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# **Attachment 7**

## **Written Opposition from the Los Angeles County Board of Education**

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**Letter dated May 15, 2023 RE: Los Angeles County  
Board of Education's Opposition to the Appeal of  
Vista Legacy Global Academy**



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**Los Angeles County Office of Education**

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Serving Students ■ Supporting Communities ■ Leading Educators

May 15, 2023

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Superintendent

Los Angeles County  
Board of Education

James Cross  
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Charter Schools Division  
California Department of Education  
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RE: Respondent Los Angeles County Board of Education's Opposition to the Appeal of Vista Legacy Global Academy

This submission serves as the Los Angeles County Board of Education's ("LACBOE" or "Board") Opposition to the appeal submitted to the State Board of Education ("SBE") by Vista Legacy Global Academy ("Vista"). Vista's petition to establish a new charter school was denied on appeal by LACBOE following a thorough and fair review of the petition by LACBOE and LACOE staff. No abuse of discretion occurred in the denial of this petition.

Vista has submitted an appeal in which it seeks to allege abuses of discretion where none exist, with little to no legal support for its position. Their appeal is largely based on Vista's disagreement with the Board's weighing of evidence, which is an improper basis for an appeal and does not demonstrate an abuse of discretion. Vista seeks to read requirements into the Charter Schools Act which clearly do not exist under the law, and for the reasons set forth in this Opposition, Vista's appeal should be denied.

### **I. Legal Standard of Review**

SBE has authority to hear an appeal submitted by a charter school, after the charter petition has been denied by both a District and County Board of Education. The review under Education Code section 47605(k)(2)(E) is limited to a determination as to whether an abuse of discretion was committed. If no abuse of discretion is determined to have occurred, then the findings of the District and County Board of Education must be sustained.

Abuse of discretion is a highly deferential standard of review, meaning that deference must be given to the decisions of the LAUSD Governing Board and County Board to deny the petition. SBE's review to analyze whether an abuse of discretion occurred is limited to determining whether the decision to deny the charter "was arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair." *California School Boards Association v. State*

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*Board of Education* (2010) 186 Cal.App.4th 1298, 1313-14. The California Supreme Court has recognized that “(i)n determining whether an abuse of discretion has occurred, a court may not substitute its judgment for that of the administrative board, and if reasonable minds may disagree as to the wisdom of the board’s action, its determination must be upheld.” *Manjares v. Newton* (1966) 64 Cal.2d 365, 370-71.

**II. LACBOE’s finding that Vista was unlikely to successfully implement its program was based on its review of the evidence, and does not constitute an abuse of discretion.**

Vista’s appeal alleges that “LACBOE’s findings merely parrot back the generic language of Section 47605, without providing the necessary supporting facts and circumstances specific to this petition, as mandated by section 47605(c).” (Vista Appeal, p. 7). In support of this allegation that LACBOE “parrot(ed) back the generic language of Section 47605,” Vista cites 12 pages of LACOE’s staff report, which list specific deficiencies in multiple sections of Vista’s charter. Vista’s contention that the staff report merely parrots the language of Education Code section 47605 with no further analysis is a highly troubling misrepresentation of the record in this case, particularly in light of the fact that Vista’s appeal then proceeds to spend the next two and a half pages arguing against the specific findings that it alleges do not exist.

Vista takes issue with the staff report not containing pinpoint citations to the record Vista submitted, claiming that “(e)ither LACBOE did not even consider the record provided, or the conspicuous absence of citations is evidence that their speculation lacks any support in the record. Either is an abuse of discretion.” (Vista Appeal, p. 8). What Vista fails to mention is that there is no statutory requirement that a staff report or Board findings are required to utilize pinpoint citations or any other particular form of citation. Education Code section 47605(c) simply indicates that a governing board “shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings...” The LACOE staff report, which was adopted by the Board and cited to by Vista, contains written factual findings that are specific to Vista’s particular petition. This clearly satisfies the requirements of Section 47605(c).

**A. LACBOE’s finding that Vista is demonstrably unlikely to succeed does not constitute an abuse of discretion.**

Vista’s appeal further attempts to argue that LACBOE’s finding that it is demonstrably unlikely to successfully implement its program somehow constitutes an abuse of discretion. However, Vista entirely fails to demonstrate how this finding constitutes an abuse of discretion, as opposed to a difference of opinion reached after evaluating the petition and weighing all relevant evidence.

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Vista goes so far as to place the word “failure” in quotations in its appeal, apparently suggesting that it somehow did not fail to submit California School Dashboard data to CDE. (Vista Appeal, p. 8). Vista did in fact fail to submit Dashboard data, which it tries to explain away as a clerical error, but which resulted in Vista not meeting any of the local indicators for the 2021-22 school year. No reasonable person would view Vista’s inability to submit data to CDE in a timely manner as anything short of a failure. Vista’s failure to submit its Dashboard data, and its suggestion that this could simply be remedied by “technical amendments or discussion,” is one of many factors demonstrating that it is demonstrably unlikely to successfully implement its program, and was correctly treated as such by the Board. (Vista Appeal, p. 8).

B. LACBOE’s findings regarding Vista’s financial and operational plan do not constitute an abuse of discretion.

Though Vista contends that the Staff Report is speculative, and therefore arbitrary and capricious, it fails to mention that a budget for a proposed charter is in fact based upon projections and anticipated costs. A newly created charter school will rarely, if ever, have the exact enrollment, revenue, and expenses contained within its proposed budget. Review of such a budget requires more than merely accepting all numbers submitted by a petitioner without question; further analysis is required to determine whether the budget is realistic and the proposed school is fiscally viable.

At its capacity interview and public hearing Vista indicated that it will not co-locate with its middle school and intends to accept an LAUSD Prop 39 offer. (Staff Report, p. 8). Staff therefore analyzed Vista’s budget in light of Vista’s own representations. Analyzing the budget based upon the representations of the entity that created the budget clearly does not constitute an abuse of discretion.

Vista’s appeal mischaracterizes LACBOE’s findings regarding the financial risks if it does not meet its projected enrollment and ADA and if the projected enrollment and ADA are not achieved. LACBOE’s finding that the budget may result in a negative Net Income of \$764,000 is based upon Vista’s own representation that it may accept LAUSD’s Prop 39 offer of a site for 90 students. (Staff Report, p. 4; Hearing Trans., p. 9-10, ln. 24-5.). This projection is not based upon speculation, it is based on the drop in revenue that will occur if Vista reduces enrollment from the 125 students projected in the budget to the 90 students that would be permitted under LAUSD’s Prop 39 offer, which Vista indicated it plans to accept. (Staff Report, p. 8). Analyzing the budget based on Vista’s representation that it intends to enroll 90 students at a Prop 39 facility instead of the 125 students it budgeted for in its petition is not an abuse of discretion.

Vista appears to misunderstand the findings regarding its governance structure as it impacts financial viability. Contrary to Vista’s assertion, there was no finding that operating all Vista charters under a single Board of Directors was improper. Indeed, Element 4 of the Findings

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found Vista's governance structure to be reasonably comprehensive with a specific deficiency related to Vista's Articles of Incorporation. The concerns identified with this governance structure as they relate to finances dealt with Vista's Fiscal Policies and Procedures Handbook, and are listed on page 5 of the Staff Findings. (VLGA 02271). Specifically, the handbook lacks Intra/Inter-Company borrowing procedures and does not incorporate the allocated shared cost process between the campuses and the central office for personnel and services. Given the shared cost and governance structure proposed by Vista, these areas of the handbook require improvement and clarification. However, this was not a finding that the proposed governance structure was not permitted, nor did this finding treat Vista differently than any similarly situated schools.

