

Charter Schools

STANISLAUS COUNTY OFFICE OF EDUCATION

Petitions for the establishment of charter schools shall be submitted to the Stanislaus County Board of Education (“CBE” or “Board”) for review by the Stanislaus County Office of Education (“SCOE”) pursuant to the procedures in this Administration Regulation.

Source of Charter School Petitions

The CBE may receive charter school petitions in one of three ways:

1. **Direct.** Directly from the petitioners. Petitions submitted directly to SCOE may be in the form of either:
 - A. **County Program Charters:** County Program Charters serve students for whom the SCOE would otherwise be responsible for providing direct education and related services. (Ed. Code § 47605.5.)
 - B. **Countywide Charters:** Countywide Charters provide instructional services not generally provided by SCOE to a student population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. (Ed. Code § 47605.6(d).)
2. **Appeal.** SCOE may receive petitions on appeal if a local district board denies a petition application that was submitted to it for approval; or
3. **By Assignment.** The State Board of Education may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the State Board of Education to any local education agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

Submission Deadlines

1. **Date of Submission.** All charter school petitions must be submitted to SCOE in triplicate. Upon receipt of a petition, a designated employee of SCOE shall date stamp the cover page of the submitted materials.

While a charter school petition may be submitted at any time during the year, applicants are encouraged to submit a petition during a period when a regular Board meeting is scheduled to occur within the next 30 days. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year should initiate the process no later than December 15 of the prior year.

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 charter school

operation. Renewal documentation shall be submitted by March 15 of the school year prior to the proposed renewal start date.

2. **Evaluation Matrix.** All petitioners submitting applications to SCOE for Countywide Charter schools and County Program Charter schools must complete and include the SCOE document entitled “Charter School Evaluation Matrix.” (See “**Exhibit A**” of this Administrative Regulation.) This Matrix is only meant to serve as a tool to assist Petitioners in assessing the Completeness of their charter application. Mere completion of this form by petitioners does not guarantee charter approval by the Board.

Initial Review of Charter Petitions or Appeals

Within 5 business days of receiving a charter school petition or appeal, SCOE will make an initial review of the charter application in order to verify the application contains the following: 1) The required number of valid signatures; 2) The required affirmations; 3) Provisions purporting to describe requirements outlined in Education Code section 47605 (Education Code section 47605.5 for petitions for Countywide Charter schools); and 4) Any additional requirements outlined in this document.

SCOE will contact the designated petitioners, within 5 business days of receiving the petition on appeal to either begin the process of charter proposal/appeal evaluation, or to discuss needed revisions necessary for procedural compliance. Should petitioners fail to revise their application or appeal, SCOE will not consider the application or appeal to be properly submitted, and the application or appeal will not be reviewed.

Notice of Countywide Charter Petition

In the case of a Countywide Charter School petition, each school district where the charter school proposes to operate a facility must receive at least 30 days notice of the charter school proposal.

Charter School Appeal of a District Denial Submitted to the County Board

If the governing board of a school district operating within SCOE’s jurisdiction denies a petition, the petitioners may submit their charter school petition to SCOE. The same submission conditions will prevail as with petitions submitted directly to SCOE regarding the number of copies to be submitted and the completeness of documentation. Correspondence from the district denying the petition, including its reasons for denial, must also be included.

SCOE will consider the same petition as originally submitted to the district including the same requirements concerning geographic location that it would otherwise be subject to if the petition received approval from the district. Notwithstanding the above, some supplemental information may be submitted with the original charter petition as long as it does not contradict or alter the original charter provisions.

Petitions submitted by SCOE on appeal may be approved by the Board, at the Board’s discretion, for a period up to 5 years.

The petition may be sent back to the district for review if one of the following conditions exist:

1. The petition has been substantially modified from the original petition that was submitted to the district.
2. If the petition has been denied without the district providing written factual findings of its denial. In such case, the petition will be returned to the district, and the district will be required to provide the petitioners, in writing, with reasons for the charter school's denial.
3. If the district denies a petition in writing for reasons not set forth in Education Code section 47605(b). In such case, the petition will be returned to the district with a timeline to reconsider the petition.

