

## **BP 0420.4 Charter Schools**

### **Purpose**

It is the policy of the Santa Clara County Board of Education (County Board) 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 and specifically whether granting the proposed school charter is consistent with sound educational practice. 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 that demonstrate the capability to provide comprehensive learning experiences for academically low achieving students.

### **Definitions**

*Chartering Authority* – the agency that grants the charter for a charter school, or if a charter is granted by the State Board of Education (SBE), the entity designated by SBE as the chartering authority. Under most circumstances, the chartering authority has primary responsibility for monitoring and oversight of the charter school and has authority to renew the charter as well as revoke the charter if the school does not meet the requirements of its charter or of the law. The County Board may act as the chartering authority to the following:

*Direct County Charter*– a charter school that serves students for whom the County Office of Education would otherwise be responsible for providing direct education and related services. A petition for this type of charter school is submitted directly to the County Board. A denial of a petition shall be subject to the same process as a previously denied charter petition on appeal. (Education Code 47605.5)

*Countywide Charter*– a charter school that operates at one or more sites within the geographic boundaries of the county and provides instructional services not generally provided by the County Office of Education. There must be reasonable justification for why the charter could not be established by petition to a local school district. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.6)

*County Conversion Charter* – An existing public school operated by a County Office of Education that converts to a charter school. The petition must be signed by at least 50% of the permanent status teachers employed at the school. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.5)

*Previously Denied Charter Petition on Appeal* - The County Board considers petitions for the establishment of a charter school if a school district board denied the petition based on written factual findings, and the petitioner wishes to appeal that decision. The County Board may

receive petitions on appeal for new and non-renewed charter schools. The charter submitted on appeal must be the charter as denied or non-renewed by the school district, and the charter petitioner must also submit all of the other information and documentation specified in law and regulation. If the County Board grants the charter, the County Board shall be the chartering authority and shall have primary responsibility and oversight of the charter school, and subsequent requests for material revision and renewal shall be submitted directly to the County Board. (Education Code 47605(k)(l)). If the County Board denies the petition, the petitioner may appeal to the SBE.

*Direct-funded charter:* A charter school that elects to receive funding directly from the state and can apply for and receive funding directly for state or federal programs. (Education Code 47651(a))

*Locally funded charter:* A charter school that elects to receive funding through its authorizing LEA or the LEA designated by the SBE.

The following terms are not defined in Education Code, but are commonly used to describe charter schools with different relationships with their authorizer/oversight agency:

*Dependent Charter School* – Generally connotes a closer relationship between the charter school and its authorizer in various areas, such as the origin of the school’s formation, the governance structure, the extent to which the charter school depends on the authorizer for administrative services, and the funding relationship. It is frequently, though not exclusively, used to describe a charter school created by the authorizing agency itself.

*Independent Charter School* – Generally connotes the more common relationship in which the charter school is established and operated with more of an independent, “arm’s length” relationship to its authorizing and oversight agency.

*Signed Certification-* The Charter Schools Act and this policy require charter petitioners to provide signed certifications with charter petition submittals. The County Charter Schools Department shall maintain appropriate forms to be used by charter school petitioners/operators for such signed certifications. The Charter Schools Department Staff may update and revise these certification forms in a manner consistent with the law and this policy, with the current forms maintained in Exhibit 0420.4.

(cf. E 0420.4 Charter Schools)

## **Legal Provisions Governing Petitions:**

### Petitions Previously Denied by a District

The County Board shall grant a charter if it is satisfied that doing so is consistent with sound educational practice and the petition complies with the applicable requirements of Education Code. A petition is deemed received for purposes of the statutory timelines on the day the petitioner submits a petition to the County Office of Education, along with a signed certification that the petitioner deems the petition to be complete. The signed certification will also certify

that the petition submitted on appeal is the same as that denied by the district, with no new or different material terms, and that the petitioner concurrently provided to the denying district a copy of all documents submitted to the County Board on appeal. The Charter Schools Department Staff will also request that the denying district (1) confirm that it received from the petitioner a copy of the charter appeal documents concurrently with their submission to the County Board and (2) that the district promptly inform the Charter Schools Department Staff should the district note any new or different material terms in the charter submitted on appeal compared to that denied by the district governing board.

If a local governing board of a school district denies a petition, the petitioner may submit the petition for the establishment of a charter school to the County Board. The County Board shall review the petition pursuant to Education Code 47605. At the same time the petition is submitted to the County Board, the petitioner shall also provide a copy of the petition to the school district.

The County Board supports this process by establishing a clearly defined system for reviewing petitions and determining the effectiveness of the charter schools it authorizes. Charter schools are public schools; as such, their performance is subject to review and comparison with other publicly funded schools and its demographic composition should reflect the school district in which it is located.

If the charter is granted by the County Board, the “sponsoring educational agency” as defined in Education Code 47632 shall be the district which denied the petition, and the County Board shall be the chartering authority for purposes of operational oversight. (Education Code 47632(i)(2))

#### Petitions Submitted Directly to the County Board

A petition for either a direct county charter or for a countywide charter school may be submitted directly to the County Board. A petition is deemed received for purposes of the statutory timelines on the day the petitioner submits a petition to the County Office of Education, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605.5, 47605.6)

The County Board may approve a countywide charter only if it finds that approval is consistent with sound educational practice and, 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 by a charter school that operates only in one school district in the county and the charter school has a reasonable justification for why it could not be established by petition to a school district pursuant to Education Code 47605. (Education Code 47605.6)

## **Timelines:**

Timelines for the following processes begin upon submission to the County Office of the complete petition and all required information and documentation along with a signed certification that the petitioner deems the petition to be complete.