- C. Numerous deficiencies were identified with Vista's planned curriculum, instruction, and educational services.

While Vista disputes LACBOE's findings regarding its climate change program and special education services, it does not dispute and thereby concedes the Board's finding that has not hired a credentialed Mandarin teacher, has not offered Mandarin courses at its existing Meridian charter school, and is unlikely to establish this signature program by the time Vista proposes to open its charter school. The evidence reviewed by the Board also demonstrated that Vista's failure to implement and process AP courses and Seal of Bi-literacy offerings at its existing high school created serious doubt as to whether it would be able to do so at the proposed charter, which Vista does not dispute in its appeal.

Vista instead takes issue with the LACOE staff report reflecting that, at the capacity interview, Vista indicated that it was in the process of developing its Health, Business, and Climate Change courses and that the courses were not yet being offered. (Staff Report, p. 8-9). Staff contacted UC Irvine regarding the proposed program, and was informed that UCI's project "does not involve the development of day-to-day lesson plans, assessments, or dual enrollment." (Staff Report, p. 9). Despite using the contact information provided by Vista, LACOE staff was unable to confirm that the climate change program would be delivered in any reasonable timeframe, or that it would reflect the program described by Vista. These findings were based upon Vista's own statements and following up with Vista's contact at UC Irvine, which Vista then contradicted in a 30-page written response that it submitted at 4:50 p.m. the evening before the Board hearing, and fourteen days after the Staff Report was posted. There is no abuse of discretion in relying upon information provided by Vista itself in preparing the staff report, no evidence that the Board did not consider Vista's eleventh-hour reply in which it contradicted its prior statements, and no evidence that the provision of a Climate Change course was outcome-determinative in this matter. Finally, it should be noted that Vista has only focused on the Climate Change program in its appeal and reply, apparently conceding that both the Health and Business courses are not yet being offered.

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LACOE staff and LACBOE found that deficiencies existed in Vista's plan to serve students with disabilities. Vista seems to believe that these deficiencies, which Vista refers to as "technical flaws," should not even be mentioned in a staff report, and are in and of themselves an abuse of discretion. (Vista Appeal, p. 9). As with many of Vista's other alleged "abuses of discretion," no legal support is provided in support of this position. To the contrary, it is absurd to suggest that the Board should simply focus on "the totality of the charter" and "give Vista credit for the successful special education programs run at five other Vista Schools" as proving that its special education plan is adequate. (Vista Appeal, p. 9). Staff and the Board appropriately identified areas in which Vista's proposed plan to serve students with disabilities was vague and inconsistent.

Citing deficiencies in the instructional program of a proposed charter is not an abuse of discretion, even where a charter school characterizes the deficiencies as "technical flaws." A governing board is expected to conduct a comprehensive review of a proposed charter, and not simply disregard anything that a petitioner believes to be a "technical flaw." LACBOE complied with its duty under the Charter School Act to review Vista's charter and issued appropriate findings based upon the evidence submitted to LACBOE.

**III. LACBOE's finding that the petition did not contain reasonably comprehensive descriptions of required elements was based on its review and analysis of the petition, and did not constitute an abuse of discretion.**

In conducting its review of Vista's petition, the Board found that of the 15 elements required of a charter school program, 10 elements were reasonably comprehensive, 2 were reasonably comprehensive with a specific deficiency, and 3 were not reasonably comprehensive. Vista's appeal disputes these findings, claiming that the 30-page response it submitted at 4:50 p.m. the day before the Board Hearing rebutted these findings, and that "LACBOE completely ignored Vista's response to the County staff's report." (Vista Appeal, p. 10). Vista mistakenly equates length of a petition with quality, arguing that "(t)he petition contains nearly 140 pages of description for these elements, going well above and beyond what is required by law." (Vista Appeal, p. 10). The Board properly found that Elements 1-3 were not reasonably comprehensive.

Vista's own Response admits that the Petition improperly states that ELD instruction will be provided during zero period, prior to the statutorily permitted start time, but claims that any references to this in its petition are moot. (Vista Response, SBE – VLGA 02441, Footnote 8). Vista further admits that its petition does not contain a detailed explanation of whether the school will provide students with an opportunity to earn the State Seal of Bi-literacy. (Vista Response, SBE – VLGA 02441, Footnote 8). Vista's response regarding the other findings contained in Elements 1-3 provides no further clarity, as it merely cites to page 27 and 28 (VLGA Appeal 000120-121) of the charter petition, which provides a citation to the Charter Schools Act along with vague promises that Vista will serve various student subgroups. Vague promises to serve

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student subgroups do not rebut or disprove the specific findings that the Board reached regarding Elements 1-3 of Vista's petition.

The Board did in fact resolve the various factual and legal disputes that Vista alleges. The Board did so by adopting the findings of the Staff Report. Vista had every opportunity to respond to the Staff Report, and in fact did so in writing and at the Board meeting in which its charter was voted on. The evidence plainly demonstrates that the Board weighed and considered all relevant evidence prior to adopting the findings in the Staff Report. This does not constitute an abuse of discretion.

**IV. Vista's appeal fails to demonstrate any abuse of discretion in LACBOE's findings regarding community impact.**

**A. The record clearly demonstrates that LACBOE conducted a *de novo* review of Vista's petition**

Vista's contention that LACBOE did not conduct a *de novo* review and instead "adopted LAUSD's decision prior to any further consideration or explanation," is entirely without support in the record. (Vista Appeal, p. 11). As Vista is well aware, the Board held a public hearing on its proposed charter, the petition was reviewed by LACOE staff, a multi-hour capacity interview was held with LACOE staff and members of Vista's team, and a public hearing was held with numerous speakers at the Board meeting at which the Board voted to deny Vista's petition. Despite overwhelming evidence that a *de novo* review was conducted, Vista contends that the inclusion of a summary of LAUSD's findings in the Staff Report with a statement that the findings comply with the Charter Schools Act somehow nullifies the County Board's *de novo* review of Vista's petition. This position is absurd, and entirely without factual or legal support.

**B. LACBOE's analysis of community impact used Vista's own definition of "community" and did not constitute an abuse of discretion**

Vista applied a three-mile radius "community" definition in its own charter when it submitted its appeal to LACBOE. Its petition was reviewed, and community impact was assessed, based upon the standard that Vista used in its charter. Vista now contends that LACBOE committed an abuse of discretion by applying Vista's own definition of "community," and apparently believes that the Board was required to disregard the analysis provided in Vista's own petition and apply some other, unspecified, definition of community. As can be expected, Vista provides no legal support for its contention that the analysis of a petition using the petitioner's own standard would be an abuse of discretion.

Vista's reliance on *Equitas Academy Charter School v. LAUSD* is misplaced and borders on a misrepresentation to the State Board. *Equitas* did not find that LAUSD's three-mile radius

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“community” definition was preempted by state law. Instead, *Equitas* merely addressed the question of whether a school district may refuse to receive a charter petition that a petitioner has certified to be complete. The Court made no finding whatsoever as to whether it was appropriate to analyze community impact using a three-mile radius. *Equitas* is entirely irrelevant to this proceeding.

