

March 3, 2017

Carl J. Petersen  
108 S. Sonol Drive  
Los Angeles, CA 90063

VIA EMAIL AND U.S. MAIL  
changethelausd@gmail.com

**RE: Final Written Decision to Uniform Complaint Regarding GHCHS Enrollment Policies**

Dear Mr. Petersen:

I am writing on behalf of Granada Hills Charter High School ("GHCHS") regarding the Uniform Complaint Procedure form ("Complaint") dated December 21, 2016, and received January 4, 2017, following the GHCHS winter break. As the Executive Director, I am the designated Compliance Officer responsible for responding to the Complaint.

We take each of your concerns very seriously and appreciate you bringing them to our attention.

**Allegations in Complaint**

You have alleged that the document entitled, "Enrollment for Students Who Reside within the GHCHS Residential Boundary" violates applicable laws, Los Angeles Unified School District ("LAUSD") policies, and the GHCHS charter as follows:

- a. *Under federal law, students who are homeless have a right "to enroll in the public school serving the attendance area where the student is temporarily residing." Therefore, GHCHS policies requiring a "DWP Bill and Gas Bill" and "parent/guardian driver's license with the residential address" is improper as it provides a barrier to enrollment for students without a permanent address.*
- b. *The LAUSD Charter School Division's (CSD) policies on Admission Requirements and Materials states that charter schools "cannot require students to submit [information about a student's birthplace] without violating Education Code 47605" which "requires charter schools to admit all pupils who wish to attend the school and prevents charter schools from discriminating against any student on the basis of those characters identified, including nationality." Requiring a birth certificate "prior to*

*admission raises concern that the practice may have a discriminatory impact on certain groups of students (those born outside of the U.S.) by discouraging them from enrolling." Therefore, a birth certificate should not be a condition of the enrollment process.*

- c. "The federal McKinneyVento Homeless Assistance Act requires schools to enroll new students who are homeless even if their immunization records are missing or unavailable at the time of enrollment. California law requires schools to immediately enroll foster children transferring to their school even if a foster child is unable to produce immunization records normally required for school entry." Therefore, requiring a "student's immunization records" as part of the pre-enrollment process provides an improper barrier to enrollment for both students who are homeless and students who are in foster care.*
- d. The LAUSD CSD's Admission Requirements and Materials document states "since Education Code § 47605(d)(2)(A) requires charter schools to admit all pupils who wish to attend the school, a student's grades should have no bearing on whether or not a student is admitted". Therefore, "requesting this information prior to admission raises a concern that the practice may have an impact on certain groups of students (e.g., lower achieving students) by discouraging them from enrolling. It also creates an inference that the charter school may be improperly screening out lower achieving students to increase student performance statistics." Requiring the "most current semester report card" provides an improper barrier to admission and should not be required as part of the pre-enrollment process.*
- e. Under the sub-section "Non-Discrimination", the GHCHS charter states that "Granada Hills Charter shall not request or require submission of a student's IEP, 504 Plan, or any other record or related information prior to admission, participation in any admissions or attendance lottery, or pre-enrollment event or process, or as a condition of admission or enrollment." Therefore, the requirement that parents provide "If applicable, the most recent 504 plan or IEP" as part of the pre-enrollment process is a violation of the charter. Furthermore, it is a violation of a student's federal guarantee of a Free Appropriate Public Education as it provides an improper barrier to enrollment for students with disabilities.*
- f. The document ends with the warning that "all students new to GHCHS must attend the 2017 Summer Transition Academy." This is also an improper barrier to admission as classes outside the normal school year are not covered under compulsory education law. The school as not cited any portion of the education code that allows their summer program to be mandatory. Furthermore, this policy "contradicts required affirmation contained in Education Code section 47605(d)(2)(A) that the charter school shall admit all students who wish to apply," even if they do not have the ability to attend the Summer Transition Academy.*

**Findings of Fact, Conclusions of Law,  
Disposition, and Rationale for Disposition**

After a review of the Complaint, documents provided, relevant laws, LAUSD policies, GHCHS policies, and records provided, GHCHS finds and determines as follows:

- *Allegation a:*

The “Enrollment for Students Who Reside within the GHCHS Residential Boundary” document lists DWP Bill and Gas Bill as examples of evidence of residency; however, it also states directly next to it to “please email the Attendance office [attendance@ghchs.com](mailto:attendance@ghchs.com) if these bills cannot be provided.” That statement is specifically intended to provide homeless and/or foster students the opportunity to seek further information regarding the circumstances in which such documents may be excluded from the requirements for enrollment, including homelessness, foster care status, or otherwise qualifying temporary residence in accordance with applicable laws and policies.

