

CHARTER SCHOOLS

I. INTRODUCTION

The Solano County Board of Education (“County Board”) recognizes that charter schools are an integral part of the California education system. In considering any petition to establish a charter school within its jurisdiction, the County Board shall give thoughtful consideration to the ability of the charter school to provide students with a high-quality education that enables them to achieve their fullest potential.

The Solano County Superintendent of Schools (“County Superintendent”) performs the administrative function of reviewing charter petitions and making recommendations to the County Board, in addition to the monitoring and oversight of County Board-approved charter petitions.

This policy sets forth the County Board’s process for considering new petitions, renewal petitions, material revisions, and appeals. Additionally, this policy sets forth the County Board’s process for the monitoring and oversight of County Board-approved charter schools.

II. NEW CHARTER PETITIONS

A. Types of New Charter Petitions

There are three types of new charter school petitions that a petitioner may submit to the County Board: (1) Direct County Charter, (2) Countywide Charter, and (3) Appeal Charter.¹

1. **Direct County Charter:** A petitioner may submit a petition *directly* to the County Board to establish a charter program that will serve students who would otherwise receive direct education and related services from the Solano County Office of Education (“SCOE”), including but not limited to, students that have been expelled and students on probation or parole. (Education Code [E.C.] § 47605.5.)
2. **Countywide Charter:** A petitioner may submit a petition *directly* to the County Board to establish a charter program that will serve as a countywide charter, to provide instructional services that are not generally provided by SCOE, benefiting a student population that cannot be served as well by a charter school that operates in only one school district in the county. (E.C. § 47605.6.)
3. **Appeal Charter:** A petitioner may submit an appeal petition for the establishment of a new charter school to the County Board that was denied by the governing board of a school district. (E.C. § 47605(k).)

This section describes the standards and criteria applicable to the review of a Direct County Charter and Countywide Charter. The standards and criteria applicable to the review of an Appeal Charter are set forth in Section IV – *Appeals to the County Board* of this policy.

¹ The County Board shall not consider nor approve a new petition submitted for the establishment of a nonclassroom-based charter school from January 1, 2020, to January 1, 2025, inclusive. (E.C. § 47612.7.)

Charter Schools (Continued)**B. Timelines and Procedures**1. Submission

Petitioners shall submit a new petition no later than October 1 prior to the school year in which the charter school proposes to commence operations. Petitioners must submit a complete charter petition to SCOE, including a signed certification that the petitioner deems the petition to be complete. The petition must also include each of the requirements described in Section D – *Content of New Charter Petitions*, below. Petitioners must submit at least fifteen (15) paper copies and one electronic copy of the complete petition application. A new petition is deemed received and the statutory timelines are triggered on the day the petitioner submits a petition to SCOE consistent with Education Code section 47605, subdivision (b).

Countywide Petition: Prior to submitting a new petition to the County Board, a petitioner must provide each of the school districts in which the charter proposes to operate at least 30 days' notice of the petitioner's intent to operate a countywide charter school.

Petitioners shall include with their new petition a proposed draft operational memorandum of understanding, consistent with the model memorandum of understanding provided by the County Board. The County Superintendent may propose revisions to the draft prior to or after approval of a new petition. After the County Board approves a new petition, and upon negotiating terms satisfactory to the County Board, the County Board and petitioners shall enter into an operational memorandum of understanding.

2. Public Hearing to Consider Support for Petition

No later than 60 calendar days after receiving a new petition that complies with all the requirements set forth in the Charter Schools Act ("Act"), including Education Code section 47605, subdivision (b), the County Board shall hold a public hearing on the provisions of the petition to consider the level of support for the petition by teachers and other employees of SCOE, and parents or guardians. (E.C. § 47605(b).) The Secretary of the County Board or designee shall notify the petitioner of the date and time of the hearing.

Countywide Petition: The County Board shall also consider the level of support from teachers and parents or guardians countywide, and from the school districts where the petitioner proposes to place school facilities. (E.C. § 47605.6(b).)

3. Final Staff Recommendations to County Board and Publication of Recommendations

The County Superintendent will evaluate whether the charter school has met the charter petition criteria specified in the Act. The County Superintendent, in consultation with SCOE staff, will make a recommendation to the County Board regarding the petition. At least 15 calendar days before the public hearing at which the County Board will grant or deny the charter, the County Board shall make public all staff recommendations, including the recommended findings, regarding the petition. (E.C. §§ 47605(b), 47605.6(b).)