It is absurd for Vista to contend that applying Vista’s own definition of community “shows that LACBOE did not provide an independent analysis of Statutory Finding (c)(7) and was prejudicial against Vista.” (Vista Appeal, p. 11). To the contrary, the evidence demonstrates that LACBOE reviewed and analyzed the petition it received on appeal, using the community impact standard provided in that petition. When the appeal was filed, Vista submitted a 19-page document titled “Description of Changes to the Vista Legacy Global Academy Petition Necessary to Reflect the Los Angeles County Board of Education as the Authorizer.” (See LACBOE OPPO Exhibit 1, p. 1-19). That document struck and/or modified numerous sections of the petition containing district-required language, but made no mention of or changes to the petition’s community impact analysis.

Based on the record, it appears that Vista never took issue with the three-mile radius definition of “community” provided by its own petition at any meaningful point in the review process prior to a single LACBOE Board member expressing concern about that standard at the March 14, 2023 Board meeting. Vista’s contention that the Board abused its discretion by conducting an analysis under Vista’s own definition of “community,” when Vista never challenged that definition or proposed a different definition prior to appealing this case to the State Board, is entirely without merit.

C. LACBOE’s findings under Education Code section 47605(c)(7) were supported by evidence

Contrary to Vista’s assertions, LACBOE’s findings regarding community impact were supported by its review of the evidence, and clearly “bridge the analytic gap between the raw evidence and the ultimate decision or order.” (Vista Appeal, p. 12, citing *Topanga Assn. v. County of Los Angeles* (1974) 11 Cal.3d 506, 515). The Staff Report, which was adopted by the Board, provided specific facts demonstrating the findings reached under Section 47605(c)(7).

The Staff Report provides a list of all schools, including both charter and LAUSD-operated schools, within a three-mile radius of Vista’s proposed location. An analysis of current enrollment compared to peak enrollment at those sites demonstrates that schools in the area are experiencing significant under-enrollment, and Vista’s proposed enrollment of 500 students would have a substantial impact on local schools. (Staff Report, p. 12-13, VLGA 02279-02280). This is not speculative, as contended by Vista, and is a finding based upon specific facts.

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The finding that Vista will duplicate programs offered within the area is likewise supported by specific factual evidence. Belmont High School, LA Academy of the Arts & Enterprise, and Downtown Business High School provide existing programs that have capacity for additional enrollment and will be duplicated by Vista. (Staff Report, p. 13, VLGA 02280). Though Vista did present a speaker from LA Academy of Arts & Enterprise who expressed his opinion that there were differences between his program and Vista's, no evidence was presented by Vista to indicate that its programs were not duplicative of those at the other two high schools. The Board's decision was therefore based upon the evidence received and reviewed by the Board, and was not an abuse of discretion.

Finally, Vista seeks to have the State Board take an unreasonably narrow interpretation of section 47605(c)(7), contending that this standard is "very high," and arguing that "(t)here is no single school in the community where a student can go to receive the holistic and unique services that will be offered by Vista Legacy." (Vista Appeal, p. 12). Vista's response to the LACOE report appears to contend that it is Vista's position that a finding of a duplicative program cannot be made unless a proposed charter's entire program is duplicative of that offered at an existing school. (Vista Response, VLGA 02442-02443). This is simply not the law, and reading Section 47605(c)(7) in this manner would permit charter schools to effectively nullify this provision of law by simply copying educational programs at existing schools and making minor modifications to those programs.

**V. Vista's position that LACBOE was unable to act on a motion that had been moved and seconded without first voting on a conflicting motion is entirely without legal support, and would lead to absurd results.**

In the opening seconds of the March 14, 2023 hearing on Vista's charter, Board Member Dutton moved to adopt the Superintendent's recommendation to deny Vista's charter. (Trans., p. 3, ln 5-13). That motion was promptly seconded by Board Member Forrester. (Trans., p. 3, ln. 16). Without citing any legal authority, Vista contends that Dr. Chan's statements that she would like to amend the motion to approve the charter should have been acted on prior to the Board taking action on Mr. Dutton's motion, which had been moved and seconded. Vista contends that acting upon a motion which had been moved and seconded prior to voting on an opposing motion somehow constituted a refusal "to hear any dissent." (Vista Appeal, p. 13). Vista's position demonstrates a lack of understanding of basic parliamentary procedures. Dr. Chan's desire to present a competing motion to approve the charter, when a motion to deny had been moved and seconded, did not constitute a motion to amend, and was out of order. The Board properly acted upon the motion that was before it, and acting upon that motion did not constitute an abuse of discretion.

Los Angeles County Board of Education Bylaw 9323 specifies: "(i)n the conduct of its business at all regular and special meetings, and when existing Board policies do not prescribe the procedure,

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the County Board shall be governed by the parliamentary procedures set forth in Robert's Rules of Order." (Board Bylaw 9323, p. 20-24) Robert's Rules of Order § 39:6 specifies that:

(M)otions are improper that conflict with, or present practically the same question as, one still within the control of the society because not finally disposed of; that is, one that has been referred to a committee or one that is subject to a motion to *Reconsider* that can still be called up. If a conflicting motion were allowed in such cases, it would interfere with the freedom of the assembly in acting on the earlier motion when its consideration is resumed.

Dr. Chan's request to amend Mr. Dutton's motion by introducing a conflicting motion was improper, and out of order. If Vista's view were adopted, and conflicting motions were required to be acted upon prior to holding a vote on the motion before a Board, this would allow for parliamentary gamesmanship and delay tactics, with governing bodies potentially subjected to repeated, conflicting motions, all of which would presumably have to be acted upon prior to a Board being able to take action upon the matter before it. Vista's interpretation is contrary to Board Policy and Robert's Rules of Order, and it is clear that LACBOE acted properly in holding a vote on Mr. Dutton's motion, rather than first voting on the conflicting motion that Dr. Chan proposed.

Vista's contention that LACBOE "refused to hear any dissent" and failed to provide "any opportunity for supporters to be considered" strains credulity. (Vista Appeal, p. 13). The vote on Vista's charter petition occurred following, but not limited to: a review of Vista's petition, a capacity interview with staff, a public hearing in which Vista and its supporters spoke to LACBOE about the proposed charter, the posting of a staff report fifteen days prior to the hearing at which LACBOE took action on the charter, Vista's submission of a written response to the staff report the night prior to the hearing, LACBOE's receipt of written comments both in support of and opposed to the proposed charter, and a lengthy public hearing at which staff presented a report, Vista received equal time and opportunity to respond, and supporters and opponents of the charter provided public comments.

All three Board Members who voted against Mr. Dutton's motion to deny the charter expressed their dissent prior to the vote. Dr. Chan provided an explanation as to why she disagreed with the staff recommendation, and why she believed approval of the charter with technical amendments was appropriate. (Trans. p. 65-69, ln. 23-19). Dr. Johnson stated that he did not have any questions or further discussion and was ready to vote, but specified that he agreed with Dr. Chan and would support a motion with technical assistance to support Vista. (Trans. p. 73, ln. 9-12). President Cross expressed his opinion that some of the findings could be corrected, and that his view was that these deficiencies did not support denying the charter. (Trans. P. 39, ln. 2-11). The transcript clearly demonstrates that, contrary to Vista's contentions, dissenting views were both

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heard and considered. The process was fair, and the hearing and vote did not constitute an abuse of discretion.

A simple review of the record demonstrates that LACBOE did not engage in burden-shifting. Vista relies upon a brief quote from Board Member Forrester to suggest that “the Board’s method of assessment” somehow creates a presumption of denial which must be overcome by the charter school. (Vista Appeal, p. 13-14). However, this excerpt is taken out of context. After both staff and Vista gave presentations to the Board, and numerous speakers spoke in favor and against the charter, each Board Member was given an opportunity to provide comment on the then-pending motion to deny the charter. Board Member Forrester provided a thorough explanation of her analysis of the charter, which made clear that she had reviewed the petition and all comments provided by both sides, and agreed with both the fiscal concerns identified by staff as well as the staff finding that Vista’s programs duplicated existing programs in the community the charter sought to serve. (Trans. p. 70-73, ln. 22-4). The language quoted by Vista, provided at the very end of Ms. Forrester’s comment, merely demonstrates that Ms. Forrester evaluated and weighed all evidence that had been presented to her, and determined that the staff findings were more credible than Vista’s contentions to the contrary.

