

## **CHARTER SCHOOLS**

### **Purpose and Scope**

The County Board when considering charter petitions shall be guided by the intent of the Legislature: that quality charter schools are and should be an integral part of the California educational system. The County Board encourages charter schools in order to create an opportunity to implement accountability-based school-level reform, support innovations which improve student learning, and provide choice for parents. These schools shall operate under the provisions of their charters, applicable state and federal laws, and the general oversight of the County Board.

The County Board shall only grant a charter if it is satisfied that doing so is consistent with sound educational practice and the petition complies with the applicable requirements of Education Code.

The County Board supports this effort by establishing a clearly defined system for reviewing petitions and determining the effectiveness of the charter schools it authorizes. Charter schools are public schools; as such, their performance is subject to review and comparison with any other publicly funded school and its demographic composition should reflect the school district in which it is located.

**Chartering Authority** – The agency that grants the charter for a charter school. Under most circumstances, the chartering authority has primary responsibility for monitoring and oversight of the charter school and the authority to reauthorize the charter as well as to revoke the charter if the school does not meet the conditions of its charter or of law. The County Board receives some types of charter petitions directly and receives others only on appeal after denial by a school district board. The County Board delegates the administrative functions of receiving, reviewing, and reporting on charter petitions to the County Superintendent. Petitioner is responsible for certifying that the petition is complete. The County Board may act as the chartering authority to the following:

**Direct County Charter** – A charter school that serves pupils for whom LACOE would otherwise be responsible for providing direct education and related services. Students must have been expelled and/or currently be on probation. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.5)

**Countywide Charter** – A charter school that operates at one or more sites within the geographic boundaries of the county and provides instructional services not generally provided by LACOE. There must be reasonable justification for why the charter could not be established by petition to a local school district. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.6)

**CHARTER SCHOOLS** (continued)

**County Conversion Charter** – An existing public school operated by LACOE that converts to a charter school. The petition must be supported by over 50% of the teachers employed at the school and is submitted directly to the County Board. (Education Code 47605.5)

**Previously Denied Charter Petition on Appeal** – The County Board considers petitions for the establishment of a charter school if a school district board denied the petition based on written factual findings, and the petitioner wishes to appeal that decision. The County Board may receive petitions on appeal for new and non-renewed charter schools. The County Board shall review and may approve only the same petition that was denied by the school district board except for those changes necessary to reflect the County Board as the authorizer. To ensure the petition is the same one denied by the school district board, the petitioner shall submit or have the district submit, a certified copy of the petition acted upon by the local district board; receipt of this certified copy of the petition triggers the timeline for County Board action. If the petition submitted on appeal contains new or different material terms as defined by the Education Code, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. If the County Board grants the charter, it shall be the chartering authority that has primary responsibility and oversight of the charter school. (Education Code 47605(j)(1)). If the County Board denies the petition, the petitioner may appeal to the State Board of Education (SBE).

**Timelines**

**Public Hearing** – No later than 60 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board shall hold a public hearing on the provisions of the charter. At the public hearing, the County Board shall consider the level of support for the petition by teachers, parents/guardians, and the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to LACOE's Charter School Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6).

**County Board Decision** – No later than 90 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board shall either grant or deny the charter. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. (Education Code 47605, 47605.6) The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.

**CHARTER SCHOOLS** (continued)

At least 15 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. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

**Appeal of Denied Petition to Establish a Charter School** – The County Board must receive the petition for the establishment of a charter school that was denied by a school district board, not later than 30 calendar days after the denial action. Any appeal for the establishment of a charter school received more than 30 calendar days after denial will not be acted upon by the County Board. At the same time the petition is submitted to the County Board, the petitioner shall also provide a copy of the petition to the school district.

The County Board shall review the petition pursuant to Education Code 47605(b) and (c). If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. “Material terms” of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in Education Code 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 of education as the chartering authority.

If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. The County Board shall review the appeal petition pursuant to Education Code 47605(c). If the denial of the petition was made 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).

If the County Board denies a petition, the petitioner may appeal that denial to the SBE.

The petitioner shall submit the petition to the SBE within 30 days of a denial by the County Board. The petitioner shall include the findings and documentary record from the governing board of the school district and the County Board and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the County Board, or both, abused their discretion. The governing board of the school district and County Board shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and County Board denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and County Board no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the SBE, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the County Board.

**CHARTER SCHOOLS** (continued)

If the appeal contains new or different material terms, the SBE shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the SBE.