Additionally, any form of valid State of California identification including the parent/guardian’s name and address will be accepted, not just a driver’s license. For example, California Identification Cards are also accepted.

Education Code section 48200 compels children to attend school between the ages of six (6) and eighteen (18) years, generally within the boundaries where their parents reside. This is in part the basis for the formation of school district boundaries. Similarly, Education Code section 47605, subdivision (d)(1) requires public schools converting to charter schools to give “admission preference to pupils who reside within the former attendance area of that public school.” GHCHS is a conversion charter school; accordingly the Charter specifies that “GHCHS maintains an admissions policy that provides a preference to students who reside in the former attendance area.” Thus, proof of residency is necessary to identify/determine whether the student resides within GHCHS’s former attendance area consistent with the enrollment preference required by law.

Education Code section 48204.1, subdivision (a), lists the variety of documents that shall be accepted as evidence of residency. Among the items listed are the provision of bills and declaration of residency.

The State ID requested (whether a California Driver’s License or State Identification Card) provides the name and address (identification) of the parent or legal guardian to whom the residency documentation is being matched. The utility bills requested are a valid demonstration of the parent or legal guardian’s residency either within or without the former attendance area. If the parent/guardian demonstrates residency within the GHCHS former attendance area, they

receive an enrollment preference. If the parent/guardian is unable to demonstrate residency within the GHCHS former attendance area, GHCHS attempts to help the family establish residency through other means. If the student does not reside in the pre-charter attendance boundary, the student may still apply during the open enrollment period. Applicants who do not reside in the pre-charter attendance area are placed into the lottery/drawing and may gain enrollment into the school depending on available space. Failure to show residency does not bar admission.

Further, if the parent/student is unable to produce the requested documentation, they are notified within the enrollment document itself to contact the attendance office (where the homeless youth and foster youth liaison is located), where they can be connected with the homeless/foster youth liaison directly. Homeless and foster youth students without a permanent address are offered immediate admission without the need to produce such records.

Since the enrollment document implies that there is a means of enrolling even when the residency documents cannot be submitted and provides a contact, and the homeless youth and foster youth policies and liaison are easily accessible and published, we find that there is no evidence of an unlawful barrier to the enrollment of students without a permanent address.

- *Allegation b:*

A birth certificate is listed among the documents to be submitted for enrollment into GHCHS; however, the document is not required for admission into the School and is not used for the purpose of exclusion. Rather, the information contained in the birth certificate is used as a verification of the Student's age for purposes of required maintenance of this information as a student record and educational placement. Further, the record identifies the child's parents. If the listed parents are not the persons enrolling the student, the School is placed on notice that other guardianship documentation may be required. Other valid documents that can authenticate age and parenthood are accepted; however, birth certificates are by and large the most common document accessible to parents for providing proof of age.

Further, the School has a non-discrimination policy published on page 1 in the GHCHS Parent and Student Handbook clearly stating that the school will not discriminate in its admissions or other practices on the basis of national origin or any other protected class. The handbook is posted on the GHCHS website where it is publicly accessible.

Title 5 of the California Code of Regulations, section 432, requires public schools to maintain a record of each child's age, birth date, method of verification of birth date, birth place, and other vital identifiable pupil information as a mandatory permanent record. Further, the information regarding the child's age may affect grade level placement decisions regarding the Student's educational program. A birth certificate provides all the required information. It also provides information regarding the identity of the child's parents and thus guardianship authority absent

an affidavit of the same. Other valid legal documents that can authenticate these items may be accepted; however, much, if not all, of the required information is located on a birth certificate and it is generally maintained or easily acquired in most households.

