

Report Number:	185-10/11
Date:	February 1, 2011
Subject:	Denial of the Renewal Petition of New West Charter Middle School
Responsible Staff:	
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BOARD REPORT

Action Proposed: Staff recommends the following action:

Denial of the Renewal Petition of New West Charter Middle School.

Background: Staff recommends that the Los Angeles Unified School District Board of Education (“Board of Education”) deny the renewal charter petition for New West Charter Middle School. Staff also recommends that the Board of Education adopt the Findings of Fact supporting the denial recommendation on file in the Innovation and Charter Schools Division (“ICSD”) and attached to this board report.

New West Charter Middle School (“New West”) serves students in grades 6-8 and is located in Board District 7, Local District 3, at 11625 Pico Boulevard, Los Angeles, 90064. New West Charter Middle School serves approximately 340 students.

New West was granted its initial charter by the State Board of Education in December 2001, after its petition was denied by the LAUSD Board of Education. The LAUSD Board of Education denied the school’s first charter renewal request on May 22, 2007. On appeal, the State Board of Education granted New West Charter Middle School a five-year renewal term ending June 30, 2012.

New West is authorized and overseen by the State Board of Education. Pursuant to Education Code section 47605(k)(3), a charter school that has been granted its charter through an appeal to the state board shall submit its petition for renewal to the governing board of the school district that initially denied the charter petition.

Accordingly, on December 16, 2010, New West submitted its renewal petition to the LAUSD Board of Education. On January 4, 2011, a public hearing was held before the LAUSD Board of Education where the board considered the level of support for New West's renewal petition. If the LAUSD Board of Education denies the petition for renewal, New West may appeal the denial to the State Board of Education.

Although the school is currently only in the fourth year of its charter term, New West submitted its renewal petition for charter term beginning July 1, 2012. ICSD requested the Charter School Division of the California Department of Education to forward any oversight visit reports generated during the charter school's current charter term. ICSD staff was informed that no oversight visit has been conducted since 2007.

In accordance with Education Code sections 47605 and 47607, the ICSD considers the following criteria when reviewing renewal petitions submitted by a charter school:

- Confirmation that the charter school's performance has met the standard criteria under Education Code section 47607(b), also referred to as AB 1137;
- Review of the charter petition to assess the soundness of the educational program; ensure it contains the required affirmations and number of signatures; ensure it contains reasonably comprehensive descriptions of the 16 elements;
- Assessment that the petitioners are demonstrably likely to successfully implement the program;
- Confirmation of the academic, operational, and fiscal soundness of the charter school based on the Charter Schools Division oversight.

While New West has demonstrated strong school-wide API results throughout their current charter term (*see below "Summary of School Performance"*), New West's renewal petition did not meet the standards and criteria set forth in Education Code section 47605 because their renewal petition (1) did not support a finding that it is demonstrably likely to successfully implement the program; (2) did not support the required affirmations as required by the Charter Schools Act; and (3) did not contain reasonably comprehensive descriptions of specific elements required under Education Code section 47605(b)(5). The Findings of Fact delineates the specific facts to support the denial findings pursuant to Education Code section 47605(b).

For example, petitioners of the charter school declined to complete questionnaires regarding conflicts of interest. Petitioners also declined to complete documents necessary for the Office of the Inspector General to perform a due diligence review—a standard procedure for all lead petitioners as part of the District’s review process.

Therefore, the Innovation and Charter Schools Division staff recommends denial of the renewal petition and adoption of the attached Findings of Fact. It should be noted that ICSD staff provided the petitioners with feedback from its review and a request to extend the review period 30 days to allow the petitioners the opportunity to present additional information to respond to the District’s questions and concerns. This request was declined by the petitioners.

The renewal petition is available for perusal in the Innovation and Charter Schools Division.

Expected Outcomes: New West Charter Middle School is expected to operate its charter school in a manner consistent with local, state, and federal ordinances, laws and regulations and the terms and conditions set forth in its petition. However, as noted in the Findings of Fact, the renewal petition revealed that the petition 1) does not support a finding that it is demonstrably likely to successfully implement the program; (2) does not support the required affirmations as required by the Charter Schools Act; and (3) does not contain reasonably comprehensive descriptions of specific elements required under Education Code section 47605(b)(5).

