# Staff Report on Deliberative Process for Determining Ararat Charter School Cannot Be Accommodated at a Single Site

## Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

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<tbody>
<tr>
<td><strong>Request year:</strong> 2017-2018 (“Next Fiscal Year”)</td>
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<tr>
<td><strong>In-district classroom average daily attendance (“ADA”) projection:</strong> 324.34 (“ADA Projection”)</td>
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<tr>
<td><strong>Number of teaching stations to which Charter School is legally entitled:</strong> 14</td>
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<td><strong>Number of District schools from which Charter School draws its attendance:</strong> 56</td>
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<tr>
<td><strong>Geographic Area in which Charter School wishes to locate:</strong> Kindergarten Learning Academy, Erwin Elementary School</td>
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<td><strong>Local District (“LD”) in which Charter School wishes to locate:</strong> Northeast</td>
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<td><strong>Number of charter schools wishing to locate in the same LD as Charter School:</strong> 9</td>
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<td><strong>Availability of teaching stations at District school sites Charter School requested:</strong> Erwin Elementary School (7), Kindergarten Learning Academy (8)</td>
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**Recommended Co-Locations:** Erwin Elementary School, Kindergarten Learning Academy

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- Erwin Elementary School, seven (7) teaching stations, one (1) administrative office, and one (1) special education station; Kindergarten Learning Academy, seven (7) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than two miles

**Distance between Recommended Co-Locations and desired geographic location:** less than one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walkable communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web-based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 1 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
**Staff Report on Deliberative Process for Determining Celerity Cardinal Charter School Cannot Be Accommodated at a Single Site**

**Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs**

<table>
<thead>
<tr>
<th><strong>Charter school:</strong></th>
<th>Celerity Cardinal Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request year:</strong></td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td><strong>In-district classroom average daily attendance (“ADA”) projection:</strong></td>
<td>393.69 (“ADA Projection”)</td>
</tr>
<tr>
<td><strong>Number of teaching stations to which Charter School is legally entitled:</strong></td>
<td>17</td>
</tr>
<tr>
<td><strong>Number of District schools from which Charter School draws its attendance:</strong></td>
<td>13</td>
</tr>
<tr>
<td><strong>Geographic Area in which Charter School wishes to locate:</strong></td>
<td>Sun Valley Middle School</td>
</tr>
<tr>
<td><strong>Local District (“LD”) in which Charter School wishes to locate:</strong></td>
<td>Northeast</td>
</tr>
<tr>
<td><strong>Number of charter schools wishing to locate in the same LD as Charter School:</strong></td>
<td>9</td>
</tr>
<tr>
<td><strong>Availability of teaching stations at District school sites Charter School requested:</strong></td>
<td>Sun Valley Middle School (16)</td>
</tr>
</tbody>
</table>

**Recommended Co-Locations:** Sun Valley Magnet, Arminta St Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**

- Sun Valley Middle School, fourteen (14) teaching stations, one (1) administrative office, and one (1) special education station;
- Arminta St Elementary School, three (3) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than two miles

**Distance between Recommended Co-Locations and desired geographic location:** less than two miles
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
CITY OF LOS ANGELES - DEPARTMENT OF TRANSPORTATION

PEDESTRIAN ROUTES FOR
COLISEUM STREET ELEMENTARY SCHOOL

September 2016

Legend
- Recommended Crossing
- Stop Sign
- Traffic Signal
- Crossing Guard
- Flashing Warning Light
- Stairs or Walkway
- Pedestrian Bridge
- Pedestrian Tunnel
- Parks

Parents:
This map shows the recommended crossings to be used from each block in your school attendance area. Follow the arrows, select the best route from your home to the school and mark it with a colored pencil or crayon. This is the route you should take. Instruct your child to use this route and to cross streets only at locations shown. You and your child should become familiar with the route by walking it together. Obey marked crosswalks, stop signs, traffic signals, and other traffic controls. Crossing points have been located at these controls wherever possible, even though a longer walk may be necessary. Instruct your child to always look both ways before crossing the street. If no sidewalk exists, your child should walk facing traffic.

Estimados Padres:
Esta mapa muestra los cruces recomendados para los peatones de cada cuadrante en la área de su escuela. Siguiendo las flechas en el mapa, seleccione la ruta más segura de su casa a la Escuela y marque con un lápiz o tiza de color. Esta es la ruta que su hijo (a) debe de usar. Instruya a su hijo (a) que use esta ruta y que crucen las calles solamente en los lugares indicados. Usted y su hijo (a) deben familiarizarse con esta ruta. Observe los cruces marcados, señales de paro, semáforos y otros controles de tráfico. Los cruces han sido colocados en estos controles cuando sea posible, incluso aunque sea necesario caminar un poco más. Instruya a su hijo (a) que siempre mire a ambos lados antes de cruzar la calle. Si no hay acera, su hijo (a) debe caminar en la dirección opuesta al tráfico si no existe una banqueta.
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular
territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 2 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and /or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining Celerity Himalia Charter School Cannot Be
Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to
Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Celerity Himalia Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>525.48 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>23</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>35</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Near the intersection of S. Central Ave and E. 52nd Street, Los Angeles, CA 90011</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>Central</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>19</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>No District School Site submitted.</td>
</tr>
<tr>
<td>Recommended Co-Locations:</td>
<td>Hooper Ave Elementary School, Wadsworth Ave Elementary School, Ascot Ave Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location:</td>
<td>Hooper Ave Elementary School, twelve (12) teaching stations, one (1) administrative office, and one (1) special education station; Wadsworth Ave Elementary School, six (6) teaching stations and one (1) administrative office, Ascot Ave Elementary School, five (5) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations:</td>
<td>one mile</td>
</tr>
</tbody>
</table>
Distance between Recommended Co-Locations and desired geographic location: one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (‘SR2S’) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (‘SRTS’) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (‘OEHS’) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (*Ibid.*) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (*Ibid.*)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)¹ scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (*Summary API LEA Report*, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (*Summary API LEA Report*, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (*2013 Growth API LEA Report* (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (*Ibid.*) Statewide, however, API scores dropped by 1 point in 2013. (*2012-13 Accountability Progress Reporting (APR).*) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

¹ In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE
SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 3 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining Celerity Nascent Charter School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
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<tr>
<td>Request year:</td>
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<td>In-district classroom average daily attendance (&quot;ADA&quot;) projection:</td>
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<td>Number of teaching stations to which Charter School is legally entitled:</td>
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<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
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<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
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<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
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<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
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<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>42nd St Elementary School (12)</td>
</tr>
</tbody>
</table>

**Recommended Co-Locations:** 42nd St Elementary School, 6th Ave Elementary School, Virginia Rd Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- 42nd St Elementary School, fourteen (14) teaching stations, one (1) administrative office, and one (1) special education station
- 6th Ave Elementary School, nine (9) teaching stations and one (1) administrative office
- Virginia Rd Elementary School, eight (8) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than two miles

**Distance between Recommended Co-Locations and desired geographic location:** less than two miles
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services ("SMS") provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous school-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (*Ibid.*) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (*Ibid.*)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (‘‘API’’\(^1\)) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (*Summary API LEA Report*, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (*Summary API LEA Report*, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (*2013 Growth API LEA Report (CA Department of Education).* API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (*Ibid.*) Statewide, however, API scores dropped by 1 point in 2013. (*2012-13 Accountability Progress Reporting (APR).* The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (‘‘SBE’’) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (‘‘CDE’’) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated
during the course of facilities planning, it is absolutely critical to understand the difference between
“empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any
empty classrooms, but may have individual available seats. As a result, the school may be able to absorb
100 students into its existing classrooms by identifying two free seats spread out among 50 of its
classrooms that are used for instruction appropriate to the grade level and subject matter requirements for
the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats
across a campus than to provide six or seven empty classrooms with the same total number of contiguous
available seats. In many instances, there may be many available seats in a school, but no empty
classrooms. This is especially the case for District high schools where the students do not sit in one
classroom all day, like an elementary school, but instead attend at least five or more different classes per
day, each in different classrooms and with different teachers and groups of students, in order to receive
the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex
mathematical formula which took into account aspects of schools’ operations that would reduce operating
capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed
above, set-asides are classrooms used for purposes other than general education. Public school districts
are required to provide one special education room per school. They are separately required to provide
parent centers at each school, and charter school, pre-kindergarten and adult education students are also
served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for
the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50
seats at every elementary school for additional unanticipated enrollment. As a public institution, the
District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 4 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
**Staff Report on Deliberative Process for Determining Celerity Octavia Charter School Cannot Be Accommodated at a Single Site**

**Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs**

<table>
<thead>
<tr>
<th><strong>Charter school:</strong></th>
<th>Celerity Octavia Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request year:</strong></td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td><strong>In-district classroom average daily attendance (“ADA”) projection:</strong></td>
<td>430.25 (“ADA Projection”)</td>
</tr>
<tr>
<td><strong>Number of teaching stations to which Charter School is legally entitled:</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Number of District schools from which Charter School draws its attendance:</strong></td>
<td>56</td>
</tr>
<tr>
<td><strong>Geographic Area in which Charter School wishes to locate:</strong></td>
<td>Irving Middle School, Fletcher Dr Elementary School</td>
</tr>
<tr>
<td><strong>Local District (“LD”) in which Charter School wishes to locate:</strong></td>
<td>Central</td>
</tr>
<tr>
<td><strong>Number of charter schools wishing to locate in the same LD as Charter School:</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Availability of teaching stations at District school sites Charter School requested:</strong></td>
<td>Irving Middle School (15), Fletcher Dr Elementary School (8)</td>
</tr>
<tr>
<td><strong>Recommended Co-Locations:</strong></td>
<td>Irving Middle School Math, Music, Engineering Magnet, Fletcher Dr Elementary School</td>
</tr>
<tr>
<td><strong>Recommended allocation of teaching stations and administrative office space at each co-location:</strong></td>
<td>Irving Middle School, thirteen (13) teaching stations, one (1) administrative office, and one (1) special education station; Fletcher Dr Elementary School, six (6) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations:</strong></td>
<td>less than one mile</td>
</tr>
</tbody>
</table>
Distance between Recommended Co-_locations and desired geographic location: less than one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (*Ibid.*) Increasing physical activity through walking and biking to school can help address high obesity rates. (*Ibid.*)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
CITY OF LOS ANGELES - DEPARTMENT OF TRANSPORTATION

PEDESTRIAN ROUTES FOR COLISEUM STREET ELEMENTARY SCHOOL

September 2016

Legend:
- Recommended Crossing
- Stop Sign
- Traffic Signal
- Crossing Guard
- Flashing Warning Light
- Stairs or Walkway
- Pedestrian Bridge
- Pedestrian Tunnel
- Parks

Parents:
This map shows the recommended crossings to be used from each block in your school attendance area. Following the arrows, select the best route from your home to the school and mark it with a colored pencil or crayon. This is the route your child should take. Instruct your child to use this route and to cross streets only at locations shown. You and your child should become familiar with the routes by walking it together.

