

August 25, 2016

Sent Via email and US Mail

Alex Gomez, Specialist  
Charter Schools Division  
Los Angeles Unified School District  
333 S. Beaudry Ave., 20<sup>th</sup> Floor  
Los Angeles, CA 90017

**RE: Response to Reply to Response to Notice to Cure**

Dear Mr. Gomez,

On behalf of Granada Hills Charter High School ("GHCHS" or the "Charter School"), I am writing to respond to the Los Angeles Unified School District ("LAUSD" or the "District") Charter Schools Division's ("CSD") Reply to GHCHS's Response to CSD's Notice to Cure ("NTC") dated August 16, 2016. It appears that we are at an impasse on the two issues identified by the District - admission of resident students and programming of resident students in classes or academic programs.

#### **CSD's Position on Resident Student Admission is Not Supported by Law**

CSD's manufactured standard that conversion charter schools "stand in the shoes" of traditional public schools is not supported by law. Conversion charter schools, like establishment charter schools authorized by school districts or appellate bodies, county-approved charter schools, countywide benefit charter schools, and statewide benefit charter schools, operate independently, with their own corporate board, and in accordance with the provisions of their charter petitions. Indeed, the LAUSD Board of Education has approved GHCHS's operational structure four separate times now. GHCHS does not stand in the shoes of a traditional public school.

In reality, conversion charter schools, like all other charter schools, do not have attendance boundaries. Education Code Section 47605(d)(1) requires conversion charter schools to "adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of [the] public school [that was converted]." (Emphasis added.) The law does not require adopting and maintaining this preference only, or to the exclusion of other admission preferences. Rather, a conversion charter school is simply required to give preference in admission to students who reside in the former attendance area of the traditional public school. This is a binary determination, and each of GHCHS's subsequently approved charter petitions meet the legal requirement.



Conversion charter schools do not have their own attendance areas; rather, they must give preference to students who reside in the former attendance area of the traditional public school. When a school converts to a charter school, even though it must extend an admission preference for student living in the former boundaries of the public school, charter school admission must also be made available to any student wishing to attend who resides in California. Conversion charter schools are not limited to the former attendance area; students do not need to seek intra- or inter-district transfers in order to attend the conversion charter school.

The Charter School, beyond simply listing students residing in the former Granada Hills High School attendance area first among its admissions preferences, goes further by offering resident students an exclusive four- (4) to six (6)-week admission and enrollment period, during which resident students are admitted and then enrolled in their classes or program, typically of their first choice, before any non-resident student is enrolled and can be programmed into classes.

And as the CSD is aware, GHCHS historically has offered admissions to all students who reside in the former attendance area of Granada Hills High School, unlike at least one independent charter school that “caps out” its resident students after the school year has opened. We stated the following in our Response to the Notice to Cure, and it bears repeating here: “In its history of operation since conversion to charter school status, GHCHS has never denied admission to a student who resides in the former traditional public school attendance area.”

If CSD’s hypothesis that a conversion charter school “stands in the shoes” of a traditional public school were accurate, then GHCHS would: timely receive contact and necessary information for all resident 8<sup>th</sup> grade students from the District; check out or disenroll students who move outside of the Charter School’s former attendance boundary; offer School for Advanced Studies (“SAS”) permits for students who reside outside the former attendance boundary; and not report to the Charter Schools Division, among other practices and programs of LAUSD traditional public schools. None of these items, though, are borne out by reality. CSD’s position is not accurate simply because it says it is.

We acknowledge CSD’s pledge to work with the Charter School and District staff to identify and connect with prospective resident students. We have been asking for this assistance for years now, without response. We would appreciate something more substantial than a pledge from CSD. Additionally, GHCHS has directly asked the District’s School Management Services about its operational capacity, and such requests have been denied. In fact, School Management Services informed GHCHS that the operational capacity study had been completed, is in the hands of CSD, and that School Management Services was not authorized to release the report to GHCHS. We met the expectation to consult as stated in CSD’s letter.