### Appeal of 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 30 calendar days after the denial. Any petition received more than 30 calendar days after denial will not be acted upon by the County Board. If the charter submitted on appeal includes new or different material terms from that denied by the school district, the petition will be immediately returned to the district for reconsideration. The district would have 30 days in which to take action. If the district again denies the charter, the petition may be resubmitted to the County Board on appeal. The County Board delegates to the County Superintendent or designee the authority to determine whether a charter submitted on appeal (whether an initial or renewal petition) includes new or different material terms and to remand such a charter to the denying school district. For these purposes, “material terms” means the petition signatures, affirmations, disclosures, documents, and descriptions described in Education Code 47605(a), (b), (c) and (h), but does not include minor administrative update to the petition or related document because of changes in circumstances based on the passage of time, related to fiscal affairs, facilities arrangements, or state law, or to reflect the County Board as the chartering authority. The County Superintendent shall inform the County Board in writing in any case in which s/he determines that the submitted charter includes new or different material terms and remands an appeal charter to the denying school district.

If the County Board denies the charter on appeal, the petitioner may appeal that denial to the SBE. If the County Board fails to act on the appeal of a petition for the establishment of a charter school within 60 calendar days (or 90 days by mutual written agreement), the petitioner may elect to appeal to the SBE. If either the County Board or the SBE fails to act on the appeal within 180 calendar days of receipt, the decision of the school district board to deny a petition shall, thereafter, be subject to judicial review. (Education Code 47605 and 5 CCR 11967)

### Public Hearing

Within 60 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board will hold a public hearing on the provisions of the charter. (Education Code 47605 and 47605.6)

## County Board Decision

Within 90 calendar days of receipt of the petition, or as extended by mutual agreement, the decision to approve or deny the charter will be agendaized as an action item on the County Board's meeting agenda. All county office staff recommendations, including the recommended findings, and if applicable, the certification from the County Superintendent pursuant to Education Code 47605(c)(8), shall be published at least 15 calendar days before the public meeting at which the County Board is scheduled to act on the charter petition. At the meeting at which the County Board is scheduled to take action, the petitioners will be provided equivalent time and procedures to present evidence and testimony to respond to the County Office staff recommendation and findings. (Education Code 47605 and 47605.6)

Upon approval by the County Board of an initial charter petition, the charter petitioner(s) shall provide written notice of the approval to the California Department of Education, the State Superintendent of Public Instruction, the State Board of Education, and for countywide charter, to the school districts within Santa Clara County. (Education Code 47605(j), 47605.6(j))

## Submission Dates and Documents

The County Board encourages petitioners seeking approval to commence charter school operations at the start of the next school year to initiate the process at the County Board level 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 the charter school operation if the County Board deems such a delay necessary for approval of the charter to be consistent with sound educational practice.

The County Board discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the County Board's time period for action to include any significant holiday periods during which all or most of the county office staff has vacation or non-work time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

In order to expedite the County Board's consideration of and action on charter requests, the County Board requests that all charter petition submissions, whether initial, renewal, or material revision, include all of the following:

1. At least 1 hard copy (in notebooks or otherwise bound) of the entire charter (including the original signatures for an initial charter request), with the entire submission (including any appendices, exhibits, or attachments) sequentially numbered from the first through the last page, and also including a table of contents that includes references to all appendices/exhibits/attachments.

2. An electronic (Word) version and electronic (pdf) version of the charter, all appendices, and an electronic (Excel) version of the budget and Local Control Funding Formula (LCFF) Calculator showing all calculations/formulas and including a budget narrative and budget assumptions.
3. Additionally, for material revisions or renewal requests, the submittal shall also include:
  - a) The petition shall be updated to include a reasonably comprehensive description of how the charter school is/will comply with any new legal requirements since the charter was most recently granted or renewed and as necessary to reflect the charter school's current program.
  - b) The bound copy shall include a redline indicating all of the revisions from the currently approved version of the charter.
  - c) An electronic (Word) version of the currently approved and operating version of the charter.
  - d) An electronic (Word) version of the redline.
  - e) An executive summary of the changes requested or made from the currently approved charter.
  - f) Renewal petitions must contain the California Dashboard data and state-wide testing data from the immediately preceding two years of the charter's operations, including the data from the penultimate year of the charter school's current term or the alternative verifiable data provided for in Education Code 47607(c)(6) for that period and any and all other data, plans, or information necessary to support renewal pursuant to Education Code 47607 and 47607.2.

It is the County Board's expectation that a charter petition submitted for any request for material revision or renewal shall include a reasonably comprehensive description of how the charter school will address, improve, and remediate any issues the charter school has experienced during the preceding term. This includes, but is not limited to the charter school's academics, finances, and operations, specifically including decreases or failure to achieve increases in pupil academic achievement schoolwide and for all pupil subgroups in any or all academic areas and/or low performance on the state indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 for which the school receives performance levels and/or measurements of academic performance that are the same or lower than the statewide average schoolwide and/or for pupil subgroups, inadequate student enrollment, issues affecting fiscal solvency and stability, failure to comply with generally accepted accounting principles and/or requirements of law, and/or any areas in which the County Office has issued a letter of concern or otherwise expressed concern to the charter school.

### Withdrawal of Charter Petition

A decision by a petitioner to withdraw a petition from County Board consideration requires a written request submitted to the Charter Schools Department. Upon receipt of the request to withdraw the petition, the County Board shall be notified in writing. SCCOE staff will not remove an item from a posted County Board agenda; any modification of the agenda to remove an item related to a charter shall be made only by County Board action.

If a petition is withdrawn before the public hearing is agendized, the County Superintendent shall accept the request to withdraw, and shall provide written notification to the County Board.