Estimados Padres:
Este mapa muestra los cruces recomendados para los peatones de cada cuadra en la área de su escuela. Siguiendo las flechas en el mapa, seleccione la ruta más segura de su casa a la Escuela y marque con un lápiz o tiza de color. Esta es la ruta que su hijo (a) debe de usar. Dígale a su hijo(a) que use esta ruta y que cruce las calles sólo en los lugares indicados. Usted y su hijo(a) deben ser familiares con estos rutas. Observe los cruces de peatones, semáforos y otros controles de tráfico. Cruzar puntos de paso están localizados en áreas controladas, aunque sea necesario de prolongar el tiempo para cruzar. Instrúyalo a su hijo(a) que siempre se fije de los dos lados antes de cruzar la calle. El estudiante debe de siempre caminar en la dirección opuesta del tráfico si no existe una franja pedonal.

0 250 500 Feet
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index ("API")\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

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\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter school.
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated
during the course of facilities planning, it is absolutely critical to understand the difference between
“empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any
empty classrooms, but may have individual available seats. As a result, the school may be able to absorb
100 students into its existing classrooms by identifying two free seats spread out among 50 of its
classrooms that are used for instruction appropriate to the grade level and subject matter requirements for
the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats
across a campus than to provide six or seven empty classrooms with the same total number of contiguous
available seats. In many instances, there may be many available seats in a school, but no empty
classrooms. This is especially the case for District high schools where the students do not sit in one
classroom all day, like an elementary school, but instead attend at least five or more different classes per
day, each in different classrooms and with different teachers and groups of students, in order to receive
the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex
mathematical formula which took into account aspects of schools’ operations that would reduce operating
capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed
above, set-asides are classrooms used for purposes other than general education. Public school districts
are required to provide one special education room per school. They are separately required to provide
parent centers at each school, and charter school, pre-kindergarten and adult education students are also
served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for
the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50
seats at every elementary school for additional unanticipated enrollment. As a public institution, the
District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 5 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding (Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
ATTACHMENT 6 TAB (a)

Staff Report on Deliberative Process for Determining Celerity Rolas Charter School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Celerity Rolas Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>317.14 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>14</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>48</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Near the intersection of Figueroa and N. Ave. 53. Los Angeles, CA 90042</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>Central</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>19</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>No District School Site submitted.</td>
</tr>
</tbody>
</table>

**Recommended Co-Locations:** Glassell Park Elementary School, Yorkdale Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- Glassell Park Elementary School, five (5) teaching stations, one (1) administrative office, and one (1) special education station
- Yorkdale Elementary School, nine (9) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than three miles

**Distance between Recommended Co-Locations and desired geographic location:** less than two miles
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)$^1$ scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

$^1$ In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

**PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39**

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administering Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:
   - a current school map,
   - the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
   - the Norm Day classification report for any magnet center located on the school’s campus,
   - the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
   - the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event
projections were short, the District was still obligated to provide an education to students who were not
originally anticipated. As a result, the District proactively planned to address any potential discrepancies
in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd
classrooms to the detriment of that education environment as a result of failing to address this common
occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did
not stop there. Rather, District staff added rigor to this process by examining the actual historical data
over the last several years of enrollment at each school site to determine if a trend could be empirically
established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that
no seats at any District school sites offered to a charter school should be reserved for an unanticipated
growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section
11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the
District’s schools share reasonably equivalent conditions, especially when taking into account age, quality
of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical,
plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and
condition of technology infrastructure, the condition of the facility as a safe learning environment,
including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the
conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area
space. As part of this process, District staff determined whether the conditions of school facilities offered
to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 6 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining Celerity Troika Charter School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th><strong>Charter school:</strong></th>
<th>Celerity Troika Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request year:</strong></td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td><strong>In-district classroom average daily attendance (“ADA”) projection:</strong></td>
<td>411.9 (“ADA Projection”)</td>
</tr>
<tr>
<td><strong>Number of teaching stations to which Charter School is legally entitled:</strong></td>
<td>18</td>
</tr>
<tr>
<td><strong>Number of District schools from which Charter School draws its attendance:</strong></td>
<td>54</td>
</tr>
<tr>
<td><strong>Geographic Area in which Charter School wishes to locate:</strong></td>
<td>Burbank Middle School</td>
</tr>
<tr>
<td><strong>Local District (“LD”) in which Charter School wishes to locate:</strong></td>
<td>Central</td>
</tr>
<tr>
<td><strong>Number of charter schools wishing to locate in the same LD as Charter School:</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Availability of teaching stations at District school sites Charter School requested:</strong></td>
<td>Burbank Middle School (13)</td>
</tr>
</tbody>
</table>

**Recommended Co-Locations:** Burbank Middle School, Bushnell Way Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- Burbank Middle School, eleven (11) teaching stations, one (1) administrative office, and one (1) special education station
- Bushnell Way Elementary School, seven (7) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than two miles

**Distance between Recommended Co-Locations and desired geographic location:** less than two miles
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services ("SMS") provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (*Ibid.*) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (*Ibid.*)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)¹ scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (*Summary API LEA Report*, California Department of Education (2011)). Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (*Summary API LEA Report*, California Department of Education (2012)). In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (*2013 Growth API LEA Report* (CA Department of Education)). API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (*Ibid.*) Statewide, however, API scores dropped by 1 point in 2013. (*2012-13 Accountability Progress Reporting* (APR)). The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

¹ In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:
   - a current school map,
   - the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
   - the Norm Day classification report for any magnet center located on the school’s campus,
   - the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
   - the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 7 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and /or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
ATTACHMENT 8 TAB (a)

Staff Report on Deliberative Process for Determining Citizens of the World - Mar Vista Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>554.8 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>25</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>69</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Webster Middle School, Richland Ave Elementary School, Palms Middle School, Charnock Road Elementary School, Clover Elementary School, Mar Vista Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>West</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>29</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Webster Middle School (17), Richland Ave Elementary School (0), Palms Middle School (3), Charnock Road Elementary School (0), Clover Elementary School (0), Mar Vista Elementary School (0)</td>
</tr>
<tr>
<td>Recommended Co-_locations:</td>
<td>Grand View Blvd Elementary School, Palms Elementary School, Short Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location:</td>
<td>Grand View Blvd Elementary School, eleven (11) teaching stations, one (1) administrative office, and one (1) special education station; Palms Elementary School, seven (7) teaching stations and one (1) administrative office.</td>
</tr>
<tr>
<td>Administrative office, Short Elementary School, seven (7) teaching stations and one (1) administrative office</td>
<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations</strong>: less than one mile</td>
<td></td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations and desired geographic location</strong>: less than one mile</td>
<td></td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services ("SMS") provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionally affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (*Ibid.*) Increasing physical activity through walking and biking to school can help address high obesity rates. (*Ibid.*)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
CITY OF LOS ANGELES - DEPARTMENT OF TRANSPORTATION
PEDESTRIAN ROUTES FOR
COLISEUM STREET ELEMENTARY SCHOOL
September 2016

Legend:
- Recommended Crossing
- Sign
- Traffic Signal
- Crossing Guard
- Flashing Warning Light
- Stairs or Walkway
- Pedestrian Bridge
- Pedestrian Tunnel
- Parks

Parents:
This map shows the recommended crossings to be used from each block in your school attendance area. Following the arrows, select the best route from your home to the school and mark it with a colored pencil or crayon. This is the route your child should take.
Instruct your child to use these routes and to cross streets only at locations shown. You and your child should become familiar with the routes by walking it together.

Obey marked crosswalks, stop signs, traffic signals, and other traffic controls. Crossing points have been located at these controls whenever possible, even though a longer walk may be necessary. Instruct your child to always look both ways before crossing the street. If no sidewalk exists, your child should walk facing traffic.