Board Options and Consequences: “Yes” – The approval of the denial of the renewal petition would terminate the right of New West Charter Middle School to operate as a charter school beginning July 1, 2012. New West Charter Middle School may directly appeal the denial to the California State Board of Education.

“No” – A no vote would require the Board of Education to take an additional action to adopt an alternative position which would include approving the renewal of New West Charter Middle School contrary to the attached Findings of Fact.

Policy Implications: The Policy for Charter Schools adopted in 2010.

Budget Impact: State Revenue Limit income and various other income sources to the District are reduced when current District students enroll at a charter school, and comparable or offsetting expenditure savings may not occur in such cases.

Under Education Code section 47604(c), a school district that grants a charter to or operates a charter school that is formed as a non-profit public benefit corporation is not held liable for the charter school's debts or obligations as long as the school district complies with all oversight responsibilities. The District will continue to have monitoring and supervisory responsibility for charter school finances, as specified in the Charter Schools Act. Any modifications to the charter school's petition or operations with significant financial implications would require District approval prior to implementation. Petition approval is also contingent upon adequate liability insurance coverage.

Under the current Special Education MOU, independent charter schools receive their equitable share of the LAUSD SELPA special education revenue and contribute a percentage of this revenue to cover District special education encroachment costs. Should this school join an alternative SELPA, the district will receive neither the special education revenue from the State for this school nor receive the encroachment contribution.

Issues and Analysis: Issues are outlined above and in more detail in the attached Findings of Fact for the Denial of New West Charter Middle School's Renewal Petition pursuant to Education Code sections 47605(b) and 47607.

Attachments:

Informative

**Desegregation
Impact Statement**

A. SUMMARY OF SCHOOL PERFORMANCE

Summary of Academic Performance Index (API) growth

Year	API Base	Growth Target	API Growth	Actual Growth
2007-08	835	n/a	867	32
2008-09	862	n/a	887	25
2009-10	886	n/a	913	27
Aggregate Growth		n/a		84

Summary of State API rankings

Year	API State Rank	API Similar Schools Rank
2007	9	10
2008	9	10
2009	9	10

2009-2010 Annual Yearly Progress

AYP GOALS – [Charter School Name]		
# of Criteria	# Met	% Met
13	13	100

Respectfully submitted,

APPROVED BY:

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Superintendent of Schools

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Deputy Superintendent of School Operations

APPROVED &
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REVIEWED BY:

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DAVID HOLMQUIST
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Approved as to form.

YUMI TAKAHASHI
Budget Director

Approved as to budget impact statement.

**New West Charter Middle School Petition
Findings of Fact for Denial of Petition
By the Los Angeles Unified School District
February 1, 2011**

The charter review process requires the authorizer to evaluate whether the charter petition meets the criteria for approval.

Education Code Section 47605 (b) states the required petition elements and conditions for denial.

Education Code Section 47605 outlines additional petition criteria.

Education Code Section 47607(a) and (b) outlines criteria for charter renewal.

Introduction:

On December 16, 2010, New West Charter Middle School (“New West”) submitted their renewal petition to the Los Angeles Unified School District. On January 4, 2011, a public hearing was held before the LAUSD Board of Education where the board considered the level of support for New West’s renewal petition. On January 11, 2011, after conducting a full review of New West’s renewal petition, the Innovation and Charter Schools Division (“ICSD”) submitted comments for New West to address. On January 13, 2011, New West sent a written reply indicating that it would not make any changes to its renewal petition.

New West is authorized and overseen by the State Board of Education (“SBE”). New West was granted its initial charter on an appeal to the SBE in December 2001. The SBE on appeal also approved the renewal charter petition of New West on June 2007. New West’s current charter expires on June 30, 2012. Pursuant to Education Code section 47605(k)(3), a charter school that has been granted its charter through an appeal to the state board shall submit its petition for renewal to the governing board of the school district that initially denied the charter petition. Accordingly, New West submitted its renewal petition to the LAUSD Board of Education. If the LAUSD Board of Education denies the petition for renewal, New West may petition the SBE for renewal of its charter.