Finally, Vista appears to take issue with the Board not agreeing that it “was able to effectively and conclusively rebut each recommended factual finding with the actual evidence in the record.” (Vista Appeal, p. 14). Vista appears to believe that, because Board Members who voted against Vista’s charter did not specifically cite to Vista’s response, those Board Members did not consider the 30-page written response to the LACOE Staff Report, which Vista submitted at approximately 4:50 p.m. the evening before the hearing on its charter petition was to be held.

Though the Charter Schools Act requires any staff report to be posted at least fifteen days before the public hearing at which the governing board will approve or deny the charter, there is no corresponding section of law which provides a statutory right for a petitioner to submit a written reply to a staff report. Nonetheless, Vista did submit a reply the day before the hearing, which was provided to the Board. Vista appears to believe that the Board was required to go through Vista’s written response and make findings rebutting each and every allegation raised by Vista on the eve of the hearing, despite no such requirement existing under law. This effectively appears to be a complaint that, in Vista’s opinion, the Board should have spent more time reviewing and given greater weight to Vista’s optional written response. However, if Vista had wanted the Board to spend more time analyzing its written response, it should have given the Board an opportunity to do so, rather than submitting a 30-page document at 4:50 p.m. the evening prior to the hearing. Vista’s delay in submitting an optional document does not give rise to an abuse of discretion by the Board. All written and verbal testimony and other evidence provided by Vista and its supporters was received and reviewed by the Board prior to the Board making its decision. The process was fair, and no abuse of discretion occurred.

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**VI. Conclusion**

For the reasons set forth, the Los Angeles County Board of Education respectfully requests that Vista's appeal be denied.

Sincerely,

*Patrick Saldana*  
Patrick Saldana (May 15, 2023 16:25 PDT)

Patrick Saldana  
Deputy General Counsel

Attachments

**Letter dated December 9, 2022 from Vista Charter  
Public Schools RE: Description of Changes to the  
Vista Legacy Global Academy Petition Necessary to  
Reflect the Los Angeles County Board of Education as  
the Authorizer**

## VISTA CHARTER PUBLIC SCHOOLS

*We transform the school experience*

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Superintendent



Don Wilson Ed.D.,

Dec 9, 2022

Indra Ciccarelli, Director II  
Charter School Office  
Los Angeles County Office of Education  
12830 Columbia Way  
Downey, CA 90242

Re: Description of Changes to the Vista Legacy Global Academy Petition Necessary to Reflect the Los Angeles County Board of Education as the Authorizer

Dear Mr. Ciccarelli:

In accordance with California Code of Regulations, title 5, section 11967, subdivision (b)(4) and Los Angeles County Office of Education ("County") requirements, the following changes to the Vista Legacy Global Academy ("VLGA") charter petition are necessary to reflect the Los Angeles County Board of Education ("County Board") as the authorizer. This letter is submitted in order to meet legal and County requirements. Nothing contained herein is a new or different "material term" as defined under Education Code section 47605(k)(1)(A)(iii).

### Charter Authorizer

Throughout the charter, any text referring to the "Los Angeles Unified School District," "LAUSD," or "District" as the authorizer, including any requirements that VLGA submit documents or otherwise report to LAUSD, would be revised to read "Los Angeles County Board of Education," "County Board," or "County" as appropriate. Any text referring to the LAUSD "Charter Schools Division" or "CSD" as conducting oversight of VLGA would be revised to refer to the County's "Charter School Office" or "CSO" as appropriate.

### Cover Page And Table Of Contents

The cover page of the charter would be revised to reflect the date the charter was submitted on appeal to the County Board. The table of contents on pages 1-2 will need to be updated once all of the changes described in this letter are made.

### Element 1 – English Learners ("EL")

## VISTA CHARTER PUBLIC SCHOOLS

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Superintendent



Don Wilson Ed.D.,

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Many sections of the charter contain LAUSD's mandatory District Required Language ("DRL") highlighted in gray. LAUSD requires the DRL to be copy-pasted into every charter. Some of the language only applies if LAUSD is the authorizer.

The charter would be revised on page 6 to remove the requirement to annually certify to CSD that VLGA is implementing the LAUSD Master Plan for English Learners and Standard English Learners or its own EL Master Plan, and to annually evaluate and report to CSD on the EL program. Instead, VLGA would implement the EL Master Plan submitted with the charter petition and make any necessary reports to the County.

### Element 1 – Students With Disabilities

As required by LAUSD, the students with disabilities section of the charter is entirely DRL, containing DRL language and LAUSD requirements that will be irrelevant if the school is authorized by the County Board, such as executing a LAUSD special education memorandum of understanding, potential membership as a school of the district in the LAUSD special education local plan area ("SELPA"), and complying with LAUSD's special education policies, procedures, and data systems. In order to reflect the County Board as the school's authorizer, this section of the charter must be revised.

The DRL on pages 7-9 related to students with disabilities would be removed and the charter would be revised to meet County requirements for special education. VLGA proposes to revise the charter under the heading "Students With Disabilities" on page 128 with the language attached to this letter as Exhibit A.

### Element 4 – Governance

Page 145-146 of the charter, in the "Legal and Policy Compliance" section of the DRL, requires the school to comply with LAUSD's various charter policies. This language would be removed.

On pages 146-147, the "Responding to Inquiries" section of the DRL, which references the LAUSD Office of Inspector General, should be removed. VLGA proposes it be replaced by the following language that reflects the requirements of Education Code section 47604.3:

"VLGA shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records from the County or from the Superintendent of Public Instruction, and shall consult with the County or the Superintendent of Public Instruction regarding any inquiries."

On page 147, the "Notification of the District" section of the DRL would be revised to require the school to make reports to the County as required by California law and the County.

## VISTA CHARTER PUBLIC SCHOOLS

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Superintendent



Don Wilson Ed.D.,

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- **Element 6 – Health And Safety Procedures**

On page 175, the DRL includes a paragraph about VLGA potentially locating on a District facility and complying with District procedures, requirements, and inspections. This paragraph would be removed.

- **Element 7 – Means To Achieve Racial And Ethnic Balance**

Page 183 of the charter includes language requiring compliance with the *Crawford* court order against LAUSD and the LAUSD Court-Ordered Integration Program. This language is inapplicable if the school is authorized by the County Board and would be removed.

- **Element 9 – Annual Financial Audits**

On page 191, the list of reports required by LAUSD will be removed and VLGA proposes it be replaced with the following language, as set forth in Education Code section 47604.33, as well as any other reports required by the County:

“The following reports will be submitted to the County Superintendent of Schools:

- (1) On or before July 1, a preliminary budget.
- (2) On or before July 1, an annual update required pursuant to Section 47606.5.
- (3) On or before December 15, an interim financial report, which shall reflect changes through October 31.
- (4) On or before March 15, a second interim financial report, which shall reflect changes through January 31.
- (5) On or before September 15, a final unaudited report for the full prior year.”

- **Element 10 – Suspension And Expulsion Procedures**

On page 193, language in the DRL requires compliance with LAUSD’s Discipline Foundation Policy. This language would be removed.