Estimados Padres:
Este mapa muestra los cruces recomendados para los peatones de cada cuadra en la área de su escuela. Siguiendo las flechas en el mapa, seleccione la ruta más segura de su casa a la Escuela y marque con un lápiz o tiza de color. Esta es la ruta que su hijo (a) debe de usar.
Instruya a su hijo (a) que use esta ruta y que crucie las calles solo en los lugares indicados. Usted y su hijo (a) deben familiarizarse con esta ruta. Obey los cruces marcados, señales de parada, señales de tráfico y otros controles de tráfico. Los cruces se han ubicado en estos controles cuando sea posible, aunque se pueda hacer un camino más largo. Instruya a su hijo (a) a siempre mirar a ambos lados antes de cruzar la calle. Si no hay calzada, su hijo (a) debe de caminar con la espalda contra el tráfico.
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. ([http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0](http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0)). To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. *(Ibid.)* Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. *(Ibid.)*

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. *(Summary API LEA Report, California Department of Education (2011)).* Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. *(Summary API LEA Report, California Department of Education (2012)).* In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. *(2013 Growth API LEA Report (CA Department of Education)).* API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. *(Ibid.)* Statewide, however, API scores dropped by 1 point in 2013. *(2012-13 Accountability Progress Reporting (APR)).* The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

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\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 8 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining Citizens of the World - Silver Lake Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Citizens of the World - Silver Lake (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>864.96 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>36</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>125</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Virgil Middle School, Ramona Elementary School, Grant Elementary School, Lockwood Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>Central, West</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>58</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Virgil Middle School (0), Ramona Elementary School (4), Grant Elementary School (12), Lockwood Elementary School (6)</td>
</tr>
<tr>
<td>Recommended Co-Locations:</td>
<td>Grant Elementary School, Virgil Middle School, Ramona Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location:</td>
<td>Grant Elementary School, twelve (12) teaching stations, one (1) administrative office, and one (1) special education station; Virgil Middle School, seventeen (17) teaching stations and one (1) administrative office, Ramona Elementary School, seven (7) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations:</td>
<td>less than two miles</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations and desired geographic location:</td>
<td>less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
**Los Angeles Unified School District**

**Board of Education Report**

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**City of Los Angeles - Department of Transportation**

**Pedestrian Routes for Coliseum Street Elementary School**

*September 2016*

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**Legend**

- Recommended Crossing
- Stop Sign
- Traffic Signal
- Crossing Guard
- Flashing Warning Light
- Stairs or Walkway
- Pedestrian Bridge
- Pedestrian Tunnel
- Parks

**Parents:**

This map shows the recommended crossings to be used from each block in your school attendance area. Following the arrows, select the best route from your home to the school and mark it with a colored pencil or crayon. This is the route your child should take. Instruct your child to use this route and to cross streets only at locations shown. You and your child should become familiar with the routes by walking it together. Obey marked crosswalks, stop signs, traffic signals, and other traffic controls. Crossing points have been located at these controls wherever possible, even though a longer walk may be necessary. Instruct your child to always look both ways before crossing the street. If no sidewalk exists, your child should walk facing traffic.

**Estimados Padres:**

Este mapa muestra los cruzamientos recomendados para los peatones de cada cuadra en la área de su escuela. Siguiendo las flechas en el mapa, seleccione la ruta más segura de su casa a la Escuela y marque con un lápiz o tiza de color. Esta es la ruta que su hijo (a) debe de usar. Instruya a su hijo (a) que use esta ruta y que crucen las calles solamente en los lugares indicados. Usted y su hijo (a) deben familiarizarse con esta ruta. Obbedezcan los cruces de peatones, señales, semáforos y todos los señales de tráfico. Puntos para cruzar están localizados en áreas controladas, aunque sea necesario trazar el tiempo para cruzar. Instruya a su hijo (a) que siempre se fije de los dos lados antes de cruzar la calle. El estudiante debe de siempre caminar en la dirección opuesta del tráfico si no existe una banderola.

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19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
LOS ANGELES POLICE DEPARTMENT
CITYWIDE GANG INJUNCTIONS

Gang Names
- 10th Street (Hollywood)
- 10th Street (Pico Union)
- 10th Street (Southwest)
- 10th Street (Wilshire)
- 6th Street Eastside Terrace
- 6th Street Creative Gang
- 4th Street Gangster
- 3rd and 3rd
- Avenues
- Harvard/Van Nuys
- Big Hazard
- Black P Stones
- Blythe Street
- Bounty Runners
- Canoga Park/Alabama
- Central City
- Central
- Culver City Boys
- Del Ray
- Eastside Palms
- Eastside Wilshire/WestsideWilshire
- Fremont Passage
- Grape Street Crips
- Harbor City Boys
- Harbor City Crips
- Harleys
- Highland Park
- Heaven/Tejoles
- I.A.M.
- Langston Street
- Linwood Heights/Clover Eastside
- Mata Sahabutha
- Pacoima Project Boys
- Playboys
- Rancho Santa Fe
- Rolling 10s
- San Fer
- Schrader Crips/Green Street
- Temple Street
- Tonemint
- Vanto Novo Esplanade
- Venice 13
- Venice Shoreline Crips
- Vernon Corner
- White Fence

Los Angeles Police Department
Citywide Gang Injunctions

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22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 9 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site
and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and /or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
### Staff Report on Deliberative Process for Determining Citizens of the World Charter School Hollywood Cannot Be Accommodated at a Single Site

#### Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>480.54 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>21</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>153</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Le Conte Middle School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>West</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>29</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Le Conte Middle School (10)</td>
</tr>
</tbody>
</table>

**Recommended Co-Locations:** Le Conte Middle School, 3rd St Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- Le Conte Middle School, eighteen (18) teaching stations, one (1) administrative office, and one (1) special education station;
- 3rd St Elementary School, three (3) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than three miles

**Distance between Recommended Co-Locations and desired geographic location:** less than one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
LOS ANGELES POLICE DEPARTMENT
CITYWIDE GANG INJUNCTIONS

Gang Names

- 10 Gang***
- 11th Street (Hollywood)
- 11th Street (Pico Union)
- 11th Street (Southwest)
- 11th Street (Wilshire)
- 26th Streets
- 40th Street
- 40th Street Gangster
- 5th and Will
- 6th Gang***
- Avenues
- Avalon/Harbor
- Big Hazard
- Black P Stones
- Blythe Street
- Bounty Hunters
- Caroga Park/Alabama
- Central City
- Central City
- Christian
- Culver City Boys
- Doolin
- Eastside Palms
- Eastside Whims/Westside Whims
- Fremont Passage***
- Grape Street Crips
- Harbor City Boys/Harbor City Crips
- Hollywood
- Highland Park
- Hoover Troubles
- ICM
- Longton Street
- Lincoln Heights/Clover Estates
- Mesa Sababtuche
- Pacoima Project Boys
- Plazzays
- Rancho San Pedro
- Rolling 10s
- San Fer
- Sherman Garden/Copia Street
- Temple Street
- Telford
- Vamala
- Venice 13
- Venice Shoreline Crips
- Verrano Convicts
- White Force

Los Angeles Police Department
Citywide Gang Injunctions

Legend:

- Red: Gang Name
- Blue: Corresponding Location

Los Angeles Police Department
Citywide Gang Injunctions

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22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (*Ibid.*). Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (*Ibid.*)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)*1 scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (*Summary API LEA Report*, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (*Summary API LEA Report*, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (*2013 Growth API LEA Report* (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (*Ibid.*) Statewide, however, API scores dropped by 1 point in 2013. (*2012-13 Accountability Progress Reporting (APR).*). The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

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*1 In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.*
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

   • a current school map,
   • the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
   • the Norm Day classification report for any magnet center located on the school’s campus,
   • the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
   • the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 10 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
### Staff Report on Deliberative Process for Determining City Language Immersion Charter Cannot Be Accommodated at a Single Site

#### Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school: City Language Immersion Charter (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year: 2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection: 345.22 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled: 16</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance: 59</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate: Pio Pico Middle School, 6th Ave Elementary School, Coliseum Elementary School, Hillcrest Dr Elementary School, Virginia Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate: West</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School: 29</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested: Pio Pico Middle School (10), 6th Ave Elementary School (2), Coliseum Elementary School (4), Hillcrest Dr Elementary School (7), Virginia Elementary School (0)</td>
</tr>
<tr>
<td>Recommended Co-Locations: Coliseum Elementary School, Hillcrest Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location: Hillcrest Elementary School, eleven (11) teaching stations, one (1) administrative office, and one (1) special education station; Coliseum Elementary School, five (5) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations: less than one mile</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations and desired geographic location: less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services ("SMS") provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co- Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co- Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (*Ibid.*) Increasing physical activity through walking and biking to school can help address high obesity rates. (*Ibid.*)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School ("SR2S") program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program ("SRTS") which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety ("OEHS") has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

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\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 11 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site
and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly
share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one
school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on
which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to
charter school students of making a multi-site offer and balances the safety, instructional, and social
consequences of displacing children from their neighborhood District schools, as well as the burdens
associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39
process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;

Whereas, The Board hereby incorporates the Statement of Facts Regarding Charter School’s Facilities
Request and Availability of Space to Meet Charter School’s Facilities Needs contained in the Staff Report
on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s
total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District
school site(s) and /or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no
single District school at which Charter School wished to be located will have sufficient classroom space
to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter
School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire
student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
ATTACHMENT 12 TAB (a)

Staff Report on Deliberative Process for Determining Clemente Charter School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Clemente Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (&quot;ADA&quot;) projection:</td>
<td>437 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>19</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>34</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Heliotrope Elementary School, Fishburn Elementary School</td>
</tr>
<tr>
<td>Local District (&quot;LD&quot;) in which Charter School wishes to locate:</td>
<td>East</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>14</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Heliotrope Elementary School (8), Fishburn Elementary School (7)</td>
</tr>
<tr>
<td>Recommended Co-Locations:</td>
<td>Heliotrope Ave Elementary School, Holmes Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location:</td>
<td>Holmes Elementary School, twelve (12) teaching stations, one (1) administrative office, and one (1) special education station; Heliotrope Elementary School, seven (7) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations:</td>
<td>less than four miles</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations and desired geographic location:</td>
<td>less than four miles</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
LOS ANGELES UNIFIED SCHOOL DISTRICT
Board of Education Report

January 10, 2017
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. ([http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html](http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0)). To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

1 In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set aside, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 12 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
### Staff Report on Deliberative Process for Determining Endeavor College Preparatory Charter School Cannot Be Accommodated at a Single Site

#### Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Endeavor College Preparatory Charter School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>534.81 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>23</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>88</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Dena Elementary School, Ann Elementary School, Albion Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>East</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>14</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Dena Elementary School (7), Ann Elementary School (9), Albion Elementary School (7)</td>
</tr>
<tr>
<td><strong>Recommended Co-Locations</strong>:</td>
<td>Dena Elementary School, Albion St Elementary School, Ann St Elementary School</td>
</tr>
<tr>
<td><strong>Recommended allocation of teaching stations and administrative office space at each co-location:</strong></td>
<td>Dena Elementary School, nine (9) teaching stations, one (1) administrative office, and one (1) special education station; Ann Elementary School, eight (8) teaching stations and one (1) administrative office, Albion St Elementary School, six (6) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-LOCATIONS</strong>:</td>
<td>less than three miles</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations and desired geographic location</strong>:</td>
<td>less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walkable communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were *twice* as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 13 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and /or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining Equitas Academy Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Equitas Academy (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>432 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>19</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>46</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>10th St Elementary School, Magnolia Elementary School, Hoover Elementary School, Hobart Elementary School, Esperanza Elementary School, Plasencia Elementary School, Politi Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>Central</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>19</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>10th St Elementary School (0), Magnolia Elementary School (5), Hoover Elementary School (0), Hobart Elementary School (3), Esperanza Elementary School (0), Plasencia Elementary School (0), Politi Elementary School (0)</td>
</tr>
<tr>
<td>Recommended Co-Locations:</td>
<td>Magnolia Ave Elementary School, Hobart Blvd Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location:</td>
<td>Magnolia Ave Elementary School, thirteen (13) teaching stations, one (1) administrative office, and one (1) special education station; Hobart Blvd Elementary School, six (6) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations:</strong></td>
<td>less than two miles</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations and desired geographic location:</strong></td>
<td>less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)1 scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

1 In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 14 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
**Staff Report on Deliberative Process for Determining Equitas Academy #2 School Cannot Be Accommodated at a Single Site**

**Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs**

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Equitas Academy #2 (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request year:</strong></td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td><strong>In-district classroom average daily attendance (“ADA”) projection:</strong></td>
<td>380 (“ADA Projection”)</td>
</tr>
<tr>
<td><strong>Number of teaching stations to which Charter School is legally entitled:</strong></td>
<td>17</td>
</tr>
<tr>
<td><strong>Number of District schools from which Charter School draws its attendance:</strong></td>
<td>64</td>
</tr>
<tr>
<td><strong>Geographic Area in which Charter School wishes to locate:</strong></td>
<td>10th St Elementary School, Magnolia Elementary School, Hoover Elementary School, Hobart Elementary School, Esperanza Elementary School, Plasencia Elementary School, Politi Elementary School, Liechty Middle School, Berendo Middle School</td>
</tr>
<tr>
<td><strong>Local District (“LD”) in which Charter School wishes to locate:</strong></td>
<td>Central</td>
</tr>
<tr>
<td><strong>Number of charter schools wishing to locate in the same LD as Charter School:</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Availability of teaching stations at District school sites Charter School requested:</strong></td>
<td>10th St Elementary School (0), Berendo Middle School (15), Hoover Elementary School (0), Hobart Elementary School (3), Liechty Middle School (2), Magnolia Elementary School (5), Plasencia Elementary School (0), Politi Elementary School (0)</td>
</tr>
<tr>
<td><strong>Recommended Co-Locations:</strong></td>
<td>Plasencia Elementary School, Rosemont Elementary School</td>
</tr>
<tr>
<td><strong>Recommended allocation of teaching stations and administrative office space at each co-location:</strong></td>
<td>Plasencia Elementary School, eight (8) teaching stations, one (1) administrative office, and one (1) special education station; Rosemont Elementary School, nine (9) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations:</strong></td>
<td>less than one mile</td>
</tr>
<tr>
<td><strong>Distance between Recommended Co-Locations and desired geographic location:</strong></td>
<td>less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. \textit{(Ibid.)} Increasing physical activity through walking and biking to school can help address high obesity rates. \textit{(Ibid.)}

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, \textit{Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider}, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, \textit{Correlates of Walking to School and Implications for Public Policies}, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. ([http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0](http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0)). To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

1 In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008)).

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998)).

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 15 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
ATTACHMENT 16 TAB (a)

Staff Report on Deliberative Process for Determining Equitas Academy #3 School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school: Equitas Academy #3 (&quot;Charter School&quot;)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year: 2017-2018 (&quot;Next Fiscal Year&quot;)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (&quot;ADA&quot;) projection: 285 (&quot;ADA Projection&quot;)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled: 13</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance: 32</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate: 10th St Elementary School, Magnolia Elementary School, Hoover Elementary School, Hobart Elementary School, Esperanza Elementary School, Plasencia Elementary School</td>
</tr>
<tr>
<td>Local District (&quot;LD&quot;) in which Charter School wishes to locate: Central</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School: 19</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested: 10th St Elementary School (0), Magnolia Elementary School (5), Hoover Elementary School (0), Hobart Elementary School (3), Esperanza Elementary School (0), Plasencia Elementary School (0)</td>
</tr>
<tr>
<td>Recommended Co-Locations: Hoover Elementary School, Politi Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location: Hoover St Elementary School, nine (9) teaching stations, one (1) administrative office, and one (1) special education station; Politi Elementary School, four (4) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations: less than one mile</td>
</tr>
<tr>
<td>Distance between Recommended Co-Locations and desired geographic location: less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
**Efforts to Minimize the Number of Sites on Which Charter School is Located**

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community ("SLC") offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities ("CAC"), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. *(Ibid.)* Increasing physical activity through walking and biking to school can help address high obesity rates. *(Ibid.)*

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. *(Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.)* A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. *(Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).* Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web-based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event
projections were short, the District was still obligated to provide an education to students who were not
originally anticipated. As a result, the District proactively planned to address any potential discrepancies
in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd
classrooms to the detriment of that education environment as a result of failing to address this common
occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did
not stop there. Rather, District staff added rigor to this process by examining the actual historical data
over the last several years of enrollment at each school site to determine if a trend could be empirically
established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that
no seats at any District school sites offered to a charter school should be reserved for an unanticipated
growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section
11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the
District’s schools share reasonably equivalent conditions, especially when taking into account age, quality
of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical,
plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and
condition of technology infrastructure, the condition of the facility as a safe learning environment,
including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the
conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area
space. As part of this process, District staff determined whether the conditions of school facilities offered
to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 16 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
ATTACHMENT 17 TAB (a)

Staff Report on Deliberative Process for Determining Extera Public School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Extera Public School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>565.44 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>24</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>20</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Breed Elementary School, 2nd St Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>East</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>14</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Breed Elementary School (11), 2nd St Elementary School (13)</td>
</tr>
</tbody>
</table>

| Recommended Co-Locations: | Breed St Elementary School, 2nd St Elementary School |
| Recommended allocation of teaching stations and administrative office space at each co-location: | Breed St Elementary School, eleven (11) teaching stations, one (1) administrative office, and one (1) special education station; 2nd St Elementary School, thirteen (13) teaching stations and one (1) administrative office |
| Distance between Recommended Co-Locations: | less than one mile |
| Distance between Recommended Co-Locations and desired geographic location: | less than one mile |
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, *Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider*, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, *Correlates of Walking to School and Implications for Public Policies*, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (‘SR2S’) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (‘SRTS’) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (‘OEHS’) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
LOS ANGELES UNIFIED SCHOOL DISTRICT
Board of Education Report

January 10, 2017
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

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\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 17 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
**Staff Report on Deliberative Process for Determining Extera Public School #2 Cannot Be Accommodated at a Single Site**

**Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs**

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Extera Public School #2 (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request year:</strong></td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td><strong>In-district classroom average daily attendance (‘ADA’) projection:</strong></td>
<td>415.68 (“ADA Projection”)</td>
</tr>
<tr>
<td><strong>Number of teaching stations to which Charter School is legally entitled:</strong></td>
<td>18</td>
</tr>
<tr>
<td><strong>Number of District schools from which Charter School draws its attendance:</strong></td>
<td>19</td>
</tr>
<tr>
<td><strong>Geographic Area in which Charter School wishes to locate:</strong></td>
<td>Lorena Elementary School, Eastman Elementary School</td>
</tr>
<tr>
<td><strong>Local District (“LD”) in which Charter School wishes to locate:</strong></td>
<td>East</td>
</tr>
<tr>
<td><strong>Number of charter schools wishing to locate in the same LD as Charter School:</strong></td>
<td>14</td>
</tr>
<tr>
<td><strong>Availability of teaching stations at District school sites Charter School requested:</strong></td>
<td>Lorena Elementary School (10), Eastman Elementary School (4)</td>
</tr>
</tbody>
</table>

**Recommended Co-locations:** Lorena St Elementary School, Eastman Ave Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- Lorena St Elementary School, ten (10) teaching stations, one (1) administrative office, and one (1) special education station; Eastman Elementary School, eight (8) teaching stations and one (1) administrative office

**Distance between Recommended Co-locations:** less than two miles

**Distance between Recommended Co-locations and desired geographic location:** less than one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
CITY OF LOS ANGELES - DEPARTMENT OF TRANSPORTATION

PEDESTRIAN ROUTES FOR
COLISEUM STREET ELEMENTARY SCHOOL

Legend:
- Recommended Crossing
- Stop Sign
- Traffic Signal
- Crossing Guard
- Flashing Warning Light
- Stairs or Walkway
- Pedestrian Bridge
- Pedestrian Tunnel
- Parks

Parents:
This map shows the recommended crossings to be used from each block in your school attendance area. Following the arrows, select the best route from your home to the school and mark it with a colored pencil or crayon. This is the route your child should take.

