

**1.0 GENERAL INFORMATION**

**1.1 Purpose and Scope**

It is the policy of the 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 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 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 Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students.

**1.2 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.

References: Education Code §§47600-47616; EC41320; EC47640; California Department of Education Regulations Title 5, Section 11967

Approved: 07/21/93; 07/02/03

**Santa Clara County  
Board of Education**

Countywide charter school – a charter school that serves students in more than one district and who cannot be served as well as by a charter school that operates in only one school district.

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

## **2.0 LEGAL PROVISIONS GOVERNING PETITIONS**

### **2.1 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.

### **2.2 Petitions Submitted Directly to the County Board**

A petition for either a “county office” type charter school (EC47605.5) or for a “countywide” type charter school (EC47605.6) may be submitted directly to the County Board. If the charter is granted by the County Board, the County Office of Education shall be both the chartering agency and the fiscally responsible educational agency. The County Board will approve a countywide charter (EC47605.6) 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 that cannot be served as well as by a charter school that operates only in one school district in the county.

## **3.0 TIMELINES**

### **3.1 Previously Denied Petitions**

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. Any petition received more that 180 calendar days after denial will not be acted upon by the County Board.

**3.2 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 that all required application materials are received.) The hearing will be conducted as an open public hearing.

**3.3 Board Decision**

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

**3.4 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 Board of Education 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 15<sup>th</sup>. In the case of petitions received after that date, the Board of Education reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.

**4.0 REVIEW OF PETITIONS**

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

**4.1 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 pupils.

**4.2 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.

**4.3 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 pupils enrolled or if petitioners are demonstrably unlikely to successfully implement the program.

**5.0 APPROVAL OR DENIAL****5.1 Criteria for Denial**

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.

**5.2 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.

**5.3 Duration of Charter and Renewals**

The 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.

**5.4 Charter Revocation**

Charter schools shall be governed at the school level in accordance with charter provisions approved by the Board. The 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 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 pupils.

**6.0 Directions to the County Superintendent**

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

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