Charter Schools (Continued)**4. Public Hearing and County Board Action to Grant or Deny**

Following the first public hearing before the County Board, and no later than 90 calendar days after receiving the petition, the County Board shall hold a public meeting at which it will either grant or deny the new petition. (E.C. §§ 47605(b), 47605.6(b).) This date may be extended by an additional 30 calendar days if both parties agree to the extension. (E.C. §§ 47605(b), 47605.6(b).) The Secretary of the County Board or designee shall notify the petitioner of the date and time of the hearing.

During the public hearing, petitioners shall be afforded equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings, in accordance with the procedures set forth in section VIII – *Hearing Procedures*. (Ed. Code, §§ 47605(b), 47605.6(b).)

C. Criteria for New Charter Petitions

The County Board shall deny a new petition if it makes one or more of the following written factual findings:

- 1) The petition presents an unsound educational program for the students 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 statute.
- 4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605.6, subdivision (e) [Countywide Charter] or section 47605, subdivision (e) [Direct County Charter]. (See also, Section D 2. of this Policy, below.)
- 5) The petition does not contain reasonably comprehensive descriptions of each of the elements in Education Code section 47605.6, subdivision (b), subsection (5) [Countywide Charter] or section 47605, subdivision (c), subsection (5) [Direct County Charter].
- 6) The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the charter school's employees for purposes of collective bargaining pursuant to Government Code sections 3540 through 3549.3.
- 7) Any other basis that the County Board finds justifies the denial of the petition. (E.C. § 47605.6(b)(7).)

(E.C. §§ 47605, 47605.5, 47605.6(b).)

D. Content of New Charter Petitions**1. Signatures**

A petition for the establishment of a new charter school must be signed by either of the following:

(E.C. § 47605(a).)

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- 1) A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation; or
- 2) A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation.

The petition shall include a prominent statement that each signature on the petition means that the parent or guardian is meaningfully interested in having their child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school.

2. Required Affirmations

A new charter petition must include affirmations that the charter school will:

- Be nonsectarian in its programs, admission policies, employment practices, and all other operations.
- Not charge tuition.
- Not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in section 422.55 of the Penal Code.
- Except as provided in Education Code section 47605, subdivision (e), subsection (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under the Act shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that school.
- Admit all pupils who wish to attend the charter school.
- If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the County of Solano. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. (See E.C. § 47605(e)(2)(B).)
- If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the County Superintendent of the school district of the pupil's last known address within 30 calendar days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.
- Meet all statewide standards and conduct the pupil assessments required pursuant to Education Code section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

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- Consult, on a regular basis, with the charter school's parents, legal guardians, and teachers regarding the school's educational programs.

(E.C. §§ 47605(e), 47605.6(e).)

3. Required Elements

A new petition must contain a reasonably comprehensive description of each of the following sixteen (16) elements:

- 1) The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.
- 2) The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students 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 section 52066 that apply for the grade levels served by the charter school.
- 3) The method by which student progress in meeting the identified student 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.
- 4) The governance structure of the charter school including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
- 5) The qualifications to be met by individuals to be employed by the charter school.
- 6) The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:
 - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code section 44237.
 - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code section 32282 subdivision (a), subsection (2)(A)-(J).
 - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.
- 7) The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within SCOE's territorial jurisdiction.
- 8) Admission policies and procedures.

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- 9) 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 County Board's satisfaction.
- 10) The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code section 47606.2.
- 11) The manner by 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.
- 12) The public school attendance alternatives for students who choose to not attend the charter school.
- 13) A description of the rights of any SCOE employee upon leaving SCOE employment to work in the charter school and of any rights of return to SCOE after employment at the charter school.
- 14) The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions.
- 15) A declaration as to whether or not the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code sections 3540 through 3549.3.
- 16) The procedures to be used if the charter school closes.

4. Additional Requirements

A new petition shall include information regarding the proposed operation and potential effects of the school including, but not limited to:

- 1) The facilities to be used by the charter school, including where the charter school intends to locate. A charter petition submitted directly to the County Board may only establish charter school operations within the geographical boundaries of the County Board's jurisdiction.
- 2) The manner in which administrative services of the charter school are to be provided.
- 3) Potential civil liability effects, if any, upon the charter school, the County Board, and SCOE.
- 4) Financial statements that include a proposed first-year operational budget, including start-up costs, cash-flow, and financial projections for the first three years of operation.
- 5) If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school. The County Board shall deny any charter petition that proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (E.C. §§ 47605(h) & 47605.6(h).)