Instruct your child to use the routes and to cross streets only at locations shown. You and your child should become familiar with the routes by walking it together.

Obey marked crosswalks, stop signs, traffic signals, and other traffic controls. Crossing points have been located at these controls wherever possible, even though a longer walk may be necessary. Instruct your child to always look both ways before crossing the street.

If no sidewalk exists, your child should walk facing traffic.

Estimados Padres:
Este mapa muestra los cruzados recomendados para los peatones de cada cuadra en la área de su escuela. Siga las flechas en el mapa, seleccione la ruta más segura de su casa a la Escuela y marquela con un lápiz o tiza de color. Esta es la ruta que su hijo (a) debe de usar.

Dígale a su hijo (a) que use esta ruta y que cruce las calles solamente en los lugares indicados. Usted y su hijo (a) deben ser familiares con esta ruta. Observe los cruces cruzados, señales de parada, señales de tráfico y otros controles de tráfico. Los puntos para cruzar están localizados en áreas controladas, aunque sea necesario de alargar el tiempo para cruzar. Instruya a su hijo (a) que siempre se fije de los dos lados antes de cruzar la calle. El estudiante debe de siempre caminar en la dirección opuesta al tráfico si no existe una banqueta.
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, Why Students Drop Out: A Review of 25 Years of Research, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, Student Mobility and the Increased Risk of High School Dropout, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARter SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

   • a current school map,
   • the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
   • the Norm Day classification report for any magnet center located on the school’s campus,
   • the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
   • the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 18 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
**Staff Report on Deliberative Process for Determining ICEF Vista Elementary Charter Academy Cannot Be Accommodated at a Single Site**

**Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs**

| **Charter school:** ICEF Vista Elementary Charter Academy (“Charter School”) |
| **Request year:** 2017-2018 (“Next Fiscal Year”) |
| **In-district classroom average daily attendance (“ADA”) projection:** 289.75 (“ADA Projection”) |
| **Number of teaching stations to which Charter School is legally entitled:** 13 |
| **Number of District schools from which Charter School draws its attendance:** 30 |
| **Geographic Area in which Charter School wishes to locate:** Stoner Elementary School |
| **Local District (“LD”) in which Charter School wishes to locate:** West |
| **Number of charter schools wishing to locate in the same LD as Charter School:** 29 |
| **Availability of teaching stations at District school sites Charter School requested:** Stoner Elementary School (8) |

**Recommended Co-locations:** Stoner Elementary School, Braddock Dr Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
Stoner Elementary School, eight (8) teaching stations, one (1) administrative office, and one (1) special education station; Braddock Dr Elementary School, five (5) teaching stations and one (1) administrative office

**Distance between Recommended Co-locations:** less than one mile

**Distance between Recommended Co-locations and desired geographic location:** less than one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated
during the course of facilities planning, it is absolutely critical to understand the difference between
“empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any
empty classrooms, but may have individual available seats. As a result, the school may be able to absorb
100 students into its existing classrooms by identifying two free seats spread out among 50 of its
classrooms that are used for instruction appropriate to the grade level and subject matter requirements for
the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats
across a campus than to provide six or seven empty classrooms with the same total number of contiguous
available seats. In many instances, there may be many available seats in a school, but no empty
classrooms. This is especially the case for District high schools where the students do not sit in one
classroom all day, like an elementary school, but instead attend at least five or more different classes per
day, each in different classrooms and with different teachers and groups of students, in order to receive
the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex
mathematical formula which took into account aspects of schools’ operations that would reduce operating
capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed
above, set-asides are classrooms used for purposes other than general education. Public school districts
are required to provide one special education room per school. They are separately required to provide
parent centers at each school, and charter school, pre-kindergarten and adult education students are also
served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for
the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50
seats at every elementary school for additional unanticipated enrollment. As a public institution, the
District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

**Matching Guidelines Utilized by the District**
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 19 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining New Heights Charter School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

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**Recommended Co-Locations:** King Jr Elementary School, 52nd St Elementary School

**Recommended allocation of teaching stations and administrative office space at each co-location:**
- King Jr. Elementary School, sixteen (16) teaching stations, one (1) administrative office, and one (1) special education station;
- 52nd St Elementary School, two (2) teaching stations and one (1) administrative office

**Distance between Recommended Co-Locations:** less than two miles

**Distance between Recommended Co-Locations and desired geographic location:** less than one mile
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services ("SMS") provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionally affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 20 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site
and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and /or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining Synergy Charter Academy Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>Synergy Charter Academy (“Charter School”)</th>
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<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
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<tr>
<td>ADA projection:</td>
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<tr>
<td>Co-locations:</td>
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<tr>
<td>Recommended:</td>
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<tr>
<td>Allocation:</td>
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<tr>
<td>Distance:</td>
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<tr>
<td>Geographic</td>
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1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community ("SLC") offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, New Small Learning Communities: Findings from Recent Literature, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, The Hobbit Effect: Why Small Works in Public Schools, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment (“PLE”) offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention (“RTI”) program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

Safety, Instructional and Social Implications of a Single Site Offer

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity 
through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to 
school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for 
the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of 
Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical 
environmental factors examined, the strongest negative correlates to walking to school were distance and 
safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, 
Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk 
to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and 
practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to 
school or impedes children from taking advantage of safety measures the District has instituted to allow 
children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation 
passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program 
focuses on traffic calming to create walk-able communities, strengthening the link between injury 
prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill 
created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five 
fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) 
has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District 
schools requested by charters. The Pedestrian Routes to School maps provide safe routes and 
recommended crossings for the attendance area of a District school. Below is an example of a pedestrian 
route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

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\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with California School Bds. Assn. v. State Bd. of Ed. (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 21 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site;

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.
Staff Report on Deliberative Process for Determining WISH Charter Middle School Cannot Be Accommodated at a Single Site

Statement of Facts Regarding Charter School’s Facilities Request and Availability of Space to Meet Charter School’s Facilities Needs

<table>
<thead>
<tr>
<th>Charter school:</th>
<th>WISH Charter Middle School (“Charter School”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request year:</td>
<td>2017-2018 (“Next Fiscal Year”)</td>
</tr>
<tr>
<td>In-district classroom average daily attendance (“ADA”) projection:</td>
<td>668.85 (“ADA Projection”)</td>
</tr>
<tr>
<td>Number of teaching stations to which Charter School is legally entitled:</td>
<td>29</td>
</tr>
<tr>
<td>Number of District schools from which Charter School draws its attendance:</td>
<td>68</td>
</tr>
<tr>
<td>Geographic Area in which Charter School wishes to locate:</td>
<td>Wright Middle School, Cowan Elementary School</td>
</tr>
<tr>
<td>Local District (“LD”) in which Charter School wishes to locate:</td>
<td>West</td>
</tr>
<tr>
<td>Number of charter schools wishing to locate in the same LD as Charter School:</td>
<td>29</td>
</tr>
<tr>
<td>Availability of teaching stations at District school sites Charter School requested:</td>
<td>Wright Middle School (26), Cowan Elementary School (7)</td>
</tr>
<tr>
<td>Recommended Co-locations:</td>
<td>Wright Engineering and Design Magnet, Cowan Ave Elementary School</td>
</tr>
<tr>
<td>Recommended allocation of teaching stations and administrative office space at each co-location:</td>
<td>Wright Engineering and Design Magnet School, twenty-three (23) teaching stations, one (1) administrative office, and one (1) special education station; Cowan Ave Elementary School, six (6) teaching stations and one (1) administrative office</td>
</tr>
<tr>
<td>Distance between Recommended Co-locations:</td>
<td>less than one mile</td>
</tr>
<tr>
<td>Distance between Recommended Co-locations and desired geographic location:</td>
<td>less than one mile</td>
</tr>
</tbody>
</table>
1. Pursuant to Proposition 39, District staff first engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA. District staff evaluated space at the District school site(s) and/or in the geographic area in which Charter School wishes to locate.

2. Several other charter schools also requested space in the same Local District as Charter School. The District’s Educational Service Centers have been reorganized into Local Districts.

3. School Management Services (“SMS”) provided data that indicated, and District staff determined, no single District school site that Charter School requested will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year.

4. District staff then expanded its search to other schools near to the geographic area where Charter School wishes to be located. The District determined, however, that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.

5. Therefore, District staff recommends providing space to Charter School to accommodate its total in-district classroom ADA at the Recommended Co-Locations.

6. Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School.

7. Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

8. By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.
Efforts to Minimize the Number of Sites on Which Charter School is Located

9. In order to minimize the number of sites on which a charter school is located for the Next Fiscal Year, District staff often eliminated set-asides at sites in order to make room for charter school co-locations. Set-asides are divided into two categories: District set-asides and School set-asides.

10. School set-asides allocate space for instructional, safety and health programs that are specific to a particular school. For example, Title I funding coordinator offices are considered a School set-aside. Title I funding provides financial assistance to schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. The District uses Title I funds to provide additional academic support and learning opportunities to help low-achieving children master challenging curricula and meet state standards in core academic subjects. Such funds support extra instruction in reading and mathematics, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Additionally, school set-asides are used to allocate space for small learning community (“SLC”) offices. An SLC, also referred to as a School-Within-A-School, is a form of school structure in secondary schools to subdivide large school populations into smaller, autonomous groups of students and teachers. SLCs include structures such as freshman academies, multi-grade academies organized around career interests or other themes, “houses” in which small groups of students remain together throughout high school, and autonomous schools-within-a-school, as well as personalization strategies, such as student advisories, family advocate systems, and mentoring programs. Research continues to show that small schools and SLCs have the necessary elements to counteract the inherent negative effects of poverty and poor academic achievement for low-income and/or students of color. (Cotton, *New Small Learning Communities: Findings from Recent Literature*, Portland, Ore: Northwest Regional Educational Laboratory (2001); Jimerson, *The Hobbit Effect: Why Small Works in Public Schools*, The Rural School and Community Trust (August 2006).)
11. At the middle school level, School set-asides are used, for example, for Personal Learning Environment ("PLE") offices, the middle school equivalent to an SLC. Likewise, School set-asides may allocate space for the District’s Response to Intervention ("RTI") program. RTI integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student’s responsiveness, and identify students with learning disabilities or other disabilities. In order to provide space to requesting charter schools, District staff have eliminated or reduced the number of School set-asides on certain campuses. This instructional disruption unfortunately disproportionately affects low income, low performing or disabled District neighborhood children, those who need assistance the most. However, District staff has taken these disruptive measures in order to share facilities fairly with charter schools.