The Renewal Petition of New West Charter Middle School (“Charter School”) does not meet the criteria under Education Code sections 47605 and 47607.

Section 47607(a)(2) provides that charter school renewals are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or renewed.

Education Code section 47605(b) outlines the standards and criteria for evaluating a charter petition: A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. Education Code section 47605(b) provides that the 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:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.
- (5) The petition does not contain a reasonably comprehensive description of all required elements.

In addition, a charter school shall meet at least one of the academic performance criteria in section 47607(b) prior to receiving a charter renewal. New West has demonstrated strong school-wide API results as shown below to meet the academic performance criteria:

Summary of Academic Performance Index (API) growth¹

Year	API Base	Growth Target	API Growth	Actual Growth
2007-08	835	n/a	867	32
2008-09	862	n/a	887	25
2009-10	886	n/a	913	27
Aggregate Growth		n/a		84

¹ The ICSD notes concerns that 2010 API results are based on a tested population that included only eight economically disadvantaged students, one English learner and no students with disabilities. See table below taken from California Department of Education's Dataquest website.

Student Subgroups Included in API – actual numbers

	2006 API	2007 API	2008 API	2009 API	2010 API
English Learners	1	10	0	9	1
Socioeconomically Disadvantaged	73	35	49	25	8
Students with Disabilities	34	30	40	23	0

However, LAUSD's analysis of the charter petition submitted on December 16, 2010 to LAUSD by New West Charter Middle School warrants denial of the renewal petition based on the following factual findings:

REGARDING #2 ABOVE:

The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:

- Petitioner did not submit board member questionnaires and declined to complete documents necessary for the Office of the Inspector General to perform due diligence background checks to determine whether any concerns exist with regards to the petitioners' operations of a publically-funded charter school.
- In order to evaluate New West's ability to fiscally implement their educational program and the school's financial stability, ICSD requested the petitioner to submit copies of the school's 2009-2010 audit, 2010-2011 projections, 2011-2012 projections, and the current financials for the school. New West only submitted budgets and cash flows for the 2012-2013 school year and represent projections. The petitioner declined the ICSD's request to submit the other projections and fiscal audits which New West would have been required to produce to the State Board of Education pursuant to Education Code section 47605(m).
- The petition fails to state an enrollment capacity for the school and instead only vaguely states that there is a demand for their school and an anticipated enrollment of over 600 students for the 2011-2012 school year. Without a specific stated enrollment capacity, New West's petition fails to support a finding that the school is demonstrably likely to implement the program since ICSD is unable to meaningfully evaluate essential matters such as the budgetary and fiscal viability of the school to operate at the size and scope of the educational program proposed in the charter. Insurance policies, grants/loans, and other related matters that directly and materially affect the charter school's fiscal viability would necessarily need a specific enrollment capacity. In addition, there are other legal and practical considerations related to the charter school that require a clear and specific enrollment capacity. New West has annually submitted facilities requests pursuant to Education Code section 47614 (Proposition 39), and a failure to have a clearly defined enrollment capacity renders it impossible for LAUSD to meaningfully analyze New West's enrollment projections in future facilities requests.

REGARDING #4 ABOVE:

The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.

- Although the petition contains an assurance that a charter school shall admit all pupils who wish to attend the school pursuant to Education Code section 47605(d)(2)(A), Element H of the petition regarding Admission Requirements and the New West Application Packet contain statements that contradict this assurance. Specifically, the Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school. For example, New

West requires a parent to submit their child's STAR report as part of the application. Requiring a STAR report prior to enrollment is a prerequisite to admission regardless of the school's intent. While the Application Packet states that test scores will not be used for enrollment purposes, it also states that, "New West recommends that applicants have at least basic grade level skills in reading, writing, and mathematics to be successful with New West's middle school curriculum." These statements in New West's Application Packet indicate that there are prerequisites to admission which are in violation of the assurance that a charter school shall admit all pupils who wish to attend the school.

