

INFORMATION ONLY

AR 0420.4(a)

CHARTER SCHOOLS

The Los Angeles County Board of Education (County Board) delegates the following administrative functions related to charter schools to the County Superintendent:

1. Accepting, reviewing, and reporting the findings of fact on charter petitions submitted to the County Board;
2. Accepting petitioner requests for extensions to timelines as permitted by statute and regulation;
3. Monitoring and overseeing charter schools authorized by the County Board, which includes developing and signing the LACOE Monitoring and Oversight Memorandum of Understanding (MOU), the administrative contract for this function, receiving and responding to requests from other agencies regarding the performance and standing of charter schools, accepting requests for Material Revisions to the Charter, and accepting waivers that are submitted to the State Board of Education (SBE).
4. Accepting the *Notice of Appeal* of a revocation, evaluating and reporting on the revocation process at the school district level, and providing required notifications subsequent to the County Board's action.
5. Accepting a charter school's response to a Notice of Violation issued by the County Board.

Procedures for submitting petitions, requesting an extension to timelines, submitting a *Notice of Appeal* of a revocation, a sample of the petition review protocol on which findings of fact on petitions are based, and a sample MOU are maintained on the LACOE website at www.lacoe.edu. Upon notification, LACOE will schedule an appointment with the charter school to receive petition documents. Petitioner is responsible for certifying that the petition is complete.

Definitions

Charter Petition – A charter petition is a proposal for the implementation of a charter school. It offers the petitioner's efforts at providing a reasonably comprehensive description of the essential components of a charter school as defined by law. The proposal does not provide all of the essential elements of a comprehensive plan to implement a public school, nor does it provide for the manner in which the authorizer shall monitor the school. The minimum components of a charter petition are specified in Education Code (EC) and the California Code of Regulations, Title 5 (5 CCR).

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Authorized Charter – An authorized charter is the performance contract for operating a publicly funded charter school under the conditions and provisions approved by the authorizing entity, the County Board. It provides the governing board of the charter school with substantial autonomy over the implementation and operation of the school. In return for autonomy, the charter school commits to being accountable to high academic and organizational performance, applicable provisions of law, and to monitoring and oversight by the County Board and the County Superintendent as specified in the MOU.

Timelines

Upon receipt of a charter petition and prior to reviewing the petition for the purpose of reporting on the findings of fact, LACOE verifies that the petition has been submitted to the County Board within the following timelines:

1. The appeal of a petition to establish a charter school must be received within 30 calendar days of the date of denial by the school district board.
2. The appeal of a renewal petition that was denied by a school district board must be submitted within 30 calendar days of the board action to deny.
3. A petition to establish a Direct County Charter, Countywide Charter, or County Conversion Charter may be submitted at any time.
4. A petition to renew a charter authorized by the County Board may be submitted after the California Department of Education (CDE) releases the California Assessment of Student Performance and Progress (CAASPP) results for the year prior to the last year of the charter term but no later than January 31st of the last year of the charter term.

LACOE provides a petitioner with written confirmation of receipt of a petition within ten (10) business days.

LACOE shall inform the petitioner of the applicable statutory and regulatory timelines and permissible extensions of those timelines to support the petitioner in making an informed decision. LACOE shall forward requests for extensions of timelines to the County Board for action.

After receiving a petition for a charter school, LACOE calendars a Public Hearing at which the County Board determines the level of support for the charter by teachers, other employees of the district, and parents/guardians. The Public Hearing is held at a regularly scheduled meeting of the County Board within 60 calendar days of receipt of the petition.

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LACOE calendars the date for the County Board to take action to approve or deny a petition within 90 calendar days of receipt of a petition for the establishment of a charter school or within 120 calendar days with the written consent of both parties. (EC 47605)

Criteria for Determining Receipt of Petitions

Upon notification that a charter school intends to file a petition, LACOE will schedule an appointment with the charter school to receive petition documents. Petitioner is responsible for certifying that the petition is complete. Upon review, LACOE staff will either provide the petitioner with a receipt for a complete submission or provide the petitioner with alternative options.