If a request to withdraw a petition is made after the public hearing has been held and prior to the County Board decision on the petition, the County Board will make the decision to accept or deny the withdrawal at the next regularly scheduled Board meeting.

If a request to withdraw the petition is made after the charter petition has been agendized for action, the County Board shall make the decision to accept the withdrawal or proceed with the decision action.

If a petition is withdrawn and then resubmitted, the process must be started from the beginning and the timeline is reset.

### **Review of Petitions:**

When reviewing initial petitions or requests for material revision, the County Board will consider the following:

#### Compliance with Signature and Affirmation Requirements

The County Board will determine whether the petition complies with the required number of signatures and contains the various affirmations required to be included in the charter.

#### Comprehensive Description of Required Elements of a Charter

The County Board will 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 will 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. For new charters and/or requests for material revision to expand the charter, the County Board may also consider whether the school is demonstrably unlikely to serve the interests of the entire community in which it is proposed to locate and/or whether the school district is not positioned to absorb the charter school's fiscal impact, in accordance with Education Code 47605(c)(7) and (8).

#### Educational Employment Relations Act Statement

The County Board will determine whether the charter includes a statement of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

#### Additional Considerations

The County Board will consider information provided by the petitioners regarding the school's proposed operation and effects, including, but not limited to, facilities to be used, the manner administrative services are to be provided for the charter school, potential civil liability effects on the charter school, any district(s) where it may operate, and on the County Board and County Office; the names and relevant qualifications of all persons the charter school nominates to serve on its governing board if it is to be operated by or as a nonprofit public benefit corporation; and the charter school's financial statements.

#### **Approval or Denial of Petitions:**

SCCOE staff will evaluate the completeness of a petition including, but not limited to, the merits of a proposed educational program, the likelihood of success, including fiscal viability, and the requirements under state and federal law. SCCOE staff may consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements. Based on this evaluation, SCCOE staff will make a recommendation to the County Board regarding approval or denial of the charter or charter renewal prior to the County Board's final action on the petition.

The County Board shall consider whether any charter seeking County Board approval contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the County Superintendent or designee and the County Board.

The County Board shall grant a charter for the operation of a direct county charter, county conversion charter, or previously denied charter petition appeal if it is satisfied that granting the charter is consistent with sound educational practice and the charter complies with the requirements of the Charter Schools Act, including the items identified in the "Review of Petitions" section above.



The County Board may deny those petitions previously denied by a school district board, direct county charters and/or county conversion charters if it makes written factual findings, specific to the petition, in support of one or more of the “Criteria for Denial” 1 through 8, below. (Education Code 47605)

The County Board may grant a charter for the operation of a countywide charter only if the County Board is satisfied that granting the charter is consistent with sound educational practice and the charter school has reasonable justification for why it could not be established by petition to a school district under Education Code 47605, and if the County Board finds that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from the services and that cannot be served as well by a charter school operating in only one school district. The County Board may impose any additional requirements beyond those of Education Code 47605.6 that it considers necessary for the sound operation of a countywide charter. The County Board shall deny a petition for the establishment of a countywide charter if it finds any of the “Criteria for Denial” 1 through 6 and 9, below, including any basis that the County Board justifies denial (Education Code 47605.6).

#### Criteria for Denial

The County Board may not deny a petition for a charter school previously denied by a school district board, a direct county charter and/or county conversion charter unless it makes one or more findings 1-8, following, in writing and specific to the particular charter petition. The County Board shall deny a countywide charter if it finds one or more of findings 1-6 or 9, following.

1. The charter school presents an unsound educational program for the students 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 required signatures.
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code Section 47605(e) or 47605.6(e). These affirmations include, but are not necessarily limited to, the following. The charter school shall:
  - a. Be nonsectarian in all practices and operations;
  - b. Not charge tuition;
  - c. Not discriminate against pupils on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other

characteristic that is contained in the definition of hate crimes set forth in Penal Code 422.55, including immigration status;

- d. Except as specified by law, that admission to the school shall not be determined according to the place of residence of the pupil or his or her parent or guardian within California;
- e. Admit all pupils who wish to attend and if applicants exceed spaces, admission shall be done through a public random drawing in accordance with law and the charter;
- f. If the charter school proposes to extend voluntary preferences, each preference is approved by the County Board at a public hearing, is consistent with federal law, the California Constitution, and Education Code Section 200, shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation;
- g. Not require mandatory parental volunteer hours as a criterion for admission or continued enrollment;
- h. Provide specified information to the school district of residence if a pupil subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason;
- i. Not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code 47605(e)(2)(B)(iii) or, in the case of a countywide charter, Education Code 47605.6(e)(2)(B)(iii);
- j. Not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.
- k. Not encourage a pupil who currently attends the charter school to disenroll or transfer to another school for any reason, including, but not limited to, academic performance or because the pupil exhibits any of the characteristics described in Education Code 47605(e)(2)(B)(iii) or, in the case of a countywide charter, Education Code 47605.6(e)(2)(B)(iii);
- l. Post on the charter school's website a copy of the notice prepared by the California Department of Education pursuant to Education Code Section 47605(e)(2)(D)/47605.6(e)(2)(D) and provide a copy to a parent/guardian or pupil who is

18 or older (i) when they inquire about enrollment; (ii) before conducting an enrollment lottery; and (iii) before disenrolling the pupil.