#### **CSD’s Position on Enrollment or Programming Students in a Particular GHCHS Program is Not Supported by Law**

CSD asserts that resident students must always be guaranteed an opportunity to enroll in a particular desired program within GHCHS’s offerings, regardless of when that resident student applies. Again, the



law does not support this conclusion. The Charter School notes that if the District Board of Education approves its proposed charter petition material revision and corresponding charter augmentation grant, the likelihood of late-applying resident students being able to access desired classes and programs will be substantially increased.

No law requires a charter school to guarantee students, including resident students, space within a specific pathway or program. Education Code Section 47605(d)(2) states that in the event that a charter school receives more applications than it has capacity, it must hold a public random drawing to determine admission. This legal requirement gives us the closest approximation to guidance on the issue. Although the GHCHS historical practice has been to admit and enroll all resident students, the current GHCHS charter petition approved by the LAUSD Board of Education outlines the scenario in which students who reside in the former attendance area may not be enrolled: "In the event that GHCHS is unable to serve, due to capacity, a student(s) who resides in the pre-conversion attendance area, the student will be able to enroll in neighboring charter schools with space or an LAUSD school as designated by the District" (see page 152). Moreover, the same charter petition identifies a scenario in which students may not be satisfied with the available course or program offerings: "While we have been able to offer admission to students who reside in the former attendance area, some of these students have not been satisfied with the available course or program offerings and subsequently decline our admissions offer" (see pages 152-153). In fact, for several years, the CSD has been aware of and said nothing to refute our practice of programming all students whenever they enroll into the classes or academic programs in which space is available, including, but not limited to, iGranada, STEM, IB, Humanitas/New Media, or the Granada Guaranteed Curriculum ("GGC") programs. We fail to see what has prompted a change now.

If a charter school is not required to admit more students than it has capacity at the school level, surely this maxim must also hold true within the school's educational program. In order to effectively serve students within the elective pathways as described within its charter petition, GHCHS is within its rights to limit the capacity of each program. If we follow CSD's logic to its natural extension, GHCHS would have to guarantee resident students a spot in an Honors Biology, Mandarin, Robotics, Dance, Culinary Arts, or any number of other impacted and over-subscribed classes. This is neither fair to other students, nor required by law.

Finally, the CSD makes several references to iGranada and the Granada Guaranteed Curriculum, applying definitions to both that are not accurate and are not supported by actual practice. The GGC is not, as CSD asserts, the "cornerstone instructional program" offered by the Charter School. The phrase "starts with" as CSD quoted from the GHCHS charter, simply means that the GGC is the first academic program with classes that students can select, though many students opt to participate in other classes or academic programs. For example, for 2016-17 student programming, the GGC and STEM classes and programs were the first to fill; into the Spring semester the classes and programs with space were Humanitas/New Media, Global History of Ideas, and iGranada. Further, as the CSD is aware, iGranada is a well-designed independent study option, wherein most students are on campus daily, actively engaged in 1-on-1 and group learning. All students receive a full course load meeting A-G requirements. Students are monitored within their coursework and follow a very structured pacing guide around successful course completion. Due to this on-site and daily monitoring, students receive immediate intervention as their advisor and teachers recognize the need. When students are not working in collaborative groups or receiving 1-on-1 tutoring, they participating in classroom academic seminars in each of their core



disciplines. Students are not isolated; in fact, they are encouraged and able to participate in extracurricular groups and athletic teams and are able to remain an integral part of overall GHCHS student life.

#### **Specific CSD Requests**

CSD requested a revised enrollment policy and a status report regarding the Charter School's resolution of outstanding parent complaints regarding resident student admission. The latter is enclosed with this letter.

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CSD's entrenched position on this matter serves only to expose the District to liability under Education Code Sections 47605(b) and 47605(d)(2)(C). We will prepare for the October 18, 2016 District Board meeting. Kindly inform me when you would like to discuss these matters in person or telephonically.

Sincerely,



Brian Bauer  
Executive Director

Enclosure

CC: GHCHS Board of Directors  
José Cole-Gutiérrez, CSD Director  
Dr. Robert Perry, Ph.D., CSD Administrative Coordinator  
Dr. Joyce Johnson, Ph.D., CSD Senior Coordinator  
Amy Long, CSD Fiscal Oversight Administrator