

PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS

COMPREHENSIVE PLANS

CHARTER SCHOOL AUTHORIZATION

The Board recognizes that charter schools may assist the district in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the district, the Board shall give careful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential. The Board also believes that authorizing charter schools includes a rigorous, comprehensive application process and that charters should be granted to petitioners who demonstrate strong potential for establishing and operating a high quality charter school over the lifetime of the charter including, but not limited to, the charter school's ability effectively to administer a public school agency.

The Charter Schools Act of 1992, Education Code 47600 *et seq.*, authorizes the establishment of public charter schools. To establish a charter school, petitioners must submit to the Board for approval a petition which includes all components required by law and AR 0685. Charter schools are generally exempt from the laws and rules that regulate non-charter public schools and, instead, the parameters for their operation, including the manner in which they educate students, maintain transparency, and ensure public accountability, must be set forth in their individual charter petitions. As such, the Board will hold charter school petitioners strictly accountable for compliance with all aspects of the Charter Schools Act of 1992.

**Approval/Denial of Petition**

The Board shall approve a submitted charter petition if it is satisfied that doing so is consistent with sound educational practice and may deny a petition upon the making of written factual findings specific to the particular charter school supporting one or more of the causes for denial set forth in the Charter School Act.

The Board shall ensure that any approved charter contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the Superintendent or designee and the Board.

The Board may approve one or more memoranda of understanding to clarify any financial and operational agreements between the district and the charter school.

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the final approved charter to the County Superintendent of Schools, the CDE, and the State Board of Education (SBE).

- Legal References: Education Codes: 220 Nondiscrimination, 17078.52-17078.66  
17280-17317, 17365-17374, 41365, 42238.51-42238.53, 44237,  
44830.1, 45122.1, 46201, 47600-47616.7, 47640-47647, 51745-  
51749.3, 52052, 53300-53303, 56026, 56145-56146,  
Corporations Codes: 5110-6910  
Government Codes: 3540-3549.3  
Code of Regulations: TITLE 5 4800-4808 11700.1-11705, 11960-  
11969  
Code of Regulations: TITLE 24  
101 et seq. California Building Standards Code  
United States Code, TITLE 20, 6316, 7223-7225  
Court Decisions: Unified School District, (2005) 130 Cal.App.4<sup>th</sup>  
986  
Attorney General Opions: 89 Ops.Cal.Atty.Gen. 166  
(2006), 80 Ops.Cal.Atty.Gen. 52 (1997), 78 Ops.Cal.Atty.Gen. 297  
(1995)
- Management Resources: CSBA Publications: Charter Schools: A Manual for Governance  
Teams, rev. 2009  
Charter School Facilities and Proposition 39: Legal Implications for  
School Districts, 2005  
CALIFORNIA DEPARTMENT OF EDUCATION  
PUBLICATIONS  
Sample Copy of a Memorandum of Understanding  
Special Education and Charter Schools: Questions and Answers,  
September 10, 2002  
U.S. DEPARTMENT OF EDUCATION GUIDANCE  
Charter Schools Program, July 2004  
The Impact of the New Title I Requirements on Charter Schools,  
July 2004
- Websites: CSBA: <http://www.csba.org>  
California Charter Schools Association: <http://www.calcharters.org>  
California Department of Education, Charter Schools:  
<http://www.cde.ca.gov/sp/cs>  
National Association of Charter School Authorizers:  
<http://www.charterauthorizers.org>  
U.S. Department of Education: <http://www.ed.gov>
- Adopted: July 18, 2017

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**Components of Charter Petition**

A charter petition shall include all state and federal legal requirements including, but not limited to, the affirmations described in Education Code 47605(d) and a “reasonably comprehensive description” of the requirements in Education Code 47605 and the information required to be provided pursuant to Education Code 47605(g). It is within the Board’s sole discretion to determine whether the substance of a charter element described in the petition is in conflict with, inconsistent with, or preempted by any law, regulation, or pertinent district policy, whether the description is “reasonably comprehensive,” whether the proposal is educationally and operationally sound, and whether approval of the charter is consistent with sound educational practice.

The Superintendent or his/her designee(s) will evaluate the completeness of a petition including the merits of a proposed educational program and the requirements under state and federal law. The Superintendent or designee(s) may consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements. The Superintendent or his/her designees will, based on this evaluation, make a recommendation to the Board whether to approve or deny the charter or charter renewal prior to the Board’s final action on the petition.

The Board encourages petitioners seeking approval to commence charter school operations at the start of the next school year to initiate the process so that the Board receives the charter in accordance with this regulation prior to January 15th. In the case of petitions received after that date, the Board reserves the right to consider approval on the basis of a one-year delay in the commencement of the charter school operation if the Board deems such a delay necessary for approval of the charter to be consistent with sound educational practice.

**Timelines**

The Board delegates to the Superintendent or designee authority to waive or extend the timelines in a charter, law, applicable California regulation, or district policy or regulation for action including for consideration or action on material revisions and/or renewals of charters.

The Board’s timelines for holding a public hearing and acting on requests for charter approval, material revision, or renewal, all run from receipt of the charter document by the Board. The Board does not “receive” a charter upon its delivery to the district office or to a particular district administrator. Rather, the Board will receive such documents at an open public meeting properly agendaized in accordance with the requirements of the Ralph M. Brown Act. (Government Code

54950 *et seq.*) Upon delivery of a charter to the district office, receipt of the charter will be placed on the next regular Board meeting agenda for which meeting the agenda deadline has not passed, and such receipt by the Board shall commence the timelines for action on the request. Board agenda deadlines are generally at least two weeks prior to the Board meeting, and specific agenda deadline information may be obtained from the Superintendent or designee prior to submittal.

