

**CHARTER SCHOOL AUTHORIZATION**

**CHARTER SCHOOL PETITIONS**

It is the intent of the Governing Board (Board) to fully comply with the Charter Schools Act of 1992 as amended and other applicable state and federal law by providing opportunities for the establishment of independent charter schools. The Board shall grant charter petitions that present a sound educational program in a format that is demonstrably likely to be implemented successfully.

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a petition or the merits of a proposed educational program and to identify any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements

In order to implement state law while providing guidance to petitioners and direction to staff, the Board adopts the following:

**PETITION**

To be considered by the Board, a petition for the establishment of a charter school shall minimally include affirmations of the conditions described in Education Code 47605(d) as well as the following:

1. A completed signature page pursuant to Education Code Section 47605 that includes at least one-half of the number of teachers estimated to be employed at the charter school during its first year of operation or at least one-half of the number of parents/guardians estimated to enroll students at the charter school for the first year of operation. The signature page shall include assurances that a copy of the proposed charter was attached to the signature page and that potential signors had an opportunity to review the complete petition prior to signing.
  - A. If the petitioner provides signatures from potential teachers, the petition shall state that teachers are meaningfully interested in teaching in the proposed charter school, and hold a valid California teaching credential. The interested teachers shall also print their names, addresses, phone numbers and credentials held.
  - B. If the petition provides signatures from parents of potential student(s), the petition shall state that the parents are meaningfully interested in enrolling their child(ren) in the proposed charter school. The interested parents shall also print their names, addresses, phone numbers, children's names, current grade, school and district of residence.
2. In the case of petitions for establishment of a charter school by converting an existing public school, the petition shall be signed by at least 50% of the permanent status teachers currently employed at the public school to be converted.
3. Financial statements that include a proposed first year operational budget, including start up costs and cash flow and financial projections for the first three years of operation.
4. The manner in which administrative services of the school are to be provided, including, if applicable, the name, address and qualifications of any consultants and/or management company that the petitioner has engaged or proposes engaging.

5. Adequate processes and measures for holding the charter school accountable for fulfilling the terms of its charter and complying with all applicable laws.
6. Reasonably comprehensive descriptions of those elements outlined in Education Code Sections 47605(b)(5)(A-P). The descriptions shall include:
  - A. The educational program of the school designed, among other things, to identify those whom the school is attempting to educate, what it means for a student to be educated for the 21<sup>st</sup> century, and how learning best occurs. The goals identified shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. If the proposed school will serve high school students, the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of School and Colleges may be considered transferable and courses approved by the University of California or California State University as creditable under the “A” to “G” admission criteria may be considered to meet college entrance requirements.
  - B. The measurable pupil outcomes identified for use by the charter school. Pupil outcomes means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served or the nature of the program operated by the charter school.
  - C. The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card. Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
  - D. A detailed discussion of the proposed governance structure of the charter school, including:
    - 1) Status of the school as a non-profit public benefit corporation or a public school, including copies of the Articles of Incorporation and Bylaws. All records of the non-profit public benefit corporation shall be public.
    - 2) Assurance of compliance with the Brown Act.
    - 3) District representation on the governing board.
    - 4) Role of parents, students, staff and community in the governance structure.
    - 5) Measures for limiting conflicts of interest.
  - E. The qualifications to be met by individuals to be employed by the school.

- F. The procedures that the school will follow to ensure the health and safety of the pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.
- G. The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the District.
- H. Admission requirements, if applicable.
- I. The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.
- J. The procedures by which pupils can be suspended or expelled.
- K. The manner in which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- L. The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- M. A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, subject to District policies, regulations and any applicable collective bargaining agreements. A statement that the charter school shall require its employees to enter into an employment contract that includes the following substance: charter school employees are not District employees and do not accrue any rights, benefits, or status with the District.
- N. The procedures to be followed by the charter school and the entity granting the charter school to resolve disputes relating to provisions of the charter. The dispute resolution process shall not establish additional procedures to revoke a charter nor limit the Board's authority to revoke a charter.
- O. A declaration whether the charter school shall be deemed the public school employer for purposes of the Educational Employment Relations Act, Government Code Sections 3540 et. seq.
- P. The procedures to be used if the charter school closes, including, but not limited to:
  - 1) Designation of a responsible entity to conduct closure-related activities
  - 2) Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

- A. The effective date of the closure
  - B. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
  - C. The students' districts of residence
  - D. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- 3) Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #P1 above
  - 4) Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #P1 above, except for records and/or assessment results that the charter may require to be transferred to a different entity
  - 5) Transfer and maintenance of personnel records in accordance with applicable law
  - 6) Completion of an independent final audit within six months after the closure of the school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
  - 7) Disposal of any net assets remaining after all liabilities of the school have been paid or otherwise addressed pursuant to 5 CCR 11962
  - 8) Completion and filing of any annual reports required pursuant to Education Code 47604.33
  - 9) Identification of funding for the activities identified in item #P 1-8 above
- Q. A discussion of how the charter school will meet all statewide standards and assessment requirements, including passage of the High School Exit Examination for graduation as required.
- R. A discussion of annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition shall describe:
- 1) Specific annual actions to achieve those goals and additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.