Previously Denied Charter Petition on Appeal (5 CCR 11967)

LACOE considers a previously denied petition to establish or renew a charter to have a complete submission when the petitioner has submitted all of the following:

1. A complete copy of the charter petition *as denied* by the school district board including, if applicable, signatures required and evidence of meeting renewal criteria. All documents considered by the school district board must be submitted to LACOE for review without change or omission. The petitioner is responsible to provide district verification that the petition (including budgets and supporting documents) submitted to the County Board are the same documents upon which the school district board based its denial action. The timeline for County Board action is triggered by receipt of that verified copy.
2. Evidence of the school district board's action to deny the petition (e.g., meeting minutes) and its written factual findings specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial as specified in Education Code 47605(b).
3. A separate narrative describing any necessary changes to the petition to reflect the County Board as the chartering entity.

While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

LACOE may request the petitioner to provide additional information not required by the school district board that denied the charter.

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Direct County Charter

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a Direct County Charter as specified in Education Code 47605.5. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

County Conversion Charter

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a County Conversion Charter as specified in Education Code 47605. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

Countywide Charter

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a Countywide Charter as specified in Education Code 47605.6. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

A petition to establish a countywide charter school pursuant to Education Code section 47605.6 shall:

- (1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code section 47605.6).
- (2) If applicable, comply with all requirements of law relative to the provision of independent study.
 - (A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.
 - (B) If the independent study (non-classroom-based instruction) exceeds the percentage specified in Education Code section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code section 47634.2.

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- (3) Describe how an annual independent audit of the countywide charter school will be conducted in keeping with applicable statute and regulation and indicate how the countywide charter school's individual schools will be appropriately included in the audit process.
- (4) Incorporate a plan that provides for initial commencement of instruction in at least two schools, which shall be in at least two different school districts within the authorizing county. The plan for instruction shall describe how the instructional services will provide a countywide benefit, as specified in section (b) that cannot be provided by a charter school operating in only one school district. Existing charter schools previously approved by a charter authorizer may not be included in a petition to establish a countywide charter school
- (5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each school and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.
- (6) Describe how the countywide charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with individualized education programs (IEPs).
- (7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic performance and annual financial audits with no audit findings or exceptions. Data that shall be considered in determining the likelihood of a charter operator to successfully operate a countywide benefit charter school include, but are not limited to, a CA Dashboard report without red or orange performance indicators for any student group in two or more state priorities, evidence of having met growth targets over time, and other alternative indicators of success as defined in Education Code section 47607.2.
- (8) Describe how local community input for each school included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each school, with a summary of the input received at the meeting(s) being provided to the Los Angeles County Board of Education (County Board).
- (9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code section 47605.6(a) for each school proposed in the first year.

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- (10) Address all charter elements specified in Education Code section 47605.6 adapted appropriately for application at the countywide level.
- (11) Contain or address any provisions or conditions specified by the County Board at the time of charter approval.
- (12) Contain a plan for operations of the countywide charter school that describes the distinction between centralized and individual school level responsibilities and includes a staffing plan to implement the activities at the designated level. This plan shall be a part of the petition as initially approved by the County Board. If amendments to the plan are proposed, these amendments must be submitted to the County Board for approval. The plan shall address countywide charter school operations including, but not limited to:
 - (A) Academic program,
 - (B) Facilities and school operations,
 - (C) Legal and programmatic compliance,
 - (D) Financial administration,
 - (E) Governance, and
 - (F) Decision-making authority.
- (13) Provide a list that includes each school the countywide charter school proposes to operate. This list shall be a part of the petition as initially approved by the County Board. This list shall include:
 - (A) A timeline for the commencement of instruction at each school. Commencement of instruction must begin during the term of the charter.
 - (B) The general location of each school and the school district in which each school is to be located.
 - (C) A description of the potential facilities to be used at each school.
 - (D) The approximate number of pupils that can safely be accommodated by each school facility.

