

**CHARTER SCHOOL PETITIONS****AR 6230****Page 1 of 4****1.0 PURPOSE AND SCOPE**

This regulation outlines the steps and timelines for the review of charter school petitions made to the County Board of Education.

**2.0 PETITION MATERIALS**

Upon receiving an enquiry from a petitioner wishing to submit a charter school petition to the County Board, the Superintendent or designee shall provide the petitioner a copy of Board Policy 6230 and of Administrative Regulation 6230, including its attached checklists, and shall instruct the petitioner to submit the following materials as a complete petition packet:

- a. A copy of the charter school proposal including full charter and petition.
- b. Validation that the charter school has nonprofit status as shown in the Articles of Incorporation.
- c. Validation that teachers signing the petition have a “meaningful interest” in the charter; e.g., that they are from the local area and may have an interest in being employed by the charter school.
- d. A description of how the charter school will facilitate the sponsoring agency’s compliance with the Public Records Act.
- e. A description of how the charter school will facilitate the sponsoring agency’s compliance with the Brown Act.
- f. A list of the board of directors for the charter school as well as a description of any relationships between board members and outside contractors.
- g. A copy of the governing board’s action of denial of the petition, and the governing board’s written factual findings, if the petition had been previously denied by the governing board of a school district.
- h. A description of any changes to the petition necessary to reflect the County Board as the chartering agency. If the petition is being submitted after a district denial, a copy of the original petition as denied by the district must be submitted.
- i. A statement indicating the grades to be served by the charter school and the grades served by the sponsoring district.
- j. A signed certification of compliance with applicable law.
- k. For petitions filed pursuant to section 47605.5, a statement demonstrating that the charter school will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services.
- l. For petitions filed pursuant to section 47605.6, a statement demonstrating 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 that cannot be served as well as by a charter school that operates only in one school district in the county.

References: Ed. Code §§47601-47616.5, 47630-47632.5; BP 6230

Approved: 05/03/93

Revised: 06/05/00; 03/24/03, 08/12/03

**Santa Clara County  
Superintendent of Schools**

### 3.0 TIMELINES

#### 3.1 Receipt of Petition

If the petition has been previously denied by a governing school board, the petition must be received by the County Board not later than 180 calendar days after the denial. The Superintendent or designee will ensure that any petition received more than 180 calendar days after denial will not be acted upon by the County Board.

#### 3.2 Public Hearing

Under normal circumstances, the Superintendent shall schedule a public hearing of the petition before the County Board to be held within 30 calendar days of receipt of the petition. This deadline may be extended with the agreement of the petitioner.

#### 3.3 Board Decision

Under normal circumstances, the Superintendent shall ensure that the Board's written approval or denial, including its findings of fact, will be provided for the petitioner within the required 60 day period from receipt. This deadline may be extended with the agreement of the petitioner.

### 4.0 STAFF REVIEW OF PETITION MATERIALS

The Superintendent will have staff review the petition materials and prepare written analyses. The following analyses will be prepared and provided to Board members and to the petitioner prior to the public hearing.

#### 4.1 Compliance with Signature and Affirmation Requirements

Staff will compile AR6230-1, Charter School Review Matrix, to help the Board determine if the petition complies with the required number of signatures; the required affirmation that the charter school will be nonsectarian; the required affirmation that the charter school will not charge tuition, and the required affirmation that the charter school will not discriminate against any pupil on the basis of ethnicity, national origin, gender or disability.

#### 4.2 Questions for Clarification

Staff will provide written questions when clarification from the petitioner is needed.

The following analyses will be prepared and provided to Board members and to the petitioner prior to the Board taking action on the item.

#### 4.3 Comprehensive Description of Elements of a Charter

Staff will compile the Charter School Review Matrix to help the Board determine if the charter proposal provides a reasonably comprehensive description of the required elements.

#### 4.4 Evaluation of the Soundness and Potential Success of the Proposed Program

Staff will compile the Charter School Review Matrix to help the Board determine if the charter school presents an unsound educational program for the pupils enrolled or if petitioners are demonstrably unlikely to successfully implement the program. Staff

analysis will contain a recommendation for the duration of the charter, up to five years, should the petition be approved, and recommendations for any conditions that may be included in the memorandum of understanding (MOU).

**4.5 Findings of Fact**

Staff will prepare draft findings of fact for Board consideration, recognizing that the Board may not deny a petition unless one or more the following findings are made and documented in writing:

- a. The petition does not contain the number of required signatures.
- b. The petition does not contain an affirmation that the charter school shall be nonsectarian.
- c. The petition does not contain an affirmation that the charter school shall not discriminate against pupils.
- d. The petition does not contain an affirmation that the charter school shall not charge tuition.
- e. The petition does not contain a reasonably comprehensive description of the required elements.
- f. The charter school presents an unsound educational program for the pupils enrolled in the charter school.
- g. The petitioners are demonstrably unlikely to successfully implement the program.
- h. The petition does not meet requirements for grade levels served, facility location, or students served as set forth in statute.
- i. The petition does not meet any other criteria set forth in statute.

**5.0 STAFF PARTICIPATION AT PUBLIC HEARING AND BOARD ACTION**

The Superintendent will ensure that a representative from the Center for Educational Planning attends the public hearing and the Board meeting for Board action to present the staff analysis and answer any questions from the Board. The Superintendent will also ensure that appropriate staff from each of the SCCOE branches attend the hearing and Board meeting and are available to explain staff analysis and answer any questions from the Board.

**6.0 PETITIONER PARTICIPATION AT PUBLIC MEETING AND BOARD ACTION**

The petitioner is invited, but not required, to attend the public hearing and the Board meeting at which the Board decision is to be made. At both the public hearing and the Board action meeting, the petitioner will be invited to speak to the Board, present other speakers, and present any documentation pertinent to the petition. (See Figure AR 6230-2, Sample Hearing Script.) Petitioner must provide twelve copies of any new materials presented at the hearing or at the Board action meeting.

**7.0 DENYING DISTRICT PARTICIPATION AT PUBLIC MEETING AND BOARD ACTION**

Representatives of the denying district are invited, but not required, to attend the public hearing and the Board meeting at which the Board decision is to be made. At both the public hearing and the Board action meeting, the denying district will be invited to speak to the Board, present other speakers, and present any documentation pertinent to the petition. Representatives of the denying district must provide twelve copies of any new materials presented at the hearing or at the Board action meeting.

## **8.0 WRITTEN BOARD DECISION**

The Superintendent will prepare a draft resolution approving or denying the petition for Board consideration. Based on the Board's deliberations and decision, the Superintendent will prepare the final written decision of the Board.

## **9.0 CHANGES IN THE CHARTER AND MEMORANDUM OF UNDERSTANDING**

### **9.1 Changes in the Charter**

During the charter review process, staff and the petitioner may find items in the proposed charter that they wish to change. The petitioner may make any changes in the proposed charter. The changes may be considered as part of the charter to be approved or denied by the Board if they are of such a scope as to fall under de novo review on appeal.

However, if such changes create a substantially different proposal than that considered by the denying district, staff shall recommend that the appeal be denied by the County Board and the petition be re-submitted to the denying district.

### **9.2 Memorandum of Understanding**

Upon approval of a charter, the Superintendent will negotiate a memorandum of understanding with the petitioner, based upon a standard MOU template to be established by the Superintendent. Both staff and the Board may provide recommendations for specific items to be included in the MOU. The MOU will control the charter (including any charter amendments.)