5. The petition does not contain a reasonably comprehensive description of all of the required elements as specified by Education Code 47605(c)(5) or Education Code 47605.6(b)(5) in the case of a countywide charter.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the EERA.
- \*7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. This includes consideration of the fiscal impact of the charter school. A finding under this criterion requires documentation of specific facts and consideration of the following factors:
  - a. The extent to which the charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
  - b. Whether the proposed charter school duplicates an existing program in the district which has sufficient capacity for the pupils the charter school proposes to serve.
- \*8. The school district is not positioned to absorb the fiscal impact of the charter school.
9. In the case of a countywide charter, any other basis that the County Board finds justifies the denial of the petition.

\* (New charters or expansion of charters through material revisions ONLY).

Additionally, no charter may be granted if it authorizes the conversion of any private school to a charter school. (Education Code 47602(b))

### Additional Considerations

The following paragraphs set forth some additional rules and requirements that apply to charter school petitions and charter school operations and/or describe standards that the County Board finds necessary in order for a charter school to present a sound educational program and governance structure. However, neither this section nor this policy as a whole is intended to describe each provision of law or statute that applies to charter schools. Charter schools and charter school operators are cautioned not to rely on the information in this policy as a summary of all laws and legal standards to which they are subject.

1. The approval or denial of a charter petition shall not be controlled by collective bargaining agreements or subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)
2. The County Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the Special Education Local Plan Area (SELPA) in which the SCCOE or in the case of a Previously Denied Charter Petition Appeal, the district that denied the petition participates. (Education Code 47605.7, 47647)
3. In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for academically low-achieving students according to standards established by the CDE. (Education Code 47605(i) and 47605.6(i))
4. The County Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)
5. In addition to the considerations set forth above, the County Board will consider the additional requirements of Education Code 47605(d) through (m), or Education Code 47605.6(c) through (m) for countywide charters, for all charters except where the Education Code refers to the SBE. These additional requirements include, but are not limited to, submission of a first year operational budget including startup costs, cash flow and financial projections for the first three (3) years of operation; submission of the annual audit report; teacher credentialing requirements, and the description and location of the proposed charter school facilities.
6. A charter school that receives approval of its petition from the County Board on appeal shall be subject to the same requirements concerning geographic location and grade levels to be served to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition.
7. The initial term of an approved charter may be one (1) to five (5) years at the discretion of the County Board. The term of all charters shall expire on June 30 of the final year of the charter term, unless otherwise specifically stated in the approval action of the County Board.
8. Charter schools under the County Board's oversight shall comply with all conflict of interest laws that pertain to public agencies including as specified in Education Code 47604.1, Government Code 1090 *et seq.*, and the Political Reform Act, including the adopting of a conflict of interest code and requirements for filing Form 700 Statements of Economic Interests.

9. Charter schools under the County Board's oversight shall comply with Education Code 47604.1, the Ralph M. Brown Act, the California Public Records Act, and all applicable provisions of law. Charter schools under the County Board's oversight shall provide or make available to the public the backup materials for their agenda items, including by posting those materials with the agendas/minutes.
10. Board meetings for charter schools shall be held and located as follows:
  - (A) (i) The governing body of one charter school shall meet within the physical boundaries of the county in which the charter school is located.  
(ii) A two-way teleconference location shall be established at each school site.
  - (B) (i) The governing body of one non-classroom-based charter school that does not have a facility or operates one or more resource centers shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside.  
(ii) A two-way teleconference location shall be established at each resource center.
  - (C) (i) For a governing body of an entity managing one or more charter schools located within the same county, the governing body of the entity managing a charter school shall meet within the physical boundaries of the county in which that charter school or schools are located.  
(ii) A two-way teleconference location shall be established at each school site and at each resource center.
  - (D) (i) For a governing body of an entity that manages two or more charter schools that are not located in the same county, the governing body of the entity managing the charter schools shall meet within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside.  
(ii) A two-way teleconference location shall be established at each school site and at each resource center.  
(iii) The governing body of the entity managing the charter schools shall audio record, video record, or both, all the governing board meetings and post the recordings on each charter school's internet website.
11. Charter schools shall at all times comply with the terms and requirements of the free schools guarantee of the California Constitution, Article IX, Section 5, Education Code Section 49010-49013, Government Code Section 905, and California Code of Regulations, Title 5, Section 350, in all aspects of the Charter School program. Under no circumstances shall any student be adversely impacted, in any manner, in admission, registration, offers of course credit or educational activities for financial reasons, including without limitation a failure to make a financial contribution of any kind or for failure to make donations of goods or services, including in-kind or volunteer services, to the Charter School, nor shall any course credit or privileges related to Charter School educational activities be provided in

exchange for money or donations of goods or services, including in-kind and/or volunteer services. Charter schools shall not charge students fees, deposits, or other charges for participation in educational activities offered by the charter school, including curricular and extracurricular activities. Charter schools shall not require parents to volunteer or donate to the school. Charter schools shall maintain policies with regard to student fees and provide a complaint process under the uniform complaint procedures. (Education Code 49010; Government Code 905)

12. Charter schools shall not deny a pupil enrollment or readmission solely on the basis that the student has had contact with the juvenile justice system. (Education Code 48645.5)

### Charter Renewals

The County Board may approve an initial charter for a period of up to five years. Subsequent renewals, if approved, shall be for a period of two to seven years based on a variety of criteria.

The County Board recommends that a charter school submit its petition for renewal to the County Board sufficiently early in the last year of the current term to allow the County Board's deliberations and decision on the renewal petition to be completed in ample time to allow students and staff to plan appropriately for the following year(s). The form and number of copies of the renewal submission shall comply with the Submission Dates and Documents section of this policy.

Charter renewals are governed by the standards and criteria described in Education Code Section 47605/47605.6. A petition for renewal shall include 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 as well as updates to reflect the current program offered by the charter school. (Education Code 47607).

