

## CHARTER SCHOOLS

### Timeline

1. The timeline will begin with a formal approval of the receipt of the charter petition at a Board Meeting date confirmed by petitioners. At the request of petitioners, District staff may receive the physical and electronic copies of the charter petition in advance of the meeting without impacting the statutory timeline.
2. Within 30 days of approving the receipt of a charter petition at a regularly scheduled Board meeting, the Board must hold a public hearing on the charter petition, at which time the Board shall consider the level of support for the petition by teachers, parents or guardians.
3. Within 60 days of approving the receipt of a charter petition at a regularly scheduled Board meeting, the Board must determine whether the charter petition contains all of the elements specified by law, consider the level of support for the charter petition by teachers, parents or guardians, and either grant or deny the charter petition.
4. The deadline may be extended by an additional 30 days as long as both the Board and the petitioner agree to the extension.
5. The initial term of the approved charter petition is subject to the sole discretion of the Board and may be granted for a period of between one and five years.

### Petition Signatures

1. To be considered by the Governing Board, a charter school petition must contain the requisite amount of signatures. (Education Code 47605; 47605.5; 47605.6)
2. 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.
3. Signatures should include a number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation.
4. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation
5. At least 50 percent of the permanent status teachers currently employed at the public school to be converted if the charter petition calls for an existing public school to be converted to a charter school. (*cf. 4116 - Permanent/Probationary Status*)

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6. In circulating a petition, the petitioners shall include a prominent statement explaining that a signature means the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the signature petition. (Education Code 47605).

### **Charter Provisions**

A charter petition shall include descriptions of all of the following: (Education Code 47605)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an educated person, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent and lifelong learners.
2. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge and attitudes specified as goals in the school's educational program.
3. The method by which student progress in meeting student outcomes is to be measured.
4. The location of each charter school facility that the petitioner proposes to operate.
5. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement.
6. The qualifications to be met by individuals to be employed by the school.
7. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
8. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
9. The manner in which annual, independent financial audits shall be conducted, which shall be in accordance with regulations established by the State Board of Education and employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.

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10. The procedures by which students can be suspended or expelled. The expulsion policy must meet both State and Federal laws relative to mandatory expulsion offenses. (*cf. 5144.1 - Suspension and Expulsion/Due Process*)
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security.
12. The procedures to be followed by the charter school and the Board to resolve disputes relating to provisions of the charter.
13. A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

### **Special Education**

1. The charter school shall establish LEA status for purposes of special education and shall not commence operation until confirmation of LEA status within a SELPA is provided. If the charter school elects to operate as a public school of the Oxnard Union High School District and Ventura County SELPA it shall have an agreement that details the arrangement.
2. Should the charter school desire to use a contract provider for special education functions including identification, assessment, service provisions, Individualized Education Program development or reviews, or any other compliance areas, the charter school will submit the proposed contract to the District who will review the proposed contract to assure it contains the levels of detail and direction of responsibility for such duties as required by special education Federal and State laws. The contract/MOU or other agreement shall include as much detail as required to outline and maintain compliance in all areas of required monitoring and Federal, State, SELPA and local district reporting requirements and staffing issues, as well as pertains to provisions of services. Such contracts shall also include all financial agreements and be aligned with the SELPA funding model plan for distribution of special education funding.

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**Oversight**

1. The District at the expense of the charter school, shall oversee and monitor all charter school operations
2. The District may enter into an agreement with a third party, as an expense to the charter school, to oversee, monitor and report to the Board on aspects of the charter school's operation as necessary.
3. All financial reporting shall be performed using the State of California Standardized Account Code Structure (*SACS*) and attendant reporting forms including State adopted criteria and standards, annual budget, interim reports, and multi-year projections, all of which shall conform to the timelines required of K-12 school districts.
4. The charter school must maintain a budget that is viable in its totality for the duration of the charter and maintain a reserve for economic uncertainties consistent with CDE Criteria and Standards for School District Budgets.
5. The charter school shall be required to contract for an annual independent financial audit employing generally accepted accounting principles. The charter school shall select an audit firm with demonstrated experience in education finance acceptable to the District.
6. All public funds generated by the charter school shall be deposited into the County Treasury, and the charter school shall maintain a positive cash balance at all times.
7. If the charter school contemplates incurring debt, including loans from the State Treasury, it will be required to submit appropriate financial records and repayment plans to the District and obtain District approval prior to applying for such loans.
8. Charter Schools authorized by the Board will present an annual report to the Board detailing progress on items agreed upon and detailed in a memorandum of understanding.

**Assurances**

Before granting a charter petition, the Board shall receive the following assurances:

1. The charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations; shall not charge tuition; and shall not discriminate against any student or person on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. The charter school shall offer at least the minimum amount of instructional time at a grade level or levels specified in Education Code 46201.