On page 194, the DRL under the heading “Students with Disabilities” has unique procedures that would be inapplicable if authorized by the County Board, so the language would be removed.

On page 195, the DRL under the heading “Notification of the District” has LAUSD-specific procedures that would be inapplicable if authorized by the County Board, so the language would be removed.

As required by LAUSD, nearly the entire Element 15 on pages 225-231 is LAUSD-specific DRL. VLGA proposes that this Element be replaced with the language attached to this letter as Exhibit C.

- **Additional Provisions**

On pages 232-239, there is an “Additional Provisions” section of the charter that is all LAUSD DRL, which includes requirements about VLGA’s use of LAUSD-owned and non-LAUSD-owned facilities, insurance, evidence of particular insurance, indemnifications, and fiscal oversight of the school. This language would be removed to the extent it is inapplicable if the school is authorized by the County.

- **Technical Amendments**

VLGA will comply with any additional, reasonable technical amendments to the charter as recommended by the County Board. For example, there are yellow highlights throughout the charter that were inadvertent, so the highlighting would be removed.

We appreciate your time and consideration. If you have any questions, please feel free to reach out to me directly.

Sincerely,



Dr. Donald S. Wilson  
Superintendent  
Vista Charter Public Schools

Enclosure

## EXHIBIT A

### STUDENTS WITH DISABILITIES

As an inclusive model school, VLGA is committed to meeting the needs of all of our students with disabilities, and pledges to work in cooperation with the Special Education Local Plan Area (SELPA) to ensure that a free and appropriate education is provided to all students with exceptional needs. VLGA will comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and any other civil rights law enforced by the U.S. Department of Education Office of Civil Rights (OCR). Furthermore, VLGA will comply with SELPA guidelines and all California laws pertaining to students with disabilities.

The following description regarding how special education and related services will be provided and funded is being proposed by VLGA for the sole purpose of providing a reasonably comprehensive description of the special education program in the charter petition, in accordance with Education Code section 47605(b).

### SELPA AFFILIATION

VLGA will be an independent Local Education Agency (LEA) member in the El Dorado Charter SELPA for purposes of special education, pursuant to Education Code Section 47641(a). A change in LEA status or SELPA membership shall not require a material revision of this charter.

As an independent LEA pursuant to Education Code Section 47641(a), VLGA will assume full responsibility for providing special education and related services to eligible charter school students, in accordance with state and federal law.

VLGA will follow policies and procedures of the El Dorado SELPA and shall utilize SELPA forms and information systems necessary to identify and serve students who qualify for special education. VLGA agrees to collaborate with the SELPA to respond to inquiries and request and provide access to information and records, as needed, and shall be responsible for maintaining confidentiality of student records.

### CHILD FIND

VLGA understands its responsibility to ensure that all children with disabilities who need special education and related services are identified, located, and evaluated, regardless of the severity of the disability. No assessment or evaluation will be used for admission purposes.

As noted above, VLGA will implement a multi-tiered instructional and support framework (MTSS), prior to referring a student for an evaluation under IDEA. However, VLGA shall ensure that child find identification occurs in a timely manner and that no procedures or practices result in delaying or denying this identification. A parent/guardian or VLGA staff member may request an initial evaluation at any time to determine if the student is a student with a

disability, regardless of whether the student has participated in an MTSS framework. Special education referrals shall be made only after general education supports and interventions have been considered and provided, as appropriate. If the Student Study Team finds that the pre-intervention plan is not sufficient to meet the student's needs, they will recommend that student for a formal special education assessment. VLGA may also choose to refer a student for services through the provisions of a Section 504 Plan, if appropriate.

As an independent LEA for special education purposes, VLGA shall be solely responsible for compliance with state and federal Child Find requirements. VLGA shall implement policies and procedures of the SELPA in which it is a member to ensure timely identification and referral of students suspected of having a disability.

#### *REFERRAL FOR ASSESSMENT*

The term "assessments" shall have the same meaning as the term "evaluation" in the IDEA, as provided in Section 1414, Title 20 of the United States Code. VLGA's internal method for referral for assessment will be the Student Success Team (SST). Parents/guardians will be informed that special education and related services are provided at no cost to them.

As an independent LEA for special education purposes, in the event that VLGA receives a written request for evaluation, it will be solely responsible for working with the parent/guardian to address the request and shall follow SELPA policies, procedures, and timelines. VLGA shall respond to a written request for assessment within 15 days.

If VLGA concludes that an assessment is appropriate, the parent/guardian will receive a written Assessment Plan within 15 days. The parent will be given at least 15 days to provide written consent to the Assessment Plan. Assessments will be done only upon receipt of written parent/guardian permission. The assessment will be completed and an Individualized Education Program (IEP) meeting held within 60 days of receipt of the parent's/guardian's written consent for assessment.

#### *ASSESSMENT*

As an LEA for special education, VLGA shall be solely responsible for conducting special education assessments deemed necessary and appropriate by VLGA. The Director of Special Education and Pupil Services will be responsible for gathering all pertinent information and arranging for assessments to be conducted in all areas of suspected disability.

Information gathered will be used as tools to determine the student's disability, eligibility for services, and determining the nature and extent of required services. The types of assessments that may be used for determining eligibility for specialized instruction and services will include, but not limited to:

- Individual testing;
- Teacher observations;

- Interviews;
- Review of school records, reports, and work samples; and
- Parent input.

VLGA will follow the following assessment guidelines. If a conflict with SELPA policies and procedures exists, then SELPA policies and procedures will govern.

- Parents or guardians of any student referred for assessment must give their written consent for the school to administer the assessment;
- The assessment will be completed and an Individualized Education Program (IEP) meeting held within 60 days of receipt of the parent's written consent for assessment;
- The student must be evaluated in all areas related to his/her suspected disability;
- Assessments must be conducted by a person with knowledge of the student's suspected disability, and administered by trained and knowledgeable personnel and in accordance with any instructions provided by the producer of the assessments; individually administered tests of intellectual or emotional functioning must be administered by a credentialed school psychologist;
- Assessments will be selected and administered so as not to be racially, culturally, or sexually discriminatory;
- Assessments will be delivered in the student's primary language, and a qualified interpreter will be provided if needed;
- Assessment tools must be used for purposes for which the assessments or measures are valid and reliable;
- Assessments will be adapted as necessary for students with impaired sensory, physical or speaking skills; and
- A multidisciplinary team will be assembled to assess the student, including a teacher knowledgeable in the disability.

Upon completion of the assessment, an IEP team will be assembled to review the results of the assessment and determine the student's eligibility for special education. VLGA will be responsible for scheduling, coordinating and facilitating the IEP meeting. Educators qualified to interpret test results will present the assessment data at the IEP meeting. Parents/guardians will be provided with written notice of the IEP meeting, and the meeting will be held at a mutually agreeable time and place.

#### ***DEVELOPMENT AND IMPLEMENTATION OF IEP***

Every student who is assessed for special education will have an IEP that documents assessment results and eligibility determination for special education services.

As an LEA for special education, VLGA shall be solely responsible for ensuring that all aspects of the IEP and school site implementation are maintained. VLGA will provide modifications and accommodations outlined within each individual's IEP and serve each student in the Least Restrictive Environment (LRE).

Each student who has an IEP will have an IEP team that oversees the IEP Development, implementation and progress of the student. All decisions concerning the special education programs and services to be provided to a student with a disability are to be made by the IEP team. The IEP team will include all of the following members:

- The parent or guardian of the student for whom the IEP was developed;
- The Student, if appropriate
- The Principal;
- At least one special education teacher;
- A General Education teacher who is familiar with the curriculum appropriate to that student, if the student is, or may be, participating in the general education environment;
- A SELPA Special Education Representative, if appropriate;
- If the student was recently assessed, the individual who conducted the assessment or who is qualified to interpret the assessment results; and
- Others familiar with the student may be invited as needed.