As noted above, the County Board expects that any renewal charter petition shall include a reasonably comprehensive description of how the charter school will address, improve, and remediate any issues the charter school has experienced during the preceding term. Including specific plans for improvement.

Charter schools that have been authorized by a school district that have had their renewal request denied by the school district may appeal the renewal request to the County Board. The County Board must receive the petition and all information and documentation required by Education Code 47605, 47607, and their implementing regulations, or the provisions of law that may supersede, modify, amend, or succeed those provisions, no later than 30 calendar days after the school district board makes its written factual findings. The County Board and the charter petitioner may extend this date by an additional 30 calendar days only by written mutual agreement. An appeal of a petition for renewal not submitted to the County Board within this time shall be considered denied with no further options for administrative appeal.

At the same time the petition is submitted to the County Board, the petitioner shall also provide a copy of the petition to the school district.

If the County Board is the authorizing agency (whether on appeal from a district denial, through a petition submitted directly to the County Board, or by delegation from SBE), the charter operator may submit a request for renewal only during the last year of its current term, or during such other time period agreed to between the County Board and the charter operator, by submitting the petition for renewal and all of the information and documentation specified in Education Code 47605, 47607, and their implementing regulations or the provisions of law that may supersede, modify, amend, or succeed those provisions. All renewal charter terms shall commence on the July 1 immediately following the submittal of the renewal request.

#### Criteria for Granting or Denying Renewal

Renewals of all charters shall be governed by the same standards and criteria that apply to initial charter petitions as set forth in Education Code 47605 and 47605.6, respectively, as well as the statutory requirements specifically applicable to charter renewals and any implementing regulations. A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall also request a material revision to its charter, which may be made only with the approval of the County Board in accordance with the standards and criteria in Education Code 47605 or 47605.6. (Education Code 47607)

Charter renewal shall not be denied based on the fiscal impact of the charter school on the County Office of Education or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as defined in Education Code 47605(c)(7) and(8). However, the County Board may use either of these bases to deny a proposed expansion constituting a material revision. (Education Code 47607)

The signature requirement is not applicable to petitions for renewal. (Education Code 47607)

The County Board shall consider the performance of the charter school on the state and local indicators included in the California School Dashboard. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the County Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)

Following the County Board's review, a renewal of a charter petition may be granted in accordance with a three-tiered system based on school performance, as specified in Education Code 47607 and 47607.2 and generally summarized below:

1. Renewal of Five to Seven Years

A renewal for a period of five to seven years may be granted to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, achieved either of the following: (Education Code 47607)

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels; or
- b. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

2. Denial with Option for Two-Year Renewal

- a. The County Board generally shall not renew a charter if, for two consecutive years immediately preceding the renewal decision, either of the following applies: (Education Code 47607.2)

- (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels; or
- (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

- b. However, the County Board may grant a two-year renewal to any such charter school if the County Board makes written factual findings, setting forth specific facts to support the findings, that:

- (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; and
- (2) There is clear and convincing evidence showing either of the following:



- (a) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
- (b) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

3. Renewal of Five Years

A renewal for five years may be granted to charters for which the criteria in sections 1 and 2 above do not apply.

- a. The County Board shall consider schoolwide performance and performance of all pupil subgroups on the state indicators included on the Dashboard and the performance of the charter school on the local indicators included in the Dashboard. The County Board shall provide greater weight to performance of measurements of academic performance in determining whether to grant renewal.
- b. The County Board shall also consider if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
  - (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
  - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
- c. For any such charter school, the County Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the County Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The County Superintendent or designee shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative

metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The County Board may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

In addition to all grounds for denial of a charter petition stated above, the County Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. Such findings shall be based on a review of aggregate data reflecting student enrollment patterns at the charter school, any data provided by the California Department of Education (CDE), and any substantiated complaints that the charter school has not complied with the suspension and expulsion procedures contained in the charter, memorandum of understanding, and/or addendum to the memorandum of understanding and mandated by Education Code Section 47605(c)(5)(J) or 47605.6(b)(5)(J), as applicable. The County Board may deny renewal of a charter school for such reasons only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including submission of a corrective action plan proposed by the charter school. The County Board may deny renewal only by finding that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

#### Timelines for County Board Action on Renewal

The County Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the County Office of Education office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6) For charters previously authorized by a school district that are appealing the school district's denial of their renewal request, the signed certification will also certify that the petition submitted on appeal is the same as that denied by the district, with no new or different material terms, and that the petitioner concurrently provided to the denying district a copy of all documents submitted to the County Board on appeal. The Charter Schools Department Staff will also request that the denying district (1) confirm that it received from the petitioner a copy of the charter appeal documents concurrently with their submission to the County Board and (2) that the district promptly inform the Charter Schools Department Staff should the district note any new or different material terms in the charter submitted on appeal compared to that denied by the district governing board.

At least 15 days before the meeting at which the County Board will grant or deny the charter renewal, the County Board shall publish all staff recommendations, including the recommended

findings, regarding the renewal petition. During the meeting at which the County Board is scheduled to take action, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the County Office staff recommendations and findings. (Education Code 47605, 47605.6)

The County Board shall notify CDE within 10 calendar days of granting or denying the renewal of the charter. (Education Code 47604.32; 5 CCR 11962.1)

If the County Board does not grant or deny the petition for the renewal, the charter school may submit the renewal petition to SBE, except that the County Board's denial of the renewal of a countywide charter is final and may not be appealed to SBE. (Education Code 47607, 47607.5)

If the petitioner appeals to SBE and requests a documentary record, including transcripts of the public hearing at which the County Board denied the charter, the documentary record shall be provided no later than 10 business days after the request. (Education Code 47605)

### School Closure

If a charter is not renewed and the charter school ceases operation, the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47604.32)