Charter Schools (Continued)**III. RENEWAL PETITIONS**

A charter school approaching the end of its charter term must have demonstrated that it is eligible for a renewal of its charter by meeting specific renewal criteria outlined in the Act.

A. Timelines and Procedures**1. Submission**

Charter schools must submit a renewal petition no later than December 31 of the school year prior to the last school year of the charter term or earlier date established by a memorandum of understanding. Renewal petitions must be submitted to the County Superintendent in the same manner as a new petition.

A charter school that, concurrently with a renewal, proposes a material revision to the approved charter, must submit a request for material revision pursuant to the material revisions process outlined in this policy, separate from the renewal petition. (E.C. § 47607(a)(3).) If the County Board receives a request for a material revision at the same time as a renewal petition, the County Board will take action to either grant or deny the material revision and the renewal petition separately.

2. Public Hearing Before the Board

No later than 60 calendar days after receiving a renewal petition that complies with all the requirements set forth in the law and policy, the County Board shall hold a public hearing on the provisions of the renewal petition. (E.C. §§ 47605(b), 47605.6(b).) The Secretary of the County Board or designee shall notify the petitioner of the date and time of the hearing.

3. Final Staff Recommendations to Board and Publication of Recommendations

The County Superintendent will evaluate whether the charter school has met the renewal criteria specified in the Act and applicable policy. The County Superintendent, in consultation with SCOE staff, will make a recommendation to the County Board regarding the renewal petition. At least 15 calendar days before the public hearing at which the County Board will grant or deny the renewal petition, the County Board shall make public all staff recommendations, including the recommended findings, regarding the petition. (E.C. §§ 47605(b), 47605.6(b).)

4. Public Hearing and Board Action to Grant or Deny Renewal

No later than 90 calendar days after receiving a renewal petition that complies with all the requirements set forth in the Act and applicable policy, the County Board shall hold a public meeting at which it will either grant or deny the new petition. (E.C. §§ 47605(b), 47605.6(b).) The parties may agree to extend the deadline by an additional 30 calendar days. (E.C. §§ 47605(b), 47605.6(b).) The Secretary of the County Board or designee shall notify the petitioner of the date and time of the hearing.

Charter Schools (Continued)**B. Criteria for Renewal and Grounds for Nonrenewal**

Renewals are governed by the same standards and criteria as a new petition. (E.C., § 47607(b).) In addition to the standards and criteria applicable to a new petition, the Act sets forth additional renewal criteria. (E.C. §§ 47607, 7607.2.) At renewal, charter schools are designated as either high, middle, or low performing based on the charter schools' performance on the California School Dashboard. (E.C. §§ 47607, 47607.2.) High performing charter schools may be renewed for a 5-7 year term; middle performing charter schools may be renewed for a 5 year term; and low performing charter schools are generally not renewed, but, if certain requirements are satisfied, a low performing charter school may be renewed for a 2-year term.

1. High, Middle, or Low Performing Determinationa. *High Performing Schools (5-7 Year Renewal Term)*

A charter school may qualify for renewal under the high performing renewal criteria pursuant to Education Code section 47607, subdivision (a), if either of the following criteria apply for the two consecutive years immediately preceding renewal:

- 1) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Education Code Section 52064.5 for which it receives performance levels; or
- 2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups² performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

If the two consecutive years immediately preceding the renewal decision include the 2019–2020 or 2020-2021 school year, the County Board shall consider criteria numbers 1 and 2 above for two of the most recent years for which State data is available immediately preceding renewal. (E.C. § 47607(c)(2)(B).)

To qualify for renewal under criteria number 1, the charter school must have schoolwide performance levels on at least two measurements of academic performance per year in each of the two years immediately preceding renewal. (E.C. § 47607(c)(5).)

To qualify for renewal under criteria #2, the charter school must have performance levels on at least two measurements of academic performance for at least two numerically significant subgroups. (E.C. § 47607(c)(5).)

² "Subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

Charter Schools (Continued)

Charter schools satisfying the high performing renewal criteria may be renewed for a term of five to seven years. (E.C. § 47607(c)(2)(E).) The determination of whether a high performing charter school will be renewed for a five year, six year, or seven year term will depend on specific factors related to the charter school's operation and performance during the term of the charter.

A charter school satisfying the high performing renewal criteria is only required to update the charter to include a reasonably comprehensive description of any new requirements enacted into law after the charter was originally granted or last renewed as necessary to reflect the current program offered by the charter school. (E.C. § 47607(c)(2)(F).)

b. Middle Performing Schools (5 Year Renewal Term)

For all charter schools that do not meet the high performing or low performing criteria, the County Board shall consider the charter school under the middle performing criteria. (E.C. § 47607.2(b)(1).) Charter schools satisfying the middle performing criteria may be renewed for a five year term. (E.C. § 47607.2(b)(7).)