VLGA will provide an interpreter if necessary to ensure that all parents and/or guardians understand and can participate in the IEP process. If a parent cannot attend the IEP meeting, the school will ensure his/her participation using other methods, such as conferencing by telephone or meeting at the parent's home.

A copy of the IEP will be given to the parent/guardian in accordance with state and federal laws. Upon the parent or guardian's written consent, the IEP will be implemented by VLGA. The IEP will include all required components and be written on SELPA forms.

The student's IEP will include the following:

- A statement of the student's present levels of academic achievement and functional performance;
- The rationale for placement decisions, including cogent and responsive explanations for the recommendations;
- The services the student will receive and the means for delivering those services;
- A description of when services will begin, how often the student will receive them, who will provide them, and where they will be delivered;
- Measurable annual goals and short-term objectives focusing on the student's current level of performance and appropriately ambitious for his/her circumstances;
- The goals and objectives will also be linguistically appropriate, as per Ed Code Section 56345(b).
- A description of how the student's progress toward meeting the annual goals will be measured and monitored and when reports will be provided;
- Accommodations necessary to measure the academic achievement and functional performance of the pupil on state and district assessments;

- For students 16 years of age and older, measurable postsecondary goals related to training, education, employment and independent living skills, along with transition services needed to assist the student in reaching those goals;
- A description of the means by which the IEP will be provided under emergency conditions; and
- The IEP shall be reasonably calculated to enable the student to make progress appropriate in light of his/her circumstances.

IEP meetings will be held according to the following schedule:

- Yearly to review the student's progress and make any necessary changes;
- Every three years to review the results of a mandatory comprehensive reevaluation of the student's progress;
- After the student has received a formal assessment or reassessment;
- When a parent or teacher feels that the student has demonstrated significant educational growth or a lack of anticipated progress (consistent with state and federal law, IEP meetings will be held within 30 days of a parent's request);
- When an Individual Transition Plan (ITP) is required at the appropriate age; and
- When VLGA seeks to suspend or remove the student for a period of 10 days or more for the same behavior, in order to determine if the student's misconduct was a manifestation of his/her disability.

#### *IEP REVIEW*

The IEP team will formally review the student's IEP at least once a year to determine how the IEP is meeting his/her needs. In accordance with IDEA regulations, the IEP team will also conduct a formal review of the IEP once every three years, in which the student is reassessed and the IEP is reviewed as part of an overall comprehensive reevaluation of the student's progress.

As an LEA for special education, VLGA shall be responsible for conducting IEP reviews and determining necessary supports, services, placements, in accordance with SELPA policies and all applicable laws.

Unless otherwise specified on the student's IEP, parents will be informed three times per year (which is the same frequency as progress is reported to all students and parents) of the student's progress toward meeting annual goals and whether the student is expected to meet his/her annual goals. The Goals and Objectives section of the IEP will be an attachment to the general progress report. This will serve to document the method by which the student's progress toward achieving the annual goal is measured, the student's progress during the relevant period, the extent to which it is anticipated the student will achieve the annual goal prior to the next annual review, and where needed, the reasons the student did not meet the goal.

If a parent/guardian or faculty member feels the student's educational needs are not being met, they may request a reassessment or a review of the IEP by the IEP team at any time during the year via written notice to the school. Once the request is received, VLGA will have thirty days, not including school vacations greater than five days, to hold the IEP meeting.

*SPECIAL EDUCATION STRATEGIES FOR INSTRUCTION AND SERVICES*

As an independent LEA for special education purposes, VLGA will offer a comprehensive inclusion program that includes co-teaching, individualized instruction with differentiation for all learners, and the myriad other programmatic aspects detailed above that are designed to support diverse learners' needs, including the needs of students with disabilities. Each student's IEP requires different kinds of accommodations and modifications for instruction and services; therefore, the educational strategies of the IEP will be built around the student's needs. If a student's IEP team determines that the student requires placement outside of a general education classroom, VLGA will to provide the necessary placement and/or services. The instruction outlined in each student's IEP will be delivered by personnel qualified to do so.

*INTERIM AND INITIAL PLACEMENTS OF NEW CHARTER SCHOOL STUDENTS*

VLGA shall comply with Education Code Section 56325 with regard to students transferring into the charter school within the academic school year.

As an independent LEA for special education purposes, VLGA shall provide transferring students with free and appropriate public education, including services comparable to those listed in the existing IEP.

For students transferring to the VLGA from another school within the same SELPA, VLGA, pursuant to Education Code Section 56325(a)(2), shall continue to provide services comparable to those described in the existing approved IEP, unless parents/guardians and VLGA agree to develop and implement a new IEP. For students transferring to the VLGA from another school within a different SELPA, VLGA, pursuant to Education Code Section 56325(a)(1), shall continue to provide services comparable to those described in the existing approved IEP for a period of up to 30 days, by which time VLGA shall adopt the previous IEP or, in consultation with parents/guardians, develop and implement a new IEP that is consistent with federal and state law.

For students transferring to VLGA from a school outside of California, VLGA shall provide the student with a free appropriate public education, including services comparable to those described in their existing IEP, until VLGA conducts an assessment pursuant to Section 1414 of Title 20 of the United States Code, if determined to be necessary by VLGA, and develops a new IEP, if appropriate, in accordance with federal and state law.

*STAFFING*

As an LEA for special education purposes, it will assume responsibility for special education staffing and service delivery. VLGA will be responsible for hiring, training, and/or contracting with the staff necessary to provide special education services to its students. VLGA shall ensure that all special education staff hired or contracted by VLGA is qualified to provide services in accordance with all applicable laws, regulations, and SELPA policies.

VLGA will employ one special education teacher with specialization in mild/moderate disabilities. In partnership with the Principal, this teacher will ensure the implementation of IEPs and compliance with all special education policy, monitoring, and compliance procedures. As the school grows, VLGA will continue to employ a mix of special education teachers as appropriate for the student population it serves as dictated by the needs indicated on student IEPs.

It will be the duty of the Principal to oversee and ensure the following:

- Ensure that all aspects of the IEP are followed;
- Arrange for the teacher of the student to attend the team meetings;
- Communicate with parents about progress made toward attaining the goals stated on the student's IEP, and inform them of due process procedures and rights;
- Consult quarterly with the Director of Special Education and Pupil Services or designee to ensure that the objectives and goals of students with IEP's are being met;
- Complete the requisite paperwork, updating and filing of necessary information for initial referrals, triennial evaluations, ongoing monitoring of student progress, and appropriate provision of any/all test modifications as stipulated in the IEP;
- Maintain a central file with all special education evaluation material and IEP's in accordance with FERPA and IDEA guidelines; and
- Provide a report of student progress on the same schedule as students in general education).

All teaching staff at VLGA will also be involved in assuring that all IEPs and 504 plans are properly implemented.

*PROFESSIONAL DEVELOPMENT FOR CHARTER SCHOOL STAFF*

VLGA administrators, general and special education teaching staff, as well as other appropriate faculty and staff members will attend professional development and/or training meetings necessary to comply with state and federal special education laws, including training sponsored by the County and/or SELPA.

As an independent LEA for special education, VLGA shall seek professional development opportunities for its staff through potential trainings facilitated by the County, SELPA, colleges and universities, and private companies or agencies to ensure compliance with state and federal special education laws as well as implementation of best practices for students with disabilities.

