal Program, 21 are in Special Education, and 19 are ELL. Five of our students are in the Foster care system, and five are homeless. OFL Duarte has 313 Hispanic students, 35 White students, 25 African American students, 12 students who identify as multiple races, 12 students who are Native American, Pacific Islander, or Asian, and three who refused to answer.

Pages 2 and 3 of **Exhibit E** contain charts depicting OFL Duarte’s student “success rates,” a metric used to track our students’ outcomes by classifying them in the following groups:

- Graduated students have completed all credit requirements, community service hours, and passed both the ELA and Mathematics portions of the CAHSEE. This is our graduation rate metric.
- Students who are Continuing with OFL are currently enrolled and continuing to work towards earning credits and graduating. This is our retention rate metric.
- Students who Continued with Another School have transferred to another public or private high school, a technical or trade school, or an adult education program. This category includes students who were credit deficient, caught up, and reenrolled at their original school.
- Non-Completers are students that OFL has lost, though we have programs to encourage them to return and complete any outstanding graduation requirements. These students may simply need community service hours or to pass the CAHSEE. This group includes students who may have transferred out of our program but have not shown up in another school (as verified through CALPADS); were expelled, which is very rare in our program; aged out of our program without graduating (21 years old); or simply left.

- GED or CHSPE students are those that passed high school equivalency exams.
- Students who fall into the Other category moved out of California, stopped completing credits due to a long-term illness, or passed away.

One of OFL's primary goals is to rehabilitate credit deficient students so that they may graduate from high school, either at an OFL school or another school of their choosing. When our students continue with another school, we consider it as great a success as if they had continued and graduated from OFL. As shown in the charts, OFL Duarte and its students have a very high success rate. Success Rates Chart A shows the current status of every student who has enrolled as, or been promoted to, 12th grade with OFL Duarte since its inception. Eighty-nine percent of our students have progressed in their education by graduating from OFL Duarte or continuing their studies, either at OFL or with another school. Only 9.8 percent fall into the category of Non-Completers, and OFL Duarte has programs in place to encourage them to return, which include teachers reaching out directly to former students and their parents.

Success Rates Chart B separates the success rates for our LCFF students, special education students, and homeless students from the larger population depicted in Chart A, and shows that 88.2 percent have graduated or continue to pursue their studies. Their non-complete rate is only slightly higher, at 11.4 percent.

Success Rates Charts C and D on page 3 take a broader view. Success Rates Chart C depicts the outcomes for every student that has enrolled with OFL Duarte since its inception, and Success Rates Chart D depicts the outcomes for every LCFF, special education, and homeless student that has enrolled with OFL Duarte since its inception. Nearly 92 percent of all students and over 88 percent of our LCFF, special education, and homeless students have graduated, passed a high school equivalency exam, or are enrolled at OFL or with another school. These outcomes are notable for any school, but are particularly striking in light of the hurdles faced by the majority of our student body.

Page 4 of Exhibit E depicts the results of our best efforts to create a method for comparing our student achievement from year to year. It is a table and corresponding chart reflecting OFL Duarte pupil achievement as verified by comparative increases in CAHSEE scores from the 2012-13 and the 2013-14 school years. More specifically, we compared OFL Duarte's 2013-14 CBEDS population's scores to a demographically and geographically similar school's comparable pupil population's scores from 2012-2013 and found that OFL Duarte's CBEDS student CAHSEE scores increased by over 10 percent in ELA and 2 percent in Mathematics.

OFL Duarte's School Accountability Report Card ("SARC") starts on page 5 of Exhibit E. While it contains no prior year data because it is unavailable, and consequently does not provide an internal comparison of OFL Duarte students, page 5 of the SARC (page 9 of Exhibit E) shows a useful chart illustrating the school's CAHSEE scores by subject for all grade ten students compared to those of district students. For the 2013-14 year it shows 49 percent

of OFL Duarte’s students tested proficient on the English portion of the CAHSEE on their first try compared to the district students’ 26 percent, and that 35 percent of OFL Duarte’s students tested proficient on the Mathematics portion of the CAHSEE on their first try compared to the district students’ 26 percent, showing that the academic performance of OFL Duarte’s pupils is above that of the schools that OFL Duarte student’s would otherwise have attended. We note that the SARC included in **Exhibit E** is a slightly different version than the one submitted to the CDE. None of the data has been altered, but headings on page 5 were updated for clarity, and a footnote was added.

IV. Governance Structure

A. Governance Overview

Currently, the Charter School has been operated by OFL-D, LLC, a California limited liability company. By July 1, 2019 and upon approval by the District of this material revision, operation of the Charter School shall transition to OFL-Duarte, Inc., a California nonprofit public benefit corporation that qualifies for exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code. OFL-Duarte, Inc.'s Articles of Incorporation were filed with the California Secretary of State on February 4, 2019. A copy of OFL-Duarte, Inc.'s Articles of Incorporation and Bylaws are enclosed as **Exhibit M**. This transition is due to the new requirements of AB 406 which forces closure of the continued operation of the Charter School by OFL-D, LLC and will include the transition of all operations, contracts, debts, liabilities and assets of the Charter School as a going concern to OFL-Duarte, Inc. Once OFL-Duarte, Inc. takes over operations of the Charter School for the term of this materially revised charter, all the responsibilities of the Board of Managers stated throughout this charter will apply to the Board of Directors of OFL-Duarte, Inc., and all references to and obligations of "OFL-D, LLC" or its Board of Managers under this charter shall be replaced with "OFL-Duarte, Inc." and its Board of Directors, wherever appropriate.

Pursuant to Education Code Section 47604, the District shall not be liable for the debts and obligations of the Charter School operated by OFL-Duarte, Inc. or for claims arising from the performance of acts, errors, or omissions by the Charter School, as long as the District has complied with all oversight responsibilities as required by law.

OFL-California, Inc. is a separate California nonprofit public benefit corporation that serves as the sole statutory member of OFL-Duarte, Inc., as the term "member" is defined in Corporations Code section 5056. The purpose of the sole statutory membership is to connect the network of OFL charter schools. Each OFL charter school will be operated and governed by its corporation with its own board of directors (including OFL-Duarte), but OFL-California, Inc. currently serves as the sole statutory member of each. OFL-California, Inc. is a nonprofit public benefit corporation that qualifies for exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code. There are no overlapping board members between OFL-California, Inc. and OFL-Duarte, Inc. and no funds will be paid by the Charter School to OFL-California, Inc. for any services. OFL-California, Inc. will comply with all applicable laws, including any laws that may hereinafter apply to it.

The Charter School will provide the various professionals and administrative services necessary to implement its educational and administrative plans. OFL-Duarte, Inc. will be responsible for the fiscal and educational programs of the Charter School.

The Charter School, as always, will follow all applicable laws, including the Brown Act and SB 126 (2019). The Charter School shall be governed by a Board of Directors (see **Exhibit B**), whose major roles and responsibilities will include, but are not limited to, establishing and approving all major educational and operational policies, approving all major contracts, approving the Charter School's annual budget, overseeing the Charter School's fiscal affairs, meeting corporate requirements, and

selecting and evaluating the administrative staff.

Board Members are selected based on their skill and expertise in a broad array of subjects including finance and education. The Board of Directors may delegate certain duties to any person, persons, or contracted services provider, except those duties which cannot be delegated by law. However, the Board of Directors shall have ultimate responsibility for the operation and activities of the Charter School, including for the performance of any duties so delegated. The Board of Directors shall have a responsibility to solicit input from, and opinions of, the parents of Charter School students regarding issues of significance and to weigh the input and opinions carefully before taking action. The primary method for executing their responsibility is the adoption of policies that offer guidance and interpretation of the charter and procedures to assist the staff in facilitating the implementation of such policies.

The Board of Directors will meet at least quarterly, or additionally as needed, and will be responsible for carrying out responsibilities, including, but not limited to, the following:

- Development, review, or revision of the Charter School's accountability and mission;
- Development and approval of the annual budget;
- Participation in dispute resolution procedures and complaint procedures when necessary;
- Election of Officers as necessary;
- Approval of charter amendments;
- Annual review of the LCAP and Annual Update and approval of LCAP revisions;
- Approval of annual fiscal and performance audits;
- Approval of personnel discipline (suspensions or dismissals) as needed; and
- Hiring, supervision, evaluation and, if necessary, termination of the Principal.

The Board of Directors may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or pre-empted by, any law and which is not in conflict with the purposes for which the Charter School is established. A Board Member shall not vote or participate in a discussion relating to a matter in which he or she has a direct personal financial interest. In addition, the Charter School shall follow all applicable conflict of interest laws. The Board shall adopt policies and procedures regarding self-dealing and conflicts of interest.

The current OFL-Duarte, Inc. Board of Directors biographies are included in **Exhibit B**.

The Charter School shall have no authority to enter into contracts for or on behalf of the District. Any contracts, purchase orders, or other documents which are approved or ratified by the Charter School or its Board of Directors, as required by law, shall be unenforceable against the District and shall be the Charter School's sole responsibility.

Subject to the Charter School's financial policies and procedures and subject to Education Code section 47604 (AB 406), the Charter School reserves the right to contract with other individuals and entities, whether public or private, or non-profit or for-profit, in order to accomplish its goals and objectives as stated in this Petition or to provide any or all services required hereunder, to the

extent permitted by law.

B. Parental Involvement

Parents of all students are encouraged to participate in their child's educational progress. Communication takes place through regular phone calls from teachers, open houses each semester, quarterly newsletters, and progress reports. Furthermore, the Charter School actively seeks parental feedback on school operations and performance via scheduled parental focus group meetings, the school's website www.ofl-d.org, and the toll-free HOTLINE number at 888-207-1119. Parents are also encouraged to participate in all the Charter school events (i.e field trips, student council meetings, community service events, WASC visits).

The Charter School may assemble an Advisory Council composed of school staff, interested parents, and community members. If an Advisory Council is formed, the District may appoint a representative to the Advisory Council. The Advisory Council will serve in an advisory manner to provide consultation, suggestions, and experienced advice to the Charter School Board of Directors, school administrators, teachers, and students. The Advisory Council shall meet at least annually, and one such meeting shall include the review of the Annual Program Evaluation.

V. Qualifications to be Met by Individuals to be Employed by the School

A. School Employee Qualifications

Employees of the Charter School are not employees of the District, nor of the State of California, nor of any political subdivision of the State. The Charter School is responsible for hiring the staff and determining the salary and benefits for the employees. All teachers teaching in any core academic area are qualified teachers. All teachers hold, at a minimum, a bachelor's degree, are appropriately licensed by the state, and demonstrate subject matter competency. Teachers are supervised and evaluated for their effectiveness on an ongoing basis. In addition, all employees are subject to the requirements in connection with criminal record checks and tuberculosis (TB) risk assessments and examinations, if necessary. The Charter School shall be the exclusive public school employer of all Charter School employees, for all purposes, including but not limited to, collective bargaining. All employees are subject to State and Federal employment laws.

To the extent required by applicable law, teachers in the Charter School shall meet all requirements of the ESSA, as applicable to their position, and shall be required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the Charter School and shall be subject to periodic inspection by the District.

The Charter School is committed to maintaining a discrimination-free workplace and to retaining qualified and experienced personnel to ensure the continued delivery of quality educational programs. In addition, to recruit and retain qualified and experienced personnel, the Charter School offers competitive salaries and benefits.

Newly hired teachers undergo initial training to learn the Charter School's curriculum, instructional model, and data-tracking systems. They also receive professional development throughout the school year.

B. Employee Health and Safety Screening

The Charter School complies with all applicable laws regarding the health and safety of the students and employees. Every employee of the Charter School is required to furnish a criminal record summary as described in Section 44237 of the California *Education Code* and otherwise comply with the requirements of that code section. Any individual who has contact with students is required to undergo a TB risk assessment and criminal record summary examination as required by law.

C. Exclusive Public School Employer

The Charter School is the exclusive public school employer of all employees working for the Charter School, for all purposes, including but not limited to, collective bargaining. Employees of the Charter School are covered by the provisions of the National Labor

Relations Act. They are not employees of the District, State of California, or any political subdivision of the State.

VI. Rights of Employees

No public school district employees shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement.

VII. Staff Retirement Benefits

All staff members of the Charter School are covered by Federal Social Security pursuant to applicable law. With respect to additional employee benefits, the Charter School complies with all applicable state and federal laws governing such benefits.

VIII. Health and Safety Procedures

A. Health and Safety of Students and Staff

1. First Aid

Administrators, teachers, and staff members are trained to provide emergency and first aid response to assist in providing a safe and healthy learning environment.

2. Immunizations

The Charter School adheres to all laws related to legally required immunizations for entering students pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Section 6000-6075, as applicable to charter schools.

3. Tuberculosis Risk Assessment and Examination

Faculty and staff shall be assessed and examined, if necessary, for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

4. Bloodborne Pathogens

The Charter School shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Board shall establish and implement a written infectious control plan designed to protect employees and students from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV), and hepatitis B virus (HBV).

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

5. Diabetes

The Charter School shall provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but not be limited to, all of the following:

- A description of type 2 diabetes
- A description of the risk factors and warning signs associated with type 2 diabetes
- A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes
- A description of treatments and prevention of methods of type 2 diabetes
- A description of the different types of diabetes screening tests available

6. Vision, Hearing and Scoliosis

Students shall be screened for vision, hearing, and scoliosis. The Charter School shall adhere to Education Code Section 49450, et seq., as applicable to the grade levels served by the Charter

School.

7. Drug-Free/Alcohol-Free/Smoke-Free Environment

The Charter School maintains a drug, alcohol, and smoke-free environment.

8. Medication

The Charter School adheres to Education Code Section 49423 regarding the administration of medication in school (see **Exhibit J: Medication Policy**).

B. Procedures for Background Checks

Employees and contractors of the Charter School shall be required to submit to a criminal background check and to furnish the Charter School with a criminal record summary as required by Education Code Sections 44237 and 45125.1. Applicants for employment must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. The Principal of the Charter School shall monitor compliance with this policy and report to the Board of Directors on a regular basis. The Board President shall monitor the fingerprinting and background clearance of the Principal. Volunteers who work outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

C. Role of Staff as Mandated Child Abuse Reporters

All non-certificated and certificated staff shall be mandated child abuse reporters and follow all applicable reporting laws, the same policies and procedures used by the District.

D. Comprehensive Discrimination and Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from discrimination and sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, gender, gender identity, gender expression, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School shall implement a comprehensive policy to prevent and immediately remediate any concerns about discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and shall be addressed in accordance with the Charter School's discrimination and harassment policies and procedures.