REGARDING #5 ABOVE:

The petition does not contain a reasonably comprehensive description of all of the elements required in Education Code section 47605 (b) based on the following findings of fact:

Description of the School's Educational Program (Element A)

The petition does not contain a reasonably comprehensive description of the charter school's educational program.

- Although the petition states that New West adheres to all applicable State and Federal law and Southwest SELPA policies and procedures regarding special education, the Special Education program as described in the renewal petition does not adequately describe what supports will be given to students with moderate to severe disabilities in order for these students to be successful with the college preparatory curriculum of the school.
- There is no assurance in the petition that New West would be subject to the full terms and requirements of the *Chanda Smith* Modified Consent Decree if it were to be authorized by LAUSD.

Governance Structure (Element D)

The petition does not contain a reasonably comprehensive description of the charter school's governance structure.

- Although the petition contains a statement that New West will comply with the Brown Act, it does not include specifics to indicate how New West will comply with the requirements of the law (notice of meetings, recording of meetings, making minutes available, teleconferencing procedures, etc., to assure participation by the public). For example, New West's bylaws states that "the Board of Directors may designate that a meeting be held at any place within California that has been designated by resolution of the Board of Directors or in the notice of the meeting." All meetings of the New West governing board must be conducted within the jurisdictional boundaries of where the school is located to ensure that parents, pupils and the community have access to attend and participate in the meetings.
- While the charter states that the school intends to set up advisory committees, the document fails to identify the composition of each committee, delineate the responsibilities of each committee, and provide assurance that committee meetings will be held and noticed pursuant to the Brown Act.

- **Parental Involvement Section:**

Home-School Contract: New West’s petition states that “agreement to the contract by parents is one of the terms of admission and enrollment each year for students who want to attend New West.” Requiring parents to agree and sign the Home-School Contract contravenes Education Code section 47605(d)(2)(A) which requires a charter school to admit all pupils who wish to attend the school. Admission to New West cannot be contingent upon a parent signing the Home-School Contract.

Parent Volunteer Requirements: Petition does not address whether the parent volunteering requirement is a condition of enrollment/continued enrollment. The petition fails to describe whether there are alternative means by which parents can satisfy their volunteer commitment or otherwise opt out of or reduce the commitment due to hardship. The petition contains statement that “New West pays special attention to ensuring that this volunteer requirement does not result in a loss of a diversity of students (i.e. race, ethnicity, or socio-economic),” yet does not explain how this is achieved. In light of the school’s declining ethnic diversity particularly in African American enrollment, this point is especially relevant.² New West’s Application Packet requires parents to perform 16 hours of voluntary hours. This could be tantamount to charging tuition. Parents should be encouraged and not mandated to volunteer. Further, the petition should assure that pupils will not be expelled if parents do not fulfill volunteer requirements.

- Conflict of Interest Policy. The petition (pg. 46) and Bylaws (pg. 4) provide for “Interested Persons” to sit on the Board. The Bylaws “Article IX – Contracts with Directors” also allows New West to enter into a contract with a director. These provisions conflict with California Government Code Section 1090, which prohibits governing board members from being financially interested in any contract made by them in their official capacity, or by the board of which they are members. A conflict of interest in a contract per Section 1090 results in a void contract and the steps the board may take per the Bylaw Sections will not cure that conflict. An interested board member is conclusively presumed to have “made” the contract for purposes of Section 1090 because he/she is on the board, resulting in a void contract would prohibit any "interested person" from serving on the Board.
- Governance is further complicated by an examination of the 2009 IRS Form 990 for the organization. Principal/Executive Director Sharon Weir signs the form as an officer but does not appear on the list of board members, officers and employees earning more than \$50,000.

² New West Enrollment by Ethnicity – by percentage

	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Hispanic	23%	24.5%	22%	23%	27%
African American	31%	21.5%	22.5%	18%	13.5%
White	34%	33%	41%	48%	46%

*Obtained from the California Department of Education’s Dataquest website.

- Petition does not contain a statement that the members of New West's executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD's Charter School policies and regulations regarding ethics and conflicts of interest.
- The petition does not contain a grievance procedure for parents for the prompt and equitable resolution of complaints.

Employee Qualifications (Element E)

The petition does not present a reasonably comprehensive description of employee qualifications.