### Standard Conditions of Authorization

If the County Board approves the establishment or renewal of a charter, the governing board of the charter school shall, prior to commencing operations under the term of that charter, fulfill all the conditions of authorization, which may include, but are not limited to the following:

1. Making changes to the petition necessary to reflect the County Board as the authorizer;
2. Signing a Memorandum of Understanding (MOU) and/or an addendum to the MOU with SCCOE which includes adherence to all requirements established therein;
3. Finalizing the curriculum to be used and the scope and sequence of all subjects to be offered;
4. Providing verifiable written evidence of membership in a SELPA if the charter school will serve as a local educational agency for purposes of compliance with the Individuals with Disabilities Education Act;
5. Providing evidence of insurance that meets the County Office's standards and requirements;

6. Agreeing to indemnification, defense, and hold harmless provisions for the protection of the County Board, County Superintendent, and County Office that meet the County Office's standards and requirements;
7. Completion of a site visit; and
8. Providing the appropriate facilities documentation to operate the school, including but not limited to, certificate of occupancy, facility or conditional use permit, fire inspection, CDS code, documentation from State, etc.

Additionally, the charter school shall commence operations within the timeframe specified in the approval action and commence instruction by September 30 of the first year of operation.

In the case of a countywide charter, the County Board may impose any additional requirements for authorization it deems necessary. (Education Code 47605.6 (b))

The County Board may require a charter petitioner, either upon consideration of an initial petition or at the time of renewal, to make technical amendments to the charter, which technical amendments may be set forth in the MOU or in the addendum to the MOU. Should the charter school and County Office enter into an MOU and/or addendum, the MOU provisions shall necessarily prevail over any conflicting provisions of the charter and the addendum to the MOU provisions shall necessarily prevail over any conflicting provisions of the MOU and the charter.

The charter school's failure to fulfill the conditions of authorization is grounds for withdrawal of the approval, termination, or revocation of the charter.

If the County Board denies the charter or renewal, the petitioner may appeal to the SBE except in the case of a countywide charter.

### Students with Special Needs

The charter school shall comply with all applicable requirements of state and federal law regarding the provision of services to students with special needs, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. (Education Code 56000 et seq., Individual with Disabilities Education Act 20 U.S.C. Chapter 33, Americans with Disabilities Act)

### Material Revisions

A material revision is a change to the content of an authorized charter that affects substantively the process or manner in which the charter school operates. Some examples of material

revisions include changes to the vision, mission, instructional design, accountability plan, location of facilities, governance or operational structure, grade levels or number of pupils to be served, admissions requirements or procedures, and changes that affect the charter school's fiscal status. Material revisions to a charter also include additions or changes to “material terms” of the charter, as defined in Education Code 47605(k)(1)(A)(iii). The County Board hereby delegates authority to the County Superintendent or his/her designee(s) to determine whether a proposed change in charter school operations or documents (including governance documents such as articles of incorporation and bylaws) constitutes a material revision of the approved charter. Material revisions to an authorized charter may be made only with County Board approval. (Education Code 47605(a)(4), 47607(a)(1))

Requests for material revisions are governed by the same standards, timelines, and criteria in Education Code 47605.

At the time a charter operator submits a petition seeking material revisions, the petition shall include, but is not limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and updates to reflect the current program offered by the charter school. (Education Code 47607)

For other than countywide charters, if an approved charter school proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels as material revisions at an open meeting. If an approved countywide charter school proposes to establish operation at additional sites within the geographical boundaries of the County Board, the charter school shall notify the school districts where that site(s) will be located and request a material revision of its charter. The County Board shall consider whether to approve the additional location(s) as a material revision to the charter at an open meeting no sooner than 30 days after the charter school notifies the school districts. These requests shall be subject to all requirements and procedures for the submittal, consideration of, and action on any request for material revision to a charter. (Education Code 47605, 47605.6, 47607)

#### Accountability, Monitoring, and Oversight

Charter schools are governed in accordance with the provisions of the approved charter, MOU, addendum, corporate governance documents, and all applicable laws.

The County Office implements an accountability system for monitoring the educational effectiveness, statutory compliance, governance and operational structures, and fiscal condition of the charter schools it authorizes. The County Office also monitors whether the charter school implements the terms of the charter as authorized.

Charter schools granted by the County Board shall be held accountable for pupil performance, including meeting measurable pupil outcomes and making satisfactory yearly progress on state and federal accountability measures.

The County Board delegates the administrative function of monitoring and oversight of its charter schools to the County Superintendent or designee. In fulfilling this statutory responsibility, the County Board is guided by the intent of the Legislature that charter schools shall provide innovative, accountability-based reform that improves student learning and provides choice for parents. Monitoring shall be on an ongoing basis in accordance with applicable laws, the MOU, and the addendum to the MOU, as applicable. The County Board and SCCOE staff may inspect or observe any part of the charter school at any time with or without prior notice. (Education Code 47607(a)(5))

The SCCOE may inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel, attendance accounting, and pupil records, and records of any corporations or entities that operate or govern the charter school. Charter schools and the entities managing charter schools are subject to the California Public Records Act (CPRA); however, the SCCOE's right to inspect and receive records is not based on the CPRA, but rather on the SCCOE's oversight role. A County Board-authorized charter school shall promptly comply with all reasonable inquiries from the SCCOE in accordance with Education Code 47604.3. In conducting its oversight, the SCCOE shall use financial or other information it obtains from the charter school to perform all oversight duties specified in Education Code 47604.32(a).