12. District set-asides allocate school space to implement key District-wide instructional, health and safety programs. For example, these set-asides include space for District police, regional special educational testing centers, health center clinics, food service, and Beyond the Bell programs, among others. Eliminating these set-asides would deny special education students their educational rights or force these students to travel as much as 50 miles to the next closest center. The District’s school-based health clinics are projected to provide approximately 151,250 visits to children in the 2017-2018 fiscal year, who would otherwise have been challenged to access health care and these numbers are projected to increase steadily over the next two upcoming school years. To eliminate these clinics would deprive the neediest children of vital health services. Additionally, Beyond the Bell programs ensure that all children and youth in the District have access to high quality, safe, and supervised academic, enrichment, and recreation programs that inspire learning and achievement beyond the regular school day (before and after school and Saturdays). The three components of the program include academic tutorial, recreational and
enrichment programs. Over 178,492 students in more than 600 schools participate in Beyond the Bell programs on a daily basis. (See http://btb.lausd.net/about.) Students who participate in after school programs have improved attendance. Indeed, Beyond the Bell’s after school programs resulted in improved scores on the English/Language Arts CST and the Mathematics CST. (Ibid.) Such programs are vital to the safety of school children. More than 28 million school-age children have parents who work outside of the home during after school hours. Of these 28 million school-age children, 14.3 million are left to look after themselves when the school day ends. (Ibid.) Research shows that juvenile crime, sexual activity, and experimentation with drugs, alcohol and cigarettes peak between the hours of 3:00 p.m. to 6:00 p.m. (Ibid.) Teens who participate in after school programs are three times less likely to skip classes than teens who do not participate. (Ibid.) They are also three times less likely to do drugs, consume alcohol and engage in sexual activity. (Ibid.) To eliminate Beyond the Bell programs would expose the thousands of children who utilize these programs on a daily basis to danger, harming their academic performance and their overall wellbeing.

13. Although District and School set-asides provide space for programs that are vital to the curriculum of a particular school or to District-wide goals, in order to share space fairly, District staff has cut into these set-asides where doing so would minimize the number of sites offered to a charter school in order to make a complete offer of space.

**Safety, Instructional and Social Implications of a Single Site Offer**

14. To accommodate Charter School’s entire in-district classroom ADA at a single school site would present substantial safety concerns for both charter and non-charter District students. By way of example, District staff estimated that to house all of Charter School’s students at a single campus near to where Charter School wishes to locate would require the forcible displacement of a significant number of students attending their local neighborhood school. Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications.
15. Community-centered schools provide a wealth of benefits for student learning, health and safety and for the community at large. Many District children walk to and from their neighborhood schools. Recent District budgetary cutbacks and the harsh economic climate have made the ability to walk to school a necessity for many families with in-District children. The District school bus program has realized service cuts and route eliminations which have affected many students. As a result of past budget deficits, transportation funding was reduced as part of stabilization efforts. The latest impact came in July 2012, when the District was forced to implement a change to the eligible busing distance for secondary schools from three miles to five miles. These cuts disproportionately affect poorer students and make the ability to walk to school even more crucial.

16. Not only is the ability to walk to school a necessity for some students, but walking to school also provides key health benefits. According to the California Department of Public Health (“DPH”), close to one-third of California’s children are overweight or obese. The DPH’s California Active Communities (“CAC”), in collaboration with CA4Health (a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention) has determined that a child’s overall health is affected by levels of physical inactivity which can be directly linked to time spent in automobiles versus in active transportation such as walking. Walking or biking to school provides an opportunity for purposeful physical activity toward the accumulation of the recommended 60 minutes or more of daily physical activity for children and youth. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) Active transportation – walking, biking, or rolling – to school can help increase physical activity levels of students and their families. (CA4Health, Incorporating Safe Routes to School into Local School Wellness Policies, June 2014.) Physical activity reduces the risk of obesity and related chronic diseases, and also improves mental health, attendance, and academic performance. (Ibid.) Active transportation can also have broad community benefits, including reducing traffic congestion and air pollution, creating safer streets,
encouraging cost savings, and building a stronger sense of community. (Ibid.) Increasing physical activity through walking and biking to school can help address high obesity rates. (Ibid.)

17. Empirical studies have determined that distance is a key impediment to children walking to school safely. (Martin, Moeti and Pullen-Seufert, Implementing Safe Routes to School: Application for the Socioecological Model and Issues to Consider, 2008.) A recent study published in the Journal of Public Health Policy examines the multi-level correlates of walking to and from school. Of the physical environmental factors examined, the strongest negative correlates to walking to school were distance and safety concerns. (Zhu & Lee, Correlates of Walking to School and Implications for Public Policies, Journal of Public Health Policy (2009).) Recognizing distance as a barrier to the ability for a child to walk to school, CA4Health, the CAC and the DPH support school siting as well as joint use policies and practices that encourage kids to walk or bike to school.

18. Displacing children out of their neighborhood schools prevents children from walking to school or impedes children from taking advantage of safety measures the District has instituted to allow children to safely walk or bicycle to their local neighborhood school. At the state level, in 1999 legislation passed to develop a State Safe Routes to School (“SR2S”) program. In California, the SR2S program focuses on traffic calming to create walk-able communities, strengthening the link between injury prevention and physical activity. At the national level, in 2005, the Transportation Reauthorization Bill created the federally assisted Safe Routes to School Program (“SRTS”) which provided funding over five fiscal years for states to create SRTS programs. The Office of Environmental Health and Safety (“OEHS”) has implemented an SRTS program and identified safe pedestrian routes to the vast majority of District schools requested by charters. The Pedestrian Routes to School maps provide safe routes and recommended crossings for the attendance area of a District school. Below is an example of a pedestrian route map:
19. Displacing a significant number of students from their neighborhood school to make room for Charter School’s children would prevent a significant number of children who currently have the ability to safely walk to school from being able to utilize the safe routes to school program. Conversely, Charter School draws its attendance from many different District schools. Therefore, providing a single-site offer to Charter School would result in endangering a significant number of children currently attending their neighborhood school, so that far fewer of Charter School’s students who reside in a particular attendance area would have the ability to walk to school. Moreover, the forcible displacements would not just be limited to the neighborhood children attending a single District school. Instead, those students would need to be absorbed into neighboring schools which have insufficient space to house the influx of this number of students, and thereby, would cause the additional forcible displacement of children from these absorbing schools. This would create a ripple effect of forcible displacements necessitating hundreds of neighborhood children to relocate for the benefit of a far lesser number of Charter School’s children. Such a decision would pose disproportionate harm to a significant number of children currently attending their local neighborhood school, and those District students which would be displaced by the influx of these students, and thus produce inequity in the sharing of facilities.

20. Not only does distance play a factor in children safely walking to school due to traffic dangers, but several Los Angeles neighborhoods are plagued by gang violence. In order to create a safe passage to and from school in a neighborhood suffering from gang-related violence, meaningful programs and efforts to mitigate these risks have been launched, such as Kid Watch LA which instituted the Walking School Bus for District students. The Walking School Bus enlists parent and community volunteers to accompany groups of small children as they walk to and from their neighborhood school.

21. According to the Los Angeles Police Department, the District is located within the territory known as the “gang capital” of the nation, with more than 450 competing gangs. Gang violence is unfortunately prevalent on some campuses and within the neighborhoods of several District schools. As
shown by the map depicting gang injunctions in Los Angeles below, Los Angeles gangs claim particular territories:
22. Forcibly displacing students who themselves or whose parents are tied to a particular gang and placing them in a school located in the territory of another gang would potentially breed gang warfare and violence affecting all children, teachers, staff and parents at a particular school.

23. Pulling children out of their neighborhood schools and placing non-neighborhood charter students in those schools prevents the displaced children from taking advantage of safety measures such as the Walking School Bus and therefore unfairly endangers the safety of those displaced children. These harms disproportionately affect students attending local District schools. As parents of charter school students have elected to send their child to a school out of his or her local attendance area, the parents have secured a means of transporting their child to this school. However, parents of children who attend local District schools may not have the means to find alternate transportation and rely on children walking to their neighborhood school. With the aforementioned reduction of several school bus routes and potential further elimination of transportation funding, many forcibly displaced children will be forced to walk long, unsafe distances or take unsafe public transit routes outside of their neighborhood attendance area.

24. In 2013, the city of Chicago closed nearly 50 elementary schools with low attendance rates. The result provides a realistic example of what could happen if District children were forced to attend new schools, not of their own choosing. Like Los Angeles, parts of Chicago are plagued by gang violence. The school closures have forced many elementary age students to travel through gang territory to reach their new schools. In an attempt to make school routes safer, the city of Chicago stationed 1,200 security workers, together with police officers, a fire truck and a police helicopter along the routes to ensure that students can safely walk by boarded up houses, abandoned lots and gang territory to reach their new schools, which are often located less than half a mile from their previous schools. (http://www.nytimes.com/2013/08/27/education/in-chicago-campaign-to-provide-safe-passage-on-way-to-school.html?_r=0.) To prepare the routes, city employees demolished 41 vacant buildings, trimmed
4,900 trees, removed 2,800 instances of graffiti and fixed hundreds of streetlights. (Ibid.) Despite these improvements and the increased security, parents nevertheless fear for their children who are forced to walk through some of the city’s roughest neighborhoods, where shootings and other gang violence are regular occurrences, often to attend new schools that had long histories of tension and fighting with their former schools. (Ibid.)