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“Instructional services that are not generally provided by a county office of education” and “that cannot be served as well by a charter school that operates in only one school district in the county,” as referenced in Education Code 47605.6(a)(1), shall include, but not be limited to, the following factors:

- (1) Unique factors and circumstances related to the countywide charter school's educational program that can only be accomplished as a countywide charter and not as a single district- or single county-authorized charter, including specific benefits to each of the following:
 - (A) The pupils who would attend the countywide charter school,
 - (B) The communities (including the school districts) in which the individual schools would be located (e.g., in terms of pupil demographics and performance),
 - (C) The county, to the extent applicable, and
 - (D) The countywide charter school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

- (2) Neither an administrative benefit to a charter operator, nor a desire by a charter operator to provide services in more than one district, shall be considered sufficient in and of itself to constitute a rationale for a countywide charter.
 - (A) A countywide charter school, regardless of the number of individual schools, is treated as a school district for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. For purposes of compliance monitoring and oversight, the County Board, in its review, will look at each individual school's independent progress in meeting federal and state growth targets, in addition to the Local Education Agency (LEA) as a whole.
 - (B) Following its submission, a petition to establish a countywide charter school may be modified or new schools added that were not included in the original petition only with the approval of the County Board through the material revision process described in EC 47607(a)(2).
 - (C) Each countywide charter school shall provide an annual report to the County Board reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

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Direct County and County Conversion Charter

For a Direct County Charter, County Conversion Charter, LACOE requires that the affirmations, assurances, and required elements be presented in the order specified in Education Code 47605 or 47605.6 and that each element be clearly identified by code section. LACOE also requires specific supporting evidence or documentation aligned with the statutory requirements. The details regarding these supporting documents, which are considered as part of the review process, are published on the LACOE website. The timeline for County Board action is triggered by the receipt of the petition as defined in statute and all supporting documents required by County Board Policy and these Regulations.

Once a petition is submitted and LACOE determines it contains all required documents, LACOE will not consider additional documents from the petitioner for the purpose of writing the findings of fact unless the information is requested by LACOE.

For a petition to establish any type of charter school, LACOE may request that the petitioner provide additional information.

Criteria for the Renewal

Whether a renewal petition is submitted to the County Board on appeal after denial by a local school district board or submitted to the County Board as the current authorizer, LACOE reviews the petition to determine if the petitioner has fulfilled the requirements of a petition to renew a charter. In addition to the requirements specified in Education Code 47605 or 47605.6, LACOE determines whether the following have been received as applicable:

1. Documentation that the charter school meets at least one (1) of the academic performance criteria specified in Education Code 47607(b).
2. A copy of the renewal charter petition, including 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. For the appeal of a denied renewal petition, the petition must be as certified as the one denied by the local board. (County Board Policy 0420.4)
3. For the appeal of a denied renewal petition, a copy of the school district board's denial and supporting written factual findings; if the school district board did not make written findings, the County Board will hear the appeal based on the action taken by the school district board.
4. For the appeal of a denied renewal petition, a description of any changes to the renewal petition necessary to reflect the County Board as the authorizer.
5. Evidence regarding the past performance of the school's academics, finances, and operation along with future plans for improvement, if any.

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Petition Review Protocol

LACOE uses a standardized protocol to evaluate whether a charter petition complies with all statutory requirements, the petitioners are demonstrably likely to successfully implement the educational program stated in the charter, the required elements are reasonably comprehensive, affirmations are stated, and assurance conditions are met. The review protocol is based on applicable statutory and regulatory requirements as well as County Board Policy and these Regulations.

For a petition to establish a County Direct, County Conversion, or Countywide Charter, and for a petition to renew a charter authorized by the County Board, the criteria of review protocol is used to determine whether the petition meets the statutory requirements and the elements are reasonably comprehensive.

A petition to establish or renew a Countywide Charter is reviewed pursuant to Education Code 47605.6. The additional criteria specified in Education Code 47605.6(a)(3) and 47605.6(b) are addressed in the findings reported to the County Board.