Pursuant to Education Code section 47607.2, subdivision (b), the County Board shall consider the following:

- 1) The schoolwide performance and performance of all subgroups of pupils served by the charter school on both the state and local indicators on the California School Dashboard;
- 2) The County Board shall provide greater weight to the performance on measurements of academic performance on the California School Dashboard;
- 3) Until January 1, 2026, the County Board shall also consider clear and convincing evidence, demonstrated by verified data, showing either of the following:
 - a. The charter school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school, or
 - b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

Beginning January 1, 2026, the County Board shall only consider numbers 1 and 2, above.

The County Board may deny a renewal petition satisfying the middle performing criteria pursuant to section 47607.2, subdivision (b), upon making each of the following written factual findings:

- 1) The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school;
- 2) The closure of the charter school is in the best interest of the pupils; and
- 3) The decision provided greater weight to the performance on the measurements of academic performance.

c. Low Performing Schools (Denial with Option for 2 Year Renewal Term)

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A low performing school shall not be renewed unless the County Board makes certain findings specified in the Act. (E.C. § 47607.2(a)(1).) A charter school is considered a low performing school if it satisfies either of the following:

- 1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels; or
- 2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

If the two consecutive years immediately preceding the renewal decision include the 2019–2020 or 2020-2021 school year, the County Board shall not renew a charter school if either criteria numbers 1 and 2 above apply for two of the most recent years for which State data is available immediately preceding renewal. (E.C. § 47607.2(c)(2)(A)-(B).)

However, the County Board may renew a low performing charter school only if it makes both of the following written factual findings:

- 1) The charter school is taking meaningful steps to address the underlying cause(s) of low performing, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; and
- 2) Until June 30, 2025, the Board shall consider whether there is clear and convincing data, demonstrated by verified data, showing either of the following:
 - a. The charter school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
 - b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

“Verified data” means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. The County Board shall only consider verified data adopted by the State Board of Education (“SBE”) pursuant to Education Code section 47607.2, subdivision (c).

A charter school renewed under this section may only be renewed for a two year term. (E.C. § 47607.2(a)(5).)

Charter Schools (Continued)*d. Dashboard Alternative School Status*

A charter school that is eligible for the California School Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, the County Board shall consider, in addition to the charter school's performance on the state and local indicators included in the California School Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The County Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 calendar days of this meeting. The County Board may deny a charter renewal only upon making written findings, and setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (E.C. § 47607(c)(7).)

2. Grounds for Non-Renewal

Regardless of whether a charter school is designated as high, middle, or low performing, the County Board will also consider whether the charter school's enrollment or dismissal practices are discriminatory as grounds for nonrenewal. (E.C. § 47607(e).) Additionally, the County Board shall consider whether the charter school has substantial fiscal or governance issues as grounds for nonrenewal. (E.C. § 47607(e).)

Specifically, the County Board may deny renewal of any charter petition upon a finding that either:

- 1) The charter school is demonstrably unlikely to successfully implement the program set forth in the renewal petition due to either:
 - a. Substantial fiscal issues; or
 - b. Substantial governance issues.
- 2) The charter school is not serving the pupils who wish to attend, based upon identified evidence supporting this finding, including aggregate data reflecting pupil enrollment patterns at the charter school.

(E.C. § 47607(d).)

Prior to a nonrenewal determination pursuant to number 1 or 2 noted above, the County Board shall provide the charter school with at least 30 calendar days' notice of the alleged violation and provide the charter school with a reasonable opportunity to remedy the violation, including providing an opportunity for the charter school to present a proposed corrective plan. (E.C. § 47607(e).) After providing notice of the alleged violation and reasonable opportunity to remedy the violation, the County Board may deny a renewal petition if it finds that either:

- 1) The corrective action proposed by the charter school has been unsuccessful; or
- 2) The violations are sufficiently severe or pervasive as to render a corrective action plan unviable.

Charter Schools (Continued)**IV. APPEALS TO THE COUNTY BOARD****A. Appeals of New and Renewal Petitions**

If the governing board of a school district within SCOE's territory denies a petition for the establishment of a new charter school or a renewal petition (collectively referred to in this section as "Appeal Petition"), the petitioner may elect to submit the Appeal Petition to the County Board. (E.C. §§ 47605(k), 47607.5(a).)