While the petition describes qualifications for teachers, the Executive Director/Principal and Assistant Principals of the charter school, the petition fails to identify the general qualifications for other categories of employees the school anticipates to be employed by the charter school. For instance, there is no description of the qualifications of office personnel and other classified staff identified in the petition.

The petition fails to sufficiently acknowledge that the charter school will not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law and that equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.

- The petition fails to clearly identify staff selection, hiring, and evaluation processes.
- The petition fails to describe grievance procedures/or rights for employees.

Health and Safety (Element F)

The petition does not present a reasonably comprehensive description of the procedures that the school will follow to ensure the health and safety of pupils and staff.

- Although the petition contains a statement that New West will follow the same procedures used by the District, it does not include an explanation of the District's health and safety procedures to indicate an understanding of how New West will provide a safe environment for its students and staff.
- The petition fails to assure that the school's staff will be trained annually on safety procedures outlined in its policies.
- The petition does not include District's provisions regarding Insurance and Indemnification to protect the charter school and the District from claims which may arise from its operations.
- **Facilities**: The petition does not completely state health and safety assurances:

- The petition fails to state that New West shall comply with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which the charter school is to be located, and the Americans with Disabilities Act (ADA). Applicable codes and ADA requirements shall also apply to the construction, reconstruction, alteration of or addition to the proposed charter school facility.
- The petition does not state that it will comply with the Healthy Schools Act, California Education Code Section 17608, which details pest management requirements for schools.
- The petition fails to state that the charter school will comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

Means to Achieve a Reflective Racial and Ethnic Balance (Element G)

The petition does not present a reasonably comprehensive description of means for achieving racial and ethnic balance.

- The petition fails to assure that the charter school shall comply with all requirements of the *Crawford v. Board of Education*, City of Los Angeles court order and the LAUSD Integration Policy adopted and maintained pursuant to the *Crawford* court order, and fails to describe the charter school's written plan outlining how it would achieve and maintain the LAUSD's ethnic goal of 70:30 or 30:70 ratio.
- The petition fails to describe how its outreach efforts will attain a racial and ethnic balance at the charter school that is reflective of LAUSD. The petition makes reference to partnering with community groups/agencies on past recruitment efforts but does not provide examples.
- The petition fails to provide specifics of how the charter school provides recruitment brochures in multiple languages to ensure outreach to non-English speaking community members.
- The petition does not contain a statement that New West would accommodate public school choice traveling students under NCLB.
- The lack of specificity and assurance in the petition for achieving racial and ethnic balance is critical given New West's decline in ethnic diversity particularly in African American enrollment as documented in the California Department of Education's Dataquest website (see footnote 2 above).

Admission Requirements (Element H)

The petition does not present a reasonably comprehensive description of admission requirements.

The petition fails to include a reasonably comprehensive description of the manner in which New West will implement a public random drawing in the event that applications for enrollment exceed school capacity. Specifically, the petition fails to address the method the school will use to verify that lottery procedures are fairly executed, the timelines under which the open enrollment period and lottery will occur, the day of the week, date and time lotteries will occur so most interested parties will be able to attend, and the records the school will keep on file to document the fair execution of lottery procedures.

Lottery exemptions and preferences fail to adhere to Education Code section 47605(d)(2)(B):

- The petition lists the category of continuing students as a preference even though continuing students are exempted from the lottery pursuant to Education Code section 47605(d)(2)(B). The petition also imposes requirements in order to “maintain eligibility for this preference” and be deemed an "existing pupil."
- The petition fails to affirm that in the event a public random drawing is implemented, admission priority preference shall be extended to students who reside within LAUSD. Preference for residents of the District is second to the last in order of admission preferences which violates section 47605(d)(2)(B).
- Sibling preferences and Children of Employees are listed as having more priority than LAUSD District students in violation of section 47605(d)(2)(B).
- The petition states that preference for enrollment will be available to applicants who attend or live in the attendance area of Brockton Elementary School and that New West may be available to receive funds through SB 740 Charter School Facility Grant Program if students attend this particular school. Since New West has not produced any documentation that it is eligible to receive these funds including showing that it gives enrollment preference to an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced price meals, this preference is inappropriate.