A Previously Denied Charter Petition Appeal that does not comply with LACOE submission criteria due to conflicting submission requirements of the school district board, may be asked to submit additional materials (e.g., handbooks, bylaws, articles of incorporation, audits) to facilitate a complete and thorough review. The petitioner should address discrepant criteria through its description of changes to the petition necessary to reflect the County Board as the authorizer.

LACOE has adopted and incorporated applicable regulatory criteria of the California Code of Regulations, Title 5 section 11967.5.1 for its review protocol except where LACOE determined the regulations provide insufficient direction, or where the structure or responsibilities of the County Board and LACOE differ from those of the SBE and the CDE.

In these instances, LACOE has developed its own (local) review criteria or added criteria to those developed by CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency. These local and additional criteria are as follows:

- 1. Demonstrably Unlikely to Successfully Implement the Program** (EC 47605(c)(2), 47605.6(b)(2); 5 CCR 11967.5.1(c)) In addition to review of the petition and supporting documents, LACOE may conduct a Capacity Interview of the governing board to determine whether it has the capacity to govern the school and/or the leadership team to determine whether it has the necessary experience and knowledge to implement the charter. The findings from the Capacity Interview are used to evaluate whether the petitioners can successfully implement the program.

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2. **Required Signatures** (EC 47605(c)(3), 47605.6(a); 5 CCR 11967.5.1(d)) A petition “contains the requisite number of signatures” if a representative sample of the appropriate signatories verify their interest in the charter at the time they signed the petition. If a representative sample of signatories indicates signatures were not authentic, that they were not meaningfully interested in the school, or the signature process did not comply with the requirements of law including that the charter petition was attached to the signature page, the petition does not contain the requisite number of signatures. (EC 47605, 47605.5, 47605.6)

A parent/guardian can be meaningfully interested in having his/her child attend the school if the child is of an age or in a grade that could now or in the first charter term be served by the school; a teacher can be meaningfully interested in teaching at the school if he/she holds a valid California teaching credential appropriate to the grade levels or subjects offered by the school. Total teacher signatures should represent one-half the FTE of teachers in year one.

The signature requirement set forth in Education Code 47605(a) is not applicable to a petition for the renewal of a charter.

3. **Description of the Educational Program** (EC 47605(c)(5)(A), 47605.6(b)(5)(A); 5 CCR 11967.5.1(f)(1)) The needs and challenges of identified subgroups the school intends to serve must be clearly identified and the petition must describe how the instructional design meets these needs and challenges. The instructional design must be research or evidence-based and present a likelihood of success for the student populations the school states it will serve. The description of how the school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations must address all of the requirements of Education Code 47605(c)(5)(A)(i-iii) or 47605.6(b)(5)(A)(i-iii), the corresponding guidance of the California Code of Regulations, Title 5 section 11967.5.1(f)(1)(A)-(F), and comply with applicable requirements of law.

The petition must indicate whether for the purposes of special education, the school will be a school of the district or its own Local Education Agency (LEA). The description should include a bell schedule, proposed school calendar, the instructional minutes by grade level which meets minimum standards required by law, and a staff development plan that is tailored to meet the school’s mission and instructional design.

4. **Measurable Outcomes** (EC 47605(c)(5)(B), 47605.6(b)(5)(B); 5 CCR 11967.5.1(f)(2)) The measurable outcomes must be based on data that can be verified by LACOE.

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5. **Governance Structure** (EC 47605(c)(5)(D), 47605.6(b)(5)(E); 5 CCR 11967.5.1(f)(4)) The petition must provide evidence the school has established a governing board or other entity as described in its charter that is effectively engaged in policy making and fiscal and administrative oversight and compliance with specific laws applicable to charter school governance including the Brown Act, the Political Reform Act, Government Code 1090; applicable sections of the Corporations Code including the Nonprofit Integrity Act. The petition should include a copy of the articles of incorporation and bylaws, an organizational chart, board resumes with contact information, and evidence that the school’s governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies.