1. Submission Timelines

The petitioner must submit the Appeal Petition to the County Board no later than 30 calendar days after the school district board's denial action. (E.C. § 47605(k)(1)(A)(i).) If a petitioner fails to submit an Appeal Petition within the 30 calendar day period, the County Board will not review or take action on the Appeal Petition.

Petitioners must submit as part of the Appeal Petition, an exact copy of the original petition that the school district denied, including signatures, budgets, and other attachments originally submitted to the school district. Petitioners shall provide the County Board with fifteen (15) paper copies and one electronic copy of the required documents. At the same time the petitioner submits the Appeal Petition to the County Board, the petitioner shall also provide a copy of the Appeal Petition to the school district that denied the original petition.

2. Remand Procedures

The Appeal Petition shall not contain new or different material terms. (E.C. § 47605(k)(1)(A)(i).) This does not apply to revisions to the Appeal Petition, which the County Board specifically requests or authorizes during the pendency of the review of the Appeal Petition. "Material terms" means the signatures, affirmations, disclosures, documents, and descriptions described in Education Code section 47605(a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the County Board as the chartering authority. (E.C. § 47605(k)(1)(A)(iii).)

If the Appeal Petition contains new or different material terms, the County Board shall immediately remand the Appeal Petition to the governing board of the school district for reconsideration, which shall grant or deny the Appeal Petition within 30 calendar days. (E.C. § 47605(k)(1)(A)(i).) If the governing board of the school district denies an Appeal Petition after reconsideration, the petitioner may elect to resubmit the Appeal Petition for the establishment of a charter school to the County Board. (E.C. § 47605(k)(1)(A)(i).)

Charter Schools (Continued)**3. Public Hearing to Consider Support for Appeal Petition**

No later than 60 calendar days after receiving an Appeal Petition that complies with all the requirements set forth in the Act, the County Board shall hold a public hearing on the provisions of the Appeal Petition to consider the level of support for the charter school by teachers, parents, and guardians. (E.C. § 47605(b).)

4. Final Staff Recommendations to Board and Publication of Recommendations

The County Superintendent will evaluate whether the charter school has met the criteria specified in the Act and applicable policy. The County Superintendent, in consultation with SCOE staff, will make a recommendation to the County Board regarding the Appeal Petition. At least 15 calendar days before the public hearing at which the County Board will grant or deny the Appeal Petition, the County Board shall make public all staff recommendations, including the recommended findings, regarding the petition. (E.C. § 47605(b).)

5. Public Hearing and Board Action to Grant or Deny Appeal Petition

No later than 90 calendar days after receiving an Appeal Petition, the County Board shall hold a public hearing at which it will either grant or deny the Appeal Petition. (E.C. § 47605(b).) The parties may agree to extend this deadline by an additional 30 calendar days. (E.C. § 47605(b).) Upon receipt of the Appeal Petition, the Secretary of the County Board or designee shall notify the petitioner of the date and time of the hearings.

Petitioners shall include with their Appeal Petition a proposed draft operational memorandum of understanding consistent with the model memorandum of understanding provided by the County Board. The County Superintendent may propose revisions to the draft prior to or after approval of an Appeal Petition. After the County Board approves an Appeal Petition, and upon negotiating terms satisfactory to the County Board, the County Board and petitioner shall enter into an operational memorandum of understanding.

6. Standard of Review

The County Board shall review the Appeal Petition pursuant to Education Code section 47605, subdivisions (b) and (c). The County Board shall review an Appeal Petition de novo, except that if the school district denied the original petition pursuant to paragraph (8) of subdivision (c), the County Board shall also review the school district's findings pursuant to paragraph (8) of subdivision (c). The County Board may only deny an Appeal Petition upon making one or more of the following findings:

- 1) The charter school presents an unsound educational program for the students to be enrolled in the charter school.
- 2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (E.C. § 47605.6(c)(3).)
- 3) The petition does not contain the number of signatures required by Education Code § 47605(a). (E.C. § 47605.6(c)(3).)
- 4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605.6(e).

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- 5) The petition does not contain reasonably comprehensive descriptions of each of the elements in Education Code section 47605.6, paragraph (5) of subdivision (c).
- 6) The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
- 7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
 - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
 - b. Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
- 8) The school district is not positioned to absorb the fiscal impact of the proposed charter school.

If the County Board approves an Appeal Petition on appeal, it shall become the chartering authority.

B. Appeals of Charter Revocation

If a school district revokes a charter, the charter school may appeal the revocation to the County Board. The charter school must submit the appeal to the County Board not later than 30 calendar days after the school district board's action to revoke the charter.