Public Hearing

Not later than 30 days after receiving a complete County Program Charter School petition, or 60 days after receiving the Countywide Charter School petition, the Board shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers, other employees, parents and guardians, and the district or districts where the charter school applicants propose to place school facilities shall be considered. Charter school applicants shall be provided an opportunity to appear and provide testimony to the County Board. The Board is not required to ask questions or make comments at this time, but may do so as needed.

Appeal hearings must be conducted no later than 30 days after submission of a complete charter school petition. In appeal hearings, the reasons for the district's denial will be explored. If supplemental information is submitted by the petitioners, it would be important to ascertain whether it would have affected the district's decision to deny and whether the district would reconsider their original rejection.

Application Components

1. **Signatures.** All County Program Charter Petitions and Countywide Charter Petitions submitted to the CBE must contain the appropriate requisite number of signatures pursuant to Education Code section 47605(a). Petitions for Countywide Charters must comply with signature requirements set forth in section 47605.6(a).

Signatures will only be deemed valid if petitioners demonstrate that, while circulating the petition, they included a prominent statement explaining a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher signature, the teacher is meaningfully interested in teaching at the charter school. In addition, petitioners must demonstrate that the proposed charter was attached to the petition at the time signatures were obtained. Revisions in the charter after the petition is submitted to the CBE, need not be resubmitted for signatures unless the changes materially alter the nature of the charter school proposal.

2. **Affirmations.** As mandated by Education Code section 47605 and 47605.6, and in addition to any other affirmation required by this Administrative Regulation, SCOE will only consider charter school petitions containing, at minimum, the following affirmations:

- A. The charter school must assure that it will be nonsectarian in its programs, admission policies, employment practices and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of ethnicity, national origin, gender, or disability; and
 - B. The charter school must assure that admission to the charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.
3. **Required Elements.** All appeals and County Program petitions must contain a reasonably comprehensive description of all elements required by Education Code section 47605. Petitions for Countywide Charters must include all required elements set forth in Education Code section 47605.6.
 4. **Facilities, Administration, and Financial Statements.** Pursuant to Education Code section 47605(a) and Education Code section 47605.6(h), petitioners must provide information in their petitions regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. Petitioners must also provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. Petitioners are strongly encouraged to submit financial data in Standardized Account Code Structure (“SACS”) format when possible.

SCOE Instructional Program Review Committee

Upon determining that the submitted petition or appeal has met procedural compliance, the Stanislaus CBE will direct the SCOE Instructional Program Review Committee (“Committee”) to evaluate the soundness of the charter petition and to make a recommendation to the Stanislaus CBE regarding whether the charter should be approved or denied. The Committee will consist of the following SCOE representatives or their designees: 1) Assistant Superintendent of Business Services; 2) Assistant Superintendent of Special Education; 3) Assistant Superintendent of Educational Services; and 4) Division Director of Career and Alternative Education.

This committee may convene other subcommittees with special expertise related to the proposed charter.

In addition to evaluating the charter’s petition itself, the committees or individuals within the committees may conduct interviews with the applicants to assess the likelihood of the applicants being able to implement successfully the instructional and operational provisions described in the petition. The committees will take into consideration the extent to which the applicants possess sufficient knowledge and expertise in areas critical to a charter school’s success.

Charter Approval/Conditional Approval/Denial

Within 60 calendar days of receiving a valid petition presented to the Board on appeal or for a County Program, or within 90 calendar days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school.

In the case of Countywide Charters, a Board decision must be made within 90 calendar days which date may be extended an additional 30 calendar days upon the approval of the petitioners and the Board.

In determining whether to grant or deny a charter, the Board shall carefully weigh the staff's analysis of the proposed charter and any supplementary information, consider public input, and determine whether the charter petition adequately addresses all the provisions required by law. A charter may be denied if the Board presents written specific factual findings that one or more of the following conditions exist:

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.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code section 47605(d); namely, the charter school shall be non-sectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability, and admit all pupils who wish to attend.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions listed in Education Code section 47605(b). (For Countywide Charter schools, the Education Code reference is 47605.6(b).)
6. In the case of Countywide Charters, the petition did not demonstrate that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.

