

CHARTER SCHOOLS

Purpose and Scope

It is the policy of the Santa Clara County Board of Education to give appropriate consideration to petitions for charter schools to be operated under its jurisdiction. Pursuant to Education Code provisions, the County Board shall review all petitions in light of the envisioned effects the proposed schools may have on the education of the identified student population.

The County Board desires to support innovations which improve student learning and recognizes the legislative intent to provide charter schools as an opportunity to implement school-level reform. In granting charter petitions, the County Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students.

Definitions

Chartering agency – the agency that grants the charter for a charter school. Under most circumstances, the chartering agency has primary responsibility for oversight of the charter school and has authority to revoke the charter if the school does not meet the conditions of the charter or of the law.

County office type charter school – a charter school that serves students that are normally served by the county office of education.

Countywide charter school – a charter school that serves students in more than one Santa Clara County Office of Education and who cannot be served as well by a charter school that serves more than one school district.

Sponsoring education agency – the agency that has fiscal responsibility for the education of the students who attend the charter school.

Legal Provisions Governing Petitions:

Petitions Previously Denied by a District

If denied by a district, a petitioner may subsequently apply to the County Board. If the charter is granted by the County Board, the sponsoring educational agency shall be the district which denied the petition, and the County Board shall be the chartering authority for purposes of operational oversight.

CHARTER SCHOOLS (continued)Petitions Submitted Directly to the County Board

A petition for either a “county office” type charter school (Education Code 47605.5) or for a “countywide” type charter school (Education Code 47605.6) may be submitted directly to the County Board. If the charter is granted by the County Board, SCCOE shall be both the chartering agency and the fiscally responsible educational agency. The County Board will approve a countywide charter (Education Code 47605.6) only if it finds, in addition to the other requirements, that the educational services to be provided by the charter school will offer services to a student population that will benefit from those services and who cannot be served as well by a charter school that operates only in one school district in the county.

Timelines:Previously Denied Petitions

If the petition has been previously denied by a district governing board, the petition must be received by the County Board not later than 180 calendar days after the denial. Any petition received more than 180 calendar days after denial will not be acted upon by the County Board.

Public Hearing

Under normal circumstances, the County Board will hold a public hearing within 30 calendar days of receipt of the petition and complete application. (Staff will verify the date when all required application materials are received.) The hearing will be conducted as an open public hearing.

Board Decision

Under normal circumstances, the County Board’s decision to approve or deny will be made within 60 calendar days of receipt. The deadline for the County Board’s approval or denial may be extended by an additional 30 calendar days if both the County Board and the petitioner agree. The decision will be agendaized as an action item on the County Board’s meeting agenda and decision to approve or deny shall be made by County Board resolution.

Submission Dates

While a charter school petition may be submitted at any time during the year, applicants are encouraged not to submit a petition during a period when a regular County Board meeting is not scheduled during the next two to four weeks. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year are encouraged to initiate the process not later than the prior December 15th. In the case of petitions received after that date, the County Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.

CHARTER SCHOOLS (continued)

Review of Petitions:

When reviewing petitions, the County Board must address the following:

Compliance with Signature and Affirmation Requirements

The County Board must ensure that the petition complies with the required number of signatures and contains the required elements including an affirmation that the charter school will be nonsectarian and an affirmation that the charter school will not discriminate against students.

Comprehensive Description of Elements of a Charter

The County Board must determine if the charter proposal provides a reasonably comprehensive description of the required elements.

Evaluation of the Soundness and Potential Success of the Proposed Program

The County Board must determine if the charter school presents an unsound educational program for the students enrolled or if petitioners are demonstrably unlikely to successfully implement the program.

Approval or Denial:

Criteria for Denial

The County Board may not deny a petition unless one or more the following findings are made and documented in writing:

1. The petition does not contain the number of required signatures.
2. The petition does not contain an affirmation that the charter school shall be nonsectarian.
3. The petition does not contain an affirmation that the charter school shall not discriminate against students.
4. The petition does not contain an affirmation that the charter school shall not charge tuition.
5. The petition does not contain a reasonably comprehensive description of the required elements.

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6. The charter school presents an unsound educational program for the students enrolled in the charter school.
7. The petitioners are demonstrably unlikely to successfully implement the program.
8. The petition does not meet requirements for grade levels served, facility location, or students served as set forth in statute.
9. The petition does not meet any other criteria set forth in statute.

Factual Findings

If the County Board finds deficiencies in the petition, it may deny the petition as long as the factual findings are articulated in writing.

Duration of Charter and Renewals

The County Board may approve a charter for a period of up to five years. Subsequent renewals, if approved, shall be for a period of five years.

Charter Revocation

Charter schools shall be governed at the school level in accordance with charter provisions approved by the County Board. The County Board shall hold charter schools under its jurisdiction accountable for fulfilling the terms of their charters and may revoke a charter at any time if deemed necessary. Prior to revocation the County Board will afford the charter school an opportunity to correct unless the violation constitutes a severe and imminent threat to the health or safety of the students.

Directions to the Santa Clara County Superintendent of Schools

Upon approval of a charter, the County Board shall direct the County Superintendent to negotiate a memorandum of understanding (MOU) with the petitioner for the operation of the charter school. The County Board may set forth specific recommendations to be included in the MOU. Such recommendations, if any, shall be adopted by vote of the County Board at the time of the approval of the charter. If the County Superintendent is unable to reach agreement with the charter school applicant, the County Board may consider whether failure to reach agreement constitutes cause for revocation of the charter.

The County Superintendent is charged with developing and implementing such administrative regulations as may be necessary or prudent to implement this policy.

Legal Reference: (see next page)

CHARTER SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

17280-17317 *Field Act*

17365-17374 *Field Act, fitness for occupancy*

41365 *Charter school revolving loan fund*

42100 *Annual statement of receipts and expenditures*

42238.51-42238.53 *Funding for charter districts*

44237 *Criminal record summary*

44830.1 *Certificated employees, conviction of a violent or serious felony*

45122.1 *Classified employees, conviction of a violent or serious felony*

46201 *Instructional minutes*

47600-47616.7 *Charter Schools Act of 1992, as amended*

47640-47647 *Special education funding for charter schools*

47652 *Funding of first-year charter schools*

48000 *Minimum age of admission (kindergarten)*

48010 *Minimum age of admission (first grade)*

48011 *Minimum age of admission from kindergarten or other school*

51745-51749.3 *Independent study*

52052 *Alternative accountability system*

54032 *Limited English or low-achieving pupils*

56026 *Special education*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement, including:*

60605 *Academic content and performance standards; assessments*

60640-60649 *Standardized Testing and Reporting Program*

60850-60859 *High school exit examination*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

667.5 *Definition of violent felony*

1192.7 *Definition of serious felony*

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*

11960-11969 *Charter schools*

CODE OF REGULATIONS, TITLE 24

101 *et seq. California Building Standards Code*

UNITED STATES CODE, TITLE 20

6311 *Adequate yearly progress*

6319 *Qualifications of teachers and paraprofessionals*

7223-7225 *Charter schools*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 *Accountability*

300.18 *Highly qualified special education teachers*

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

CHARTER SCHOOLS (continued)

Legal Reference: (continued)

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

CSBA: <http://www.csba.org>

California Building Standards Commission: <http://www.bsc.ca.gov>

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>