Within 30 days of receipt of the appeal submitted to the SBE, the governing board of the school district or County Board may submit a written opposition to the SBE detailing, with specific citations to the documentary record, how the governing board of the school district or the County Board did not abuse its discretion in denying the petition. The governing board of the school district or the County Board may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the County Board.

The SBE's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the SBE whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the SBE, the SBE shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the SBE.

The SBE shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the SBE hears the appeal, the SBE may affirm the determination of the governing board of the school district or the County Board, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the SBE, the SBE shall designate, in consultation with the petitioner, either the governing board of the school district or the County Board in which the charter school is located as the chartering authority.

If either the county board of education or the SBE fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

**CHARTER SCHOOLS** (continued)

**Renewal Petitions** – If the petition for the renewal of a charter school, which at a minimum is comprised of all requirements in Education Code 47607 and the California Code of Regulations, Title 5 section 11966.5, was denied by a school district board, the County Board must receive the petition no later than 30 calendar days after the school district board makes written factual findings. A petition for renewal not submitted to the County Board within this time shall be considered denied with no further options for administrative appeal. The County Board and the charter petitioner may extend this date by an additional 30 calendar days only by written mutual agreement. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. If the school district board did not comply with the statutory and regulatory timelines for making written factual findings for denial of a renewal petition, the petition is deemed approved by the school district board and the County Board has no jurisdiction to hear an appeal.

The County Board must take action to approve the extension or may initiate the request for an extension. The County Board delegates the authority to receive the request for an extension to the County Superintendent of Schools. The County Superintendent must receive the request no later than 30 calendar days from the date the school district made its written findings of fact.

No later than 60 calendar days after receiving a renewal petition, whether submitted to the County Board as the authorizer or on appeal, the County Board shall hold a public hearing on the provisions of the charter. Within 90 days of the receipt of the petition, the County Board shall either grant or deny the charter. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.

If the County Board denies or takes no action, the charter school may submit the petition for renewal to the SBE. The renewal of a countywide charter is exempt from this provision.

The renewal petition for charter schools authorized by the County Board may be submitted no earlier than the date the California Department of Education (CDE) releases the schools' California Assessment of Student Performance and Progress (CAASPP) data for the school year prior to the last year of the term of the charter and no later than January 31<sup>st</sup> of the last year of the term of the charter. A charter school may apply for renewal prior to the release of the CAASPP data referenced above if it can demonstrate the school has met the statutory criteria for renewal without the information contained in this report.

**Approval or Denial of Petitions**

All meetings of the County Board at which the granting, revocation, appeal, or renewal of a charter petition is to be discussed shall be subject to the State open meeting laws. (Education Code 46708)

**CHARTER SCHOOLS** (continued)

The County Board shall grant a charter for the operation of a direct county charter, county conversion charter, or previously denied charter petition appeal only if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. Prior to authorizing any charter, the County Board shall verify that the charter includes adequate procedures and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board, and inspections and observations of any part of the charter school.

The County Board may grant a charter for the operation of a countywide charter if the County Board is satisfied that granting the charter is consistent with sound educational practice and the charter school has reasonable justification for why it could not be established by petition to a school district under Education Code 47605. The County Board may impose any additional requirements beyond those of Education Code 47605.6 that it considers necessary for the sound operation of a countywide charter.

The County Board shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, and for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school. (Education Code 47602)
3. Proposes to offer nonclassroom-based instruction. (Education Code 47612.7)

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving LACOE students, if the County Board makes written factual findings setting forth specific facts to support one or more of the following:

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

**CHARTER SCHOOLS** (continued)

3. The petition does not contain the required number and type of signatures.
4. The petition does not contain an affirmation that the charter school shall be nonsectarian, shall not charge tuition, and shall not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person or group with one or more of these actual or perceived characteristics.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c) or Education Code 47605.6 in the case of a countywide charter.

Under Education Code 47605(c)(5)(G) and 47605.6(c)(5)(H), which described the plan to achieve a Racial and Ethnic balance reflective of the general population residing within the geographic boundaries of the school district in which the charter proposes to locate (or in the case of a countywide charter, the geographic boundaries of LACOE), the plan should strive to achieve the racial and ethnic balance of the students enrolled in the school district (or in the case of a countywide charter, all school districts in Los Angeles county) as reported by CDE. In the case of a direct county charter, the plan should be based on the Racial and Ethnic balance of adjudicated and expelled youth served by LACOE and any of its charter schools that are authorized to serve this student population.