E. Facility Safety

The Charter School shall provide the Charter School staff and students safe facilities which meet or exceed local safety ordinances (See **Exhibit K: Emergency Preparedness Guide**). The Resource Centers are housed in spaces that are easily accessible to students. The Charter School uses facilities that meet all applicable health and safety laws and ordinances, including the Americans with Disabilities Act. The Charter School will comply with the Field

Act to the extent it is required by law to do so.

The Charter School has developed a comprehensive school safety plan pursuant to AB 1747 (2018), which includes the topics listed in Education Code Section 32282(a)(2)(A)-(H) and procedures for conducting tactical responses to criminal incidents. The school safety plan will be reviewed and updated by March 1 every year by the Charter School. A copy of the comprehensive school safety plan is attached herein as **Exhibit O**.

IX. Resolving Disputes Relating to Provisions of the Charter

A. Meet and Confer:

In the event that any dispute arises between the Parties relating to this Petition, the Parties hereby agree to initially attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute.

B. Mediation:

If a dispute cannot be resolved through meeting as provided in subparagraph 1, then, before resorting to litigation, arbitration or some other dispute resolution process, the parties agree first to attempt to resolve the dispute by binding mediation before any mediator agreed upon by both parties. The Demand for Mediation (“Mediation Demand”) must be in writing. The mediation shall commence within thirty (30) calendar days from the date of receipt of the Mediation Demand and shall be concluded no later than sixty (60) calendar days from the date of receipt. Date of receipt shall be determined pursuant of the Notice provisions of section VIII(L) below. The administrative costs of conducting the mediation, including but not limited to the mediator’s fees, will be shared equally by the parties. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the District and the Charter School.

C. Location of Proceedings:

Los Angeles County shall be the proper venue for any mediation, litigation or other dispute resolution process.

D. Continuous Payment Obligation:

The Charter School’s entitlement to receive funds pursuant to this Charter and state law shall be continuous throughout the term hereof. In the event of any disputes between the Parties, the District shall not be permitted to withhold, as a remedy or otherwise, any funds received on behalf of the Charter School from the State of California or the federal government, which funds, when paid, become the sole and exclusive property of the Charter School.

Nothing stated herein requires the District to pay to the Charter School those state and federal funds designated for the Charter School that it has not yet received.

X. Student Admissions, Attendance, and Suspension/Expulsion Policies

A. Student Admissions Policies and Procedures

OFL Duarte does not discriminate in admitting pupils who wish to attend OFL Duarte. OFL Duarte shall admit all pupils who wish to attend the school, however, if the number of pupils who wish to attend exceeds the school's capacity, attendance, except for existing pupils of the Charter School, shall be determined by a public random drawing. Preference shall be extended to pupils who reside in the District. Other preferences may be permitted consistent with law. The District shall make reasonable efforts to accommodate the growth of OFL Duarte and, in no event, shall take any action to impede OFL Duarte from expanding enrollment to meet student demand and needs.

OFL Duarte staff make every effort to place students in satellite resource centers conveniently located near their homes. Placement also takes into consideration other issues such as gang territory, place of work, and childcare needs. Students must read at a fourth grade level or above to enroll in the guided independent study program.

Upon enrollment, the OFL Duarte requests students' records from their prior schools. Teachers review the transcripts to determine courses the students must take to meet graduation requirements and to gain further understanding of the students' academic abilities.

All students entering OFL Duarte must, along with a parent or legal guardian, participate in an enrollment meeting (intake interview) with a teacher. The parent or guardian must be present to sign the necessary enrollment forms. In the case of minors, only the parent or legal guardian may sign the Agreement Form to enroll his or her child into the Program. When enrolling unaccompanied homeless youth under the McKinney-Vento Act OFL Duarte's policy is for the teacher to co-sign the enrollment paperwork and to include a note stating: "Minor represents that no parent/guardian caregiver is available and that minor is an 'unaccompanied homeless youth' as defined under the McKinney- Vento Act."

During this meeting the teacher attempts to determine the student's motivation for enrolling at OFL Duarte. Without making judgments, the interviewing teacher attempts to understand what the student believes is needed to be successful in the program. The intake teacher discusses the dreams and aspirations of the student and what he/she hopes to accomplish beyond high school. Ideally, the student's dream will include a high school diploma. OFL Duarte strongly emphasizes to all students the importance of having a dream. The students' dreams and aspirations are used as "hooks" to keep the students in school, motivated, and to evaluate their progress and keep them on track.

The intake interviews also provide the teacher with an opportunity to assess the student's communication skills as well as the student's views about schooling and the reason the student left his or her previous learning environment. Subsequent to the intake interview, periodic interviews explore the level of student satisfaction with OFL Duarte, changing attitudes toward school and learning, and perceived progress toward educational goals.

Parents are also asked to complete questionnaires regarding their children's progress.

In addition, the teacher explains how OFL Duarte works and the expectations of the student. This portion of enrollment is focused on the student's responsibility to complete the required work each week, show up for the appointments, and call when unable to attend. The teacher explains that the student is expected to treat his or her education like a job. This is also why the student, rather than the parent, is required to make appointments and call when an appointment cannot be kept.

Either at the conclusion of the enrollment meeting or on the first day of attendance, the student takes the Vantage SPMS to ascertain current progress in reading, writing and mathematics. The teacher uses the results of these assessments to determine what types and level of courses are appropriate upon enrollment.

B. Attendance Alternatives

The Governing Board of the District shall not require any pupil enrolled in the District to attend OFL Duarte.

Pupils in the areas served by OFL Duarte have many schools available to them and are free to return to their home district schools at any time pursuant to applicable State Law and district policies.

C. Racial and Ethnic Balance

OFL Duarte maintains a policy of non-discrimination in all areas of its operations. OFL Duarte makes reasonable and practicable efforts to achieve a racial and ethnic balance among its students from the District that reflects the racial and ethnic balance of the territorial jurisdiction of the District. This balance is maintained by recruitment in various representative areas of the community and by targeting under-represented students, if any. OFL Duarte may also work with community-based organizations to accomplish this balance. For OFL Duarte's racial and demographic balance, please refer to page 1 of **Exhibit E: Student Demographics and Academic Outcomes**.

D. Suspension/Expulsion Procedures

Students are expected to conform to the customary rules of conduct and the normal manner of operation of the resource center. The teachers and staff of the resource center monitor student behavior during OFL Duarte's hours of operation. If a problem arises, the teacher will contact the student's family and may request a parent-teacher conference to discuss the matter.

Attached hereto in **Exhibit C: Student / Parent Handbook** and incorporated herein by this reference is a copy of the Charter School's policies and procedures regarding student discipline. Among other things, the policy sets forth the grounds for suspensions and expulsions applicable to all students in a manner that is consistent with Federal law. Parents, students and staff may provide input on the design and implementation of the

Charter School's discipline policies to the Charter School's Board of Directors. The Charter School's Board of Directors may periodically amend the Policy and develop additional criteria; provided, however, that all such amendments and additions ensure that students are afforded due process to the extent required by applicable law.

If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.

No pupil shall be involuntarily removed by the Charter School for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the right to prior written notice and a hearing adjudicated by a neutral officer before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision.

XI. Financial Planning, Reporting, and Accountability Budgets

A. Budget

Attached hereto as “**Exhibit: H**” and incorporated herein by this reference is a copy of the Charter School’s projected three-year budget and cash flow. (See **Exhibit F: Projected Budget**)

B. Financial Reporting

OFL Duarte is fiscally solvent, spending at the state recommended levels and aggregating excess revenues in sufficient quantities to allow the school to maintain reserves. OFL Duarte uses the accrual method of accounting, as defined by Generally Accepted Accounting Principles (GAAP).

The Charter School uses Microsoft Dynamics Navision and BNA Fixed Asset software as its financial reporting systems. The Navision package includes Accounts Payable, Accounts Receivable, Cash Management and General Ledger. The BNA software maintains cost and depreciation data and calculations for the Charter School’s fixed assets. The Charter School currently uses ADP for payroll processing. Average Daily Attendance (“ADA”) is calculated utilizing software developed and maintained by Education Dynamics, Inc. The Charter School retains the right to decide and to use the accounting software, student record keeping system and payroll services that it determines are most appropriate.

The Charter School has established internal controls that ensure operational and financial policies and procedures are properly followed. These controls include, but are not limited to, independent financial and ADA/file audits, as well as ongoing management review of operations, financial results and general business practices. Policies and procedures are regularly reviewed and updated as necessary.

Some examples of controls are:

An internal audit group ensures that the Charter School complies with independent study attendance reporting, student file maintenance requirements, and student-teacher ratios requirements as prescribed in the California *Education Code* and California *Code of Regulations*. Student files are reviewed, at a minimum, annually.

In order to ensure proper staffing and employment practices, the Charter School regularly reviews job descriptions, monitors employment and labor requirements, conducts field training on such matters, and oversees regularly administered staff evaluations.

Only individuals delegated authority by the Charter School’s governing board have the authority to sign contracts on behalf of the Charter School.

Bank reconciliations are prepared monthly by the Charter School and are reviewed and approved by the appropriate individual(s). Neither those preparing the reconciliation nor those reviewing the reconciliation have check processing or signing authority. Additionally, bank accounts are monitored on a daily basis to ensure that no fraudulent checks have been

presented to the bank and paid. State fund deposits are monitored based on CDE payment schedules and analyzed against cash flow projections.

The Charter School prepares and monitors budgets, cash flows, financial performance and variance analysis on a regular basis.

Checks are processed and distributed by the Charter School. Payments are not made without appropriate supporting documentation. Checks greater than \$5,000 require two signatures from designated check signers.

The Charter School complies with all the reporting requirements prescribed by the California Department of Education. Reports are filed in a timely manner, consistent with the reporting periods set by the State.

In addition to the annual audit described in Section E below, the following reports are provided to the District and County Superintendent of Schools in accordance with *Education Code Section 47604.33* and the schedule mutually agreed to by the Charter School and the District, and the reports are formatted per California Schools Accounting Manual standards. These reports include:

- A preliminary budget on or before July 1 each year.
- An annual update (LCAP) on or before July 1 each year.
- An interim financial report, reflecting changes through October 31, on or before December 15 of each year.
- A second interim financial report, reflecting changes through January 31 on or before March 15 of each year.
- A final unaudited, financial report for the prior full year on or before September 15 of each year.
- First principal attendance report.
- Second principal attendance report.
- Annual attendance report.
- Funding Determination for Non-Classroom-Based Charters
- Audit Report Checklist with Charter Correspondence

The Charter School complies with all the reporting requirements prescribed by the California Department of Education. Reports are filed in a timely manner, consistent with the reporting periods set by the State.

C. Administrative Services

The Charter School may continue to contract for educational, administrative and operational services and support, as needed to allow the Charter School to focus on its students. These services may include, but are not limited to, accounting, human resources, risk management, procurement and operational consulting and oversight. The Charter School will comply with all laws applicable to the provision of services to charter schools,

including Education Code section 47604 (as amended by AB 406). Financial and operational reviews and reports will continue to be presented to management on a monthly basis.

The Charter receives its funding directly from the State of California, per SB 740 (2001). The Charter adheres to the certificated and instructional spending targets set forth in SB740, and currently qualifies for 100 percent funding under these guidelines.

The Charter does not currently receive any Title I funds, or other federal funding.

D. Insurance

At all times during the term of the Charter, the Charter School shall maintain insurance as set forth below:

- (i) General Liability in the following amounts: \$2,000,000 aggregate; \$1,000,000 each occurrence; \$2,000,000 products/completed ops; \$1,000,000 personal and advertising injury; \$100,000 rented to you; \$5,000 medical expense; \$1,000,000 employee benefits.
- (ii) Property in the following amounts: \$2,395,285 building; \$1,857,660 business personal property; \$6,930,814 BI/EE; \$1,247,213 IM (not blanket); \$5,328,195 equipment breakdown.
- (iii) Auto Liability in the following amount: \$1,000,000 combined single limit comprehensive/collision.
- (iv) Educators Professional Liability in the following amounts: \$1,000,000 aggregate; \$100,000 defense reimbursement; \$300,000 defense reimbursement aggregate.
- (v) Sexual or Physical Abuse coverage in the following amounts: \$1,000,000 aggregate; \$1,000,000 each abusive conduct.
- (vi) Excess Liability in the following amount: \$25,000,000.
- (vii) Student Accident (Primary) in the following amounts: \$25,000 accident medical expense benefit; \$10,000 accidental dismemberment.
- (viii) Catastrophic Student Accident (Excess) in the following amounts: \$5,000,000 medical expense; \$10,000 accidental death and dismemberment.
- (ix) Workers' Compensation in the following amounts: \$1,000,000 per accident; \$1,000,000 by disease per employee; \$1,000,000 by disease policy limit.
- (x) Crime in the following amounts: \$1,000,000 employee theft; \$1,000,000 forgery or alteration; \$1,000,000 computer and funds transfer fraud; \$100,000 ERISA Fidelity.

OFL projects that its annual expenditures for insurance will be as follows: General Liability: \$950; Excess Liability: \$920; Workers' Compensation: \$32,000; and Crime: \$1,700

OFL agrees to provide the District with documentation reflecting its insurance coverage once it obtains the policies identified above. The District shall be named as an additional insured on said policies and shall not be responsible for the payment of any costs associated with the insurance coverage.

E. Audits

A financial audit for each fiscal year is performed and submitted to the District, the County Superintendent of Schools, the State Controller, and to the California Department of Education by December 15 of the next fiscal year. Each audit is performed by an independent certified public accountant licensed by the California Board of Accountancy. The Charter School selects the independent auditor from a directory of certified public accountants and public accountants deemed qualified to conduct audits of Local Education Agencies. The directory is provided by the State Controller's Office.

The audit is conducted in accordance with the Guide for Annual Audits of California K-12 Local Education Agencies and State Compliance Reporting. The Standards set forth the scope and responsibilities for an independent financial audit of a LEA. The audited financial statements are prepared in accordance with GAAP. The independent auditor provides to the Charter School a listing of audit exceptions and deficiencies, if any.

These noted deficiencies will be resolved to the District's satisfaction in a timely manner. In order to achieve this, the Charter School will provide the deficiency listing along with a resolution plan to the District. Follow up communications will occur to give assurance to the District that the resolution plan is being properly executed.

The audited financial statements include a complete set of financial statements, showing revenues, expenses, assets, liabilities, equity and cash flow. Additionally, the financial statements contain notes and disclosures considered integral to the accompanying financial statements. Finally, there may be supplementary schedules or data included with the statements.

In addition, an independent audit to perform agreed upon procedures to test its student attendance records and to verify that the stated ADA is calculated and reported according to standards set forth in the California *Education Code* and *California Code of Regulations*.