25. Displacing children attending their District neighborhood schools solely for the purpose of making single site offers to charter schools would have additional instructional and social ramifications. Displaced children would be attending a school that has no relation to their high school attendance area, resulting in further disruption of the typical matriculation process. It is an indisputable and unfortunate fact that the District’s high school drop-out rate for the 2014-2015 school year was 4.3%. Although the drop-out rate is high, it has been steadily decreasing over the past several years. Additionally, the District’s Academic Performance Index (“API”)\(^1\) scores steadily increased. In 2011, the District earned an overall API score of 729, which was a 20-point improvement over its 2010 score. (Summary API LEA Report, California Department of Education (2011).) Likewise in 2012, the District earned an overall API score of 746, a gain of 17 points, which represented the largest increase among urban school districts in California. (Summary API LEA Report, California Department of Education (2012).) In 2013, the District’s overall API score increased by 4 points, to 750, outpacing nearly all urban school districts in California. (2013 Growth API LEA Report (CA Department of Education).) API scores for students with disabilities improved by 16 points, and economically disadvantaged students improved by 2 points. (Ibid.) Statewide, however, API scores dropped by 1 point in 2013. (2012-13 Accountability Progress Reporting (APR).) The statewide API target is 800 for schools. A total of 259 District schools met or exceeded an 800 API score in 2013.

\(^1\) In March, 2014, the State Board of Education (“SBE”) decided to not calculate the API for local educational agencies and schools for the 2014 and 2015 academic years. As a result, 2014, 2015 and 2016 API reports were not produced. The SBE and the California Department of Education (“CDE”) are in the process of developing a new accountability system to replace the API to measure the State’s educational goals.
26. The District is making strides in decreasing drop-out rates and District schools are increasing their academic success. Displacing District children attending their District school would thwart these efforts. Studies have empirically established that disrupting a child’s trajectory to their local District high school effectively increases drop-out rates. A review of 25 years of research conducted by the California Dropout Research Project identified strong predictors of dropping out of high school. The compilation study identified non-promotional school changes (student mobility) during middle school and high school as a key predictor of a child dropping out of school. (Rumberger & Lim, *Why Students Drop Out: A Review of 25 Years of Research*, California Dropout Research Project (October 2008).)

27. In 1998, the seminal study conducted on the educational consequences of student mobility found a high causal connection between student mobility and an increased risk of high school drop-out. The staggering results of this study indicate that controlling for other predictors, students who made even one non-promotional school change between the eighth and twelfth grades were twice as likely to not complete high school as students who did not change schools. (Rumberger & Larson, *Student Mobility and the Increased Risk of High School Dropout*, American Journal of Education 107 (November 1998).)

28. The safety and welfare of all students is this District’s paramount concern and principal charge. The data is indisputable that children who drop out of school are at far greater risk of a vast array of physical, social and economic harm than those who stay in school and complete their secondary education. This paramount concern of the District remains a material consideration when weighing whether to forcibly displace hundreds of children from a neighborhood school in order to make way for far fewer students who would attend that school from distant neighborhoods, and especially when other solutions for sharing space fairly are feasible.

29. An additional impact of such displacement would be the difficulty of sustaining the same level of parental involvement in the absorbing schools located miles away from their neighborhoods that is currently enjoyed by maintaining neighborhood schools. California State Board of Education Policy
#89-01 acknowledges that a critical dimension of effective schooling is parental involvement. This policy initiative states that research studies demonstrate parental involvement at school propels a child’s educational career. Forcibly displacing students attending their local neighborhood school would make it more challenging for those children to reap the benefits of parental involvement in their new non-neighborhood schools.

30. An alternative to displacing students attending their neighborhood school would be to overcrowd a District campus by adding Charter School’s students. However, this would cause severe safety and operational ramifications due to the design capacity of the site making this course of action infeasible. Adding Charter School’s students to a District campus with insufficient space to feasibly accommodate Charter School’s total in-district classroom ADA would raise both schools’ classroom loading ratios, thereby disadvantaging both of these schools’ children. Likewise, having hundreds of children over a school’s capacity sharing space would pose a great risk to student safety and well-being.

31. In making decisions regarding allocations of space, District staff placed the safety of charter school students at the forefront of the decision making process. District staff made substantial efforts to locate charter schools at or near their desired geographic location and further made material efforts to minimize the number of sites on which the charter school was located. As charter school parents have made a decision to place their child in a school outside of their neighborhood school, they must have weighed the safety implications of this decision for their child. On the contrary, forcibly displaced students’ families have no place in a decision making process that sends their children to schools outside of their resident neighborhoods. Thus, forcibly displacing children attending their local neighborhood school would not afford the parents of children attending District schools the same opportunity. In addition, the decision to forcibly displace students to make way for charter school students necessarily will have safety impacts upon the displaced children, whereas, given the fact that many charter students already voluntarily travel outside of their neighborhood to attend the charter
school, these children may not face any increased safety risk by being required to, for example, travel five miles east instead of five miles south. Finally, with regard to the number of students affected by these decisions, in every case the overall lesser number of students is impacted by the determined course of action.

32. Based on the foregoing safety and instructional considerations, District staff recommends providing Charter School with a multi-site but contiguous offer of facilities at the Recommended Co-Locations.

PROCESS AND MATCHING GUIDELINES DISTRICT STAFF FOLLOWED TO LOCATE SPACE FOR CHARTER SCHOOLS PURSUANT TO PROPOSITION 39

33. The District’s Charter Schools Division (“CSD”) determined that in the 2016-2017 school year, more than 154,653 students enrolled in charter schools authorized by the District. This figure reflected a more than 5,956 student increase over the number of students enrolled during the previous school year. In the 2016-2017 school year, the District had the most charter students attending schools authorized by the District of any school district in the nation. It had approximately 1.5 times as many charter school students as the New York City Department of Education, the largest school district in the country. The District ensured that every eligible in-District charter student was offered a seat.

34. For the 2017-2018 Proposition 39 cycle, the District continues to apply a comprehensive process – a process that resulted in every eligible in-District charter school student being offered a seat at a District campus for the 2016-17 school year. The District follows a critical path schedule of steps, from the initial request by a charter school for facilities to making facilities ready for occupancy, in order to timely meet the Proposition 39 timeline. This year, the District is utilizing a new capacity assessment determination in an improved process that is now called Electronic Capacity Assessment Review (“E-CAR”). As it did last year, E-CAR encompassed school sites throughout the District and was implemented at the beginning of the Proposition 39 process rather than at the end. The District has personnel
experienced in school utilization assessing all of the space within the District at the right time. Specifically, over the course of nine weeks, principals at over 700 District campuses utilized a comprehensive web based application to specifically identify and validate classroom space utilized as teaching stations and set asides, along with classroom numbers, locations and sizes. Additionally, they identified classrooms occupied by special education programs, charter schools, preschools, adult education programs and other third party users, swing space needed for construction projects, options programs, and other classrooms out of service or mandated for removal due to legal and/or safety requirements.

35. The general process District staff followed in administrating Charter School’s facilities request was the same that it used to process each of the other facilities requests the District received from charter schools for the Next Fiscal Year. That process is as follows:

36. Since the beginning of August 2016, SMS staff has conducted a comprehensive analysis of the use of District school facilities, that is, E-CAR. The purpose of E-CAR is to assess with precision the capacity of each school site in several respects: the number of classrooms, the manner in which those classrooms are used, and the school’s operating capacity. E-CAR entails a detailed review of the present use of District school sites and an analysis of the projected future uses of those facilities. The analysis includes reporting of data by individual schools, which is analyzed by SMS staff to confirm its accuracy and to ensure that available space is used efficiently and uniformly throughout the District.

37. E-CAR commenced with a period of in-office preparation during which SMS staff examined materials submitted by all District schools in the previous year for accuracy as well as for consistency with previous assessments’ classroom usage and availability. The SMS staff applied standard formulae for the usage of classrooms in order to generate an objective and uniform assessment of the amount of classroom space at District school sites. The purpose of this calculus is to assess the number of classrooms required to accommodate instructional program enrollment, based on grade level and specific course subject matters at secondary schools.
38. The E-CAR process involves school principals logging into a web based application to record their school’s enrollment and review and confirm details regarding the school site’s classrooms and their respective utilization. Within this application, classroom data is associated with a spatial database that is displayed as building floor plans.

39. To ensure that the principal provides the data necessary for a complete and accurate assessment of school capacity, they are instructed to reference the following resource materials for their school site:

- a current school map,
- the school’s current or most recent Norm Day classification report (which details the number of students enrolled at that school on September 16, 2016),
- the Norm Day classification report for any magnet center located on the school’s campus,
- the Classroom Inventory and Allocation Worksheet pages from the prior school year’s Capacity Assessment Review report on which is the information for classroom counts and allocation into precisely-define categories, and
- the number of additional purchased teachers, if any, from Title 1 and/or parent or grant funded

40. Categorizing classrooms in this way is important because a school’s capacity involves more than its raw seats and room numbers. The District must determine whether a school has facilities available to sufficiently serve the particular requirements of a school site, such as grade levels, classes, special education programs, magnet centers, SLCs, PLEs, legal mandates, and other student needs.

41. As a result of the foregoing, District staff reviewed data from SMS regarding specific capacity information at District school sites for the Next Fiscal Year.