6. **Health and Safety** (EC 47605(c)(5)(F), 47605.6(b)(5)(G); 5 CCR 11967.5.1(f)(6)) A renewal petition should include a copy of the student/parent handbook, the school safety plan, the employee handbook, and the procedures that the school will follow to ensure the health and safety of students and staff.

7. **Racial and Ethnic Balance** (EC 47605(c)(5)(G), 47605.6(b)(5)(H); 5 CCR 11967.5.1(f)(7)) The petition must include a demographic description of the general population residing in the school district in which the school proposes to locate (or in the case of a countywide charter, the demographics of the county); benchmarks that measure whether the applicant pool is reflective of the district, including a balance of racial and ethnic pupils, special education pupils, English learner pupils, including redesignated English fluent proficient pupils; specific outreach strategies including locations and times, specific media outlets, conducting outreach in appropriate languages and to appropriate socioeconomic groups. The petition should not provide evidence that the plan may establish barriers to access based on race or ethnicity.

8. **Admission Requirements** (EC 47605(c)(5)(H), 47605.6(b)(5)(M); 5 CCR 11967.5.1(f)(8)) Admission preferences, if any, must be clearly defined (siblings, employee’s children, founding parent/founders, etc.) and must not be likely to negatively impact the racial balance the school strives to achieve. The admissions process must not be discriminatory with respect to protected classes and groups. The process for conducting the lottery must be clearly defined and observable. The petition should describe information to be collected through the interest form, application form, and/or enrollment form or a copy of these forms if a renewal petition. If the petition or budget indicates the school will apply for the federally funded Public Charter School (PCS) grant, the admissions criteria should match those criteria or there should be a notation that if the charter is awarded the grant, the school will request a material revision to the charter to align their admission criteria with the grant during the time they receive grant funds.

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9. **Annual Independent Financial Audits** (EC 47605(c)(5)(I), 47605.6(b)(5)(I); 5 CCR, 11967.5.1(f)(9)) The petition must specify that the independent audit is conducted annually; the auditor must be on the State controller’s list of educational auditors; the auditor will be hired by the Board of Directors of the charter school; and financial reporting to charter agency will be carried out pursuant to Education Code 47604.33. A renewal petition received on appeal must include the two (2) most recent audits, if applicable. A renewal petition for a charter school authorized by the County Board must include the most recent audit, if applicable.

10. **Retirement Systems** (EC 47605(c)(5)(K), 47605.6(b)(5)(K); 5 CCR 11967.5.1(f)(11)) The petition must clearly comply with the language that is acceptable to the respective retirement systems, as both systems retain the right to reject charter language that does not clearly specify the school’s choices with regard to CalSTRS and CalPERS. The charter may offer one, both, or neither of the public retirement systems, however language must clearly reflect one of the following choices for each retirement system: *(1) Coverage will be offered to eligible employees; (2) The school retains the option to elect the coverage at a future date, or (3) The school will not offer the coverage.* To be considered reasonably comprehensive, the petition must meet both criteria, clearly identify the retirement systems for each type of position, and identify the responsible staff position for ensuring appropriate arrangements for coverage have been made.

11. **Dispute Resolution Procedures** (EC 47605(c)(5)(N), 47605.6(b)(5)(L); 5 CCR 11967.5.1(f)(14)) To be reasonably comprehensive, the petition must state the following: That in the event that any dispute arises between the charter school and LACOE, both parties agree to use the procedure as stated herein, except for any dispute that is any way related to revocation of the charter school. The party who claims there is a dispute shall first identify the issue in writing with specificity and with supporting facts. The other party shall provide a written response to the identification of the issue within 20 business days. Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute within 15 business days of the date of the written response. At any time that LACOE believes the dispute relates to an issue that could lead to revocation of the charter school, both parties will no longer be subject to this process. LACOE may proceed immediately with the revocation procedures as set forth in law and stated below if LACOE believes the charter school:
 - A. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

 - B. Failed to meet or pursue any of the pupil outcomes identified in the charter.