F. Closure Protocol

The following procedures shall apply in the event that OFL Duarte closes. The following procedures apply regardless of the reason for closure. If it is feasible to do so, while still maintaining a viable and appropriate educational program, OFL Duarte will close at the end of an academic year. Mid-year closures will be avoided if possible, and OFL Duarte and Duarte Unified School District will work together to ensure than an appropriate, viable, and legally compliant education program continues until the end of the school year.

Closure of OFL Duarte will be documented by official action of OFL Duarte's Board of Directors. The action will identify the reason for closure.

OFL Duarte will be the responsible entity to conduct closure activities and will fund closure activities with its remaining unrestricted assets. OFL Duarte will promptly notify parents or guardians of students, the District, the County Office of Education, the SELPA in which OFL Duarte participates, the retirement systems that employees participate in, and the CDE. These notices will include all information required by Title 5 of the *California Code of*

Regulations section 11962(b).

OFL Duarte will ensure that the notification to parents and guardians provides information to assist parents and students in locating suitable alternative programs.

OFL Duarte will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which it will retain as the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232(g). The entity responsible for closure activities will store the original records of Charter School students until such time as all students have transferred to a new school, whereupon OFL Duarte will ensure that the respective new schools receive the student's permanent record.

The Charter School will maintain all previous students' permanent records, state assessment results, special education records, and personnel records in accordance with applicable law.

OFL Duarte will prepare final financial records as soon as reasonably practicable and will have an independent audit completed no more than six months after closure. OFL Duarte will pay for the final audit, which will include all information required by Title 5 of the California Code of Regulations section 11962(f). The audit will be prepared by a qualified Certified Public Accountant selected by OFL Duarte and will be provided to the District upon completion.

The Charter School will complete and file any annual reports required pursuant to *Education Code* 47604.33.

All assets of OFL Duarte including but not limited to all leaseholds, personal property, intellectual property, and all ADA apportionments and other revenues generated by students attending OFL Duarte will remain the sole property of OFL-Duarte, Inc. On closure, OFL-Duarte, Inc. shall remain solely responsible for all liabilities arising from the operation of OFL Duarte. The Charter School shall return any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports. The Charter School shall return any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

XII. General Provisions

A. Independent Contractor Status and Liability

The Charter School's employees, officers, and directors in their capacity as OFL Duarte employees, officers, or directors shall not be considered officers, employees or agents of the District.

Except as otherwise provided in this Petition, the Charter School will act as its own LEA and fiscal agent to the fullest extent of the law. The District shall not be liable for the debts or obligations of the Charter School in accordance with *Education Code* Section 47604(c).

B. Indemnity and Hold Harmless

The Charter School does hereby agree, at its own expense, to indemnify, defend, and hold the District, its officers, employees, and agents harmless from and against any and all claims, liabilities, or legal proceedings brought by any person or entity whatsoever, arising from, or relating to the charter agreement, excluding, however, any claims, liabilities or legal proceedings attributable to the negligent acts or omissions of the District. The Charter School further agrees to indemnify, defend, and hold the District, its officers, employees, and agents harmless from and against claims, liabilities, or legal proceedings brought by any person or entity if such claims, liabilities, or proceedings arising from or relating to acts or omission of acts committed by the Charter School, its officers, employees, or students.

C. Oversight Fees and ADA Payments

1. Oversight Charge:

Except as set forth in subparagraph 2, below, as the chartering agency, the District may charge the Charter School for the actual costs of the supervisory oversight of the Charter School in an amount not to exceed one percent (1 percent) of the revenue of the Charter School according to *Education Code* 47613.

2. Facilities and Oversight Charge For Use of Facilities:

As the Chartering agency, the District may charge the Charter School for the actual costs of supervisory oversight of the Charter School in an amount not to exceed three percent (3 percent) of the revenue of the Charter School, if the Charter School obtains substantially rent free facilities from the District for use by the Charter School.

3. ADA Apportionments:

Pursuant to *Education Code* 47612, the Superintendent of Public Instruction shall make all of the following apportionments to the Charter School for each fiscal year during the term of this Charter:

- a) General purpose and general purpose entitlement funding in accordance with *Education Code* 47633 as computed by the local control funding formula pursuant

to *Education Code 42238.02*, as implemented by *Education Code 42238.03*, in an amount for each unit of regular ADA in the Charter School is generated by a pupil who is a California resident.

- b) For each pupil enrolled in the Charter School who is entitled to special education services, the state and federal funds for special education services for that pupil that would have been apportioned for that pupil to the District or SELPA.
- c) Funds for the programs described in *Education Code* Sections 63000 and 64000, and other state law as applicable to the Charter School to the extent that any pupil enrolled in the Charter School is eligible to participate.
- d) Any other funding the Charter School is entitled to receive.

The Charter School is deemed to be under the exclusive control of the officers of the school for purpose of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public monies to be apportioned to the Charter School.

The District or the County, as the case may be, is also required to forward to the Charter School the appropriate percentage of property tax revenues allocable to all public schools.

The Charter School is responsible for reporting payments to the federal and state taxing authorities if required. The District will not withhold any sums from revenue payable to the Charter School. The Charter School is independently responsible for the payment of Social Security and all other applicable taxes.

Payments shall be made to the Charter School for ADA generated in accordance with the local control funding formula established by state law for the funding of all LEAs in California. In accordance with applicable law and the state's Direct Funding Model, California's Superintendent of Public Instruction shall make payments and apportionments directly to the Charter School, or to an account held in the name of the Charter School.

Notwithstanding the oversight provisions set forth herein, the District shall not be entitled to receive any portion of income received by the Charter School from private party sources.

D. Calendar

The Charter School may use a year-round, multi-track, staggered start calendar or, as the Charter School determines, any other calendar that would improve the delivery of instruction to students, provided that such calendar complies with applicable law (see **Exhibit L: School Calendar**). In addition, nothing contained herein shall prohibit the Charter School from having a different apportionment date than the District. The Charter School shall use the apportionment dates determined within the calendar used by the Charter

School, to submit apportionment information to the District.

To the extent that the Charter School needs to obtain a waiver from the State Board of Education pursuant to *Education Code* 58509 in order to receive full funding based upon OFL's school calendar, the Charter Board and its representatives are empowered to directly petition the State Board for such a waiver. In addition, in the event that the Charter School must submit waiver requests through the District Board, the District Board hereby agrees to evaluate the waiver requests in a timely manner and, if determined to be a reasonable request, to fully cooperate in the waiver process and to support and process such waiver requests submitted by the Charter School in a timely manner.

E. Non-Discrimination

The Charter School is nonsectarian in its programs, admission policies, employment practices and all other operations. The Charter School does not charge students tuition and does not discriminate against any pupil on the basis of the characteristics listed in *Education Code* 220 (actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the *Penal Code* or association with an individual who has any of the aforementioned characteristics). Except as required by *Education Code* 47605(d)(2), admission to the Charter School is not determined according to the place of residence of the pupil, or of his or her parent or guardian, within California. The Charter School complies with all applicable State and Federal non-discrimination laws.

F. Terms of Charter

The term of this Charter shall be for 5 years, from July 1, 2015 through and including June 30, 2020.

The Charter School may request that the District renew the Charter, and submit the necessary documentation for such renewal request, any time prior to the expiration of the charter term. In reviewing the petition for renewal, the District shall comply with the provisions of *Education Code* Sections 47607 and 47605 and their implementing regulations.

G. Amendments

This Petition may only be amended by written agreement of the Charter School and the District.

H. Interpretation

Throughout this Charter and any attachments, exhibits, and appendices hereto, any and all references to Opportunities For Learning – Duarte; OFL-D; OFL-D, LLC; OFL-Duarte, Inc.; Opportunities For Learning - Duarte, LLC; OFL Duarte; or the Charter School shall apply with full force and effect to each of the others. For all purposes set forth in this Charter and any attachments, exhibits, and appendices hereto, each of the above-listed entities are deemed

one and the same and, to the extent that they are separate legal entities, they shall have joint and several liability for all obligations of OFL Duarte and each of the other entities listed above as set forth in this Charter, and any attachments, exhibits, and or appendices hereto, and each of the entities shall be fully obligated to comply with the provisions of this Charter, and any attachments, exhibits, and or appendices hereto, without regard to the name or designation used in referring to Opportunities For Learning - Duarte, OFL-Duarte, Inc., Opportunities For Learning – Duarte, LLC, OFL Duarte, or the Charter School in any or all of the documents.

Throughout this Charter, the Duarte Unified School District may be referred to as Duarte Unified School District or the “District” and the Duarte Unified School District Governing Board may be referred to as the Duarte Unified School District Governing Board or the “District Board” or the “District Governing Board” or the “District Board of Education.”

I. Resource Centers

OFL Duarte and Duarte Unified School District agree that the establishment of new resource centers during the term of the charter shall constitute a material revision of the charter. OFL Duarte will comply with Education Code Sections 47605 and 47605.1 as to the location of its resource center(s). OFL Duarte understands the need to relocate its existing resource center, which is located at 806 E. Huntington Drive, Monrovia, CA 91016. OFL Duarte has been actively attempting to secure a location within District boundaries, but it has been unable to do so to date. OFL Duarte is continuing to work with the City of Duarte and the District to obtain the necessary permits and approvals to enable it to relocate. OFL Duarte will submit a written request for a material revision of its Charter to the District once it is able to secure a location. The written request will include the address of the location, a copy of the lease and/or any other contract(s) associated with the facility and any permits or approvals obtained from the City of Duarte. OFL Duarte will also provide the District with an opportunity to inspect the facility.

J. Notices

Any and all notices, demands or other communications required or desired to be given hereunder by any party shall be in writing and shall be validly given or made to another party if served either personally or, if deposited in the United States mail, certified or registered, postage prepaid, return receipt requested. If such notice, demand or other communication be served personally, service shall be conclusively deemed given or made at the time of such personal service. If such notice, demand or other communication be given by mail, such shall be conclusively deemed given forty-eight hours after the deposit thereof in the United States mail, addressed to the party to whom such notice, demand or other communication is to be given as hereinafter set forth.

To the Charter School:
OFL – Duarte
806 E. Huntington Drive
Monrovia, CA 91016

Facsimile: (626) 921-8250
Attention: Richard Moreno, Principal

With a copy to:

OFL-Duarte
Attention: Legal Department
320 N. Halstead Street, Suite 220
Pasadena, CA 91107
Facsimile: (626)628-3078

To the District:

Duarte Unified School District
1620 Huntington Drive
Duarte, CA 91010
Phone: (626) 599-5000
Attention: Gordon Amerson, Ed.D., Superintendent

Any party hereto may change its address for the purpose of receiving notices, demands and other communications as herein provided by a written notice given in the manner aforesaid to the other Party or Parties hereto.

K. Alternative Education Programs

The Charter School may also be available to manage and operate other alternative education programs offered by the District, upon such terms and conditions to be mutually agreed upon by the District and the Charter School.

L. Conflict of Interest

OFL Duarte shall at all times comply with applicable law concerning conflicts of interest including those under SB 126 (2019).

M. Exhibit Alterations

Exhibits attached hereto contain information current as of the time of submission of this Petition, and are subject to change as necessary or appropriate after submission of this Petition. The Charter School will provide the District with updated exhibits as needed, or, if appropriate, as part of a material revision.



April 8, 2020

City of Duarte Planning Commission
1600 Huntington Drive
Duarte, California 91010

RE: Opportunities For Learning – Duarte Charter School

Dear Members of the Planning Commission,

My name is Richard Moreno, and I am the principal of Opportunities for Learning - Duarte, a public charter school authorized by Duarte Unified School District (DUSD). We are asking the Planning Commission to consider approving our Conditional Use Permit which will allow us to continue to serve students and families in our community. The mission of Opportunities for Learning (OFL) is to "create an educational choice for all students. Our staff connects with students to empower and inspire them to achieve their goals and make their dreams a reality." You may be wondering what types of students come to OFL. We have a wide range of students that seek out our school. We serve students and families who desire a non-traditional school setting with a focus on individualized learning. The range of varied individuals we serve in our community includes but is not limited to students who have experienced excessive bullying, students who identify as LGBTQ youth, students with special needs, English Learner students, Foster Youth, students who must work to support their families and need a modified schedule, student athletes and actors who also need a flexible schedule, and high achieving students wishing to accelerate their learning and graduate early.

Students at OFL receive instruction in a variety of ways. They can take courses in an Independent Study format or a Small Group Instruction format where they are taught courses in Math, English and Science. Students can also take courses online. The flexibility of our program has many benefits. During this COVID-19 pandemic, many schools are struggling to transition their staff and students to distance learning. However, students and staff at OFL eased into this transition quickly and efficiently due to the flexibility of our educational model. We believe our successful transition to distance learning in response to COVID-19 is due to our students having the self-discipline required to work independently and the constant one-on-one dedication, support and communication our teachers give students. Families in the local community will directly benefit from having the option to attend OFL now more than ever as it is unclear when students will be able to safely physically attend school again. During this time when students are staying home, they are still in need of a quality independent study/distance learning educational program. Additionally, due to our ability to continue operating seamlessly at a time when many businesses are financially impacted, we are able to continue meeting our financial obligations including the payment of rent throughout the duration of the pandemic.

OFL is not just a school. Every student is truly given that individualized attention and an educational experience tailored to supporting their academic and social emotional goals. At OFL, students participate in extensive extracurricular activities. Some of these activities include participation in sports, Career and Technical Education (CTE) classes, and experiential learning field trips including visits to a sustainable working farm in Northern California, various college campuses, Washington D.C., and international countries such as Cuba and Italy.

To support students' post-secondary goals, students can participate in Dual Enrollment which allows them to attend college and earn college course credits while still in high school. All students receive post-secondary counseling and each year, a number of our students are accepted to four-year

EXHIBIT D



universities. Our Spring and Winter Graduations plus our annual Senior Signing Day are just a few events where our families can celebrate our students' success!

It should further be noted that our students are stewards of the community. Because of OFL's commitment to giving to our community, our students participate in volunteering at Food Banks, Blood Drives, various 5k Walks, and community clean up events, several of which have been right here in the City of Duarte.

Approval of the CUP will have far reaching effects for both DUSD and the families we serve. Obtaining the Conditional Use Permit for this property is imperative for the continued operation of our charter school under DUSD. OFL has served thousands of students seeking a flexible educational program through our partnership with DUSD over the past seven years. We have enclosed a letter of support from DUSD for your reference. We understand that many students residing in the City of Duarte prefer the traditional educational program offered by DUSD and are not looking to attend a program like OFL's. Even so, we believe that OFL has something to offer those students through our partnership with DUSD. OFL and DUSD partner together each summer to host an in-district summer program at DUSD locations in which over a thousand DUSD students complete summer school courses, furthering their progress towards achieving a high school diploma from DUSD. Denial of the CUP would also displace and interrupt the educational progress of 135 students and their families who currently attend OFL, their school of choice, during the regular school year. Although there are many benefits to the traditional educational model, it is not for everyone and many families are in great need of a flexible alternative educational program in the local community. We sincerely hope that you will join us in becoming a partner to meet that need. Thank you for your time and consideration.