The County Board may reverse the revocation decision if it determines that the findings under Education Code section 47607, subdivision (k) are not supported by substantial evidence. If the County Board reverses the revocation, the school district may appeal the reversal to the SBE.

If the County Board does not issue a decision on appeal of a revocation within 90 calendar days of receipt of the appeal, or the County Board upholds the revocation, the charter school may appeal the revocation to the SBE.

V. MATERIAL REVISIONS

After a charter school receives approval of its petition, any subsequent change to the terms of a charter deemed to be a material revision may not be implemented without County Board approval. A material revision is a change to the content of an approved charter that substantively affects the process or manner in which the charter school operates. A material revision includes, but is not necessarily limited to, any change that would significantly alter a charter school's mission, vision, educational philosophy, educational program, governance, or organizational structure.

If a charter school wishes to make a change to its current charter, it should contact the County Superintendent or designee to discuss the proposed change. The County Superintendent or designee will work with the charter school to determine whether the proposed change constitutes a material revision requiring County Board approval.

Charter Schools (Continued)

A material revision does not include minor administrative updates to the petition or related documents due to changes to reflect the County Board of Education as the chartering authority, or other changes of a technical nature. The County Superintendent may handle any changes to a charter deemed administratively non-material.

The County Board will review a material revision pursuant to the standards and criteria set forth in Education Code section 47605 including, but not limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (E.C. § 47607(b).)

A charter school that, concurrently with a renewal, proposes a material revision to the approved charter, must submit a request for material revision pursuant to the material revisions process outlined in this section separate from the renewal petition. If the County Board receives a request for a material revision at the same time as a renewal petition, the County Board will take action to either grant or deny the material revision and the renewal petition separately.

VI. REVOCATION**A. Grounds for Revocation**

The County Board expects each of its authorized charter schools to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law, any operations memorandum of understanding, and the terms of its charter.

Pursuant to Education Code section 47607, subdivision (f), the County Board may revoke a charter if it finds, through a showing of substantial evidence, that the charter school has done any of the following:

- 1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- 2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
- 3) Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- 4) Violated any provision of law.

The County Board may immediately revoke a charter when it determines, in writing, that a charter school has committed a violation under Education Code section 47607 that constitutes a severe and imminent threat to the health or safety of students. In this case, the County Board shall approve and deliver to the charter school's governing body and the California Department of Education ("CDE") a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (5 CCR § 11968.5.3(a).)

Charter Schools (Continued)

The County Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (“CCEE”) has provided advice and assistance pursuant to Education Code section 47607.3 if the CCEE has issued either of the following findings:

- 1) The charter school has failed or is unable to implement the recommendations of CCEE; or
- 2) The inadequate performance of the charter school, as based on California School Dashboard, is so persistent or acute as to require revocation of the charter. (E.C. § 47607.3(d).)

B. Timelines and Procedures

If the County Board is considering revoking a charter, it shall take action to approve and deliver a Notice of Violation to the charter school’s governing body. (E.C. § 47607(g).) The Notice of Violation shall identify:

- 1) The alleged violation(s);
- 2) All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s); and
- 3) The period of time that the County Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified alleged violation(s). (5 CCR §§ 11965.)

At least 72 hours prior to any meeting at which the County Board will consider issuing a Notice of Violation, the County Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR § 11968.5.2)

By the end of the remedy period identified in the Notice of Violation, the charter school’s governing body may submit to the County Board a detailed written response and supporting evidence addressing each identified violation including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR § 11968.5.2)

At the conclusion of the remedy period specified in the Notice of Violation, the County Board shall evaluate any response and supporting evidence provided by the charter school’s governing body and shall take one of the following actions:

- 1) Discontinue revocation of the charter and provide timely written notice of such action to the charter school’s governing body; or
- 2) Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school’s governing body within 60 calendar days of the conclusion of the remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the County Board’s satisfaction. (5 CCR § 11968.5.2)

Charter Schools (Continued)

If the County Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the Notice of Intent to Revoke, which shall be no later than 30 calendar days after providing the notice.

Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the County Board and the charter school, the County Board shall issue a final decision on the revocation of the charter. (E.C. § 47607(h); 5 CCR § 11968.5.2.) Within 10 calendar days of the final decision, the County Board shall provide a copy of the decision to the CDE. (E.C. § 47604.32; 5 CCR § 11968.5.2)

C. Appeal of Revocation

If a school district within SCOE's jurisdiction revokes a charter, the charter school may appeal the revocation to the County Board within 30 calendar days of the school district's final decision. (E.C. § 47607(i)(2).)