*REPORTING*

VLGA, in collaboration with the SELPA where appropriate, will collect and maintain the following information on disabled students as required by IDEA:

- A calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability and the number of students with disabilities who are English Language Learners;
- The number of students provided with test modifications and the types and the number of students exempted from Statewide assessments;
- The settings in which students with disabilities receive their services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom;
- The number of students with disabilities suspended "in-school" and out of school, organized by disability and length of suspensions; and
- The basis of exit from VLGA of students with disabilities (i.e., attainment of diploma and type, declassified, moved, etc.).

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of the Principal. The Education Specialist will ensure that a central file with all special education evaluation material and IEP's is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The Principal will oversee access to these records, and will be responsible for ensuring that all providers responsible for the implementation of a student's IEP will have access to a copy of the IEP and will be informed of their specific responsibilities in implementing the IEP.

*PROCEDURAL SAFEGUARDS*

Parents or guardians of students with IEP's at VLGA must give written consent for the evaluation and placement of their child, be included in the decision-making process when change in placement is under consideration, and be invited, along with teachers, to conferences and meetings to develop their child's IEP.

The school will provide the parent with a written Notice of Procedural Safeguards, which will include information on the procedure to initiate both formal and informal dispute resolutions, at least once per year. VLGA will utilize the Notice of Procedural Safeguards used by the SELPA in which it is a member.

As an LEA for special education purposes, concerns or disagreements raised by parents/guardians will be acknowledged by the school within five days. VLGA will work to arrange a meeting with the parents/guardians to seek resolution of the disagreement. If a disagreement or concern persists, parents or guardians have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child.

*DISPUTE RESOLUTION*

As an LEA for special education purposes, VLGA acknowledges its responsibility to resolve disputes or defend due process complaints arising as a result of VLGA's alleged failure to provide a free and appropriate public education ("FAPE") to students enrolled in the charter school. VLGA may also initiate a due process hearing or request for mediation with respect to a student enrolled in VLGA if it determines such action is legally necessary or advisable.

*COMPLAINT PROCEDURES*

Parents or guardians also have the right to file a complaint with the California State Department of Education if they believe that the school has violated federal or state laws or regulations governing special education.

*SECTION 504 OF THE REHABILITATION ACT*

VLGA recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of VLGA. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the school.

VLGA shall be solely responsible for its compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. All facilities of the VLGA shall be accessible for all students with disabilities in accordance with the ADA.

VLGA will designate one employee to coordinate the school's compliance with its responsibilities under Section 504. A 504 team will be assembled by the Principal or Principal-designated 504 Coordinator and shall include the parent/guardian, the student, a qualified staff member, and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate.

If the student has already been evaluated under the IDEA but found ineligible for special education instruction or related services under the IDEA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team who will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

- Tests and other evaluation materials include those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligent quotient.
- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student is eligible for services under Section 504 must be made by the 504 team. Written notice of the eligibility determination will be provided to the parent or guardian of the student in their primary language, along with notice of the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA, a referral for assessment under the IDEA will be made by the 504 team.

If the student is found by the 504 team to qualify for services and supports under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives FAPE. In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The Principal will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

## EXHIBIT B

### ELEMENT 14 – MANDATORY DISPUTE RESOLUTION

*"The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter." (Ed. Code § 47605(c)(5)(N).)*

#### DISPUTES BETWEEN THE CHARTER SCHOOL AND THE COUNTY

VLGA and the County will be encouraged to attempt to resolve any disputes amicably and reasonably without resorting to formal procedures.

In the event of a dispute between VLGA and the County, the issue shall first be framed in written format ("dispute statement") that is sent to the County Superintendent and VLGA Superintendent, or their respective designees. In the event that the Los Angeles County Board of Education (County Board) believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, VLGA requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the County Board to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a prerequisite to the County Board's ability to proceed with revocation in accordance with Education Code Section 47607 and its implementing regulations.

The County Superintendent and VLGA Superintendent, or their respective designees, shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than five (5) business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the County Superintendent and VLGA Superintendent, or their respective designees, and attempt to resolve the dispute within fifteen (15) business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the County Superintendent and VLGA Superintendent, or their respective designees, shall meet to jointly identify a neutral third-party mediator to engage the parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the County Superintendent and VLGA Superintendent, or their respective designees. Mediation shall be held within sixty (60) business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the County and VLGA. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the County and VLGA.

#### INTERNAL DISPUTES

VLGA shall have an internal dispute resolution process to be used for all internal disputes related to the charter school's operations. VLGA shall also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and

staff at VLGA shall be provided with a copy of VLGA's policies and internal dispute resolution process. The County shall promptly refer all disputes not related to a possible violation of the charter or law to VLGA.

## EXHIBIT C

### ELEMENT 15 – CLOSURE PROCEDURES

*“The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.” (Ed. Code § 47605(b)(5)(O).)*

The following procedures shall constitute the “Closure Protocol” and shall apply in the event VLGA ceases to be a charter school or otherwise closes for any reason.

Any decision to close VLGA as a charter school operating pursuant to this charter shall be documented by official action of the VCPS Board (“Closure Action”), and will identify the person or entity responsible for all closure-related activities and actions. The action will identify the reason for closure (e.g., decision not to renew as a charter school). The Closure Action shall be deemed to have been automatically made if any of the following occur: the Charter is revoked or non-renewed and VLGA has exhausted all appeal procedures, the VCPS governing body votes to close VLGA, or the charter lapses. In the event of a Closure Action, the following steps shall be implemented, which follow the procedures and requirements set forth in Education Code Section 47605(c)(5)(O) and the California Code of Regulations sections 11962 and 11962.1.

VLGA will promptly notify parents and students of VLGA, the home districts, the Los Angeles County Office of Education, VLGA’s SELPA, the retirement systems in which VLGA’s employees will participate (e.g., State Teachers’ Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils’ school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

VLGA will ensure that the notification to the parents and students of the charter school of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board’s decision to close VLGA.

VLGA will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, VLGA will provide parents, students and the County with copies of all appropriate student records, and will otherwise assist students in transferring to other schools. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act (“FERPA”), 20 USC §1232g. VLGA will ask the County to store as necessary original records of charter school students. All student records of VLGA shall be transferred to the County upon school closure, except when records are transferred to a student’s new school in accordance with applicable legal requirements. If the County will not or cannot store the records, VLGA shall work with County to determine a suitable alternative location for storage.

As soon as is reasonably practical, VLGA will prepare final financial records. VLGA will also have an independent audit (which may also serve as the annual audit) completed by an independent auditor as soon as is reasonably practical, but in no case later than six months after closure. The audit must include at least the following (i) All information required of in an annual audit; (ii) An accounting of all assets, including cash and accounts receivable and an inventory of property, equipment and supplies; (iii) An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans and unpaid staff compensation; (iv) An assessment of the disposition of any restricted funds received by or due to VLGA, and (v) A delineation of the disposition of all assets and liabilities. Any liability or debt incurred by VLGA shall be the responsibility of VLGA and not the County. VLGA understands and acknowledges that VLGA will cover the outstanding debts or liabilities of VLGA. Any unused special education related funds will be returned to the County or SELPA, as appropriate, and other categorical funds will be returned to the source of funds as required by applicable law.

On closure of VLGA, all assets of VLGA, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending VLGA, remain the sole property of the VCPS. Any assets acquired from the County or County property will be promptly returned upon charter school closure to the County. Upon the dissolution of VCPS, all assets shall be distributed in accordance with the Articles of Incorporation. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, VLGA shall remain solely responsible for all liabilities arising from the operation of VLGA.