If the Board approves a charter, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent, the California Department of Education, and the State Board of Education.

The district discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the Board's time period for action to include any significant holiday periods during which all or most of the district office staff has vacation or non-work time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

Any charter school approved by the Board shall at all times maintain clean, electronic (Word) copies of each version of its charter that is approved by the Board and shall maintain such prior approved versions in clean, electronic (Word) format even after submitting a request that a revised version of the charter be approved on renewal or as a material revision, including after such time as the district Board may approve any such revised version. In no event shall a charter school make revisions to the approved version of its charter without maintaining a clean, electronic (Word) version of all forms of the charter that have previously been approved by the Board.

### **Material Revisions**

A request for material revision will be placed on the next available Board meeting agenda for receipt by the Board, to commence the Board's timelines for action, only upon submittal by the charter school operator of all of the following, as well as any additional information or documents that may be required by law, regulation, the specific charter or revisions to the charter, or agreement between the district and the charter school:

1. At least 12 hard copies (in notebooks or otherwise bound) of the entire materially revised charter, with the entire document (including any appendices, exhibits, or attachments) sequentially numbered from the first through the last page (including any appendices, exhibits, or attachments), and also including a table of contents which includes references to all appendices/exhibits/attachments;
2. A redline comparing the materially revised charter to the currently approved charter included in each notebook;
3. An electronic (Word) version of both the clean and redline versions of the materially revised charter.
4. An electronic (Word) version of the charter currently approved and in place prior to the submittal of the request for material revision.

Charter schools may request to consult with the district regarding submittal of a draft of the materially revised charter request prior to the formal submittal of any request for material revisions in order to provide additional time for district review and comment, and for the parties to work cooperatively on any outstanding issues relative to the charter school's operations or the charter document. Whether to provide any such review of or comment on the proposed materially revised charter prior to the formal submittal will be at the district's sole discretion.

## **Renewals**

Charter schools shall submit a request for renewal of their charter at least 120 days before the term of the charter is due to expire. A charter renewal request will be placed on the next available Board meeting agenda for receipt by the Board, to commence the Board's timelines for action, only upon submittal by the charter school operator of all of the following, as well as any additional information or documents that may be required by law, regulation, the specific charter, or agreement between the district and the charter school:

1. At least 12 hard copies (in notebooks or otherwise bound) of the entire renewal charter, with the entire document (including any appendices, exhibits, or attachments) sequentially numbered from the first through the last page (including any appendices, exhibits, or attachments), and also including a table of contents which includes references to all appendices/exhibits/attachments;
  - a. The renewal petition shall provide information regarding the charter school's performance during the current term, specifically including increases in pupil academic achievement school-wide and for all numerically significant pupil subgroups.
  - b. The renewal petition shall include formal documentation of compliance with the applicable academic performance requirements (from a source such as CDE, not exclusively documentation created internally by the charter school).
2. A redline comparing the renewal charter to the currently approved charter included in each notebook;
3. An electronic (Word) version of both the clean and redline versions of the renewal charter.
4. An electronic (Word) version of the charter currently approved and in place prior to the submittal of the request for material revision.

Charter schools may request to consult with the district regarding submittal of a draft of the renewal request prior to the formal submittal of any renewal request in order to provide additional time for district review and comment, and for the parties to work cooperatively on any outstanding issues relative to the charter school's operations or the charter document. Whether to provide any such

review of or comment on the proposed renewal charter prior to the formal submittal will be at the district's sole discretion.

### **Requirements for Charter Schools**

In providing general oversight of a charter school, the Board shall determine whether the school meets the legal requirements applicable to charter schools, including but not limited to those requirements set forth in E 0685. The Superintendent or designee(s) may consult with legal counsel, as appropriate, regarding charter school oversight.

Inspection or observation of any part of a district authorized charter school may be conducted by the district at any time, with or without prior notice. The district may inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel, attendance accounting, and pupil records, and records of any corporations or entities that operate or govern the charter school. Charter schools are subject to the California Public Records Act (CPRA); however, the district's right to inspect and receive records is not based on the CPRA, but rather on the district's oversight role. A district authorized charter school shall promptly comply with all reasonable inquiries from the district in accordance with Education Code 47604.3.

District authorized charter schools shall, on or before June 1 of each year, submit to the district an approved school calendar for the following year establishing that the charter school is complying with the required minimum number of school days and an approved bell schedule establishing that the charter school is complying with the minimum number of instructional minutes. At least one month prior to the commencement of each new semester, the charter school shall provide the district with a list of classes evidencing the class offerings for the semester.

### **District Facilities**

The Board requires charter schools seeking district facilities pursuant to Education Code 47614 ("Proposition 39") to comply strictly with the statutory and regulatory requirements for such requests. In accordance with California Code of Regulations, Title 5, 11969.9(c)(3), charter petitioners/operators submitting a request for facilities pursuant to Proposition 39 must submit the written facilities request for review by other interested parties, so each charter school shall submit one extra hardcopy of the entire request (with all supporting documents) as well as an electronic Word version of the request and electronic Word versions of all supporting documentation. (The request itself must be in Word format, the supporting documentation should be provided in a searchable format with the exception of forms completed in handwriting, which may be in standard PDF format.)

Legal Reference:                      Education Codes 35160, 47600-47616.7  
Code of Regulations, TITLE 5  
11960-11969 Charter Schools

Board Policy Adopted:              July 18, 2017