Best Regards,

Richard Moreno, Principal
Opportunities for Learning – Duarte Charter School



1620 Huntington Drive
Duarte, CA 91010
Phone (626) 599-5000
Fax (626) 599-5069

BOARD OF EDUCATION

Kenneth Bell
Ceci Carroll
Reyna Diaz
Douglas Edwards
Tom Reyes

SUPERINTENDENT

Gordon Amerson, Ed.D.

October 11, 2019

Honorable Mayor and Councilmembers:

On behalf of the Duarte Unified School District, we support our partner, Opportunities of Learning-Duarte, Inc., in its request to accommodate a resource learning center within the City of Duarte, CA.

Opportunities for Learning-Duarte, Inc ("OFL-Duarte") is a hybrid school program that offers independent study, small group instruction, and an online format for students who choose an alternative path. Many of the students are in this program because they have chosen a non-traditional path to obtain their high school diploma, pursue post-secondary education or enter the workforce.

OFL-Duarte has been partnered with the Duarte Unified since 2013 and in that time has re-engaged underserved students in their education. We would be grateful for your support to help accommodate the OFL-Duarte resource learning center within the City of Duarte.

We appreciate your consideration of this important matter.

Sincerely,

A handwritten signature in black ink, appearing to be "G.A.", with a stylized flourish at the end.

Gordon Amerson, Ed.D.
Superintendent

GA/mr

Duarte Planning City Commission, Duarte CA.:

My name is Audrey Montes and I am a Duarte resident. I would like to take this opportunity to share all the benefits and success that Opportunities for Learning has brought to my life in an attempt for this wonderful program to continue to exist and provide support to many more students in this area.

My family of 3 came to California in 2011. My mother was a single parent at the time and she considered that my brother and I would get a great chance to a good education while she worked and provided our basic needs. My brother just started High School that year, I remember that his first months in High School would be uncertain since the adjustment to the area and a new school would take some time. My brother became comfortable in some areas of his schooling but in other subjects he struggled. High School student ratio to each class meant that he got less attention to the lessons or activities that he required more support. During that process, one of our friends happily announced that she was graduating high school and had the same age as my brother. We were surprised, so while celebrating we found out that she graduated from a charter school (OFL), a school that provided her with the freedom to maintain her personal schedules and to graduate a faster rate to be able to continue with her personal goals and plans in life. Our friend mentioned at the time that she never felt abandoned in class or in any school activity or lesson, this caught my mother's attention and she decided to ask more details about this program.

After calling the OFL principal at the time and obtained all of the details as to how this program works, my mother decided that transferring my brother to this program will be a benefit to avoid my brother falling behind on some subjects as she saw how my brother was struggling with his grades, especially because of the good reviews of our friend and her parents.

My brother graduated High School from OFL in 2014 with great success. He always was provided with close support and help in different aspects including his self-esteem. We were happy for him.

During that time, I was in middle school, and honestly was not doing well. The fact that many students were in just one class gave me a lot of opportunities to be distracted and my grades suffered. It seemed I needed more close attention and closer support.

After learning my low grades my mother transferred me to OFL in an attempt to correct what was not working. Within weeks I was seeing the difference, with the skills I was learning I started developing self-discipline and accountability as I no longer could blame the low grades to anything other than my own will to learn and thrive.

During the time I was in OFL I was able to receive individualized attention and developed a great relationship with my teacher Holly. This helped me to be able to be more in track with all the assignments and developed good studying skills. Thanks to these skills learned and the time I spent in OFL I had the opportunity to participate in the Pathways International trip to Cuba, Rocky Mountains trip to Colorado, Community Service Pathways in New Orleans and Black Bird Farms visit to Northern California.

All of these trips and support provided while I was in OFL, gave me skills to learn and appreciate the value of our education and the importance of discipline to reach higher goals and help others in need. It provided me with a broad view of the current problems in our environment and communities and gave me a sense of responsibility to do good things for others while caring for our planet. These values would have not been provided to me If I was to attend a regular High School curriculum. I would not have been able to know wonderful staff who care for their job and their profession. I would not have been able to be a better person because of their support in different areas of my life. With all of this wonderful skill I was able to successfully and proudly graduate of OFL Duarte.

I would like to reach deep in your hearts and find support to this School and determine more ways for this program to continue to exist and provide the same and more benefits to our Duarte students.

4/8/2020

Richard Moreno
City of Duarte Planning Commission

It's with great appreciation and happiness that I write this letter of recommendation to the both of you and the whole OFL staff.

Our daughter Daniella had been in private school most of her student life. It was till sophomore year at Immaculate Heart High School that we realized that they did not have her best interest in mind. At the end of her sophomore school year my daughter was left with very low self esteem and feeling she was not good enough, she had given up. During the summer 2018 she took a math class at OFL and soon after she decided to leave her comfort zone, friends she's had since grade school and give her self a second chance. OFL teachers, counselors and peers gave her boost she needed. Her confidence came back and she thrived. She participated and won the entrepreneur competition Shark Tank, She won first place. She also joined their engineering competition; they won regionals and made it to finals.

OFL gives our youth hope and with their Pathways In Education program it opens their eyes to world and the great opportunities. It gives them purpose, adventure and self-confidence. They have amazing sport programs that many schools lack.

The academic support she received allowed her to graduate at 16 with a high GPA and earned her early admission to her dream School, University of Oregon. She is thriving in an environment OFL prepared her for and is now receiving acceptances to UC and State schools, but since the age of 10 she has had her eye on U of O where she will remain. Go Ducks!

Not only as a parent but also as a college admin I believe that our youth is in need of the great blended learning programs OFL provides. City of Duarte Youth will most certainly benefit from this great opportunity as not all students learn the same way or same pace. I commend OFL for their hard work and commitment.

Thank you again,
Ingrid and Daniel Bueno



Chelsea Yokota <cyokota@oflschools.org>

OFL Learning Experience

Bernadette Lucero <bernadettelucero25@gmail.com>

Wed, Apr 8, 2020 at 1:25 PM

To: Chelsea Yokota <cyokota@oflschools.org>

To whom it may concern:

My daughter Annabel Arias has been attending OFL for a year now. Annabel has been able to get the attention she needs by the her Teachers that she was not getting at Duarte High school. Since attending OFL Annabel has joined many different sports teams which she also never experienced at DHS.

OFL has truly changed my daughters way of thinking. She actually enjoys her classes and understands what she's learning.

As a parent I have the peace of mind my daughter is gaining the skills she needs to be successful after high school! Enclosing OFL has planted a seed in Annabel to start thinking about the college she'd like to attend after high school and that seed continues to grow as she attends OFL!

Thank you OFL,

Bernadette Lucero

Sent from my iPhone

I am such a happy student parent, since I have found Opportunities for Learning. This school is definitely hands on. OFL has teachers, and counselors who sincerely cares about my teenage son, and his academic progress. They are all amazing at communicating. This school provides opportunities that not many of us parents had as teenagers, for instance going out of the state to the East Coast, for college tours. My son had an amazing time, he met new people. He had great stories to tell. He also had assignments that were geared towards furthering his education after high school. He found a new appreciation, for college. He has also taken a trip to Colorado where he stayed on a ranch, for two weeks. He enjoyed that experience as well. He got to work with animals which was his favorite part. He had a strict schedule and chores which gave him a sense of responsibility. As a group they spoke separately about their lives, and each student had to write an essay explaining why they chose to write about a particular persons life. The students received five elective credits after they completed the work package. My son has done much better in this learning environment. I believe OFL should be in every city. There are many more positive things I can mention about this school, but I'll stop here. Thank you OFL, and Karina Castro, for all that you do.

Latasha Brown

City of Duarte Planning Commission

C/O Richard Moreno,

I am writing this letter to praise and explain my gratitude towards Opportunities For Learning and their continuous support for both my academic career and emotional well being. My previous highschool Immaculate Heart was not the right fit for me as I needed continuous support and to have my potential recognized and appreciated. Joining the OFL family was one of the best decisions I have ever made as it gave me the opportunity to graduate a year ahead of peers at 16 and to travel free of cost (through Pathways In Education) to expand my academic horizons. My independent study teacher Megan Betry was one of key members of my success, always pushing me to be the best I can. Along with around the clock tutors and dedicated teachers I was able to raise my GPA significantly and I am now attending my dream school, The University of Oregon majoring in Biology with a pre-med path. I have received other acceptance offers from SFSU, Cal State LA, CSUN, and Cal Lutheran University. None of which I believe would have been possible without the discipline and constant involvement of the OFL staff. I believe that The City of Duarte's youth would benefit from having a blended learning program such as OFL because of their year long academic opportunities, countless trips both in the nation and internationally, and because of their staff's dedication and love for helping youth reach their academic goals.

Sincerely,

Daniella Bueno

April 7, 2020

To Whom It May Concern:

I wanted to take this opportunity to say how grateful I am to have an Opportunities For Learning location so close to my home, however to bring the center into the city of Duarte would be a wonderful addition to the city. In the last few weeks that schools have been closed I have had numerous friends ask me for information about OFL because they have realized how much better their children are doing outside of a regular class room setting without the pressures of bullies and 30 plus students at a given time in one class.

I know we are all aware that not all children thrive in a regular school setting and when my daughter Tatianna got to middle school, it truly was a horrible experience for her. It was such a struggle to get her to go to school every morning, her classrooms were a mad house, teachers having trouble controlling the kids, she wasn't learning much and the icing on the cake for us, was a bunch of kids dumping milk on her head during lunch one day. I had to figure out another option because the school she was attending was no longer an option, until a parent mentioned OFL. I have to say it was a blessing in disguise! Tatianna not only adapted to OFL's way of doing things, but she is graduating two years ahead of all her classmates. She has thrived in the OFL environment. The staff is truly amazing! The mentors she has had have all been so supportive of her and her goals. The teachers she has had class with are all wonderful. She has made so many new friends. I have nothing negative to say about OFL.

OFL has been a breath of fresh air for my household and I already have plans to send my boys there when it comes time for them to attend high school.

Sincerely,

Natalie Farjo

Natalie Farjo



Jacob Abriel <jacobabriel@oflschools.org>

Letter

1 message

Karla Santana <karla.f.santana@gmail.com>
To: jacobabriel@oflschools.org

Wed, Apr 8, 2020 at 1:11 PM

To whom it may concern,

Hi my name is Karla and I am Mellissa Santana's mom. Mellissa has been a student of Opportunities for Learning since mid 2019. Mellissa had trouble with anxiety and anxiety attacks and it made it difficult for her to be in regular school. As I search for a new alternative for her I came across Opportunities for Learning and I decided to give it a shot. I would see their facility off of Huntington Drive and so I inquired about their method of schooling and it was something that I was comfortable trying with my daughter.

Mellissa's experience so far have been very positive, her anxiety is low and as far as academics she is thriving.

Opportunity for Learning has been supportive with helping my daughter achieve her goals. They are always accessible and happy to help whenever she is stuck or needs extra tutoring. I am glad that she has a good relationship with her teachers and staff, which makes it easier for her to accomplish her goals.

In my personal experience I believe Opportunity for Learning is an asset to our community. I like that their classes are smaller than a regular high school, making it easier for one on one interaction with students. My experience so far has been positive and helpful with Mellissa and her anxiety, she feels safe and able to be open to communicate with her mentors. The support they provide for the students is remarkable and really one of a kind.

Thank you for your time sincerely,

Karla Santana
(626) 252 - 5648



Jacob Abriel <jacobabriel@oflschools.org>

Fwd: Fw: leon campos

Erica Caudillo <booguh05@gmail.com>
To: Jacob Abriel <jacobabriel@oflschools.org>

Tue, Apr 7, 2020 at 5:18 PM

----- Forwarded message -----

From: **Erica Caudillo** <Erica.Caudillo@coit.com>
Date: Tue, Apr 7, 2020, 5:03 PM
Subject: Fw: leon campos
To: BOOGUH05@GMAIL.COM <booguh05@gmail.com>

From: Erica Caudillo <Erica.Caudillo@coit.com>
Sent: Tuesday, April 7, 2020 5:03 PM
To: jacobabriel@oflschools.org <jacobabriel@oflschools.org>
Subject: leon campos

My name is Erica Caudillo. MY sons name is Leon Campos and attends the opportunities for learning campus in Monrovia Ca. My son has had a rough past in school due to bullying and was diagnosed with ptsd years ago. He was lost afraid just not himself for a long time. When it came time for him to go to high school we were very nervous how he would be because he was behind in school due to his past. When we found out about OFL we were a little hesitant did not know about the school or want to take away the high school experience from him. After visiting the campus and meeting with teachers and counselors it was the best decision we could have ever made. My son was comfortable with the teachers was open with them. The more one on one experience was exactly what he needed. He received the extra help that he really never has gotten before. We love OFL and love that my sons confidence is back up.



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April 8, 2020

Paula Watson-Gardner
Planning Commission Chair
City of Duarte
1600 Huntington Drive
Duarte, CA 91010

Via Email c/o: chensley@accessduarte.com

RE: Conditional Use Permit #2020-01

Dear Chair Watson-Gardner,

On behalf of the Duarte Chamber of Commerce, I am asking the Planning Commission to approve Conditional Use Permit (CUP) # before you for Opportunities for Learning (OFL). OFL has been a member of the Duarte Chamber of Commerce for 11 years. During that time, they have demonstrated their commitment to not only our Chamber, but more importantly to our community.

For the last few years, OFL has been looking to return to Duarte. They have secured a location that will fit their needs and allow them to re-establish themselves in our city. It is my understanding that they have been in regular contact with the City to discuss the best options for not only their facility, but our community. What is presented to you tonight is a demonstration of their dedication to their mission and to returning to our community.

I believe that OFL will once again be an important piece to our community, as they have been to the students they serve. Again, we recommend acceptance of CUP #

Sincerely,

Sheryl Lefmann
Executive Director/CEO

cc: Richard Marino (rmoreno@oflschools.org)


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AB-1507 Charter schools: location: resource center. (2019-2020)

SHARE THIS:



Date Published: 10/04/2019 02:00 PM

Assembly Bill No. 1507

CHAPTER 487

An act to amend Sections 47605, 47605.1, and 60640 of the Education Code, relating to charter schools.

[Approved by Governor October 03, 2019. Filed with Secretary of State October 03, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, Smith. Charter schools: location: resource center.