While the nationality of a student may be reflected in a birth certificate, nationality is not used as a basis for denial of enrollment. Thus, it is not in violation of LAUSD policy or applicable law to ask for a birth certificate upon enrollment.

It is important to note the distinction between admission requirements and enrollment. Generally, public charter schools do not have “admission” requirements, as any student residing within the state can be admitted. GHCHS, as a conversion charter school is legally required to provide an admission preference to student residing within the former attendance area. Thus, residency is considered for admission for the establishment of a preference, but there are no other factors considered for admission beyond the enrollment preferences established within its charter document. If there is capacity for additional student enrollment, students without enrollment preferences may still be admitted through a random lottery process.

Finally, as GHCHS has published its policy of non-discrimination in admissions in its Parent-Student Handbook, GHCHS has made a reasonable effort to inform the public that it does not discriminate in its admissions on any protected class, including nationality. There has been no evidence presented in this complaint that there is reason to believe students have in-fact been deterred from enrolling due to the requirement of a birth certificate. Further, birth certificates are generally accepted and requested in public schools state-wide for purposes of student enrollment for the reasons above.

Based on the foregoing, there is insufficient evidence to support a finding that requiring a birth certificate may have a discriminatory impact on certain groups of students by discouraging them from enrolling.

- *Allegation c:*

Although the GHCHS general enrollment policies require proof of immunization for enrollment, the GHCHS Education for Homeless Children and Youth Policy provides for the immediate enrollment of a homeless student as defined in the policy (including foster care children), which serves as an exception to the general rule. No homeless or foster care student identified as such has ever been denied enrollment due to a failure to provide immunization records upon enrollment; however, the homeless/foster care student must be identified as homeless/foster prior at the time of enrollment to be admitted without a demonstration of immunization in accordance with the law. Such students are identified either through the Homeless Student Liaison or at the time the student attempts to enroll without this documentation and the information is disclosed. Parents have access to the GHCHS Education for Homeless Children and Youth Policy online, at

the GHCHS office in hard copy, and through the Homeless Student Liaison. Therefore, there is no apparent barrier to enrollment evident.

Students are required by the State of California to be immunized for entry into a public school, with very limited exceptions. (Cal. Educ. Code § 48216; Cal. Health & Saf. Code § 120335). The GHCHS Education for Homeless Children and Youth Policy provides for the immediate enrollment of a homeless student as defined in the policy. The GHCHS Foster Youth policy likewise states that failure to provide immunization records is not a barrier to enrollment. These publicly accessible policies provide notice to prospective applicants that lack of a permanent address will not cause a barrier to enrollment. Further, when a student is unable to provide immunization records due to homeless or foster care status, parent or guardian of the child is assisted with obtaining such immunizations and is still enrolled.

Therefore, there is no apparent improper barrier to enrollment evident.

- *Allegation d:*

The requirement of the “most current semester report card” in the “Enrollment for Students Who Reside within the GHCHS Residential Boundary” is not used for the purposes of exclusion and is not a requirement for admission; rather, it is a requirement for enrollment of children who already are admitted. Notably there is no minimum level of performance required for admission into GHCHS.

The student’s grades are required for purposes of educational placement. It may take a long period of time to receive student records by transfer from a former School. The student’s educational program, including but not limited to, the determination of classes based on what is required versus completed credits, remedial or advanced placement, and class determination factors must be determined before school begins. Thus, GHCHS asks for parents to provide this information to ensure the student has appropriate credits and gets into the appropriate classes at the time of enrollment. The report card, or lack thereof, is not used as a basis for denial of admission. Moreover, “lower achieving students” is not a protected class.

Further, there is no “pre-enrollment” process; there is simply a single enrollment process.

Therefore, requesting the student’s most current transcript is not in violation of an LAUSD policies or applicable law. There is no evidence that the requirement places any unlawful barriers to enrollment.