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- C. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - D. Violated any provision of law.
- 12. Closure Procedures** (EC 47605(c)(5)(O), 47605.6(b)(5)(P)) The petition must reflect the definition of procedures for charter school closure pursuant to the California Code of Regulations, Title 5 section 11962.
- 13. Effect on the Authorizer and Financial Projections** (EC 47605(h))
- A. Location and Facilities – Each charter school is required to notify LACOE of all locations, including resource centers, meeting spaces, and satellite facilities. The petition must include copies of lease agreements, Certificates of Occupancy, MOUs, or like agreement/compliance documents for any facility identified in the petition.
 - B. Administrative Services – The petition must include copies of any contracts or MOU for administrative services, if applicable.
 - C. Financial Statements – In the case of a Countywide Charter, the budget shall include an amount sufficient to cover an agreement with a third-party selected by the County Board to oversee, monitor, or report to the County Board and the County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

Report on Findings

LACOE will provide a written report on the findings of fact specific to the petition to establish or renew a charter school to the County Board.

If any component of the petition was written to comply with school district requirements and, as a result of that requirement, an element or other component cannot be determined to be reasonably comprehensive, LACOE will report the findings and the reason for the findings, and recommend that, as a condition of authorization, a technical (non-material) amendment be made to the charter if authorized.

The findings shall comply with the statutory criteria of Education Code, California Code of Regulations, Title 5, County Board Policy and these Regulations.

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Approval Term

LACOE will specify the term of the charter (starting and ending dates) and the date by which instruction shall begin in the MOU. The term of a charter to establish a charter school may be from one (1) to five (5) years as determined by the County Board. The term of a renewal charter shall be from two (2) to seven (7) years as determined by the County Board. (EC 47605)

Conditions of Authorization

LACOE completes the MOU template with all information pertinent to the specific charter school prior to providing the school's governing board with a copy. LACOE monitors whether the charter school fulfills 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 MOU, which includes adherence to all requirements established therein; submitting a school safety/student discipline plan that 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 having membership in a Special Education Local Plan Area (SELPA); providing evidence of insurance; and submitting to a facilities inspection. LACOE also monitors whether the charter school commences operations within the timeframe specified in the approval action and commences instruction by September 30 of the first year of operation. LACOE informs the County Board if the school does not meet the standard conditions of authorization as failure to do so is grounds for termination or revocation of the charter.

The County Board may impose additional conditions when authorizing a charter school. LACOE informs the County Board as to whether the school has fulfilled those conditions.

Notification of Approval or Denial

LACOE notifies the petitioner in writing of the County Board's decision to grant or deny the charter. Notification includes a stamped copy of the action taken by the board and a copy of the findings of fact. A copy of the minutes is posted on the LACOE website or can be sent to the petitioner on request after final County Board approval.

If the County Board's action was to approve the petition, any conditions of approval and a copy of the MOU are provided to the petitioner in a timely manner. The petitioner is also notified of the requirement to submit a copy of the petition to the CDE and LACOE (Division of School Financial Services, Business Charter Schools Unit); the petition to be sent shall reflect all conditions of authorization and any necessary changes to reflect the County Board as the authorizer identified in the approval action or the MOU.

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In the case of a Countywide Charter, LACOE also notifies the petitioner of the school's responsibility to submit a copy of the approval letter, board minutes, and the approved petition to the school districts within Los Angeles County, the State Superintendent of Public Instruction, and the SBE. (EC 47605.6(j))

LACOE notifies the local school district of the County Board's decision on any action taken pertaining to an appeal.

Monitoring and Reporting

The MOU addresses matters not covered in the charter to provide guidance on the oversight policies and procedures of the County Board as carried out by LACOE and outlines the parties' agreement governing their respective fiscal and administrative responsibilities and their legal relationships. The provisions of the MOU, including material revisions, are incorporated into these Regulations by reference.

At a minimum, the monitoring and oversight responsibilities of the County Board and LACOE shall include the following: (EC 47604.32)

1. Identify at least one staff member as a contact person for the charter school.
2. Visit each charter school at least annually.
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitor the fiscal condition of each charter school under its authority.
5. 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:
 - A. A renewal of the charter is granted or denied.
 - B. The charter is revoked.
 - C. The charter school will cease operation for any reason.