(1) Existing law authorizes a charter school that is unable to locate within the jurisdiction or geographic boundaries of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either the charter school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

This bill would delete the authority of a charter school to locate outside the jurisdiction or geographic boundaries of the chartering school district because the charter school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the charter school chooses to locate, or the site is needed for temporary use during a construction or expansion project. The bill would authorize a charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, to continue to operate that site until the charter school submits a request for the renewal of its charter petition, and would authorize a charter school to continue operating that site if the charter school either, before submitting the request for the renewal of the charter petition, first obtains written approval from the school district where the site is operating, or submits a request for the renewal of the charter petition, as specified, to the school district in which the charter school is located. The bill would authorize a charter school to relocate for not more than 5 years a site located within an area subject to a Presidential declaration of a major disaster or emergency, issued in accordance with federal law, to an area outside the area subject to the Presidential declaration, as specified. The bill would require a charter school to be allowed to return to its original campus location in perpetuity if that charter school was relocated from December 31, 2016, through December 31, 2019, due to a Presidential declaration of a major disaster or emergency in accordance with federal law. The bill would exempt from the above-described charter school location provisions a charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe. The bill would require the State Department of Education to regard a charter school approved pursuant to the above-described provisions as a continuing charter school for all purposes.

EXHIBIT E

(2) Existing law authorizes a charter school to establish a resource center, meeting space, or other satellite facility located in a county adjacent to the county in which the charter school is authorized if specified conditions are met.

This bill instead would authorize a charter school to establish one resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if specified conditions are met, except as specified. The bill would require a charter school to notify the charter school's chartering authority of the name and physical location of any resource center, meeting space, or satellite facility operated by the charter school. The bill would prohibit the State Board of Education from waiving those restrictions on the establishment of a resource center, meeting space, or satellite facility.

This bill would authorize a charter school or a countywide charter school that was operating a resource center, meeting space, or other satellite facility outside the jurisdiction of the school district or county, respectively, where the charter school is physically located before January 1, 2020, to continue to operate that resource center, meeting space, or other satellite facility until the charter school submits a request for the renewal of its charter petition, and would authorize a charter school to continue operating that resource center, meeting space, or other satellite facility if, before submitting the request for the renewal of the charter petition, the charter school first obtains written approval from the school district or the county office of education, as appropriate, where the resource center, meeting space, or other satellite facility is operating. The bill would authorize a charter school to relocate for not more than 5 years a resource center, meeting space, or other satellite facility located within an area subject to a Presidential declaration of a major disaster or emergency, issued in accordance with federal law, to an area outside the area subject to the Presidential declaration, as specified. The bill would authorize a charter school to establish additional resource centers, meetings spaces, or other satellite facilities within the jurisdiction of the charter school's chartering authority if specified conditions are met. The bill would require the department to regard as a continuing charter school for all purposes a nonclassroom-based charter school that meets specified requirements.

This bill would make a conforming change.

(3) This bill would incorporate additional changes to Section 47605 of the Education Code proposed by AB 1505 and AB 1595, to be operative only if this bill and AB 1505 or AB 1595, or both, are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a

teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, 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 the establishment of charter schools should be encouraged. The governing board of the school district 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. 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 (a).

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

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission policies and procedures, consistent with subdivision (d).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural

and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(c) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. 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 the pupil's parent or legal guardian, within this state, except that an 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) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school

district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering authority, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define "reasonably comprehensive," as used in paragraph (5) of subdivision (b), in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering authority, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school's petition for renewal, the charter school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

SEC. 1.1. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), there shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, 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 the establishment of charter schools should be encouraged. The governing board of the school district 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 and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. 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 (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for

the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. 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 the pupil's parent or legal guardian, within this state, except that an 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) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to

the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt,

the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 1.2. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more

additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, 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 the establishment of charter schools should be encouraged. The governing board of the school district 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. 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 (a).

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

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

- (A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
- (ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
- (iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.
- (B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.
- (C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
- (D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.
- (E) The qualifications to be met by individuals to be employed by the charter school.
- (F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:
- (i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.
- (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.
- (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.
- (G) The means by which the charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
- (H) Admission policies and procedures, consistent with subdivision (d).
- (I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.
- (J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:
- (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for

the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(c) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. 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 that pupil's parent or legal guardian, within this state, except that an 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) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school

basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering authority, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define "reasonably comprehensive," as used in paragraph (5) of subdivision (b), in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering authority, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school's petition for renewal, the charter school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents

shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

SEC. 1.3. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a

charter schoolsite is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, 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 the establishment of charter schools should be encouraged. The governing board of the school district 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 and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. 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 (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply

for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the charter school.

(F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(H) Admission policies and procedures, consistent with subdivision (e).

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. 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 that pupil's parent or legal guardian, within this state, except that an 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) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petition or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(l) (1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file

at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 2. Section 47605.1 of the Education Code is amended to read:

47605.1. (a) (1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (d).

(b) This section is not intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) (1) A charter school may establish one resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if the following conditions are met:

(A) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

(B) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.

(2) Except as provided in paragraphs (5) to (9), inclusive, a charter school shall not establish a resource center, meeting space, or other satellite facility in any other location than the one authorized in paragraph (1).

(3) A charter school shall notify the charter school's chartering authority of the name and physical location of any resource center, meeting space, or other satellite facility operated by that charter school.

(4) Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions listed in this subdivision.

(5) (A) A charter school that was operating a resource center, meeting space, or other satellite facility outside the jurisdiction of the school district where the charter school is physically located before January 1, 2020, may continue to operate the resource center, meeting space, or other satellite facility until the charter school submits a request for the renewal of its charter petition. To continue operating the resource center, meeting space, or other satellite facility, the charter school, before submitting the request to the charter school's chartering authority for the renewal of the charter petition, shall first obtain approval in writing from the school district where the resource center, meeting space, or other satellite facility is operating.

(B) The department shall regard as a continuing charter school for all purposes a nonclassroom-based charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this subdivision by the addition of this paragraph that took effect January 1, 2020.

(6) A countywide charter school approved by a county office of education that is operating a resource center, meeting space, or other satellite facility in a county other than the county in which the countywide charter school is authorized before January 1, 2020, may continue to operate that resource center, meeting space, or other satellite facility until the countywide charter school submits a request for the renewal of its charter petition. To continue operating the resource center, meeting space, or other satellite facility, the countywide charter school, before submitting the request to the countywide charter school's chartering authority for the renewal of the charter petition, shall obtain approval in writing from the county office of education where the resource center, meeting space, or other satellite facility is operating.

(7) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school is operating a resource center, meeting space, or other satellite facility, the charter school, for not more than five years, may relocate the resource center, meeting space, or other satellite facility outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the resource center, meeting space, or other satellite facility is being relocated to.

(8) A charter school may establish additional resource centers, meetings spaces, or other satellite facilities within the jurisdiction of the charter school's chartering authority only if both of the following are met:

(A) The charter school is physically located within the boundaries of the charter school's chartering authority.

(B) The charter school has obtained written approval from the charter school's chartering authority for each additional resource center, meeting space, or other satellite facility.

(9) (A) Notwithstanding paragraph (5), a charter school that operates a resource center located in a school district outside of the boundaries of the charter school's authorizing school district may continue to operate the existing resource center if all of the following conditions are met:

(i) The charter school operating the resource center is authorized by, and physically located in, a school district adjacent to a school district with an enrollment of at least 500,000 pupils.

(ii) The charter school operating the resource center was established before January 1, 2009.

(iii) The resource center is physically located in a school district with an enrollment of at least 500,000 pupils and was established before January 1, 2011.

(iv) The resource center serves a pupil population of which at least 50 percent of the pupils are currently or formerly on probation or were formerly incarcerated individuals.

(B) A charter school described in this paragraph shall not establish a new resource center outside of the boundaries of the charter school's authorizing school district.

(d) (1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that

is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.

(4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

(e) A charter school that submits its petition directly to a county board of education, as authorized by Section 47605.5 or 47605.6, may establish charter school operations only within the geographical boundaries of the county in which that county board of education has jurisdiction.

(f) Notwithstanding any other law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:

(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et seq.).

(2) Federally affiliated Youth Build programs.

(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources Code.

(5) Instruction provided to juvenile court school pupils pursuant to subdivision (b) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

SEC. 3. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the California Assessment of Student Performance and Progress, to be known as the CAASPP.

(b) Commencing with the 2013–14 school year, the CAASPP shall be composed of all of the following:

(1) (A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to former Section 60605.85, as that section read on June 30, 2014, regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

(i) Grades 3 to 5, inclusive.

(ii) Grades 6 to 9, inclusive.

(iii) Grades 10 to 12, inclusive.

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).

(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5) (A) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, to pupils who are identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to subparagraph (E).

(B) If a local educational agency chooses to administer a primary language assessment to pupils identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, pursuant to subparagraph (A), it shall notify the department in a manner to be determined by the department and the costs shall be paid by the state and included as part of the testing contract, and the department shall provide the local educational agency a per pupil apportionment for administering the assessment pursuant to subdivision (I).

(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English that aligns with the English language arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.

(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated costs of a stand-alone language arts summative assessment in primary languages other than English.

(E) The Superintendent shall develop, and the state board shall adopt, a primary language assessment. The Superintendent shall administer this assessment no later than the 2016–17 school year.

(F) This paragraph shall be operative only to the extent that funding is provided in the annual Budget Act or another statute for the purpose of this section.

(c) No later than March 1, 2016, the Superintendent shall submit to the state board recommendations on expanding the CAASPP to include additional assessments, for consideration at a regularly scheduled public meeting. The Superintendent shall also submit these recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with all of the following:

(1) In consultation with stakeholders, including, but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding assessments, including the grade level, content, and type of assessment. These recommendations shall take into consideration the assessments already administered or planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

(2) The recommendations shall consider assessments in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate, as well as English language arts, mathematics, and science assessments to augment the assessments required under subdivision (b), and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios.

(3) The recommendations shall include the use of an assessment calendar that would schedule the assessments identified pursuant to paragraph (2) over several years, the use of matrix sampling, if appropriate, and the use of population sampling.

(4) The recommendations shall include a timeline for test development, and shall include cost estimates for

subject areas, as appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(6) The Superintendent shall convene an advisory panel, consisting of, but not necessarily limited to, secondary teachers, school administrators, school board members, parents, a student chosen from among the two finalists who were not appointed by the Governor to serve as the student member on the state board pursuant to Section 33000.5, representatives of a dropout recovery charter school operating pursuant to subdivision (f) of Section 47605.1, measurement experts, and individuals with expertise in assessing English learners and pupils with disabilities, to provide recommendations to the Superintendent on the continuation of the high school exit examination, described in Chapter 9 (commencing with Section 60850), and on alternative pathways to satisfy the high school graduation requirements pursuant to Sections 51224.5 and 51225.3.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the CAASPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this subdivision shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based CAASPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f) (1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund local educational agency participation in one or more tests per participant. Funds for this purpose shall be used to allow for maximum participation in the field tests across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With the approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the CAASPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The CAASPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) Subject to the approval of the state board, the department may make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to

paragraph (5) of subdivision (b). The cost for the assessment shall be the same for all local educational agencies and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that elects to administer a primary language assessment pursuant to this subdivision shall do so at its own expense and shall enter into an agreement for that purpose with the state testing contractor, subject to the approval of the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and the individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l) (1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the CAASPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to local educational agencies for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the CAASPP, including, but not limited to, the number and type of tests administered and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (l), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (l), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the CAASPP, including, but not necessarily limited to, the grade 11

consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the CAASPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 4. (a) Section 1.1 of this bill incorporates amendments to Section 47605 of the Education Code proposed by this bill and Assembly Bill 1505. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 47605 of the Education Code, (3) Assembly Bill 1595 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 1505, in which case Section 47605 of the Education Code, as amended by this bill, shall remain operative only until July 1, 2020, at which time Section 1.1 of this bill shall become operative, and Sections 1, 1.2, and 1.3 of this bill shall not become operative.

(b) Section 1.2 of this bill incorporates amendments to Section 47605 of the Education Code proposed by both this bill and Assembly Bill 1595. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 47605 of the Education Code, (3) Assembly Bill 1505 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 1595, in which case Sections 1, 1.1, and 1.3 of this bill shall not become operative.

(c) Section 1.3 of this bill incorporates amendments to Section 47605 of the Education Code proposed by this bill, Assembly Bill 1505, and Assembly Bill 1595. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2020, (2) all three bills amend Section 47605 of the Education Code, and (3) this bill is enacted after Assembly Bill 1505 and Assembly Bill 1595, in which case Section 47605 of the Education Code, as amended by this bill and Assembly Bill 1595, shall remain operative only until July 1, 2020, at which time Section 1.3 of this bill shall become operative, and Sections 1, 1.1, and 1.2 of this bill shall not become operative.

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Court of Appeal, Third District, California.

ANDERSON UNION HIGH SCHOOL DISTRICT, Plaintiff and Appellant, v. SHASTA SECONDARY HOME SCHOOL, Defendant and Respondent.

C078491

Decided: October 17, 2016

Lozano Smith, Sloan R. Simmons, Meagan E. Macy and Anne L. Collins for Plaintiff and Appellant. Dannis Woliver Kelley, Sue Ann Salmon Evans, Karl H. Widell; California School Boards Association, Keith J. Bray and Joshua R. Daniels for California School Boards Association Education Legal Alliance as Amicus Curiae on behalf of Plaintiff and Appellant. Young, Minney & Corr, Paul C. Minney, Lisa A. Corr, William J. Trinkle and Kathleen M. Ebert for Defendant and Respondent. Girard & Edwards, Michael Tucker and Eric E. Stevens for Dehesa School District, Julian Union School District, and Mountain Empire Unified School District as Amici Curiae on behalf of Defendant and Respondent. Lathan & Watkins, James L. Arnone, Winston P. Stromberg and Jennifer K. Roy for Altus Institute Network of Chartered Schools as Amicus Curiae on behalf of Defendant and Respondent. Pacific Legal Foundation, Ralph W. Kasarda and Joshua P. Thompson for Pacific Legal Foundation as Amicus Curiae on behalf of Defendant and Respondent. Procopio, Cory, Hargreaves & Savitch, John C. Lemmo, Greta A. Proctor, Merrick A. Wadsworth; California Charter Schools Association, Ricardo J. Soto, Julie Ashby Umansky and Phillipa L. Altmann for California Charter Schools Association as Amicus Curiae on behalf of Defendant and Respondent. Procopio, Cory, Hargreaves & Savitch, John C. Lemmo, Greta A. Proctor and Merrick A. Wadsworth for Charter Schools Development Center, Julian Charter School, and Diego Valley Charter School as Amici Curiae on behalf of Defendant and Respondent.

