



## Charter Petition District Required Language (DRL) Change Request Summary December 5, 2017

SUBJECT	KEY CHANGE(S) <u>REQUESTED</u> BY CHARTER SCHOOLS	OUTCOME
Assurances, Affirmations and Declarations	<ul style="list-style-type: none"> <li>• Omit language about the DRL Addendum controlling in the event that inconsistencies exist with the language in the Charter.</li> <li>• Insert language that the DRL are terms mandated by, and specific to, LAUSD.</li> <li>• Insert language indicating that if inconsistencies exist, the Charter, not the DRL Addendum, will control.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL not changed</li> </ul>
Audit and Inspection of Records	<ul style="list-style-type: none"> <li>• Remove language reserving the right to audit Charter School books, records, data, processes and procedures through the District Office of the Inspector General or other means.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL not changed</li> </ul>
Charter School Closure Procedures	<ul style="list-style-type: none"> <li>• Include language to allow Charter School to exhaust its administrative remedies prior to revocation.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL changed to clarify that the closure of a Charter School by its governing board must be documented in a Closure Action.</li> <li>• Language was added to indicate that a Closure Action is automatic when, <i>“the Charter is revoked (subject to the provisions of Education Code section 47607(i)) or non-renewed by the LAUSD Board of Education and Charter School has exhausted its revocation or non-renewal administrative appeal rights pursuant to Education Code sections 47605(j)(1) and 47607(f), or its administrative appeal rights have lapsed, or the charter school voluntarily closes at any stage of the administrative appeal process...”</i></li> </ul>

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		<ul style="list-style-type: none"> <li>Clarifies that charter schools can exhaust administrative appeal rights for non-renewals and revocation before closure action is implemented.</li> </ul>
Facilities	<ul style="list-style-type: none"> <li>Narrow the requirements set forth in Education Code sections 47605.1, 47602(a), and 47605(a) by inserting “as applicable.”</li> <li>Modify language to remove the requirement of the charter school to execute a Facilities Use Agreement before occupying a District site.</li> <li>Remove language that clarifies that any FUA will not automatically renew or extend the term.</li> <li>Remove language that clarifies that Proposition 39 Co-Location Use Agreements shall be limited to one school year.</li> <li>Delete reference to Prop 39 annual single year allocation process.</li> <li>Reduce insurance coverage limits.</li> </ul>	<ul style="list-style-type: none"> <li>DRL changed by modifying the language as follows: Removed: <ul style="list-style-type: none"> <li>Information about FUAs not automatically being renewed or extended.</li> <li>Proposition 39 agreements being limited to one school year.</li> </ul> Added: <ul style="list-style-type: none"> <li>Information to reflect that facilities agreements outside of a Prop 39 agreement “<i>may</i>” be co-terminous with the approved Charter “<i>as permitted by law.</i>”</li> <li>The District maintains that regardless of the deletion of language limiting Prop 39 agreements to one year, Prop 39 mandates that use of District facilities shall be limited to one year and that multi-year agreements are allowable under the law for certain situations: e.g., joint use, joint occupancy, lease, lease-leaseback.</li> </ul> </li> </ul>
Health and Safety Policies	<ul style="list-style-type: none"> <li>Replace language to change the requirement of all charter schools co-located on District property to adopt the District’s health, safety and emergency procedures with charter schools’ adoption of policies “consistent with the intent and objectives” of procedures applicable to District facilities.</li> </ul>	<ul style="list-style-type: none"> <li>DRL not changed</li> </ul>
Insurance Provisions	<ul style="list-style-type: none"> <li>Lower minimum insurance coverage limits for the following:</li> </ul>	<ul style="list-style-type: none"> <li>While there were no changes to insurance coverage limits, the DRL changed to acknowledge:</li> </ul>

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	<ul style="list-style-type: none"> <li>○ Crime Insurance and Fidelity Bond from \$1 million per occurrence and aggregate to \$500,000</li> <li>○ Professional Educators Omissions and Liability from \$5 million per occurrence and aggregate to \$3 million</li> <li>○ Sexual Molestation from \$5 million per occurrence and aggregate to \$3 million</li> <li>○ Employment Practices and Liability from \$5 million per occurrence and aggregate to \$3 million</li> </ul>	<ul style="list-style-type: none"> <li>○ Insurance coverage must be maintained as set forth with District insurance companies “or the equivalent provided through a California Joint Powers Authority self-insurance program.”</li> <li>○ Coverages include, “...alternative methods of coverage as approved by the District.”</li> </ul>
Legal and Policy Compliance	<ul style="list-style-type: none"> <li>● Remove language that requires charter schools’ compliance with District policy related to charter schools, and replace it with language specifying compliance with policies “explicitly applicable to charter schools and approved by the Board of Education prior to approval of this charter.”</li> </ul>	<ul style="list-style-type: none"> <li>● DRL changed to reflect the following: <i>Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policies as it relates to charter schools and adopted through Board action.</i> Footnote: <i>The District is in the process of compiling a list of LAUSD policies that apply to its authorized charter schools. The will be finalized by April 1, 2018. Charter Schools Division staff will annually review District policies and make recommendations to the LAUSD Board of Education on continued application to charter schools.</i></li> <li>● This provides for further clarity to ensure safety for students and accountability and to ensure that charter schools are explicitly aware of policies that apply to them.</li> </ul>
Mandatory Dispute Resolution	<ul style="list-style-type: none"> <li>● Eliminate language related to attorney’s fees, costs and expenses related to disputes.</li> <li>● Add language that allows either party to seek any available interim relief under the law (e.g. permanent</li> </ul>	<ul style="list-style-type: none"> <li>● DRL not changed</li> </ul>