6. The County 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 LACOE or in the case of a Previously Denied Charter Petition Appeal, the district that denied the petition participates. (Education Code 47605.7, 47647)
7. The approval or denial of a charter petition shall not be controlled by collective bargaining agreements or subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)
8. In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for academically low-achieving students according to standards established by the CDE. (Education Code 47605(i))
9. The County Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

**CHARTER SCHOOLS** (continued)

10. The County Board may approve a petition for the establishment of a countywide charter only if it finds that it meets the conditions as specified (Education Code 47605.6(a)). The criteria for the establishment of a countywide charter are further clarified as set forth in the Superintendent's Administrative Regulations 0420.4, which are incorporated by reference.
11. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Educational Employment Relations act.
12. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:
  - 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 COE, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
13. LACOE is not positioned to absorb the fiscal impact of the proposed charter school. LACOE meets this criterion if it has a negative interim certification pursuant to Education Code 1240, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in LACOE having a negative interim certification.

A petition to establish a charter school serving LACOE students that is denied by the County Board may be appealed to the SBE within 180 days of the denial. (Education Code 47605; 5 CCR 11967)

**Additional Requirements for Countywide Charters**

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school.



**CHARTER SCHOOLS** (continued)

2. An existing public school may not be converted to a countywide charter school.
3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county.
4. The County Board may require any elements that it considers necessary to the sound operation of a countywide charter school.
5. A countywide petition may be denied for any other basis that the County Board finds justifies the denial.

**Additional Requirements**

In addition to the foregoing, the County Board must consider the additional requirements of Education Code 47605(d) through (m) for all charters except where the Education Code refers to the State Board. These additional requirements include, but are not limited to, submission of a first year operational budget including startup costs, cash flow and financial projections for the first three (3) years of operation; submission of the annual audit report; teacher credentialing requirements, and the description and location of the proposed charter.

A charter school that receives approval of its petition from the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition.

The initial term of an approved charter may be one (1) to five (5) years at the discretion of the County Board. The term of all charters shall expire on June 30 of the final year of the charter term, unless otherwise specifically stated in the approval action of the County Board.

Charter schools shall comply with all conflict of interest laws that pertain to public agencies including Government Code 1090 and the Political Reform Act. (Government Code 87100 et seq.) The County board's conflict of interest code includes the filing of the Form 700 Statement of Economic Interests with LACOE.

Charter schools are responsible for complying with the Ralph M. Brown Act and the California Public Records Act.

**CHARTER SCHOOLS** (continued)

Charter schools shall not charge students fees, deposits, or other charges for participation in educational activities offered by the charter school, including curricular and extracurricular activities. Charter schools shall maintain policies with regard to student fees and provide a complaint process under the uniform complaint procedures. (Education Code 49010; Government Code Sec. 905)

Charter schools shall not deny a pupil enrollment or readmission solely on the basis that the student has had contact with the juvenile justice system. (Education Code 48645)

Standard Conditions of Authorization – If the County Board approves the establishment or renewal of a charter, the governing board of the charter school shall, prior to commencing operations under the term of that charter, fulfill all the standard conditions of authorization, which may include, but are not limited to, making changes to the petition necessary to reflect the County Board as the authorizer; signing the LACOE Monitoring and Oversight Memorandum of Understanding (MOU) which includes adherence to all requirements established therein; correcting technical deficiencies in the petition as identified in the LACOE staff report; submitting a school safety/student discipline plan which finalizes the reasons a student may and must be suspended or expelled and the policies, procedures, and process for suspending and expelling students; finalizing the curriculum to be used and the scope and sequence of all subjects to be offered; providing evidence of applying to or membership in a SELPA; providing evidence of insurance; and submitting to a facilities inspection. Additionally, the charter school shall commence operations within the timeframe specified in the approval action and commence instruction by September 30 of the first year of operation. Failure of the charter school to fulfill the standard conditions of authorization is grounds for termination or revocation of the charter.

Where provisions of the MOU differ from provisions of the charter, and the difference would not require a material revision to the charter, the provisions of the MOU prevail.

In the case of a countywide charter, the County Board may impose additional conditions of authorization. (Education Code 47605.6 (b))

If the County Board denies the charter, the petitioner may appeal to the SBE except in the case of a countywide charter.