If the County Board revokes a charter, the charter school may appeal the revocation to the SBE within 30 calendar days of the County Board's final decision. (E.C. § 47607(j)(2).)

A charter school may continue to operate during the pendency of an appeal if the revocation decision is based solely on the County Board or school district finding that the charter school either:

- 1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter; or
- 2) Failed to meet or pursue any of the pupil outcomes identified in the charter, unless the County Board determines that the violation constitutes a severe or imminent threat to the health or safety of pupils.

D. School Closure

If a charter school ceases operation due to revocation, the charter school shall implement the school closure procedures specified in the charter.

VII. OVERSIGHT

The County Board of Education recognizes its ongoing responsibility to oversee that any charter school authorized by the County Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school. The County Superintendent performs the administrative function of monitoring and oversight of County Board-approved charters.

Charter Schools (Continued)

The County Board is responsible for providing oversight of County Board-authorized charter schools and the entities managing those charter schools. The County Superintendent is responsible for performing such oversight. However, first and foremost, each charter school's governing body is responsible for the governance and operations of its charter school. The governing board of a charter school has an ongoing responsibility to oversee its own schools, ensuring that their schools are successfully fulfilling the terms of their charter, are fiscally sound, and complying with applicable laws, regulations, court orders, while also providing a high-quality educational program for students enrolled in the charter school. An important aspect of successful charter school governance and operations is staying abreast of all legislative changes affecting charter schools, and charter schools are expected to make any necessary changes to their policies and practices to reflect current law. As part of a charter school's operations, it is the responsibility of each charter school to cooperate with the County Board and County Superintendent and submit all necessary information to the County Board, through the County Superintendent.

The Charter Schools Act requires chartering authorities to conduct the following oversight activities:

1. Identify at least one staff member as a contact person for the charter school. (E.C. § 47604.32(a)(1).) To fulfill this oversight activity, the County Superintendent may assign a cross-departmental team.
2. Visit each charter school at least annually. (E.C. § 47604.32(a)(2).)
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan and annual update to the local control and accountability plan required pursuant to Education Code section 47606.5. (E.C. § 47604.32(a)(3).)
4. Monitor the fiscal condition of each charter school under its authority. (E.C. § 47604.32(a)(4).)
5. Provide timely notification to the California Department of Education if any of the following circumstances occur or will occur with regard to a charter school:
 - A renewal if the charter is granted or denied.
 - The charter is revoked.
 - The charter school will cease operation for any reason. (E.C. § 47604.32(a)(5)(A)-(C).)

Pursuant to Education Code section 47613, the County Board is entitled to receive appropriate oversight fees from a charter school as specified by statute.

Charter Schools (Continued)**A. Annual Visit**

The County Superintendent or designee shall conduct at least one annual visit to facilitate the County Board's oversight of the charter school, including achievement of measurable student outcomes, fiscal condition, and compliance with law, the terms of its charter and all memoranda of understanding. The County Superintendent may determine whether follow up site visits are necessary to confirm resolution of concerns. Charter schools shall accommodate and work with SCOE staff in facilitating the annual visit, as well as any additional visits that the County Board or County Superintendent determine is necessary for it to perform its oversight obligations. Charter schools shall also provide the County Board, through the County Superintendent, all requested information in advance of the annual or additional visit(s), as well as provide any information requested following the visit(s.)

B. Fiscal Operations

The County Board, through the County Superintendent, shall monitor the fiscal condition of charter schools. Charter schools shall timely submit to the County Board, through the County Superintendent, all required financial information annually in accordance with the reporting schedule for all statutory and contractual reporting of financial information by a charter school. Information to be reported to the County Board includes, but is not limited to, the charter school's preliminary budget; an annual update, aligned to the template adopted by the SBE, of school goals, actions, and related expenditures; first and second interim financial reports; and final unaudited report for the full prior year. (E.C. §§ 47604.32, 47604.33, 47606.5)

C. Academic Performance

The County Board, through the County Superintendent, shall monitor the academic performance of the charter school based on the SBE's accountability system and including, but not limited to, the annual Local Control and Accountability Plan ("LCAP") update, information from the annual visit, consistency with the charter petition, and any requirements of the memorandum of understanding. Charter schools shall timely submit to the County Board, through the County Superintendent, all required information regarding the charter school's academic performance in accordance with the reporting schedule or as otherwise requested.

