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L.A. Unified allows Academia Avance charter school to stay open despite violations

Board approves a one-year extension in the charter based on recent improvements in academics and facilities.

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The Los Angeles Board of Education voted Tuesday to allow a low-performing charter school to remain open even though for two years it flouted city rules and a district agreement not to operate in an unsafe building.

The renewal of Academia Avance by a 6-1 vote was based on recent improvements in the school's academics and facilities, officials said. The board's action extended the operation of the Highland Park charter by one year, a qualified endorsement.

The school is popular with many parents who consider it better than the area's traditional public schools, which have similarly low test scores.

The case of Avance raises familiar questions about whether the Los Angeles Unified School District provides adequate support and accountability for charter schools. Charters are independently run public schools that are supposed to improve academic achievement in return for freedom from some regulations that govern traditional schools.

L.A. Unified, which has more charter schools than any other district in the nation, has rarely closed a charter that can harness community or political support. So far this year, the district has approved extensions or renewals for all 34 charters to come before it.

For its first two years, Avance operated on a site that lacked a required certificate of occupancy. Students were exposed to potential asbestos and lead contamination as well as blocked fire escapes, electrical hazards and other problems, according to a district investigation not mentioned at Tuesday's board meeting.

Last fall, after continuing pressure from the district and city, Avance moved from its location in a Presbyterian church at North Avenue 53 and Figueroa Street while repairs were made. Students were relocated to the city-owned Plaza de la Raza. The school enrolled about 200 students in grades 6 through 9 this year and eventually plans to expand through 12th grade.

State academic test scores for the 3-year-old school initially ranked among the lowest in California, and they declined in Avance's second year. Results from this year's testing are not yet available.

"We have a really low bar set," said Marlene Canter, the only school board member to vote no on the charter extension. "And if they're making any growth at all, we say congratulations. And I feel uncomfortable with that."

In voting yes, board President Monica Garcia said parents should not be denied the choice between a low-performing small charter school and a low-performing large traditional school -- although both need to improve.

In an interview, parent Rosa Rivas called Avance "the best thing for my son." She said that at nearby Luther Burbank Middle School, "my son was being recruited by gangs. They beat him up. After being such a good student at elementary school, he was tagging. I was going crazy. The last thing I had to go through was when they beat him up and cut his ear. I've been at Avance a year and a half, and I've only seen success with the kids."

Another parent, Daisy Zapata, credited Avance with having a more challenging curriculum than traditional schools.

As he made plans for his school, Avance founder and Executive Director Ricardo Mireles was faced with finding an affordable, safe site -- a problem for most charters. But in choosing the church, "Avance was in violation of the charter," according to the internal report, supplied in response to a Times request for documents.

"The charter states that 'Avance will provide a certificate of occupancy to the district no later than two weeks prior to

school opening," the report said. (Mireles acknowledged Tuesday that the school received a temporary certificate only this spring.)

A significant charter violation is, by itself, grounds for closing a school.

During this period, Mireles let the district believe the school was holding classes elsewhere, according to a charter division senior staffer who requested anonymity because the staffer was not authorized to challenge the official recommendation to extend the charter.

In an interview last fall, Mireles said the district's evaluator just happened to visit Avance when it was renting nearby Ramona Hall, which it did from time to time.

"It's an overstatement to think that we [were] putting a shell game on the district," Mireles said.

The internal district review also noted that in 2005 and 2007, a city fire inspector directed full-time school activities at the church to cease immediately and indefinitely. The school failed to comply either time, the report said.

On Tuesday, Mireles declined to discuss the city official's order to vacate.

The district's inquiry began when more than a dozen former parents, teachers and office staff alleged numerous improprieties. The district ultimately decided to view any critical testimony from parents, former teachers or staff as "unsubstantiated" unless it was also backed by documentation. Even so, the internal report found charter violations of the district's asbestos safety policy and the school's pledge to meet teacher quality targets under federal law.

Two years after Avance opened, the charter school division found continuing problems: Three of nine teachers, as well as three administrators and seven classified workers, had no personnel files and no record of required tuberculosis tests or fingerprint checks.

Elementary instructors were teaching secondary-level classes. And not one of four teachers hired for a summer session was credentialed.

For much of the year, senior district staffers quietly predicted that Avance's charter would not be renewed, even when a January visit showed progress under recently hired Principal Guillermo Gutierrez.

Avance's status got a boost when a financial review by the Los Angeles County Office of Education found mistakes but no serious improprieties.

"I have seen this charter be fully honest and transparent when working with the auditor (the auditor told me so directly) and I have seen them work extremely hard to turn things around," board member Yolie Flores Aguilar said in an e-mail after the vote.

Flores Aguilar, who represents Highland Park, added: "I told them publicly . . . that I expected them to significantly increase their academic achievement now that the distraction of the investigation was over."

The one-year extension was recommended by new charter division head Jose Cole-Gutierrez, who previously worked as a manager for the California Charters Schools Assn.

"We had to look at all the pieces," he said. "I saw a lot of allegations cleared up and addressed. And I saw academic challenges, but the school was showing it had the capacity to move forward."

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