**Special Education**

The charter shall comply with all applicable requirements of state and federal law regarding the provision of special education services. (Education Code 56000 et. seq., Individual with Disabilities Education Act 20 U.S.C. Chapter 33)

**CHARTER SCHOOLS** (continued)**Material Revisions to an Authorized Charter**

A material revision is a change to the content of an authorized charter that affects substantively the process or manner in which the charter school operates. 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. Some examples of material revisions include changes to the vision, mission, instructional design, accountability plan, location of facilities, governance or operational structure, grade levels or number of pupils to be served, admissions requirements or procedures, and changes that affect the charter school's fiscal status. Requests for material revision must be submitted at least 90 days prior to intended implementation or 60 days with a showing of good cause. Material revisions to an authorized charter may be made only with County Board approval. (Education Code 47605(a)(4), 47607(a)(1))

Material revisions are governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and 47605.6, as applicable. Revisions shall include, but are not limited to a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations at one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605)

The County Board shall, in its sole discretion, determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

**Waivers**

If the governing board of a charter school authorized by the County Board wishes to submit to the SBE an application for a waiver of any Education Code provision, the application must first be presented to the County Board. The County Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request and prepare a summary of the public hearing to be forwarded with the waiver request to the SBE. If the County Board recommends against approval of the waiver request, it shall set forth written reasons for its disapproval and forward those reasons to the SBE. (Education Code 33050)

**Accountability, Monitoring, and Oversight**

Charter schools are governed at the school level in accordance with the provisions of the charter and all applicable laws.

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The County Board supports this effort by approving a defined accountability system for monitoring the educational effectiveness, statutory compliance, governance and operational structures, and fiscal condition of the charter schools it authorizes. The County Board also monitors whether the charter school implements the terms of the charter as authorized.

Charter schools granted by the County Board shall be held accountable for pupil performance, including meeting measurable pupil outcomes and making satisfactory yearly progress on state and federal accountability measures.

The County Board delegates the administrative function of monitoring and oversight of its charter schools to the County Superintendent. In fulfilling this statutory responsibility, the County Board is guided by the intent of the Legislature that charter schools shall provide innovative, accountability-based reform that improves student learning and provides choice for parents. Monitoring shall be on an ongoing basis in accordance with applicable laws and the MOU. The County Board and LACOE staff may inspect or observe any part of the charter school at any time. (Education Code 47607(a)(5))

An annual written report to the County Board regarding fiscal accountabilities, pupil performance, governance, and charter school-specific accountabilities shall be made in accordance with provisions of law and as established in the MOU. The report shall be submitted no later than the first Friday in February in a format satisfactory to the County Board. Fiscal reporting shall be during the sixth month following the close of the fiscal year. The content and format shall be satisfactory to the County Board.

**Charter Renewal**

The County Board shall deny a renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the County Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

**CHARTER SCHOOLS** (continued)

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the County or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)

In determining whether to grant a charter renewal, the County Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the County Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)

Following the County Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

1. Renewal of Five to Seven Years

A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, achieved either of the following: (Education Code 47607)

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels
- b. For all measurements of academic performance, received status levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received status levels that are higher than the state average

2. Renewal of Five Years

- a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)

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- (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school
  - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers
- b. For any such charter school, the County Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the County Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)
3. Denial with Option for Two-Year Renewal
- a. The County Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, either of the following applies: (Education Code 47607.2)
    - (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels.
    - (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 numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
  - b. However, the County Board may grant a two-year renewal to any such charter school if the County Board makes written factual findings, setting forth specific facts to support the findings, that:
    - (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
    - (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

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In addition to all the grounds stated above for denial of a charter, the County Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the County Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the County Board finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County Board shall consider, in addition to the charter school's performance on the state and local indicators included in the 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 days of this meeting. The County Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

Within 60 days of receiving the renewal petition, the County Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the County Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The County Board shall either grant or deny the charter renewal within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the County Board. (Education Code 47605)

At least 15 days before the public hearing at which the County Board will grant or deny the charter petition, the County Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

The County Superintendent or designee shall provide notification to the CDE, within 10 calendar days of the County Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

**CHARTER SCHOOLS** (continued)**School Closure**

If a charter is not renewed and the charter school ceases operation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47604.32)

**Founding Parents/Founders Preference**

The County Board has discretion to permit admission preferences in addition to those established in Education Code 47605(e)(2)(B) on an individual school basis and only if consistent with the law. Admission preferences are entitled to additional weight in a lottery, but are not exempt from a lottery. Exemptions shall only be allowed if permitted by law. Pupils currently attending the charter school are one example of a permissible exemption. Founding Parents/Founders are one example of an enrollment lottery preference that may be granted.

The founders' admission preference, if such a preference is to be offered, must be included in the petition to establish the charter. The petition must provide a reasonably comprehensive description that addresses and complies with the following:

**Founding Period** – The specific time period during which the charter petition team is developing the charter school through the school's first day of instruction. A school may not add to the founding group after the first day of instruction.