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2. Admission to a charter school shall not be determined according to the student's place of residence, or that of his/her parent/guardian, within California except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area.
3. The charter school shall admit all pupils who wish to attend the charter school except when the number of pupils who wish to attend exceeds the school's capacity. However, only pupils who are residents of the county in which the charter is located or a county immediately adjacent to that county shall be eligible to participate in the charter school independent study program.
4. The petitioner(s) shall provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and the county office of education.
5. The petitioner(s) shall provide financial statements that include the proposed first-year operational budget, including start-up costs, and cash flow and financial projections for the first three years of operation.
6. Teachers in the charter school shall be required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority.
7. The petitioner(s) shall comply with collective bargaining laws and declare whether it will be the exclusive public school employer of the employees at the charter school.
8. A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the County Office of Education, State Controller and the State Department of Education by December 15 of each year. This subdivision shall not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

**Disputes/Revocation**

The resolution of disputes between the charter school and the Board, including those pursuant to California Education Code Section 47605.6(b)(5)(L), shall be handled in the following manner:

1. The dispute shall be identified in written format by the administrator of the charter school and/or the staff member identified as the District contact person for the Board pursuant to California Education Code Section 47604.32(a). If the dispute could lead to revocation of the charter, this written overview of the dispute shall specifically note such.

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2. The District contact person and the individual identified as the representative of the charter school board shall meet and make a good faith attempt to resolve the dispute. Failure of the charter school to promptly respond shall, in itself, be grounds for revocation of the charter pursuant to California Education Code Section 47605.3.
3. If the Board determines it has cause to revoke the charter, it shall notify the charter school and give the school a reasonable opportunity to cure the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. The Board shall determine the definition for “a reasonable opportunity to cure the violation”, based on the characteristics of the problem.

**Denial**

The Board shall deny a petition for the establishment of a charter school if it finds one or more of the following:

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the following conditions:
  - a. The charter school shall meet all statewide standards and conduct pupil assessments pursuant to Education Code 60605 and any other mandated statewide standards authorized in statute or pupil assessment applicable to pupils in non-charter public schools. The charter school shall certify that its pupils have participated in the state testing programs specified in Education Code 60600 et seq., as a condition of apportionment of state funding.
  - b. The charter school shall consult regularly with its parents and teachers regarding the school's educational program
  - c. The charter school shall serve students in all of the grade levels served by the District per Education Code 47605(a)(6)
5. The petition does not contain reasonably comprehensive descriptions of all of the elements in Education Code 47605.6(b)(5)
6. Any other basis that the Board finds justifies the denial of the petition.

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### **Renewal - Timeline**

1. Applications to renew a charter with the District shall be submitted no earlier than nine months but not less than five months prior to the date of expiration of the current charter.
2. The renewal timeline will begin with a formal approval of the receipt of the charter renewal petition at a Board Meeting date confirmed by petitioners. At the request of petitioners, District staff may receive the physical and electronic copies of the charter renewal petition in advance of the meeting without impacting the statutory timeline.
3. Within 30 days of approving the receipt of a charter renewal petition at a regularly scheduled Board meeting, the Board must hold a public hearing on the charter renewal petition.
4. Within 60 days of approving the receipt of a charter renewal petition at a regularly scheduled Board meeting, the Board must make written factual findings to grant or deny the charter petition. Failure to make written factual findings within these 60 days shall be deemed an approval of the petition for renewal. *5 CCR 11966.4*
5. The deadline may be extended by an additional 30 days as long as both the Board and the petitioner agree to the extension.
6. The term of an approved charter renewal petition is granted for a period of five years.

### **Renewal – Criteria**

1. The charter renewal petition must meet the criteria set forth in the Charter Provisions, Special Education, Oversight, and Assurances sections above within OUHSD Administrative Procedure 0420.4 and must comply with any existing Memorandum of Understanding between the charter school and the District.
2. The charter renewal petition should include descriptions of how the charter school will comply with statutory requirements enacted since it was initially chartered or renewed. *EC 47607(a)(2)*
3. The charter renewal petition should demonstrate that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the pupil population that is served at the charter school.  
*EC 47607(b)(4)(a)*
4. The charter renewal petition should demonstrate increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups *EC 52052(e)*
5. Increases in pupil academic achievement for all groups of pupils served by the charter school is the most important factor in determining the renewal of the charter school. *EC 47607(a)(3)(a)*

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### **Renewal - Assistance**

1. If a charter school petitioning for renewal has failed to improve outcomes for three or more pupil subgroups (or all students if there are less than three subgroups) identified in three out of four consecutive school years, the Board may recommend a Renewal with Assistance under the following criteria:
  - a. Using an evaluation rubric adopted by the state board the District shall provide technical assistance to the charter school. *EC 52064.5*
  - b. The District Superintendent may assign, at the request of the Board and with the approval of the state board and state Superintendent, the California Collaborative for Educational Excellence (CCEE) to provide advice and assistance to the charter school. *EC 52074*
  - c. The Board shall consider for revocation any charter school to which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance and about which it has made findings. *EC 47607.3(a)*

### **Renewal – Denial**

The Board shall deny a charter renewal petition if it finds one or more of the following:

1. The charter school presents an unsound educational program for the pupils enrolled.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain an affirmation of each of the following conditions:
  - a. The charter school shall meet all statewide standards and conduct pupil assessments pursuant to Education Code 60605 and any other mandated statewide standards authorized in statute or pupil assessment applicable to pupils in non-charter public schools. The charter school shall certify that its pupils have participated in the state testing programs specified in Education Code 60600 et seq., as a condition of apportionment of state funding.
  - b. The charter school shall consult regularly with its parents and teachers regarding the school's educational program
  - c. The charter school shall serve students in all of the grade levels served by the District per Education Code 47605(a)(6)
4. The petition does not contain reasonably comprehensive descriptions of all of the elements in Education Code 47605.6(b)(5)