The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to section 47613.

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LACOE shall fulfill its monitoring and oversight responsibility by conducting annually a site visit for one or more of the following purposes: (1) to monitor the school's finances and operations; (2) to inspect the facility or facilities; and/or (3) to monitor implementation of the educational program described in the charter.

Additional scheduled and/or unscheduled visits may be conducted when deemed necessary. (Education Code 47607(a)(1) *The authority that granted the charter may inspect or observe any part of the charter school at any time.*)

Material Revisions – LACOE accepts, evaluates, and makes a written report to the County Board on the findings of fact on a request for a Material Revision to a charter. After receiving a request for a Material Revision, LACOE evaluates whether the Material Revision complies with the requirements of Education Code 47605, including that the description of the revision be reasonably comprehensive, and any new law enacted after the charter was originally granted or last renewed. LACOE schedules a Public Hearing to determine the level of support for the revision. The Public Hearing is held at a regular scheduled meeting of the County Board within 60 calendar days of receipt of the petition.

LACOE schedules the County Board to take action to approve or deny a Material Revision petition within 90 calendar days of receipt. This timeline may be extended up to 30 calendar days with the written consent of both parties. (EC 47607) The request for an extension must be received prior to the County Board taking a vote to approve or deny the material revision.

Waivers – The County Board on behalf of one or more of its charter schools, after a Public Hearing on the matter, may request the SBE to waive all or part of any section of Education Code or any regulation adopted by the SBE that implements a provision of the code that may be waived. (EC 33050)

LACOE accepts, evaluates, and makes a written report to the County Board on the findings of fact on a Waiver. LACOE schedules a Public Hearing on the Waiver request. The Public Hearing is held at a regular scheduled meeting of the County Board within 90 calendar days of receipt of the Waiver. LACOE schedules the County Board to take action to approve or deny a Waiver. If the Waiver request is approved, the Superintendent or designee shall subsequently prepare a summary of the Public Hearing to be forwarded with the waiver request to the SBE or the appropriate administrative agency at the CDE.

A charter school may apply directly to the SBE for a waiver of the following sections of code: (1) Carl D. Perkins Career and Technical Improvement Act of 2006 (PL 109-270 section 131(c)(2)); and (2) Waiver of Audit Penalties (EC 46200, 46201, 46202).

CHARTER SCHOOLS (continued)

Revocation of a Charter Authorized by the County Board

As part of its administrative responsibility to monitor and oversee the charter schools authorized by the County Board, LACOE, at a minimum, informs the charter school and the County Board in writing when a charter school commits a material violation of any of the standards, procedures, or procedures of its charter, fails to meet or pursue any of the pupil outcomes identified in the charter, fails to meet generally accepted accounting principles or engages in fiscal mismanagement, violates any provision of law, there is a severe and imminent threat to pupil health or safety, or fails to comply with any conditions of authorization or operation established by the County Board.

LACOE strives to support a charter school's efforts to comply with its charter, applicable laws and implementing Regulations. When a charter school is out of compliance, LACOE attempts to help it correct violations by identifying and documenting concerns and providing technical assistance. If violations relate to the requirements of Education Code 47606.5, LACOE will follow the requirements of Education Code 47607.3 as established by AB 97 (2013). If this support does not lead to a remedy, LACOE will provide the County Board with written notice and the evidence used to determine that the alleged violation(s) occurred.

Where the County Superintendent determines there is substantial evidence of a violation, he or she may recommend the County Board issue a *Notice of Violation* to the charter school at a regular meeting of the County Board; this initiates the revocation process. LACOE shall provide at least 72 hours notice to the charter school of any meeting at which the County Board will consider issuing a *Notice of Violation*.

LACOE will provide the County Board with a draft *Notice of Violation* which shall include the specific alleged violation(s), the evidence used to determine the violations, including the date and duration of the alleged violation(s), that the violation(s) are material and uncured, that the alleged violations occurred within a reasonable period of time before the notice is issued, the reasonable period by which the charter shall refute, remedy, or propose a remedy, to whom the written response shall be submitted, and the date by which the County Board will take action on whether to terminate or proceed with revocation; this date shall be within 60 days of the end of the remedy period.