Charter schools are “public schools funded with public money but run by private individuals or entities rather than traditional public school districts.” (Today's Fresh Start, Inc. v. Los Angeles County Office of Education (2013) 57 Cal.4th 197, 205 (Today's Fresh Start).) In 1992, with the enactment of the Charter Schools Act of 1992 (Ed. Code, § 47600 et seq.) (Charter Schools Act),¹ California became one of the first states in the country to authorize charter schools. In 2002, the Legislature amended the Charter Schools Act to add geographic restrictions for the operation of charter schools. (See §§ 47605, subd. (a)(1), 47605.1.)

This case presents an issue of statutory interpretation of the scope of these geographic restrictions. Specifically, the issue presented is whether the comprehensive statutory scheme governing charter schools permits a charter school—that is authorized by a school district and provides support for nonclassroom-based independent study—to locate a resource center outside the geographic boundaries of the authorizing school district but within the same county.

As we explain, applying well-established rules of statutory construction to the language of the Charter Schools Act, we conclude that the answer is no.

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The 2002 amendments generally require charter schools to operate within the geographic boundaries of the authorizing school district.

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district. (§ 47605, subd. (a)(1).) There are limited exceptions (§ 47605.1, subds. (d) and (e)) to this restriction, including an exception for a resource center, meeting space, or other satellite facility located in an adjacent county, provided certain conditions are met. (Id., subd. (c).) There are also exceptions where the charter school has been authorized by the county board of education as a county charter school (§ 47605.6.) or by the State Board of Education as a state charter school (§ 47605.8). None of these exceptions applies here.

Shasta Secondary Home School (SSHS) operates a nonclassroom-based charter school, providing educational support for students who are home schooled. The Shasta Union High School District is the authorizing school district for SSHS and is responsible for its oversight. (See §§ 47612, 47615, subd. (a)(2).) SSHS operates two resource centers in Redding which provide educational services, labs, a meeting place for the student and his or her facilitator, work spaces, and some optional classes. In 2013, SSHS opened a third resource center in a room at the East Cottonwood Elementary School. This location is within Shasta County, but outside the boundaries of the Shasta Union High School District. Instead, it is within the boundaries of plaintiff Anderson Union High School District (AUHSD).

AUHSD brought suit, seeking injunctive and declaratory relief, contending the location of this resource center violated the Charter Schools Act, as well as the charter of SSHS. AUHSD claimed it was harmed by the location of the resource center because it had lost funding when students within its district chose to go to SSHS. The trial court denied both injunctive and declaratory relief, finding the geographic and site limitations of the Charter Schools Act do not apply to resource centers.

Because the language of the Charter Schools Act does not support that interpretation, we reverse.

FACTUAL AND PROCEDURAL BACKGROUND

SSHS is a nonclassroom-based school established in 1999. Its charter was last renewed in 2011 and expired June 30, 2016. The Shasta Union High School District authorized the charter and is responsible for oversight of SSHS. SSHS uses an individualized learning model which consists of a combination of (1) homeschooling, (2) optional group classes, (3) online courses, (4) student driven electives, (5) concurrent enrollment at a campus site of the authorizing school district, and (6) college level courses.

SSHS has two resource centers in Redding, the Gold Street Resource Center and the adjacent Market Street Resource Center. These resource centers are within the boundaries of Shasta Union High School District and provide students with tutoring, special education services, computer and science labs, and student work spaces. Students can meet there with their facilitator, a guidance counselor, or the Director of SSHS. A student must meet with his or her facilitator at least once every 20 days, with a parent or guardian in attendance. Optional classes are offered at the Gold Street Resource Center.

In July 2013, SSHS opened a third resource center in the East Cottonwood Elementary School (the Cottonwood Resource Center). This resource center is intended to serve students in southern Shasta County and northern Tehama County. The Cottonwood Resource Center is a one-room facility with four computer work stations, desks, a small library, and a white board. At the resource center, students may check out instructional materials, use the computer workstations, work on assignments, and receive tutoring. The Cottonwood Resource Center does not offer optional classes. It is open three days a week, and is located within Shasta County, but outside the boundaries of the Shasta Union High School District. It is inside the boundaries of AUHSD.

The head of technology at East Cottonwood Elementary School informed AUHSD of this resource center. AUHSD brought a complaint for injunctive and declaratory relief, challenging the legality of the location of the Cottonwood Resource Center. AUHSD sought a temporary restraining order (TRO) and an order to show cause for a preliminary injunction.

The trial court denied the TRO and ordered SSHS to appear and show cause why a preliminary injunction should not be issued restraining and enjoining it from establishing a satellite educational facility within the boundaries of AUHSD.

After a hearing, the trial court denied the preliminary injunction, finding AUHSD failed to show irreparable harm or to establish the likelihood that it would prevail on the merits.

AUHSD filed an amended complaint. It sought injunctive relief, restraining SSHS from operating a resource center within AUHSD's boundaries. It also sought declaratory relief in the form of a declaration that (1) the Cottonwood Resource Center was a "schools site" within the meaning of section 47612.5, subdivision (e)(3); (2) SSHS was acting outside the scope of its charter; (3) SSHS had not complied with section 47605.1, subdivision (d), and therefore could not operate a resource center within the boundaries of AUHSD; and (4) section 47605.1, subdivision (c) does not permit SSHS to operate a satellite facility within the boundaries of AUHSD.

The parties stipulated to a trial on the briefs, and waived their right to a bench trial. They provided a joint statement of stipulated facts and documents.

The trial court determined the Cottonwood Resource Center was not a “schoolsite,” because the resource center was not used principally for classroom instruction.² The court found no statutory restraint on the location of a resource center within the county of the authorizing school district. It found that sections 47605, subdivision (a) and 47605.1, subdivision (d), which restricted the location of satellite facilities, applied only to classroom-based charter schools, and not nonclassroom-based charter schools such as SSHS. The court further found no violation of public policy and no hindrance to oversight of SSHS by locating a resource center in the same county, because the Legislature specifically permitted resource centers to be located in an adjacent county.

The court entered judgment for SSHS and AUHSD appealed.

DISCUSSION

I The Charter Schools Act A. General Background

Article IX, section 5 of the California Constitution requires the Legislature to provide a free public school system. The Legislature has chosen to implement this requirement through local school districts. (*Wells v. One2One Learning Foundation* (2006) 39 Cal.4th 1164, 1195.) Beginning with the 1990-1991 school year, the Legislature permitted a school district to offer independent study. (§ 51745.) Funding for independent study is limited to pupils in that county or an adjacent county. (§ 51747.3, subd. (b).)

In 1992, the Legislature enacted the Charter Schools Act, adding charter schools to the public education system “to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure.” (§ 47601.) “The Legislature intended its authorization of charter schools to improve public education by promoting innovation, choice, accountability, and competition. [Citations.]” (*Today’s Fresh Start*, supra, 57 Cal.4th at pp. 205-206.) Charter schools must be free, nonsectarian, and open to all students; they cannot discriminate against students on the basis of ethnicity, national origin, gender, or disability. (§ 47605, subd. (d).) A charter school must comply with the terms of its charter, the Charter Schools Act, and other specified laws, but it is otherwise exempt from laws governing school districts. (§ 47610.)

Originally, the number of charter schools was limited to 100 and a charter school could be initiated only by a petition signed by a certain number of teachers and submitted to the governing board of the school district. (Former §§ 47602, 47605, subd. (a).) The governing board had discretion to approve the petition and preference was given to petitions demonstrating the capability to provide education to low achieving students. (Former § 47605, subs. (b) & (h).) A charter may be granted for a period of up to five years and may be renewed for additional five-year periods. (§ 47607, subd. (a).)

In 1998, the Legislature enacted Assembly Bill No. 544 (1997-1998 Reg. Sess.) (Assem. Bill No. 544), which “substantially revamped” the Charter Schools Act. (*Wilson v. State Bd. of Education* (1999) 75 Cal.App.4th 1125, 1132 (Wilson).) Assembly Bill No. 544 replaced the cap of 100 charter schools with a cap of 250 schools in school year 1998-1999, with 100 more charter schools authorized each successive year. (§ 47602, subd. (a).) The exclusive reliance on teacher signatures on the petition was eliminated; the petition could be signed by a certain number of either parents and guardians or teachers. (§ 47605, subd. (a).) “Gone also is the broad discretion in granting or denying a charter. Now, following review of the petition and the requisite public hearing, the governing board of the district ‘shall not deny a petition’ unless it makes written findings of fact that: (1) The charter school presents an unsound educational program; (2) petitioners are ‘demonstrably unlikely’ to succeed in implementing the program; or (3) the petition lacks the required signatures, affirmations or descriptions of program particulars. (§ 47605, subd. (b).) If the school district nonetheless denies a petition, the petitioner can submit to the county board of education or the Board. (Id., subd. (j)(1).) Additionally, petitioner can submit directly to the county board of education for a charter school that would serve pupils otherwise directly served by the county office of education. (§ 47605.5.)” (Wilson, at p. 1132.)

Other new provisions of Assembly Bill No. 544 provide greater control over charter schools. Teachers in charter school must hold a Commission on Teaching Credentialing certificate or equivalent. (§ 47605, subd. (l).) There are provisions for greater financial accountability. (Id., subd. (b)(5)(l) & (g).) Charter schools must “promptly respond to all reasonable inquiries,” including those from the chartering authority or the Superintendent of Public Instruction. (§ 47604.3.) Additionally, the chartering authority can “inspect or observe any part of the charter school at any time” (§ 47607, subd. (a)(1)) and charge the school for supervisorial oversight (former § 47613.7, subd. (a), now § 47613). This control and oversight by public officials legitimizes charter schools. (*California School Bd. Ass’n v. State Bd. of Education* (2010) 186 Cal.App.4th 1298, 1326 (CSBA).) Public control

and oversight “arguably is constitutionally necessary.” (Today’s Fresh Start, *supra*, 57 Cal.4th at p. 206; see *Mendoza v. State of California* (2007) 149 Cal.App.4th 1034, 1060-1061 [transfer of authority over part of public school system to entities outside public school system violated California Constitution]; *Wilson, supra*, 75 Cal.App.4th at pp. 1139-1140 [rejecting claim of unconstitutional delegation of legislative powers because charter schools are under control of officers of public schools].)

The Legislature made further refinements to the Charter Schools Act in Senate Bill No. 434 (1998-2000 Reg. Sess.) (Sen. Bill No. 434). Charter Schools are required to offer the same number of instructional minutes as school districts, maintain records of pupil attendance, and certify that pupils have participated in state testing. (§ 47612.5, subd. (a).) Charter schools providing independent study must comply with statutory and regulatory provisions relating to independent study and are subject to the same funding restrictions for independent study as other public schools, including the restriction that pupils reside in the same county as or an adjacent county to the charter school. (§§ 47612.5, subd. (b); 51747.3.) For funding purposes, a distinction was made between charter schools that provide “ „classroom-based instruction” ” and those that provide (in addition or alternatively) “ „nonclassroom-based instruction.” ” “Classroom-based instruction” occurs only under “the immediate supervision and control” of a charter school employee with a teaching credential and 80 percent of the instructional time must be at the “schoolsites.” (§ 47612.5, subd. (e)(1), (2).) A “schoolsites is a facility that is used principally for classroom instruction.” (Id., subd. (e)(3).) This definition applies to the entire Charter Schools Act. (Ibid.) Any instruction that does not meet this definition is “ „nonclassroom-based instruction.” ” (Id., subd. (e)(2).)

In 2002, the Legislature made significant amendments to the Charter Schools Act in Assembly Bill No. 1994 (2001-2002 Reg. Sess.) (Assem. Bill No. 1994), adding “stringent geographical restrictions” for the operation of charter schools. (CSBA, *supra*, 186 Cal.App.4th at p. 1307; see §§ 47605, subd. (a)(1), 47605.1.) “The impetus behind those amendments, which were sponsored by the State Superintendent of Public Instruction, was explained in an analysis prepared for the Senate Committee on Education. „The [State Board] has in practice allowed single charters to be used to authorize the operation of multiple school sites, which are called “satellites” of the charter. Satellites have often operated at considerable distance from the “home” charter. Early this year the Gateway Charter School, chartered by the Fresno Unified School District, was the subject of several newspaper articles and an ongoing law enforcement investigation, concerning allegations that satellites of the Gateway School were operating in violation of several laws. Gateway’s charter was revoked by the district governing board who cited the difficulties of keeping track of remote (satellite) operations as a reason why various anomalies were not discovered sooner.’ [Citation.] As stated in a comment to another analysis, „[b]y placing a geographic restriction on a charter school’s operations, this bill would help clarify a district’s sovereignty over public education provided within its boundaries and [would] enhance oversight of charter schools.’ [Citation.]” (CSBA, *supra*, 186 Cal.App.4th at pp. 1307-1308.)

B. Provisions at Issue in the Instant Appeal

The geographic restrictions contained in Assembly Bill No. 1994 are the subject of this appeal. Under the 2002 amendments, a school chartered by a school district must identify a “single charter school that will operate within the geographic boundaries of that school district.” (§ 47605, subd. (a)(1).) The school may operate at multiple sites within the district so long as each location is identified in the petition. (Ibid.) Any school receiving a charter from the governing board of a school district or county office of education after July 1, 2002, must locate in accordance with these geographic and site limitations. (§ 47605.1, subd. (a)(1).) For a school that was chartered and provided educational services prior to July 1, 2002, the geographic and site limitations “only appl[y] to new educational services or schoolsites” established or acquired after July 1, 2002. (§ 47605.1, subd. (e)(1).) A charter school must comply with the requirements of section 47605.1 by the later of June 30, 2005, or expiration of its charter in effect on January 1, 2003, “for schoolsites at which educational services are provided to pupils.” (Id., subd. (e)(3).)

There are limited exceptions to these restrictions. Where a charter school provides a majority of its educational services in, and a majority of its pupils are residents of, the county in which it is authorized, it may establish “a resource center, meeting space, or other satellite facility” in an adjacent county, provided the facility is used exclusively for educational support of pupils enrolled in nonclassroom-based independent study. (§ 47605.1, subd. (c).) If a charter school has unsuccessfully attempted to locate a single site within the district to house its entire program, or a temporary site is need during construction or expansion, it may establish one site outside the district, but within the county where the district is located. (Id., subd. (d)(1).) The jurisdictional limitations do not apply to charter schools providing instruction in partnership with the federal Workforce Investment Act of 1998, federal Youth Build or job corps training programs, the California Conservation Corps, and instruction provided to some juvenile court school pupils. (Id., subd. (g).)