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	injunction, restraining order, order for specific performance).	
Modified Consent Decree Requirements	<ul style="list-style-type: none"> <li>• Modify language from “must adhere to the terms” to “must adhere to <i>applicable</i> terms” and other similar language to limit the extent of MCD requirements for charter schools.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL not changed</li> </ul>
Prop 39 Dispute Resolution	<ul style="list-style-type: none"> <li>• Reduce the timelines for resolution by:               <ul style="list-style-type: none"> <li>○ Replacing “business days” with “calendar days,”</li> <li>○ Requiring mediation to conclude within 30 days instead of commencing in 30 days</li> <li>○ Allowing for civil action after 60 days</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• DRL changed to reflect the following: Written responses to disputes shall be within 15 (versus 20) business days. <i>“...and conclude within forty (40) business days of the date of the request for mediation or other date as determined by mutual agreement of the parties.”</i></li> <li>• be resolved in a shorter timeframe and if no resolution is reached for parties to initiate civil action more expeditiously.</li> </ul>
Responding to the Office of the Inspector General (OIG) Inquiries	<ul style="list-style-type: none"> <li>• Received petitions with the following requests:               <ul style="list-style-type: none"> <li>○ Change charter schools “is” subject to OIG audit to charter schools “may” be subject to OIG audit</li> <li>○ Revise language about OIG audits to limit any inquiry/investigation from the OIG only when the District has “specific and articulable” facts to support the belief that the Charter School has committed “a material violation of law”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• DRL not changed</li> </ul>
Special Education Local Plan Area (SELPA)	<ul style="list-style-type: none"> <li>• Remove language that requires a Special Education MOU to be signed prior to Board approval.</li> <li>• Include information about the Charter School’s right to join another SELPA.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL changed to include the following: <i>Prior to LAUSD Board of Education approval, of an initial Charter petition, and if a renewing Charter School intends to operate as a “school of the district” for special education services, Charter School shall</i></li> </ul>

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		<p><i>execute a Memorandum of Understanding (“MOU”) by and between LAUSD and Charter School regarding the provision and funding of special education services consistent with applicable state law and the LAUSD Special Education Local Plan Area (“SELPA”) Local Plan for Special Education and shall be considered a “public school of the District” for purposes of Special Education pursuant to Education Code Section 47641(b). However, Charter School reserves the right to make written verifiable assurances that it may become an independent local educational agency (LEA) and join a SELPA pursuant to Education Code Section 47641 (a) either on its own or with a grouping of charter school LEAs as a consortium following the requirements of Education Code section 56195.3(b).</i></p> <ul style="list-style-type: none"> <li>• This reflects what is already in Education Code section 47641(a) which states that charter schools can reserve the right to make written verifiable assurances that it may become an independent local educational agency (LEA) and join a SELPA pursuant to Education Code Section 47641 (a) following the requirements of Education Code section 56195.3(b).</li> </ul>
Student Discipline Policies and Procedures	<ul style="list-style-type: none"> <li>• Omit assurance that staff will comply with Discipline Foundation Policy (as required by MCD) and School Discipline Policy and School Climate Bill of Rights.</li> <li>• Remove post-expulsion placement of expelled students.</li> <li>• Insert language to permit suspension/expulsion for attendance-related concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL not changed</li> </ul>

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	<ul style="list-style-type: none"> <li>• Insert “As applicable” to IEP team conducting manifestation determinations and alternative placements.</li> <li>• Eliminate reinstatements from the requirements.</li> <li>• Establish rehabilitation plans and readmission procedures for expelled students as optional versus required.</li> </ul>	
Transitional Kindergarten	<ul style="list-style-type: none"> <li>• Remove DRL language indicating that the Charter School must comply with applicable requirements for TK.</li> <li>• Insert language indicating that the offering of TK is optional for the Charter School.</li> </ul>	<ul style="list-style-type: none"> <li>• DRL not changed</li> </ul>