If the charter school submits a written response by the end of the remedy period, LACOE will evaluate the response in writing and provide the evaluation to the County Board at a regular meeting to be held within 60 calendar days of the end of the remedy period. If the County Superintendent determines the response, remedy, or proposed remedy is insufficient to cure, he or she may recommend that the County Board issue a *Notice of Intent to Revoke* at a regular meeting of the County Board.

LACOE will provide the County Board with a draft *Notice of Intent to Revoke* which shall specify the date, time, and location for a Public Hearing concerning revocation.

CHARTER SCHOOLS (continued)

Education Code 47605 provides that, while an appeal is pending, a charter school that is being revoked for the reasons specified in Education Code 47607(c)(1)(A) or (B) will continue to qualify as a charter school for funding and all other purposes of the Charter School Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

If the County Board determines there is a violation of Education Code 47607(c) that constitutes a severe and imminent threat to the health or safety of pupils, the County Board is exempt from the requirements of the California Code of Regulations, Title 5 section 11968.5.2 and may immediately revoke the school's charter by approving and delivering a *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* to the charter school's governing board and the CDE. Due to the urgent nature of a severe and imminent threat to the health and safety of pupils, the County Superintendent under his or her delegated authority from the County Board may suspend operation of the school until such time as the Board may hold a meeting to take action to immediately revoke the school under this section.

Following approval and delivery of the *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* by the County Board, the charter school's governing board may appeal to the SBE pursuant to Education Code 47607(i) and (j).

Public Hearing on Revocation

On the date and time specified in the *Notice of Intent to Revoke*, and no later than 30 days after providing the *Notice of Intent to Revoke* a charter, the County Board will hold a Public Hearing on the issue of whether evidence exists to revoke the charter.

Final Decision on Revocation

No more than 30 calendar days after the Public Hearing, or no later than 60 calendar days with the written consent of both parties, the County Board shall issue a *Final Decision* on the revocation.

LACOE will provide a copy of the *Final Decision* of the action taken by the County Board at the Public Hearing to the CDE within ten (10) calendar days of issuing the *Final Decision*.

Appeal of a Revocation by a School District Board of Education

If a school district is the chartering authority and revokes a charter pursuant Education Code 47607 and the California Code of Regulations, Title 5 section 11968.5.2, the charter school may appeal the revocation to the County Board within 30 days following the final decision of the school district board.

INFORMATION ONLY

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CHARTER SCHOOLS (continued)

Upon receipt of a *Notice of Appeal* of revocation from a charter school, LACOE determines whether the notice was submitted within 30 calendar days of the receipt of the Final Decision revoking the school's charter and that the *Notice of Appeal* complies with the requirements of the California Code of Regulations, Title 5 section 11968.5.4 (a).

The County Board may reverse the revocation based on the California Code of Regulations, Title 5 section 11968.5.4 (b) (1) – (3). LACOE reviews the *Notice of Appeal* for compliance with the regulatory requirements and reports findings on the review to the County Board.

If the County Board reverses the revocation decision, the school board that granted the charter shall continue to be considered the chartering authority. The school district may appeal the reversal to the State Board.

If the County Board does not issue a written decision on the revocation within 90 days of receipt of the *Notice of Appeal* and required supporting documents, the decision of the authorizer is upheld pending any further appeal. If the County Board upholds the revocation, the charter school may appeal the revocation to the State Board.

LACOE shall provide the CDE and the school district board with a copy of the County Board's written decision within ten (10) calendar days of the action.

An appeal of a *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* is considered in much the same manner as any other appeal of a revocation; the specific differences are outlined in the California Code of Regulations, Title 5 section 11968.5.3(c) – (e). LACOE shall act to ensure the health and safety of the students as its primary concern in addition to fulfilling the administrative responsibilities delegated to the County Superintendent.