Assembly Bill No. 1994 added a new provision authorizing a county board of education to approve a “countywide” charter school in the first instance.³ The school must operate in “one or more sites within the geographic boundaries of the county.” (§ 47605.6, subd. (a)(1).) A county board of education may not approve a countywide charter unless it finds that “the educational services to

subd. (a)(1); a county board of education may not approve a countywide charter unless it finds that "the educational services to be provided by the charter school will offer services to a pupil population . . . that cannot be served as well by a charter school that operates in only one school district in the county." (Ibid.)

Assembly Bill No. 1994 also authorized "state charter school[s]" which would be permitted to operate without geographic restrictions throughout the state. (§ 47605.8, subd. (a).) Similar to the limitation imposed on county boards as chartering agencies for county charter schools, the State Board of Education may not approve a petition for the operation of a state charter school unless it "finds that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county." (Id., subd. (b).)

II

AUHSD's Contentions

On appeal, AUHSD contends (1) the geographic limitations in the Charter Schools Act on the location of charter school facilities apply to all charter schools, including those that operate nonclassroom-based programs; (2) the statutory exceptions to these limitations, set forth in section 47605.1, subdivisions (c) and (d), do not apply in this case; (3) the Cottonwood Resource Center is barred because its location is not identified in SSHS's charter; and (4) compelling public policy supports reversal of the judgment.

SSHS objects that these issues are not the same as those AUHSD asked the trial court to decide in its request for declaratory relief and requests that this court limit its review to the issues decided by the trial court.

We agree there has been a change in the emphasis of AUHSD's argument. AUHSD has shifted from its previous argument that the Cottonwood Resource Center is a "schools site" as defined in section 47612.5, subdivision (e)(3). As it made clear at oral argument, AUHSD now contends that the scope and nature of services provided at a resource center are immaterial to our analysis. Although phrased somewhat differently, the issues we must decide are the same as those decided by the trial court—whether locating a resource center outside the boundaries of the authorizing school district violates the Charter Schools Act, SSHS's charter, or public policy.

III

Application of Geographic Restrictions to the Cottonwood Resource CenterA. Section 47605

Section 47605 sets forth the requirements for establishing a charter school that is authorized by a school district, both the requirements of the initiating petition and the requirements for the school. It addresses the location of the charter school. "A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition." (§ 47605, subd. (a)(1), *italics added*.) The charter school may add additional locations later. "After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter." (§ 47605, subd. (a)(4).)

This language evinces the unambiguous legislative intent that a charter school authorized by a school district shall be located and operate entirely within the boundaries of the authorizing school district, whether at one or multiple locations. The geographic limitations apply to the operation of the charter school. The Cottonwood Resource Center, by providing educational support to students of SSHS, is part of the operation of SSHS. Therefore, the in-district geographic limitation applies to the Cottonwood Resource Center unless there is an applicable exception.

SSHS argues, and the trial court found, that subdivision (a) of section 47605 applies only to classroom-based charter schools, and not to nonclassroom-based charter schools. The reasoning is that classroom-based charter schools and nonclassroom-based charter schools are different, and are treated differently in many areas of the Charter Schools Act besides funding. SSHS contends the Legislature recognized this distinction and set different geographic restrictions for classroom-based and nonclassroom-based charter schools.

This interpretation is untenable. Nothing in subdivision (a) of section 47605 distinguishes between classroom-based and nonclassroom-based charter schools. These terms do not appear in the subdivision; it speaks only generally of a "charter

school.” Section 47605 is the only section that addresses the requirements for establishing a charter school authorized by a school district. If it does not apply to nonclassroom-based charter schools, there is no statutory procedure for petitioning to establish a nonclassroom-based charter school. Since the Legislature intended charter schools to provide independent study (§ 47612.5, subd. (b)), there must be a mechanism for initiating such schools. We will not interpret a statute to eliminate a necessary provision where the Legislature has not done so expressly. (See *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 518 [refusing to interpret statute to implicitly eliminate court's statutory power].) Accordingly, section 47605, subdivision (a), including its geographic restrictions, must apply to all charter schools whether classroom-based or nonclassroom-based.

We turn now to certain exceptions in section 47605.1.

B. Section 47605.1

As set forth ante, section 47605.1 requires charter schools that were granted a charter after July 1, 2002, to “locate in accordance with the geographic and site limitations” of the Charter Schools Act.⁴ (§ 47605.1, subd. (a)(1).) The section provides an exception for a resource center, meeting space, or other satellite facility, used for nonclassroom-based independent study, which may be located in an adjacent county, provided certain conditions are met.⁵ (Id., subd. (c).) There is also an exception permitting a charter school to locate a site outside the boundaries of the authorizing school district, but within the same county, when the charter school is unable to locate within the boundaries of the authorizing school district. (Id., subd. (d).) There is no dispute that the Cottonwood Resource Center does not fall within either of these exceptions.

SSHS contends the geographic and site limitations on charter schools apply only to sites and schoolsites and the Cottonwood Resource Center does not meet the definition of a schoolsite because it is not “used principally for classroom instruction.” (§ 47612.5, subd. (e)(3).) However, the premise of this argument—that a “site” and a “schoolsite” are the same—is incorrect. SSHS

contends the terms “site” and “schoolsite” are used “interchangeably” and both refer only to classroom-based facilities. As an example of this interchangeable use, SSHS cites to subdivision (a) of section 47605 and subdivision (d) of section 47605.1. These subdivisions, however, use only the term “site” and not the term “schoolsite,” so they do not establish an interchangeable use of the two terms. Further, SSHS's proposed interpretation that “site” means “schoolsite” is contrary to a well-established rule of statutory construction. “Where different words or phrases are used in the same connection in different parts of a statute, it is presumed the Legislature intended a different meaning. [Citation.]” (*Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1117.)

“When construing the meaning of words in a statute, courts should first look to the plain dictionary meaning of the word unless it has a specific legal definition. [Citations.] Each word, phrase and provision in a statute is presumed to have a meaning and to perform a useful function. [Citation.]” (*Ceja v. J. R. Wood, Inc.* (1987) 196 Cal.App.3d 1372, 1375-1376.) The term “schoolsite” has a particular meaning, as set forth in section 47612.5, subdivision (e)(3), requiring principal use for classroom instruction. There is no statutory or other specific legal definition for “site” so we use the plain dictionary meaning. A site is the “place where a structure or group of structures was, is, or is to be located” (*The American Heritage College Dictionary* (4th ed. 2007) 2nd. col., p. 1296), or the “place where something stands.” (*Encarta World English Dictionary* (1999) mid. col., p. 1676.) “Site” speaks to location, while “schoolsite” speaks to use. The Legislature appropriately used the term “site” when addressing the geographic restrictions on charter schools. A resource center is a facility (see § 47605.1, subd. (c)) and thus has a location or site.

SSHS relies on the permissive nature of the Education Code and the flexibility granted charter schools to support its position. Section 35160 allows a school district to initiate and carry on any activity which is not in conflict with or inconsistent with any law. The Charter Schools Act was intended to give flexibility to charter schools. (*Wilson, supra*, 75 Cal.App.4th at pp. 1140-1141; see § 47601.) Section 47610, known as the mega-waiver statute, exempts charter schools from most of the laws that govern school districts. SSHS asserts that in keeping with the permissive nature of the code and the flexibility granted charter schools “in-county resource centers are permitted, as no law prohibits them.”

As we have shown, this assertion is not accurate. Sections 47605 and 47605.1 prohibit such in-county resource centers.

C. Absurdity

SSHS contends that interpreting the Charter Schools Act to prohibit placement of a resource center outside the boundaries of the authorizing school district, although within the same county, results in an absurdity. It reasons that since subdivision (c) of section 47605.1 permits a resource center to be located in an adjacent county, it is absurd to read the Charter Schools Act to prohibit a resource center in the same county.

The plain meaning of a statute will not be followed when it leads to absurd results, frustrating the manifest purpose of the law.

(Wells Fargo Bank v. Superior Court (1991) 53 Cal.3d 1082, 1098.) "There are few, if any, sources guiding an appellate court on how to apply the absurdity exception to the „plain meaning rule.' " (People v. Harbison (2014) 230 Cal.App.4th 975, 986-987 (dis. opn. of Yegan, J.)). "This exception should be used most sparingly by the judiciary and only in extreme cases else we violate the separation of powers principle of government. (Cal. Const., art. III, § 3.) We do not sit as a „super-legislature.' [Citation.]" (Unzueta v. Ocean View School Dist. (1992) 6 Cal.App.4th 1689, 1698.) "[E]xcept in the most extreme cases where legislative intent and the underlying purpose are at odds with the plain language of the statute, an appellate court should exercise judicial restraint, stay its hand, and refrain from rewriting a statute to find an intent not expressed by the Legislature." (Id. at p. 1700.)

We do not find the accurate interpretation of this statute to be so absurd as to permit us to rewrite it. Assembly Bill No. 1994 added a provision to permit a county board of education to authorize a countywide charter school "that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by the county office of education." (§ 47605.6, subd. (a)(1).) A countywide charter school can only be approved after a finding "that the educational services to be provided by the charter school will offer services to a pupil population . that cannot be served as well by a charter school that operates in only one school district in the county." (Ibid.) The Legislature could have reasonably believed that section 47605.6 was sufficient to address the issue of locating resource centers outside the boundaries of the authorizing school district and within the same county; charter schools that wished to operate at multiple sites throughout the

county could apply for a county charter. Operating a resource center within the county but outside the boundaries of the authorizing school district, without a county charter, in effect creates a countywide charter school without the necessary finding for its establishment.

SSHS reads the adjacent county provision of section 47605.1, subdivision (c) as the only restriction on the location of a resource center. We disagree with that reading. The provision is permissive, not restrictive. It is not a restriction on the location of a resource center, but an exception to the general requirement of section 47605 that limits a charter school to operating within the boundaries of the authorizing school district. Subdivision (c) of section 47605.1 begins, "Notwithstanding any other law ." "This „term of art' expresses a legislative intent „to have the specific statute control despite the existence of other law which might otherwise govern.' [Citation.]" (People v. Franklin (1997) 57 Cal.App.4th 68, 74.) In other words, this initial language in subdivision (c) of section 47605.1 reflects the Legislature's understanding (and intent) that resource centers are subject to the same geographic restriction (within the boundaries of the authorizing school district) as any other facility of a charter school with this one exception. If there were no restrictions on the location of a resource center, the exception expressed by section 47605.1, subdivision (c) would not have been necessary. "We ordinarily reject interpretations that render particular terms of a statute mere surplusage, instead giving every word some significance. [Citation.]" (City of San Jose v. Superior Court (1993) 5 Cal.4th 47, 55.)

SSHS contrasts the preamble of subdivisions (c) and (d) of section 47605.1. Subdivision (c) begins, "Notwithstanding any other law ." In contrast, subdivision (d) begins, "Notwithstanding subdivision (a) or subdivision (a) of Section 47605 ." Subdivision (d) provides an exception for a charter school to establish a site outside the boundaries of the authorizing school district, but within the county, under certain conditions. SSHS argues that because section 47605.1, subdivision (c) does not specify subdivision (a) of section 47605 and subdivision (a) of section 47605.1 in its "notwithstanding" preamble, these sections do not apply to resource centers. We find this argument unconvincing. The broader "notwithstanding" preamble of section 47605.1, subdivision (c) was necessary to override laws other than section 47605, subdivision (a) and section 47605.1, subdivision (a). For example, the exception in section 47605.1, subdivision (c) permits a county charter school to establish a resource center in an adjacent county, notwithstanding the provisions of section 47605.6, subdivision (a)(1) that restrict operation of a county charter school to "the geographic boundaries of the county."

D. Interpretation by the Department of Education

SSHS contends its position that the Cottonwood Resource Center is not governed by sections 47605 and 47605.1 is supported by the interpretation offered by the Department of Education. In 2002, the Department of Education issued a memorandum update on recent legislation. It outlined the new geographic limitations in Assembly Bill No. 1994. The memorandum stated: "The site restrictions do not apply to facilities used as resource centers, meeting spaces, or satellite sites used exclusively for non-classroom based independent study if a majority of the charter school pupils are residents of the county in which the charter is authorized."

"An agency interpretation of the meaning and legal effect of a statute is entitled to consideration and respect by the courts; however, unlike quasi-legislative regulations adopted by an agency to which the Legislature has confided the power to „make law,' and which, if authorized by the enabling legislation, bind this and other courts as firmly as statutes themselves, the binding power of an agency's interpretation of a statute or regulation is contextual: Its power to persuade is both circumstantial and

dependent on the presence or absence of factors that support the merit of the interpretation.” (Yamaha Corp. of America v. State Bd. of Equalization (1998) 19 Cal.4th 1, 7.) “Considered alone and apart from the context and circumstances that produce them, agency interpretations are not binding or necessarily even authoritative.” (Id. at p. 8.)

Here the agency interpretation simply summarizes the key provisions of section 47605.1. There is no indication that the agency is drawing upon its particular expertise or that it had any role in drafting the legislation. Rather, the agency was simply summarizing—and thus interpreting—the statute. The expertise for that task lies in the courts, not the agency. (Dyna-Med, Inc. v. Fair Employment & Housing Com. (1987) 43 Cal.3d 1379, 1389 [“The final meaning of a statute . rests with the courts”].) The memorandum’s summary appears to track subdivision (c) of section 47605.1, but without any reference to establishing a resource center in an adjacent county. Because the agency interpretation is thus incomplete, and, as set forth ante, inconsistent with the statutory language, we decline to adopt it.

In the trial court, AUHSD offered a competing interpretation by the Department of Education. In an e-mail dated June 20, 2007, the Director of the Charter Schools Division of the Department of Education recognized that some nonclassroom-based charter schools had established resource centers outside the boundaries of the authorizing school district but within the same county. She opined, “There does not appear to be any specific statutory right to this placement.” The trial court sustained SSHS’s objection to this e-mail. AUHSD contends the trial court abused its discretion in excluding this evidence. We find no abuse of discretion. For the same reasons that we decline to adopt the agency interpretation offered by SSHS, we find no error in excluding this less formal agency interpretation.