D. Charter School Operations

The County Board, through the County Superintendent, shall monitor the charter school's operation and compliance with terms of its charter; any memorandum of understanding; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following areas:

- 1) Governance: Compliance with Ralph M. Brown Act (Govt. Code, §§ 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Govt. Code, §§ 1090-1099), and Political Reform Act (Govt. Code, §§ 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code section 87300. (E.C. § 47604.1.)

Charter Schools (Continued)

- 2) Operations: Charter schools may not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (E.C. § 47604.)
- 3) Admission/Enrollment: Charter schools shall be nonsectarian in their programs, admission policies, employment practices, and all other operations and shall admit all pupils who wish to attend (E.C. §§ 47605, 47605.6.)
- 4) Nondiscrimination: Charter schools shall not discriminate against any student on the basis of the characteristics listed in Education Code section 220; discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. (E.C. §§ 47605, 47605.6.)
- 5) Tuition and Fees: Charter schools shall not charge tuition nor charge fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools. (E.C. § 47605, 47605.6.)
- 6) LCAP: Charter schools shall adopt an LCAP and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the SBE. As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE. (E.C. §§ 47604.33, 47606.5, 52064, 52064.1)
- 7) Curriculum and Instruction: Charter schools shall offer at least the number of instructional minutes required by law for the grade levels provided by the charter school and meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools. (E.C. §§ 47605.6, 47612.5, 60605.)
- 8) Special Education: Charter schools shall comply with all applicable requirements of state and federal law regarding the provision of special education services. (E.C. §§ 56000 et. seq., Individual with Disabilities Education Act 20 U.S.C. Chapter 33.)
- 9) Student Expression: Charter schools shall provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications. (E.C. § 48907, 48950.)
- 10) Teacher Credentialing and Fingerprinting: Charter school teachers shall hold the certificate, permit, or other document issued by the Commission on Teacher Credentialing required for the teacher's certificated assignment. (E.C. § 47605, 47605.6.)

Charter Schools (Continued)

- 11) Parent/Guardian Involvement: Charter schools shall, on a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs, and shall notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school. (E.C. § 47605, 47605.6.)
- 12) Nutrition: Charter schools shall provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction. (E.C. § 47613.5.)
- 13) Student Conduct/Discipline: Charter schools shall prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response. (E.C. §§ 49005-49006.4) Additionally, charter schools shall neither recommend for expulsion a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties. (E.C. §§ 48901.1.)
- 14) Facilities: Charter school facilities must adhere to the program accessibility requirements of federal law, including the Americans with Disabilities Act and Section 504. In addition, all charter school facilities must comply with the geographic location, site limitations, and related requirements set forth in the Charter Schools Act, including Education Code sections 47605.1, 47602, and 47605.
- 15) Accountability: Charter schools shall annually adopt a school accountability report card. (E.C. § 47612; California Constitution, Article 16, Section 8.5.)

VIII. HEARING PROCEDURES

This section outlines the hearing procedures for any hearing conducted pursuant to this policy.

The President of the County Board or a designee shall preside over the hearing, which shall be conducted in open session. The President or designee shall regulate the order of presentation and the time limits for presentation. Ordinarily, the order and limits of presentations will be as follows:

- 1) Call to order by the President/designee.
- 2) Introduction of agenda item.
- 3) Appropriate remarks by the County Board's legal counsel (if any).
- 4) Separate presentation by petitioners and SCOE staff (generally 10 minutes per side or as determined by the President at the hearing). Petitioner shall be afforded equal time as provided to SCOE staff to present evidence and testimony to respond to the staff recommendations and findings.
 - a. In addition, for an Appeal Petition, the denying school district may also present. If the denying school district presents, outside of the public comment period, petitioners shall be afforded equal time as provided to the denying district to present evidence and testimony to respond to the denying district's presentation.

Charter Schools (Continued)

- 5) Public comment or presentation by members of the public including the representatives of petitioners or the district that denied the original petition (generally 3 minutes per person or as determined by the President at the hearing).
- 6) During and after any of the above presentations, members of the County Board, or appointed counsel, may direct questions to any persons who appeared before the County Board.
- 7) At the conclusion of the presentations and the questioning by the County Board members or appointed counsel, the President or designee will declare the hearing at an end. If, during such deliberations, any member of the County Board wishes to ask additional questions of any person who appeared before the County Board, the President or designee may reopen the hearing for that purpose and both petitioners and opponents will be given an opportunity to present additional information in response to the County Board member's inquiry.

A record of oral proceedings before the County Board shall be preserved.