- 2) How the charter school intends to meet the needs of individuals with disabilities including compliance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973.
  - A. This discussion shall include descriptions of the means of providing services and ensuring compliance with state and federal law.
  - B. Unless the charter school has been accepted as a local education agency member of another Special Education Local Plan Area, this shall include that the charter school shall comply with the charter school requirements contained in the Plan of the Special Education Local Plan Area (SELPA), the North Coastal Consortium for Special Education (NCCSE).
7. Assurances that the charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations. Assurances that the charter school shall not charge tuition or discriminate against any person on the basis of ethnicity, national origin, gender or disability.
8. A description of the proposed charter school facilities and where the charter school intends to locate within the District.
9. Recognition that although generally exempt from state laws pertaining to school districts, charter schools are still a part of the public school system and must comply with certain laws. These may include, but are not limited to, the Federal Constitution and Federal Laws, the No Child Left Behind Act, the State Constitution, and certain California laws; i.e., the Brown Act (Public Meeting Law), the Public Records Act, conflict of interest laws, Government Code §1090 and the Political Reform Act, Government Code §§87000 et. seq., laws relating to the minimum age for public school attendance and fingerprinting of employees. The charter school shall comply with all the provisions set forth in its charter.
10. A description of the potential civil liability effects, if any, upon the school and District. In order to minimize such effects, the Board recommends that charter schools should be operated as or by nonprofit corporations that comply with laws applicable to public entities.
11. The proposed school calendar, staff development procedures, and any other information that will assist the Board in understanding the charter school proposal.

#### **LOCATION OF CHARTER SCHOOL**

Unless otherwise exempted by law, any charter petition submitted to the Board shall identify a single charter school that will operate within the geographic boundaries of the District. A charter school may propose to operate at multiple sites within the District as long as each location is identified in the petition.

A charter school that is unable to locate within the District's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that:

1. The District is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction (SPI) are notified before the charter school begins operations.

3. The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met:

1. The facility is used exclusively for the educational support of students who are enrolled in non classroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

### **CHARTER PETITION REVIEW**

#### **SUBMISSION PROCEDURE AND TIMEFRAME**

Charter petitioners shall present petitions to the Board at a public meeting of the Board. Petitions shall be submitted in final form and shall contain all of the information the charter petitioners intend for consideration by the District. Information or documentation provided after the original submission may not be accepted or considered as part of the petition review process, at the sole discretion of the District.

For purposes of this regulation, submission and receipt of a petition means the date of presentation of the petition to the Board at a public meeting.

The Board recommends that a complete petition be submitted no later than December 31 for consideration to open a charter school on or after July 1 of the next school year. Petitions received between January 1 and April 15 shall generally be deemed more suitable for consideration for a starting date in the subsequent school year. For example, the Board recommends that a petition received by December 31, 2002 propose a starting date on or after July 1, 2003 while a petition received between January 1, 2003 and April 15, 2003, propose a starting date on or after July 1, 2004.

To structure review and analysis of charter petitions, the Board recommends generally that petitions not be submitted between April 15<sup>th</sup> and August 1<sup>st</sup>.

#### **GENERAL PROCEDURE FOR DISTRICT REVIEW OF CHARTER PETITION**

The District shall conduct a comprehensive review of all charter petitions presented for compliance with the law.

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

The Board, Superintendent, and District staff shall generally follow the procedures below for review of charter petitions:

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 this regulation and as required by Education Code Section 47605. Any petition that does not include all required elements may be returned to the petitioner with a description of the missing elements, and a copy of Board Policy and Administrative Regulation 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, educational services, administrative services, and human resources 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. The charter petitioner may be asked to make a brief presentation to the Board at this time.
4. Within sixty (60) days of receipt of a complete petition, District staff shall analyze the petition based on compliance with Board Policy, Administrative Regulation, The Charter Schools Act, as amended, and other applicable state and federal law. District 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 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 also notify the State Board of Education.

**COMPONENTS FOR REVIEW BY DISTRICT STAFF AND BOARD**

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. Evaluate whether the proposed charter school presents a sound educational program for the pupils it intends to educate.
6. Evaluate whether petitioners are demonstrably likely to successfully implement the program set forth in the petition.
7. Draft written recommendations.