The County Board sets forth as a standing request for information from all charter schools it has authorized a requirement that if a pupil is expelled or leave the charter school without graduating or completing the school year for any reason, the charter school shall provide notice to the County Superintendent or designee, concurrently with the notice to the student's school district of last known address, as required by Education Code 47605(e)(3)/47605.6(e)(3). (Education Code 47604.3)

An annual written report to the County Board regarding fiscal accountabilities, pupil performance, governance, and charter school-specific accountabilities shall be made in accordance with the MOU.

County Board-authorized charter schools shall, on or before June 1 of each year, submit to the SCCOE an approved school calendar for the following year establishing that the charter school is complying with the required minimum number of school days and an approved bell schedule establishing that the charter school is complying with the minimum number of instructional minutes. At least one month prior to the commencement of each new semester, the charter school shall provide the SCCOE with a list of classes evidencing the class offerings for the semester.

## Monitoring Charter School Performance

The County Office monitors County Board-authorized charter schools to determine whether the school, both schoolwide and for all groups of students served by the school, is achieving the measurable student outcomes set forth in its charter. This assessment may include consideration of the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)

The County Office monitors the fiscal condition of County Board-authorized charter schools based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

As specified above, the County Board has delegated the administrative function of monitoring and oversight of its charter schools to the County Superintendent or designee, who may make reports to the County Board meeting regarding such monitoring and oversight.

## Technical Assistance/Intervention

Whenever one or more numerically significant student subgroups at a charter school within Santa Clara County meets SBE-established performance criteria used in identifying charter schools in need of technical assistance in two or more years, the charter school shall receive technical assistance. The technical assistance shall be from the County Superintendent for charter schools not authorized by the County Board and from a COE identified as a geographic lead agency or its designee for County Board-authorized charters. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district,

COE, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and 2 or substantially similar activities, and ongoing communication with the County Board to assess the charter school's progress in improving student outcomes.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

In accordance with law and County Board policy, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

### Complaints

To enable any person alleging the school's noncompliance with Education Code 47606.5, 47607.3, or Article 4.5 of Chapter 6.1 of Part 28 of Division 4 of the Education Code (commencing with Section 52059,5) to file a complaint, each charter school shall establish a complaint process in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the State Superintendent of Public Instruction (SPI). If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

### Waivers

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the SBE on its behalf. If the County Board approves approval such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to SBE on behalf of the charter school.



## Provision of Services to a Charter School

A charter school may separately purchase administrative or other services from the County Office or any other source, in accordance with law. (Education Code 47613)

## Charter Documents

Any charter school approved by the County Board shall at all times maintain clean, electronic (Word) copies of each version of its charter that is approved by the County Board and shall maintain such prior approved versions in clean, electronic (Word) format even after submitting a request that a revised version of the charter be approved on renewal or as a material revision, including after such time as the County Board may approve any such revised version. In no event shall a charter school make revisions to the approved version of its charter without maintaining a clean, electronic (Word) version of all forms of the charter that have previously been approved by the County Board.

## Charter Revocation & Revocation Appeals

County Board-authorized charter schools shall be governed in accordance with the approved charter, MOU, addendum, corporate governance documents, and the law. The County Board shall hold charter schools under its jurisdiction accountable for fulfilling the terms of their charters and may revoke a charter for the reasons specified in Education Code 47607.

The County Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter. The County Board may revoke a charter for any of the causes authorized by law by following the procedures and standards set forth in Education Code 47607 and its implementing regulations.

If a revocation decision by a school district is appealed to the County Board and the County Board does not issue a decision within 90 days of receipt or if the County Board upholds the district's revocation decision, the charter school may appeal the decision to the SBE. If the County Board is the chartering authority and it revokes a charter, the charter school may appeal the revocation to the SBE within 30 days following the County Board's revocation decision.

If the revocation decision is reversed on appeal, the agency that granted the charter shall continue to be the chartering authority.

The County Board shall also consider revocation of a charter whenever the California Collaborative for Educational Excellence (CCEE), after providing advice and assistance to the charter school pursuant to Education Code 47607.3, submits to the County Board either of the following findings:

1. That the charter school has failed or is unable to implement the recommendations of the CCEE: or
2. That the inadequate performance of the charter school, as based on an evaluation rubric adopted by the SBE, is so persistent or acute as to require revocation of the charter.

Should a school’s charter be revoked, or should the charter school cease operating for any reason, the SCCOE shall notify the California Department of Education within 10 calendar days of the official action closing the charter school and the charter school must implement the school closure procedures specified in the charter in accordance with Education Code 47605, 47605.6, and 5 CCR 11962. (Education Code 47604.32 and 5 CCR 11962.1).

Table 1. Overview of County Board Authority and Responsibility for Charter Functions

Function	Board Authority and Responsibility	
	Local School Board is Chartering Authority**	County Board is Chartering Authority**
Charter Oversight	No	Yes
Charter Revision	No	Yes
Charter Renewal	On Appeal	Yes
Charter Revocation	On Appeal	Yes
Initiate an Investigation	Yes	Yes

\*\* Should the SBE approve a charter on appeal, in consultation with the charter school, SBE shall designate the school district or county board that denied the charter as the chartering authority.

### Finance

The County Superintendent may charge for the actual costs of oversight of a charter school not to exceed any limits imposed in law. The County Board is not required to provide facilities for charter schools. (Education Code 47613)

In the case of a countywide charter, the County Board may, at the expense of the charter school, engage a third-party, selected by the County Board, to oversee, monitor, and report to the County Board and County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

### Fiscal Accountability

The County Board and the SCCOE will require evidence that the charter school demonstrates effective fiscal accountability. In addition to the reports required by law and the information and reports required by the MOU:

1. The charter school must demonstrate that it has established and maintains positive fund and cash balances to ensure solvency. Failure to remain solvent is grounds for revocation of the charter.
2. The SCCOE will not provide funds to meet on-going fiscal operations or obligations to an independently funded charter school authorized by the County Board,
3. A charter school authorized by the County Board must provide written notification prior to accepting public, private, or commercial loans or other debt instruments. Loan requests must be consistent with sound fiscal practices and repayment schedules included in budget proposal and other appropriate financial reports.