42. Utilizing this data, SMS provided CSD with the number of estimated available seats as well as classrooms at each campus given specific operating capacities per programmatic and mandated
qualifiers. When planning for maximal use of available school facilities, and in interpreting data generated during the course of facilities planning, it is absolutely critical to understand the difference between “empty classrooms” and “available seats”. To illustrate, a hypothetical District school may not have any empty classrooms, but may have individual available seats. As a result, the school may be able to absorb 100 students into its existing classrooms by identifying two free seats spread out among 50 of its classrooms that are used for instruction appropriate to the grade level and subject matter requirements for the students being absorbed. Thus, it is an entirely different proposition to provide and integrate 150 seats across a campus than to provide six or seven empty classrooms with the same total number of contiguous available seats. In many instances, there may be many available seats in a school, but no empty classrooms. This is especially the case for District high schools where the students do not sit in one classroom all day, like an elementary school, but instead attend at least five or more different classes per day, each in different classrooms and with different teachers and groups of students, in order to receive the mandated curriculum.

43. SMS generated each instructional program’s operating capacity using a complex mathematical formula which took into account aspects of schools’ operations that would reduce operating capacity. The operating capacity also accounted for classrooms designated as “set-asides.” As discussed above, set-asides are classrooms used for purposes other than general education. Public school districts are required to provide one special education room per school. They are separately required to provide parent centers at each school, and charter school, pre-kindergarten and adult education students are also served in school classrooms across the District.

44. District staff analyzed each District school’s estimated available seats and classrooms for the Next Fiscal Year based on the data provided by SMS.

45. Historically, the District had prepared to reserve 75 seats at every secondary school and 50 seats at every elementary school for additional unanticipated enrollment. As a public institution, the District is required to provide an education to every student who chooses to enroll. The District previously
planned its programming and staffing based on estimated enrollment projections, but in the event projections were short, the District was still obligated to provide an education to students who were not originally anticipated. As a result, the District proactively planned to address any potential discrepancies in their projections by reserving seats as an “unanticipated growth cushion” rather than overcrowd classrooms to the detriment of that education environment as a result of failing to address this common occurrence up front. Importantly, however, beginning in 2013 and continuing this year, the analysis did not stop there. Rather, District staff added rigor to this process by examining the actual historical data over the last several years of enrollment at each school site to determine if a trend could be empirically established demonstrating unanticipated growth. Based upon this further analysis, CSD determined that no seats at any District school sites offered to a charter school should be reserved for an unanticipated growth cushion. Therefore, this historical reservation of seats was not applied in this cycle.

46. The District uses the definition contained in California Code of Regulations, title 5, section 11969.3, subdivision (a)(2), to determine comparison group schools.

47. No two schools are identical; however, on a grade-alike basis, a significant majority of the District’s schools share reasonably equivalent conditions, especially when taking into account age, quality of materials and state of maintenance, school site size, conditions of surfaces as well as mechanical, plumbing, electrical and fire-life systems, including conformity to applicable codes, availability and condition of technology infrastructure, the condition of the facility as a safe learning environment, including but not limited to, the suitability of lighting, noise mitigation, and size for intended use, the conditions of the facility’s furnishings and equipment, and the condition of athletic fields and play area space. As part of this process, District staff determined whether the conditions of school facilities offered to a charter school were reasonably equivalent to the comparison group schools.

Matching Guidelines Utilized by the District
48. In accordance with *California School Bds. Assn. v. State Bd. of Ed.* (2010) 191 Cal.App.4th 530, CSD staff supported and facilitated Local District Instructional Committees to engage in the following process in order to make contiguous offers of space to charter schools in facilities with reasonably equivalent conditions to those which would accommodate the charter students if they otherwise attended District schools. District staff makes every reasonable effort to locate space on a single site, or only if necessary on multiple sites, in the charter applicant’s geographic area of interest. Consequently, District staff first attempts to accommodate charter schools at a single school site and looks for available facilities sufficient to accommodate the entirety of a charter school’s projected in-District classroom ADA within its desired area of geographic interest. Only when no single school site can be feasibly identified based upon school site design and occupancy limitations as well as after taking into account the paramount considerations of both District and charter school student safety and welfare, does the District make offers that contemplate the use of multiple school sites.

49. District staff first identifies District classroom inventory by grade level configuration in each geographic region. Grade-alike matches typically provide reasonably equivalent space to charter schools; therefore, wherever possible, District staff allocates space to charter applicants on grade-alike school facilities.

50. District staff next identifies which charter applicants are already located in District facilities and, when feasible, matches those charter schools to their existing site. District staff then examines and identifies the geographic areas of interest of the charter school applicants. As described above, often many charter schools request the exact same space so District staff must assess conflicting geographic as well as particular site interests. In doing so, District staff examines whether the potential match would utilize all available classrooms and whether the match represents a full, single site offer. Priority is given to those charters where these two goals can be achieved.

51. Based on an examination of these criteria, District staff makes a preliminary match of available classrooms at a particular site to the projected in-District classroom ADA of each charter school.
District staff attempts to find the most geographically relevant grade-alike matches. For multi-site offers, District staff eliminates set-asides wherever reasonably possible to reduce the number of sites assigned to a charter school, which often results in being able to transform multi-site offers to single site offers. District staff engaged in the materially disruptive measure of eliminating set-asides in order to achieve sharing space fairly amongst charter and non-charter students in the District.

52. For the Next Fiscal Year, District staff had to grapple with the conflicting needs of all 94 charter school applicants and cycled through the above process as conscientiously as possible, shifting space and potential matches to fulfill the District’s obligation to share space fairly among all District students. In doing so, as expressed above, District staff kept in the forefront considerations of student safety and welfare.
ATTACHMENT 22 TAB (b)

Board of Education Finding that the Charter School Could Not Be Accommodated at a Single Site and Written Statement of Reasons Explaining the Finding
(Cal. Code Regs., tit. 5, § 11969.2, subd. (2))

Whereas, Under Proposition 39, the Los Angeles Unified School District (“District”) is required to fairly share space between public school pupils, charter and non-charter students alike;

Whereas, In making an allocation of space, the District attempts to place a charter school applicant on one school site or, when that is not feasible, alternatively attempts to minimize the number of school sites on which the charter school applicant is placed;

Whereas, In making an allocation of space, the District materially considers the safety implications to charter school students of making a multi-site offer and balances the safety, instructional, and social consequences of displacing children from their neighborhood District schools, as well as the burdens associated with such an action on their parents and the community;

Whereas, For the Next Fiscal Year, 94 charter schools requested facilities under the Proposition 39 process, asking for approximately 32,451 seats from the District;

Whereas, Charter School submitted an application for Proposition 39 facilities for the Next Fiscal Year;


Whereas, District staff engaged in an effort to create a single site offer to accommodate Charter School’s total in-district classroom ADA;

Whereas, The District cannot accommodate Charter School’s request for a single site at any of the District school site(s) and/or the geographic area in which Charter School wishes to locate;

Whereas, Several other charter schools also requested space in the same Local District as Charter School;

Whereas, District staff determined that data from School Management Services (“SMS”) indicated no single District school at which Charter School wished to be located will have sufficient classroom space to accommodate Charter School’s total in-district classroom ADA in the Next Fiscal Year;

Whereas, District staff then expanded its search to other schools near the geographic area where Charter School wishes to be located, but determined that it is not possible to accommodate Charter School’s entire student population on a single site in the Next Fiscal Year.
Whereas, the District cannot accommodate Charter School’s entire in-District classroom ADA at a single school site:

Whereas, To accommodate Charter School’s entire in-District classroom ADA at a single school site would present substantial, disproportionate safety concerns for both Charter School’s students and students attending their local District neighborhood school;

Whereas, District staff determined that to house all of Charter School’s students at a single District school site in the geographic area in which Charter School wishes to locate would require the displacement of a significant number of children attending their local neighborhood school, whereas, far fewer of Charter School’s students would otherwise attend those schools;

Whereas, Displacing children out of their neighborhood schools has far-reaching safety, instructional and social implications including: prohibiting children from safely walking to school; subjecting children displaced from their neighborhood school to possible gang violence; increasing high-school drop-out rates of displaced children; and impairing parental involvement in local neighborhood schools;

Whereas, Based on these safety and instructional considerations, District staff recommends keeping the student populations of the District schools intact;

Whereas, Alternatively, over-crowding a school’s campus in order to provide a single-site offer to Charter School would have equally severe safety and operational ramifications making this course of action infeasible;

Whereas, the District can provide Charter School with a multi-site contiguous full offer of reasonably equivalent facilities at the “Recommended Co-Locations”;

Whereas, Providing Charter School space at the Recommended Co-Locations minimizes the number of sites assigned to Charter School;

Whereas, Because of the short distance between the Recommended Co-Locations, they are contiguous facilities in a school district spanning 710 square miles and serving over 27 cities.

Whereas, By providing space to Charter School at the Recommended Co-Locations, the District has made reasonable efforts to provide Charter School with facilities near to where Charter School wishes to locate.

Whereas, the Board incorporates into these findings the Staff Report on Process for Determining Charter School Cannot be Accommodated at a Single Site;

Whereas, The District can make a complete and contiguous, multi-site offer to accommodate Charter School’s entire in-District classroom ADA; therefore be it
Resolved, That pursuant to California Code of Regulations, title 5, section 11969.2, subdivision (d), for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District finds that the District cannot accommodate Charter School at a single school site; and therefore be it finally

Resolved, That pursuant to Education Code sections 35160-35160.1, 47614 and California Code of Regulations, title 5, section 11969.1, et seq., for the reasons set forth herein and as further expressed by District staff, the Governing Board of the Los Angeles Unified School District authorizes a preliminary proposal and/or offer of facilities to Charter School for the Next Fiscal Year at multiple District school sites.