- *Allegation e:*

A student’s 504 Plan or IEP document is not required for admission to GHCHS. After the student is admitted to GHCHS, the 504 plan or IEP document is requested, just as the report

card is requested after admission is offered, to facilitate the continuum of services and proper educational program placement. The intention was to aid in the immediate implementation of services and supports without an unnecessary break in services and accommodations, as soon as the student begins his or her educational program at GHCHS. Absent the parent or guardian's voluntary disclosure of prior services, there may be a break in service while the student is identified and the school is eventually granted access to the student's IEP or 504 plan through ordinary channels. The voluntary submission of the document is helpful solely for expediting educational placement of the child, with the appropriate services and supports, and is not required for enrollment.

However, as set forth below, GHCHS will amend the language to further clarify its correct practice.

- *Allegation f:*

GHCHS specifically requires completion of the Summer Transition Academy ("STA") as a School graduation requirement, not an enrollment requirement. Only students already enrolled in GHCHS are required to attend, and therefore, it is not an admission or enrollment requirement. The class is traditionally taken in advance of the student's first regular school year. The STA is held in July and lasts approximately three weeks and in effect serves as a School orientation (learning about the school, received school issued supplies such as Chromebook computers, meeting other students, going over rules and expectations etc.). Students attending earn two and a half elective credits per class for the successful completion of STA, and thus make progress toward their graduation requirements and credit requirements. GHCHS has an appeals process for students who are unable to attend over the summer. The appeals process is posted on the GHCHS website and states, "Appeals for deferred attendance explaining the extenuating circumstances are considered by a committee. Students with a granted appeal will have to complete STA the following summer."

GHCHS is permitted by law to establish admission, program, graduation requirements, beyond the California minimum requirements. (Cal. Educ. Code § 47605(b)(5)(A), 47605(b)(5)(B), and § 47605(b)(5)(H).) Such actions do not deny admission to any student wishing to attend. GHCHS is a school of choice, and the student must choose whether they wish to participate in the program model and meet the requirements defined therein, even when not compelled to do so by the state.

The graduation requirement is specifically designed to improve pupil outcomes. The program by design, aids in the difficult transition between middle school and high school, familiarizing and exposing the students to the new rigors ahead, setting expectations and goals for success, and introducing the student to the technology and skills the students will need to master as they enter the next phase of their educational development.

Moreover, GHCHS has an appeals process for students who are unable to attend over a particular summer. Although there is no protected class of student disparately impacted by the STA requirement, the appeals process minimizes any unintended personal hardship to students wishing to attend.

The STA is identified several times in GHCHS' most recent charter renewal petition. The charter renewal petition was approved by LAUSD. Therefore, GHCHS is authorized by LAUSD to operate this program.

For the reasons above, there is no violation of applicable law or policy created by the STA participation requirement.

Given these findings, the School has not engaged in the alleged improper conduct and is not found to be in violation of any LAUSD or School policy or applicable law. However, as noted above in the reponse concerning the request for the IEP and 504 documents after the student has been admitted to GHCHS, GHCHS will take action to clarify further the distinction between admission or enrollment and what is requested after a student has been admitted.

#### **Corrective Actions**

The GHCHS staff will revise the Enrollment for Students Who Reside within the GHCHS Residential Boundary document and website to clarify further that submission of IEP and 504 documents is voluntary after the student has been admitted to GHCHS. The revised language will clarify further that IEP and 504 documents are not required for admissions, and are only requested after the student has been admitted to GHCHS.

#### **Notice of Right to Appeal**

If you are dissatisfied with our decision, please be advised that you may appeal in writing to the California Department of Education ("CDE") within fifteen (15) days of receiving a decision.

When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of GHCHS' written decision.

For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. For unlawful discrimination, harassment, intimidation or bullying complaints arising under federal law such complaint may be made at any time to the U.S. Department of Education, Office for Civil Rights.



**Conclusion and Appreciation**

We believe this fully resolves your Complaint. Again, I thank you for bringing your concerns to our attention. GHCHS considers this matter closed.

Sincerely,

A handwritten signature in blue ink that reads "Brian Bauer" with a horizontal line extending to the right.

Brian Bauer, Executive Director  
Granada Hills Charter High School