Other Qualifying/Disqualifying Conditions

1. The Board shall not grant any charter that authorizes the conversion of a private school to a charter school.
2. The Board shall not approve any charter petition that proposes to serve students in a grade level that is not served by SCOE, (or district, if the Board is requested to hear an appeal of a charter school that was denied by a district) unless the charter petition proposes to serve pupils in all the grade levels served by SCOE or the school district (whichever is applicable). (Ed. Code § 47605(a)(6).)

3. The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the special education local plan area (SELPA) in which the Board (or the district) participates.
4. The Board cannot deny granting the charter because a) approval may cause financial hardship or b) based on the actual or potential costs of serving “individuals with exceptional needs.” (“Exceptional needs” is defined pursuant to Ed. Code § 56026.)
5. The Board cannot deny granting the charter because the charter school wants the district or SCOE to deliver special education services.
6. In granting charter petitions, the Board shall give preference to schools best able to provide comprehensive learning experiences of academically low-achieving students.
7. Each charter school shall adhere to all laws establishing minimum age for public school attendance.

County Board Denial of a Charter Petition

If the Board denies an appeal or a County Program petition, the petitioner may file a request for establishment of a charter school with the State Board of Education. A denial of a charter school petition intended to serve a population of students on a countywide basis that cannot be served as well through a petition presented to a school district cannot be appealed. (Ed. Code § 47605.6(k).)

If either the County Board or the State Board of Education fails to act on a petition within 120 calendar days of receipt, the decision of the governing board of the school district, to deny a petition appeal, shall, thereafter, be subject to judicial review.

County Board Approval of a Charter School Petition

The County Superintendent will notify the petitioner in writing of the Board’s decision to grant the petition and it is the petitioners’ responsibility to submit a copy of the approval letter, board minutes, and the petition to the California Department of Education, Charter Schools Office. Further, the County Superintendent will notify the petitioners that failure to comply with all agreed upon post-approval tasks may result in a revocation of the charter under Education Code section 47607.

1. **Term of the Initial Charter.** The Board may initially grant a charter for a specified term not to exceed 5 years. A charter school in its first year of operation must commence instruction between July 1 and September 30.
2. **Revisions to the Charter.** Material revisions to a charter may be made only with Board approval and shall be governed by the same standards and criteria that apply to new charter petitions. If, after the original approval, a charter school proposes to establish operations at additional sites within the county, the Board shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located.

3. **Renewals.** A charter school seeking renewal of its charter shall submit a written request to the Board at least 120 calendar days before the term of the charter is due to expire. At least 90 calendar days before the term of the charter is due to expire, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 calendar days before the expiration date of the charter, the Board shall either grant or deny the request for renewal. Renewals shall be governed by the same standards and criteria that apply to new charter petitions.

Each renewal shall be for a period of 5 years and may be renewed for an indefinite number of 5 year periods. If the Board denies the renewal, the charter school may petition the State Board of Education for renewal.

After a charter school has been in operation for 4 years, a charter school must meet, with documented clear and convincing data, at least one of the following criteria prior to receiving a charter renewal pursuant to Education Code section 47607(b):

- A. Attained its Academic Performance Index (API) growth target in the prior year or in 2 of the last 3 years, or in the aggregate for the prior 3 years.
- B. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in 2 of the last 3 years.
- C. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in 2 of the last 3 years.
- D. The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

Monitoring and Supervision

1. In the case of a charter petition that was originally denied by the district and subsequently granted by the CBE, the CBE shall be responsible for oversight and supervision of the charter school as defined by the Education Code.
2. In the case of a charter petition submitted directly to SCOE, SCOE shall provide monitoring and supervision. The County Superintendent of Schools shall charge, and the charter school shall pay the County Superintendent of Schools, for the actual costs of monitoring and supervision not to exceed 1% (3%, if the charter school obtains “substantially rent-free facilities” from the chartering agency) of the revenue of the charter school except as otherwise provided by law. The 1% or 3% shall be deducted from the monthly apportionment and in-lieu tax transfer process, and transferred to the County Superintendent of Schools.
3. Pursuant to Education Code section 47604.32, SCOE will:
 - A. Identify at least one staff member as a contact person for the charter school,

- B. Visit each charter school at least annually,
- C. Ensure that each charter school under its authority complies with all reports required of charter schools by law,
- D. Monitor the fiscal condition of each charter school under its authority,
- E. Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority: 1) A renewal of the charter school is granted or denied; 2) The charter is revoked; or 3) The charter school will cease operation for any reason.