E. Public Policy Considerations

Both parties contend public policy considerations support their position. AUHSD argues Assembly Bill No. 1994, with its geographic limitations, was enacted to provide greater oversight of charter schools, oversight that is necessary due to past mismanagement of public monies. SSHS counters that since the Legislature permits a resource center in an adjacent county, appropriate oversight can occur in the same county. SSHS further argues that the Charter Schools Act was designed to provide competition (§ 47601, subd. (g)), and AUHSD is trying to stifle competition. SSHS and some amici curiae argue restricting the location of resource centers harms students, particularly those who may have difficulty traveling to more distant resource centers.⁶

Although initially intriguing and possibly persuasive when considered as the overarching policy objectives that they are, these policy arguments are not persuasive when applied to the instant case. This is because they are divorced from the actual unambiguous language of the statutes at issue here. In construing a statute, courts may consider public policy, but only if the language of the statute is ambiguous. (Estate of Britel (2015) 236 Cal.App.4th 127, 138.) Considerations of policy do not permit us to ignore the plain language of the statute. (Mercury Ins. Co. v. Vanwanseele-Walker (1996) 41 Cal.App.4th 1093, 1103.) “ „[N]o legislation pursues its purposes at all costs. Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statute’s primary objective must be the law. Where, as here, “the language of a provision . is sufficiently clear in its context and not at odds with the legislative history, . „[w]e should not] examine the additional considerations of “policy” . that may have influenced the lawmakers in their formulation of the statute.’ ” [Citation]; accord, Foster v. Workers’ Comp. Appeals Bd. (2008) 161 Cal.App.4th 1505, 1510, [purpose of law cannot supplant legislative intent expressed in particular statute].” (County of Sonoma v. Cohen (2015) 235 Cal.App.4th 42, 48.)

Because we have interpreted the geographic limitations of the Charter Schools Act based on the plain language of the statute, we do not entertain the various policy arguments.

F. Conclusion

In statutory interpretation, our fundamental task “is to determine the Legislature’s intent so as to effectuate the law’s purpose. [Citation.]” (People v. Murphy (2001) 25 Cal.4th 136, 142.) “We look first to the plain meaning of the statutory language, giving the words their usual and ordinary meaning. [Citation.] If there is no ambiguity in the statutory language, its plain meaning controls; we presume the Legislature meant what it said. [Citation.]” (People v. Garcia (2002) 28 Cal.4th 1166, 1172.) Here the plain meaning of sections 47605 and 47605.1 is that a charter school authorized by a school district is to be located and operate entirely within the geographic boundaries of the authorizing school district, unless one of the specific exceptions of section 47605.1 applies. Because the Cottonwood Resource Center does not fall within any of the exceptions of subdivisions (c) or (d) of section 47605.1 (and SSHS offers no other possible exception), its location outside the boundaries of the authorizing Shasta Union High School District does not comply with the Charter Schools Act.⁷

Requests for Judicial Notice

We have received eight requests for judicial notice, many relating to materials of legislative history of various statutes.² We may take judicial notice of any matter specified in Evidence Code section 452. (Evid. Code, § 459.) We address each request in turn.

AUHSD requests that we take judicial notice of various versions of Assembly Bill No. 1994 and the Senate Floor Analysis of the same. These are appropriate matters of judicial notice. (Kaufman, *supra*, 133 Cal.App.4th at pp. 31-32.) We grant the request. In a supplemental request, AUHSD requests that we take judicial notice of the API scores and school profiles of AUHSD and SSHS. As this material is irrelevant, we deny the request.

SSHS requests that we take judicial notice of the final versions and analyses of Senate Bill No. 434, requiring charter schools to comply with requirements relating to instructional minutes and independent study, and Senate Bill No. 740 (2000-2001 Reg. Sess.), relating to funding for nonclassroom-based instruction. These are proper subjects of judicial notice. (Kaufman, *supra*, 133 Cal.App.4th at pp. 31-32.) We grant the request as to the materials relating to Senate Bill No. 434, but deny it as to Senate Bill No. 740 because these materials are not relevant to our consideration of the issues in this case. In a supplemental request, SSHS asks that we take judicial notice of two earlier versions of Assembly Bill No. 1994 to respond to arguments by amicus California School Boards Association Education Legal Alliance. We have already taken judicial notice of the August 15, 2002, version at AUHSD's request. We deny the request as to the June 19, 2002, version because it is not relevant to our consideration of the issues in this case.

Amicus California School Boards Association Education Legal Alliance requests we take judicial notice of five documents. The first is an opinion of the Legislative Counsel as to a school district granting a charter for a charter school in another district. While we may take judicial notice of an opinion by Legislative Counsel (Nguyen v. Nguyen (2008) 158 Cal.App.4th 1636, 1658, fn. 22), we deny the request as the opinion is not helpful to our resolution of this case. Three of the documents are legislative history materials for Assembly Bill No. 1994. We grant the request as to these materials. The final document is a judgment of the San Diego Superior Court in the case San Diego Unified School District v. Alpine Union School District, which presents a related issue. Amicus requests judicial notice of this judgment to show "the statewide importance of the issues presented in this appeal" and to demonstrate legal error in the trial court's analysis. Ordinarily, we will not take judicial notice of a judgment in another case. (Alisal Sanitary Dist. v. Kennedy (1960) 180 Cal.App.2d 69, 80.) We see no reason to depart from the usual rule here. The statewide importance of the case was set forth in SSHS's motion for calendar preference, which we granted in part, and we make our own determination of the correctness of the trial court's analysis and decision. We deny the request.

Amici California Charter School Association et al. request judicial notice of Senate Bill No. 1563 (1989-1990 Reg. Sess.) relating to independent study programs. We deny the request because this material is not relevant to our consideration of the issues in this case.

After this case was set for oral argument, AUHSD requested judicial notice of various agendas, partial transcripts of meetings, and other materials relating to the approval of Audeo Charter School II, which has two out-of-district but in-county resource centers, to show the Department of Education's interpretation of sections 47605 and 47605.1.

In response to AUHSD's request, SSHS filed both an opposition and request to take judicial notice of a 2002 policy of the State Board of Education establishing the Advisory Commission on Charter Schools, the complete transcripts of meetings of both the Advisory Commission on Charter Schools and the State Board of Education as to the approval of Audeo Charter School II, and the square mileage of various counties in California. As we explained ante, we decline to adopt agency interpretations of sections 47605 and 47605.1.

We deny both requests because the materials are not relevant to our consideration of the issues in this case.

DISPOSITION

The judgment is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion, including the determination of damages, if any. AUHSD shall recover costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1) & (2).)

FOOTNOTES

1. Further undesignated statutory references are to the Education Code.
2. As we discuss post, AUHSD does not maintain its claim that the resource center was a schoolsite on appeal.

3. This provision is in addition to section 47605.5, which authorizes a county board of education to grant a charter for a school to “serve pupils for whom the county board of education would otherwise be responsible.”
4. SSHS was granted a charter before 2002, a fact that SSHS ignores in its discussion of section 47605.1, despite the clear statutory language. Subdivision (e) of section 47605.1 addresses charter schools with charters approved before July 1, 2002. As SSHS did not cite to or rely on this subdivision either in the trial court or on appeal, we do not address it. We read SSHS’s argument—and sole defense to AUSHD’s lawsuit—to be that the Cottonwood Resource Center, and any resource center of any nonclassroom-based charter school, may operate out-of-district simply because the geographic limitations of sections 47605 and 47605.1 do not apply, not because SSHS has any grandfathered rights under subdivision (e) of section 47605.1 because it received its charter before July 1, 2002.
5. Recall that funding for independent study is limited to pupils in that county or an adjacent county. (§ 51747.3, subd. (b).)
6. We have received and considered amici curiae briefs from California Charter School Boards Association, Charter Schools Development Center, Julian Charter School, Diego Valley Charter School, Pacific Legal Foundation, Dehesa School District, Julian Union School District, Mountain Empire Unified School District, and Altus Institute Network of Chartered Schools in support of SSHS; and from California School Boards Association Education Legal Alliance in support of AUHSD, as well as the responses of AUHSD and SSHS to the amici briefs.
7. AUHSD contends the Cottonwood Resource Center is barred because SSHS may not establish a location that is not identified in its charter. Because we have resolved the issue presented by the parties under the Charter School Act, we need not address this alternative contention.
8. “Even though we will grant motions for judicial notice of legislative history materials without a showing of statutory ambiguity, we do so with the understanding that the panel ultimately adjudicating the case may determine that the subject statute is unambiguous, so that resort to legislative history is inappropriate.” (Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc. (2005) 133 Cal.App.4th 26, 30 (Kaufman).)

Duarte, J.

We concur: Raye, P. J. Renner, J.

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Research

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RESOLUTION NO. PC 2020-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 2020-01, FOR A CHARTER SCHOOL USE LOCATED AT 1202-1204 HUNTINGTON DRIVE.

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a charter middle and high school, named Opportunities for Learning, at 1202-1204 Huntington Drive; and

WHEREAS, a charter school located in the Town Center Specific Plan zone is a conditionally permitted use pursuant to Town Center Specific Plan Section 3.3.1; and

WHEREAS, notice of a public hearing on the Conditional Use Permit 2020-01 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit 2020-01 and all of the information, evidence and public testimony received at the public meeting held on April 20, 2020 at 7:00 p.m. in the City Council Chambers;

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. RECITALS

All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMITS

The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.050(B), as:

1. The proposed use is consistent with the General Plan;

The charter school educational use is consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities and industrial developments. Also, the proposed business is consistent with Land Use Policy 3.1.2, which promotes flexibility in the implementation of the Town Center Specific Plan. The proposed school is the lone educational use on a property that is developed with a mix of commercial uses, which helps balance the uses over all for the site. The placement of a school at this location could also be beneficial to the restaurant and retail uses in the immediate vicinity and should not introduce adverse impacts to the area provided the recommended conditions of approval are adopted and implemented.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;

An educational use is permitted in the Mixed-Use Corridor designation of the Town Center Specific Plan zone with a Conditional Use Permit. The use is consistent with the specific

plan zoning designation as it provides educational options for the community in a central, convenient location. The use is in compliance with all regulations of the Duarte Development Code and Municipal Code, and conditions of approval have been included to ensure such compliance.

3. The design, location, size and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

The charter school will occupy one of four tenant spaces within an existing shopping center and will be adjacent to a restaurant and hotel located on the same property. The school's space is approximately 4,536 square feet, which is sufficient for accommodating the proposed educational use. The proposed school will be compatible with the project site and other uses in the vicinity provided the conditions of approval are followed. There should be no negative parking impacts associated with this use provided the conditions of approval are followed.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The proposed charter school use is allowed with a conditional use permit in the Town Center Specific Plan zone. The operating characteristics of the school will allow it to complement the other uses in the center, whereas a traditional school may not. The operations feature dispersed arrivals and departures of small groups of students to the site, which is beneficial in terms of parking and circulation. Also, the students at this school only attend the school approximately twice weekly for 90 minute classes. This type of infrequent attendance makes this use more compatible with commercial businesses than a school with a typical secondary school schedule. Outside activities would be prohibited per the school's operation statement and the conditions of approval. Noise-generating activities like band and performing arts would also be prohibited by condition of approval. The conditions of approval have been imposed to help avoid adverse and detrimental impacts on the City and surrounding community. If this school creates repeated impacts that are detrimental to the health and harmony of the City, then the conditional use permit may be called by the Planning Commission for review and or revocation.

5. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

The site is developed with a commercial building, restaurant and a hotel, located in the Town Center Specific Plan zone. The property is accessible from Huntington Drive and is proximate to Buena Vista Avenue and the 210 and 605 Freeways, all of which are capable of accepting the increased traffic associated with the opening of this business. The existing onsite circulation is already impacted during the midday peak and the proposed use will not adversely impact the circulation any more than a typical retail use, provided the proposed conditions of approval are adopted. Emergency vehicle access will remain adequate.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 2020-03 , the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301 and 15303.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 2020-03 based on the findings listed in Section 2, and the conditions listed in "Exhibit F-1", for the proposed charter school educational use at 1202-1204 Huntington Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 20th day of April 2020.

Paula Watson-Gardner, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on April 20, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT F-1
Conditions of Approval
Conditional Use Permit 2020-01
1202-1204 Huntington Drive (Opportunities for Learning)

1. This approval is for the establishment of a charter school at 1202-1204 Huntington Drive as stated in the staff report and described in the applicant's business project operational statement and floor plans, on file with the Planning Division. The school serves students grades 7 through 12. A maximum of 35 students and 11 staff members are allowed at the school at any one time.
2. This conditional use permit shall become invalid if the applicant or its successor fails to maintain a valid contract with Duarte Unified School District. Applicant shall provide a copy of a valid contract upon request by the City.
3. Hours of operation are limited to Monday through Friday from 8:00 a.m. to 5:00 p.m. The school shall not operate between the hours of 6 p.m. and 7 a.m.
4. The school shall be responsible for preparing a security plan, including an on-site security guard to be present during all school hours, to maintain site security. This plan is subject to the review and approval of the City's Director of Public Safety.
5. A security guard shall be present at the school entry during hours of operation, including at least 30 minutes before and 30 minutes after business hours. This guard shall be responsible for the supervision of students while they are on the property and enforce conditions related to student loitering.
6. The students shall be permitted to wait in the lobby area of the school 30 minutes before and after the academic day and during the lunch hour.
7. Students shall be prohibited from parking on the property.
8. Parents dropping students shall park, accompany the student to the school, and sign in at the reception area. The process shall be repeated in reverse for student pick up.
9. Students shall not loiter outside the tenant space anywhere on the property. Arriving students shall report directly to the school once entering the property. Departing students shall promptly leave the promptly after leaving the school. School security shall be responsible for monitoring this requirement and ensuring compliance.
10. All activities shall be held indoors, and remain indoors at all times.
11. Music, noise-generating equipment, or any other educational or business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses or surrounding developments. In no case shall live music, dancing, or other performing arts be permitted in association with this use. Outdoor speakers or other exterior audible devices are prohibited. Any substantiated complaints regarding noise, sound or other audible impacts may require submittal of a Noise Study to the Community Development Director to address any noise concerns and propose appropriate measures

as needed to comply with the City's noise ordinance. The Noise Study shall be prepared by a qualified consultant, to the satisfaction of the City. Continued concerns or violations may require a public hearing before the Planning Commission.

12. Special events and gatherings will require written approval of a Special Event Permit from the Community Development Department; to be filed 10 business days prior to the hosting of an event.
13. A new or modified conditional use permit will be required at the time of change of business ownership when the subsequent business owner/operator proposes changes to the area, configuration, operations, or manner in which the original conditional use permit was approved.
14. The project shall comply with all regulations of the Duarte Town Center Specific Plan Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of the Duarte Development or Municipal Code.
15. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use, shall be reviewed by the Planning Division and may require an application for a new conditional use permit.
16. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with the Sign Guidelines of the Duarte Development Code.
17. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
18. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
19. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
20. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the charter school, or its students, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
21. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.

22. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of business operation. Contact the City Finance Division for more information.
23. The decision of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission's decision. Said appeal must be in writing and filed with fees paid to the City Clerk's Office. The written appeal shall include reasons for the appeal.
24. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this conditional use permit which may be brought within the time period provided for such actions or challenges under applicable law.