

CHARTER SCHOOL PETITIONS

Upon receipt of a charter school petition, the District shall date stamp the cover page of the submitted application and forward the application to the superintendent or designee.

TIMELINES

In order for a charter petition to be reviewed, it shall have been submitted by the deadlines provided in Board Policy 0420.4 Charter Petition Submission Deadlines.

1. Within five days of submission, the superintendent's designee shall review the application for completeness. The petition shall minimally include the items listed in section 1(Petition) of Board Policy 0420.4. Any petition that does not include all required elements shall be returned to the petitioner with a description of the missing elements, and a copy of Board Policy 0420.4.
2. Within ten (10) days of receipt of a complete petition, the superintendent's designee shall transmit a copy of the petition for review by the business, curriculum/instruction and special education departments. Legal counsel may also be engaged to review the petition.
3. Within thirty (30) days of receipt of a complete petition, the Board shall hold a public hearing on the provisions of the charter. Notice of the public hearing shall be provided five (5) days in advance to the petitioner and each bargaining unit representing employees of the District. At the public hearing, the Board shall consider the level of support for the petition addressed by teachers of the District, other employees of the District and parents.
4. Within sixty (60) days of receipt of a complete petition, District staff shall analyze the petition based on compliance with Board Policy and The Charter Schools Act, as amended. Staff shall draft a recommendation regarding approval or denial of the petition with specific reasons thereof.
5. During the time in which a petition is being evaluated, District staff and petitioners may draft a Memorandum of Understanding that shall clarify matters in the charter, address those matters not provided in the charter, and set forth the charter school's and District's responsibilities regarding the operation of the charter school.
6. Within sixty (60) days of receipt of a complete petition, the

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Board shall consider staff recommendation and determine whether to grant the charter petition or deny the petition. With mutual consent, a 30-day extension may be granted for this decision making process. If the petition is granted, the petitioner shall provide written notice of the approval and a copy of the petition to the County Superintendent of Schools, the California Department of Education, and the State Board of Education who may issue a charter school number. The petitioner shall notify the State Board of Education.

REVIEW COMPONENTS

1. Verify authenticity of signatures
2. Verify that proposed charter school is not an impermissible conversion of a private school
3. Analyze each required component of the petition
4. Verify required assurances
5. Determine whether the proposed charter school presents a sound educational program for the pupils it intends to educate
6. Determine whether petitioners are demonstrably likely to successfully implement the program set forth in the petition
7. Draft written recommendations

CRITERIA FOR APPROVAL

1. Charter Schools Act of 1992 as revised
2. Those applicable parts of Title V, section 11967, Criteria for the Review and Approval of Charter School Petitions by the State Board of Education
3. All other applicable laws and regulations.

LEGAL REFERENCES:

EDUCATION CODE SECTIONS

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| 41365 | Charter School revolving loan fund |
| 44237 | Criminal record summary |
| 44830.1 | Certificated employees, conviction of a violent or serious felony. |
| 45122.1 | Classified employees, conviction of a violent or serious felony |
| 47600-47666 | Charter Schools Act of 1992 |

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48000 Minimum age of admission (kindergarten)
48010 Minimum age of admission (first grade)
48011 Minimum age of admission from kindergarten or other school
51747.3 Apportionment for independent study
54032 Limited English or low-achieving pupils
56145-56146 Special education services in charter schools
60605 Academic content and performance standards; assessments
60640-60647 Standardized Testing and Reporting Program

GOVERNMENT CODE SECTIONS

1090 & 1091 Conflict of Interest
6250 Public Records Act
54950-54962 The Ralph M. Brown Act
87000 Political Reform Act

CODE OF REGULATIONS, TITLE 5

11960 Regular average daily attendance for charter schools
11963 Non-classroom-based instruction
11969 Facilities for charter schools

COURT DECISIONS

Desert Sands Unified School District and Washington Charter School v. Public Employment Relations Board and California School Employees Association and its Desert Sands Chapter #106, No. BC126357, Superior Court, County of Los Angeles
Wilson v. State Board of Education (1999) 75 Cal. App.4th 1125; 89 Cal.Rptr.2d 745
Sequoia Union High School District v. Aurora Charter School 2003 42 Cal.App.4th 185; 5 Cal.Rptr3d 86
Environmental Charter High School v. Centinela Valley High School District (2004) 122 Cal.App.4th 139
Ridgecrest Charter School v. Sierra Sands School District (2005) 130 Cal.App.4th 496
Knapp v. Palisades Charter High School (2006) 46 Cal.Rptr3d 295

ATTORNEY GENERAL OPINIONS

78 Ops.Cal.Atty.Gen.253 (1995)
78 Ops.Cal.Atty.Gen.297 (1995)
80 Ops.Cal.Atty.Gen. 52 (1997)
81 Ops.Cal.Atty.Gen.140 (1998)

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