The Application Packet contains several pre-admission and other mandated requirements that may be a deterrent to admission which contravene the Charter Schools Act provision that a charter school shall admit all pupils who wish to attend the school. (See Education Code section 47605(d)(2)(A).) For example, New West requires a parent to submit their child’s STAR report as part of the application. New West must accept all pupils who wish to attend, so requiring a STAR report prior to enrollment is a prerequisite to admission regardless of the school’s intent. While the Application Packet states that test scores will not be used for enrollment purposes, it also states that, “New West recommends that applicants have at least basic grade level skills in reading, writing, and mathematics to be successful with New West’s middle school curriculum.” These statements in New West’s Application Packet indicate that there are prerequisites to admission which are in violation of Education Code section 47605(d)(2)(A).

Annual Audits and Reports (Element I)

The petition fails to state that the charter school will at all times maintain a funds balance

(reserve) of its expenditures as required by section 15450, Title 5 of the California Code of Regulations.

The petition fails to acknowledge the right of LAUSD to audit the charter school's books, records, data, processes and procedures through the LAUSD Office of the Inspector General or other means pursuant to LAUSD's oversight responsibility and fails to assure that the charter school shall cooperate fully with such audits.

Suspension and Expulsion Procedures (Element J)

The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures.

- The petition fails to provide a reasonably comprehensive description of the charter school's student discipline procedures necessary to afford the charter school's students adequate due process. Clearly described/outlined procedures are necessary to avoid inconsistent, capricious, and unfair student disciplinary practices and necessary to afford students adequate due process. For instance, the petition fails to identify offenses for which students must be suspended/recommended for expulsion, fails to identify student expulsion procedures, and fails to sufficiently address student suspension and expulsion appeal rights.

The petition fails to state the maximum length of a suspension and the maximum number of days students can be suspended in a given academic year.

The petition refers to "required withdrawal" as a discipline consequence distinct from expulsion, yet does not define the term. Students cannot be required to withdraw unless expelled and "required withdrawal" could represent a method of avoiding student due process.

The petition fails to sufficiently address student suspension and expulsion procedures and does not contain reasonably comprehensive description of procedures for investigating and presenting evidence at expulsion hearings. For example, as written, the petition allows the Director/Principal to deny students the ability to call witnesses on his or her behalf.

The petition fails to describe the governing board's role in expulsion proceedings.

The petition fails to afford students the right to appeal an expulsion finding.

The petition does not provide that written notice for expulsion will include reinstatement eligibility review date, copy of the rehabilitation plan, the type of educational placement during the period of expulsion, and appeal procedures.

The petition does not identify protocol for providing an interim educational placement and services during suspension and pending expulsion proceedings.

The petition fails to sufficiently address the rehabilitation and readmission rights of New West students following expulsion, including failing to provide description of reinstatement application process, what data and information will be considered, timeline, notification and

reasons for denial, appeal rights if not reinstated. The petition on pages 80 and 81 as written also indicates that New West will not allow re-enrollment of expelled students.

In order to assure due process of students enrolled at New West, the petition does not state that students will not face formal discipline for attendance issues such as truancy, tardiness or absences.

The petition does not state that New West will comply with the Federal Gun Free Schools Act.

Employee Return Rights (Element M)

The petition contains vague statements as to the return rights of a District employee who chooses to work at New West. The following statement renders an unclear statement to prospective employees:

“Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the school that the District may specify, and any other rights upon leaving employment to work in the Charter School that the District determines to be reasonable and not in conflict with any law.”

Dispute Resolution Procedures (Element N)

The dispute resolution procedures described in the petition fail to conform with procedures the District deems necessary for the reasonable resolution of any disputes arising from provisions of the charter, including, but not limited to, written notification of a dispute, scheduling of issue conferences, and mediation and arbitration procedures.

Closure Procedures (Element P)

- The petition does not contain or describe applicable procedures regarding charter school revocation.
- The closure procedure in the charter does not sufficiently include procedures for the transfer and maintenance of school and student records, including personnel records.