Memorandum of Understanding

To the greatest extent possible, the charter school and SCOE shall enter into Memoranda of Understanding on all outstanding operational issues prior to the beginning of a new term of charter school operation.

Responding to Inquiries

Any charter school operating within Stanislaus County must respond to reasonable inquiries regarding its financial records, reports required by the State Teachers' Retirement System and Public Employees' Retirement System, or any other document related to the County's oversight of the charter school in a timely manner.

Reports

All charter schools operating under the County's supervision must prepare and submit all reports required by SCOE and Education Code section 47604.33 to SCOE in a timely manner.

Nonprofit Organizations

Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Board may appoint a representative to serve on the board of directors of that corporation.

Investigation of Complaints

The SCOE will accept complaints regarding CBE authorized charter schools and investigate those complaints it determines reasonably necessary. The SCOE recognizes complaints may range from matters having a clear, significant, material implication regarding the SCOE's fundamental interest to those matters that have little or no implication regarding the SCOE's fundamental interest. Those that do not impact the SCOE will be referred to the administration of the charter school. Before commencing an investigation, the SCOE will take into consideration whether the complaint is supported with verifiable information. The SCOE will inform the charter school in writing when an investigation has been initiated.

Charter Revocations

The Board may revoke a charter 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 student outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
4. Violated any provision of law.

Prior to revocation, the Board shall notify the charter school of any violation and give the school a reasonable opportunity to correct the violation unless the Board determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the students.

Legal Compliance

Nothing contained in this policy shall be interpreted to mean that any charter school is not otherwise required to meet all legal regulatory standards and requirements, as well as comply with all generally accepted principles and practices of sound accounting, management, and education.

Legal Reference:

EDUCATION CODE

33054	Waivers
41365	Charter school revolving load fund
42100	Annual statement of receipts and expenditures
42238.51-42238.53	Funding for charter districts
44237	Criminal record summary
44830.1	Certificated employees, conviction of a violent or serious felony
45122.1	Classified employees, conviction of a violent or serious felony
46201	Instructional minutes
47600-47616.7	Charter Schools Act of 1992, as amended
47640-47647	Special education funding for charter schools
47652	Funding of first-year charter schools
48000	Minimum age of admission (kindergarten)
48010	Minimum age of admission (first grade)
48011	Minimum age of admission from kindergarten or other school
51745-51749.3	Independent Study
52052	Alternative accountability system
54032	Limited English or low-achieving pupils
56026	Special education
56145-56146	Special education services in charter schools
60600-60649	Assessment of academic achievement, including:
60605	Academic content and performance standards; assessments

60640-60649 Standardized Testing and Reporting Program

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act

PENAL CODE

667.5 Definition of violent felony
1192.7 Definition of serious felony

CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent Study
11960-11969 Charter Schools

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress
6319 Qualifications of teachers and paraprofessionals
8061-8067 Charter schools program
8071 Charter school facilities

CODE OF FEDERAL REGULATIONS, TITLE 34

200 Accountability

ATTORNEY GENERAL OPINIONS

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, 2002
CDE PUBLICATIONS: Special Education and Charter Schools: Questions and Answers, September 10, 2002
USDOE DRAFT NONREGULATORY GUIDANCE: Charter School Program, August 31, 2003; The Impact of the New Title I Requirements on Charter Schools, March 4, 2003

WEB SITES

CSBA: <http://www.csba.org>
CDE: <http://www.cde.ca.gov/charter>
Education Commission of the States: <http://www.ecs.org>
NSBA: <http://www.nsba.org>
US. Department of Education: <http://www.ed.gov>