### Non-Profit Board of Directors

A petitioner that submits a request for approval of a charter petition, or a charter school that submits a charter renewal or a material revision on and after July 1, 2019, shall not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. For a charter school electing to operate as, or be operated by, a non-profit public benefit corporation, the County Board or designee reserves the right to appoint a representative to serve on the board of directors of the corporation at any time. Any County Board representative shall be a full voting member of the corporate board of directors, shall have all rights and responsibilities exercised by any other director of the corporation. Any such representative of the County Board shall serve on the corporate board in the County Board or designee's discretion and shall be removed or replaced only in the County Board or designee's sole discretion. In order to avoid any perceived or actual conflict of interest, members of the County Board shall not sit on the boards of charter schools it has chartered.

## Memorandum of Understanding

Prior to approval of a charter, material revision, or renewal, the County Superintendent or designee shall enter into a standard memorandum of understanding (MOU) with the petitioner reflecting and implementing best practices for the operation of the charter school. The MOU shall address the role of the charter authorizer as required for oversight, monitoring, and operational issues and includes the County Board's Standards of Excellence which include, but are not limited to, indemnification, insurance, financial timelines, dispute resolution, and closure procedures to the satisfaction of the County Office. Before or after approval of a charter by the County Board, the County Superintendent or designee shall enter into an addendum to the MOU. Together the MOU and this addendum shall address any deficiencies in the petition, clarify charter provisions and operations, and remediate any missing, incomplete, or unacceptable charter provisions as noted by the County Board, County Office staff, and/or consultants as the County Board determines necessary to make approval of the charter consistent with sound educational practice and compliant with the standards for charter approval. It will also address any conditions or requirements imposed by the County Board.

The standard MOU will be presented to petitioners at the time a petition is submitted. The MOU is an agreement to terms and conditions that supplement or replace items in the charter and is binding only upon approval of the charter by the County Board and execution of the MOU by the County Superintendent.

If the petitioner fails to enter into an MOU or addendum to the MOU, satisfactory to the SCCOE, by a date designated by the Board action, the County Board may determine whether such failure to do so constitutes cause for withdrawal or denial of the approval of the charter or, alternatively, cause for charter revocation.

### Legal Reference:

#### EDUCATION CODE

215 Suicide prevention policy

215.5 Student identification cards, inclusion of safety hotlines

#### 220 Nondiscrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

222.5 Pregnant and parenting students, notification of rights

231.5-231.6 Sexual harassment policy

234.4 Mandated policy on bullying prevention

234.6 Bullying and harassment prevention information

234.7 Student protections related to immigration and citizenship status

17070.10-17070.30 Leroy F. Greene School Facilities Act

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy  
32282 Comprehensive safety plan  
32283.5 Online training on bullying prevention  
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act  
35179.4-35179.6 Interscholastic athletic programs, safety  
35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance  
35330 Field trips and excursions; student fees  
38080-38086 School meals  
39831.3 Transportation safety plan  
39843 Disciplinary action against bus driver; report to Department of Motor Vehicles  
41024 Report of expenditure of state facility funds  
41365 Charter school revolving loan fund  
42100 Annual statement of receipts and expenditures  
42238.51-42238.53 Funding for charter districts  
44030.5 Reporting change in employment status due to alleged misconduct  
44237 Criminal record summary  
44691 Information on detection of child abuse  
44830.1 Certificated employees, conviction of a violent or serious felony  
45122.1 Classified employees, conviction of a violent or serious felony  
45125.1 Fingerprinting; employees of contracting entity  
46015 Accommodations for pregnant and parenting students; parental leave  
46201 Instructional minutes  
47600-47616.7 Charter Schools Act of 1992, as amended  
47640-47647 Special education funding for charter schools  
47650-47652 Funding of charter schools  
48207.3 Students with temporary disabilities; individual instruction  
48850-48859 Educational placement of foster youth and homeless students  
48913.5 Suspended students, homework assignments  
48950 Student speech and other communication  
48985 Parental notifications  
49005-49006.4 Seclusion and restraint  
49011 Student fees  
49014 Public School Fair Debt Collection Act  
49061 Student records  
49062.5 Student records, name or gender changes  
49070 Challenging student records  
49073.2 Privacy of student and parent/guardian personal information  
49076.7 Student records; data privacy; Social Security numbers  
49110 Authority of issue work permits  
49381 Human trafficking prevention  
49414 Epinephrine auto-injectors  
49414.3 Administration of opioid antagonist  
49428 Notification of mental health services

49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001  
49475 Health and safety, concussions and head injuries  
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017  
49564 Meals for needy students  
51745-51749.3 Independent study  
52060-52077 Local control and accountability plans  
52075 Uniform complaint procedures  
52052 Numerically significant student subgroup, definition  
53300-53303 Parent Empowerment Act  
56026 Special education  
56145-56146 Special education services in charter schools  
60600-60649 Assessment of academic achievement  
CORPORATIONS CODE  
5110-6910 Nonprofit public benefit corporations  
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  
4800-4808 Parent Empowerment Act  
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  
7223-7225 Charter schools  
COURT DECISIONS  
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130  
Cal.App.4th 986  
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

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2016

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

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

California Department of Education, Charter Schools:

<http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers:

<http://www.charterauthorizers.org>

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

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