**Founding Parents/Founders** – Parents, legal guardians, or individuals who contribute substantial personal time and effort to develop the new charter school during the established Founding Period noted above. There shall be no requirement that Founding Parents/Founders contribute funds as a part of their commitment. Petitioners must prescribe in the charter petition the eligibility criteria for Founding Parents/Founders, including defining the appropriate minimum number of required volunteer hours. Founding Parent status cannot be delegated or transferred to other individuals.

**Preference for Children of Founding Parents/Founders** – The preference may apply during the life of the charter as long as the number of pupils who qualify for this preference does not constitute more than ten (10) percent of the school's enrollment. The admissions preference is applicable to all children of the charter school's Founding Parents/Founders even if the children do not begin attending the charter school until after the school's first year of operation.

**Dispute Resolution Procedure**

The County Board shall only approve a dispute resolution procedure if it is equitable to both parties. The County Board may condition its approval of a charter petition subject to the petitioner(s) making changes to the dispute resolution procedure that is equitable to both parties. Such changes must be made prior to the first day of the charter term.



**CHARTER SCHOOLS** (continued)

Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute.

**Charter Revocation**

The County Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter. The County Board may revoke a charter in accordance with law.

When the County Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students, the County Board may immediately revoke the school's charter. When such a determination is made, 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. (Education Code 47607; 5 CCR 11968.5.3)

In all other circumstances, the County Board may revoke a charter after providing due process and using the procedures described below. The County Board may revoke a charter if it makes a written factual finding specific to that charter school and supported by substantial evidence that the charter school has done any of the following: (Education Code 47607)

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 law

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 47607.3 if CCEE has issued either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of the CCEE

**CHARTER SCHOOLS** (continued)

2. That the inadequate performance of the charter school, as based on the California School Dashboard, is so persistent or acute as to require revocation of the charter. In determining whether to revoke a charter, the County Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052. (Education Code 47607, 47607.3)

**Revocation Procedures**

If the County Board is considering a revocation of a charter school, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify:

1. The charter school's alleged violation(s).
2. All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
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 violation(s). In identifying this time period, the County Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

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. ((Education Code 47607; 5 CCR 11965, 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: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body

**CHARTER SCHOOLS** (continued)

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. All evidence relied upon by the County Board for the decision shall be included in the Notice of Intent to Revoke.

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, which shall be no later than 30 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. (Education Code 47607; 5 CCR 11968.5.2)

If the County Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the County Board's final decision, the County Superintendent or designee shall provide a copy of the final decision to CDE. (Education Code 47604.32; 5 CCR 11968.5.2) The County Board's decision may subsequently be appealed to the State Board of Education ("SBE") by the charter school. Pursuant to Education Code 47607, if the SBE reverses the revocation, the County Board remains the chartering authority.

**Appeals to the County Board of a District Revocation**

If a school district revokes a charter, the charter school may, within 30 days of the final decision, appeal the revocation to the County Board. The County Board's decision may subsequently be appealed to the SBE by either the charter school or the district.

The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to SBE. If the County Board upholds the revocation or does not issue a decision within 90 days of its receipt of the appeal, the charter school may appeal to SBE. Pursuant to Education Code 47607, if either the County Board or SBE reverses the revocation, the district remains the chartering authority.

However, a revocation based upon the findings of CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

**CHARTER SCHOOLS** (continued)**School Closure**

If a charter school ceases operation due to revocation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47604.32)

**Finance**

The County Superintendent may charge for the actual costs of oversight of a charter school not to exceed any limits imposed in law. The County Board is not required to provide facilities for charter schools, and will not do so. The County Superintendent shall not place upon the County Office any additional financial liability for the operation of charter schools.

In the case of a countywide charter, the County Board may, at the expense of the charter school, engage a third-party, selected by the County Board, to oversee, monitor, or report to the County Board and County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

**Fiscal Accountability**

The County Board and LACOE will require evidence that the charter school demonstrates effective fiscal accountability. The charter school must demonstrate that:

1. It has established and maintains positive fund and cash balances to ensure solvency. Failure to remain solvent is grounds for revocation of the charter.
2. LACOE will not provide funds to meet on-going fiscal operations or obligations to a charter school authorized by the County Board.
3. A charter school authorized by the County Board must provide written notification prior to accepting public, private, or commercial loans or other debt instruments. Loan requests must be consistent with sound fiscal practices and repayment schedules included in budget proposal and other appropriate financial reports.