As VLGA is operated by a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

For a minimum of six calendar months from the date of the Closure Action or effective date of the closure, whichever comes first, sufficient staff as may be allowed by the budget and remaining assets will maintain employment to take care of all necessary tasks and procedures required for smooth closing of VLGA and student transfers.

In addition to the final audit, VLGA shall also submit any required year-end financial reports to the California Department of Education and the Los Angeles County Superintendent of Schools,

in the form and timeframe required, including, but not limited to, those required by Education Code Section 47604.33.

VLGA shall use budget reserves normally maintained for contingencies and emergencies to fund closure proceedings.

## **Board Bylaws**

## **Board Bylaws**

### **MEETING CONDUCT**

#### **Meeting Procedures**

All County Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with County Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

*(cf. 9322 - Agenda/Meeting Materials)*

The County Board President shall conduct County Board meetings in accordance with County Board bylaws and procedures that enable the County Board to efficiently consider issues and carry out recommendations and motions approved by the County Board.

*(cf. 9121 - President)*

In the conduct of its business at all regular and special meetings, and when existing Board policies do not prescribe the procedure, the County Board shall be governed by the parliamentary procedures set forth in Robert's Rules of Order.

*(cf. 9320 - Meetings and Notices)*

In conducting agendized Board business, County Board members are permitted to ask questions and deliberate respectfully, taking care to allow all members to participate.

#### **Quorum and Abstentions**

The County Board shall act by majority vote of all of the membership constituting the County Board.

*(cf. 9323.2 - Actions by the Board)*

The County Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a County Board member abstains, the abstention shall not be counted for purposes of determining whether a majority of the membership of the County Board has taken action.

*(cf. 9270 - Conflict of Interest)*

#### **Public Participation**

Members of the public may attend County Board meetings and address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. A member of the public may be required to register their name on an online platform to provide public comment.

**MEETING CONDUCT** (continued)

In order to conduct Los Angeles County Board of Education business in an orderly and efficient manner, the County Board requires that public presentations to the County Board comply with the following procedures:

1. The County Board is required to conduct the official business of the Office in accordance with the applicable legal requirements of the County of Los Angeles and the State of California. In discharging its legal responsibilities, the County Board is interested in hearing the views of individuals who wish to appear before it to present their views.

All official meetings, as required by law, are public meetings of the County Board; however, they are not meetings of the general public. Participation by the public is provided for on the County Board agenda, and anyone is welcome to address the County Board on any item within its jurisdiction. If a matter is on the agenda, the speaker must speak to the item at that time. However, when an item is not on the agenda the speaker must speak during the designated public comment time. In instances when an item is not on the agenda the County Board may only listen or ask for clarification. Discussion and decision must be referred to a later meeting to allow for public notice and equal access of all interested people.

At the outset of the meeting the County Board President will remind public speakers of their opportunity to address the County Board as follows:

- If you would like to provide public comment on a matter on the County Board's agenda, you may do so when the item is called.
  - If you wish to speak on any matter within the County Board's jurisdiction, but not on the agenda, you must address the County Board during public comment.
2. In order to promote constructive citizen and employee participation at County Board meetings, to assure equal and fair treatment to all individuals and groups, and to enable the County Board to make maximum use of the limited time available at meetings, the following procedures shall be observed.

During public comment, three minutes may be allocated to each speaker and a maximum of twenty minutes to each subject. No speaker may relinquish a time allotment to another speaker.

The County Board President retains the responsibility and authority to maintain order, and shall have the right to terminate a speaker's privilege of address to maintain order.

**MEETING CONDUCT** (continued)

Exceptions to the procedures set forth above shall be made only by a majority vote of the County Board members present, and shall be applicable only to the individuals or groups, and for the specific time, identified in the motion to grant an exception.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes an interpreter shall be provided at least twice the allotted time to address the Board, unless simultaneous interpretation equipment is used to allow the Board to hear the interpreted public testimony simultaneously.

*(cf. 9130 – County Board Committees)*

3. The County Board President may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the County Board President may indicate the time and place when it should be presented.

The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions.

*(cf. 9321 - Closed Session Purposes and Agendas)*

4. The County Board President shall not permit actual disruption of County Board meetings. Actual disruption of the proceedings of a meeting by an individual or group shall be grounds for the County Board President to remove disruptive individuals and order the room cleared if necessary. Prior to the removal, the individual shall be warned that their behavior is disrupting the meeting and that failure to cease the disruptive behavior may result in removal. If, after being warned, the individual does not promptly cease the disruptive behavior, the County Board president, or designee, may then remove the individual from the meeting.

When an individual's behavior constitutes a use of force or a true threat of force, the individual shall be removed from a County Board meeting without a warning.

Disrupting means engaging in behavior during a County Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law, or engaging in behavior that constitutes use of force or a true threat of force.

True threat of force means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

**MEETING CONDUCT** (continued)

In this case, members of the media not participating in a disturbance shall be allowed to remain, and individuals not participating in such disturbances shall be allowed to remain at the discretion of the County Board. When the room is ordered cleared due to a disturbance, further County Board proceedings shall concern only matters appearing on the agenda.

When disruptive conduct occurs, the County Superintendent or designee shall contact local law enforcement. When disruptive conduct occurs, the County Board may decide to recess the meeting to help restore order, or if removing the disruptive individual(s) or clearing the room is infeasible, move the meeting to another location. Law enforcement shall be contacted as necessary.

**Recording by the Public**

The County Board President or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

*(cf. 9324 – Minutes and Recordings)*

If the County Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the County Board.

*Legal References (see next page)*

## MEETING CONDUCT (continued)

### *Legal Reference:*

#### *EDUCATION CODE*

*5095 Powers of remaining governing board members and new appointees*  
*32210 Willful disturbance of public school or meeting; offense*  
*35010 Control of district; prescription and enforcement of rules*  
*35145.5 Legislative intent; agenda; public participation*  
*35163 Official actions, minutes and journal*  
*35164 Vote requirements*  
*35165 Vacancies; effect on majority and unanimous actions*

#### *GOVERNMENT CODE*

*54953.5 Recording of proceedings*  
*54953.6 Restrictions on broadcasts of proceedings*  
*54954.2 Posting of agenda; actions not on agenda*  
*54954.3 Public testimony at regular meetings*  
*54957 Closed sessions regarding public security, facilities, employees, examination of witness*  
*54957.9 Authorization to clear room when meeting willfully interrupted; readmission*  
*54957.95 Removal of individual for meeting disruption*

#### *PENAL CODE*

*403 Disturbance of assembly or meeting other than religious or political*

#### *COURT DECISIONS*

*McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275*  
*Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719*

#### *ATTORNEY GENERAL OPINIONS*

*66 Ops.Cal.Atty.Gen. 336 (1983)*  
*63 Ops.Cal.Atty.Gen. 215 (1980)*  
*59 Ops.Cal.Atty.Gen. 532 (1976)*

### *Management Resources:*

#### *CSBA PUBLICATIONS*

*The Brown Act: School Boards and Open Meeting Laws, rev. 2005*  
*Board Presidents' Handbook, rev. 2002*  
*Maximizing School Board Governance: Boardmanship*

#### *ATTORNEY GENERAL PUBLICATIONS*

*The Brown Act: Open Meetings for Legislative Bodies, 2003*

#### *WEB SITES*

*CSBA: <http://www.csba.org>*  
*California Attorney General's Office: <http://www.caag.state.ca.us>*