

I. General Provisions

These Administrative Rules and Regulations (ARR) pertain to the following types of charter petitions submitted to the Sacramento County Board of Education (Board):

- A. Appeal. Petitions that have been denied by the local governing board of a school district in Sacramento County, and subsequently submitted to the Board for review, per Education Code (EC) section 47605(j)(1);
- B. SCOE Student Population. Petitions that propose to serve students for whom the Sacramento County Office of Education (SCOE) would otherwise be responsible for providing direct education and related services, per EC 47605.5; or
- C. Countywide Charter. Petitions to establish a countywide charter school that will operate at one or more sites within Sacramento County, provide instructional services not generally provided by SCOE, and benefit pupils who cannot be served as well by charter schools operating in only one school district, per EC 47605.6.

These ARR have been developed to carry out Board Policy 2400. These ARR provide guidance of the factors SCOE staff will consider in determining whether charter school petitions meet applicable standards; the process SCOE staff will use to provide recommendations to the Board regarding the granting or denial of charter petitions; the monitoring and oversight of charter schools under approved charters; and the procedures for renewal, non-renewal, or revocation of approved charters.

II. Charter School Petition Submission and Review Procedures

SCOE's legal department will serve as the first point of contact and liaison for petitioners.

Charter school petitions submitted to the Board will be considered under the legal standards set forth in EC 47600, et seq., and Title 5 California Code of Regulations (CCR) sections 11967 and 11967.5.1 (to the extent outlined in Board Policy 2400). Additionally, SCOE staff will follow the guidelines outlined in the Charter School Petition Review Tips (attached as Appendix A) in making recommendations to the Board.

A. Appeals (Pursuant To EC 47605(j)(1))

A charter school petition that has been previously denied by the governing board of a school district must be received by the Board no later than 180 days

after the denial. When filing the charter school petition appeal with the Board, petitioners shall provide the following before the Board will consider the appeal:

1. A complete copy of the charter petition as denied by the district governing board, including the signatures required by EC 47605. (5 CCR 11967(b)(1))
2. A copy of the governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, as required by EC 47605(b). (5 CCR 11967(b)(2))
3. A signed certification of compliance with applicable law. (5 CCR 11967(b)(3))
4. A description of any changes to the petition necessary to reflect the Board as the chartering entity. (5 CCR 11967(b)(4))

This description may also incorporate any changes needed to:

- a. Reflect the evaluation criteria established by Board policy and these ARR;
- b. Address deficiencies noted in the district governing board's written factual findings; and/or
- c. Account for changes in projected revenues or expenditures.

The timeline for consideration of the appeal will not commence until the above items are submitted. (5 CCR 11967)

B. *SCOE Student Population or Countywide Charter Petitions (Pursuant To EC 47605.5 and 47605.6)*

A petition for the establishment of a charter school that will serve pupils for whom SCOE would otherwise be responsible for providing direct education and related services must be submitted in the same manner as set forth in EC 47605, other applicable law, and Board policy. Petitions to establish a countywide charter school must be submitted as set forth in EC 47605.6, other applicable law, and Board policy.

In addition to the above requirements, petitions to establish countywide charter schools under EC 47605.6 must demonstrate the following to be approved:

1. The educational services offered are services to a pupil population that will benefit from those services.
2. The pupils proposed to be served cannot be served as well by a charter school that operates in only one school district in the county.

3. The charter school has reasonable justification for why it could not be established by petition to a school district pursuant to EC 47605.

C. All Charter School Petitions Must Include The Following:

1. The name, address, and telephone number of the lead charter school petitioner(s) and a statement or letter signed by each of them, formally applying to the Board for the approval of a charter petition. For a charter appeal, if the proposed charter school includes one or more grade levels not served by the district to which the charter was initially submitted, it must also propose to serve all of the grade levels which are served by the district. (EC 47605(a)(6))
2. A copy of the charter school petition must be attached to the form and signatures provided by either:
 - a. A number of parents or guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation. Parents/guardians signing the petition must have one or more children who are age appropriate for the proposed charter school and must state the number of such children on the petition. The petition must include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his/her child, or ward, attend the charter school; or EC 47605(a)(1)(A), 47605(a)(3), 47605.6(a)(1)(A), and 47605.6(a)(4).
 - b. A number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. The petition must include a prominent statement that a signature on the petition means that the teacher is meaningfully interested in teaching at the charter school. (EC 47605(a)(1)(B) and 47605.6(a)(1)(B))

In the case of a petition for the establishment of a charter school through the conversion of an existing public school, the petition must be signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted. (EC 47605(a)(2))

3. A thorough description of the education, work experience, credential, degrees and certifications of the individuals comprising, or proposed to comprise, the administration of the proposed charter school, including the directors, administrators, and managers.

4. Opening a charter school does not require the use of consultants. However, if the Petitioners intend to use consultants, the petition should include a list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.
5. The bylaws, articles of incorporation and other management documents, as applicable, governing, or proposed to govern the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act and, if applicable, the charter school's Conflict of Interest provisions.
6. An affirmation that meets the requirements of EC 47605(d) or 47605.6(e).
7. If available, the address and a description of the charter school facility or facilities, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for educational purposes, and that the applicant has secured or has reasonable assurance of securing the facility for use by the charter school. If a specific facility has not yet been secured, at a minimum, petitioners must provide a description of the type of facility the school needs, the number of rooms and amount of space (by square foot) needed, the estimated cost of rent and tenant improvements, and a list of potential facilities under consideration.
8. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures including startup costs, cash-flows, and reserve positions, for the first three years of operation.
9. Petitions must, at a minimum, specify that prior to enrollment the parent/guardian of each pupil applying to enroll in the charter school shall be informed that the pupil receives no right to admission into a particular school of any local education agency or program of any local education agency by enrolling in the charter school. (5 CCR 11967.51(f)(12))
10. The petitioners must provide information regarding the potential civil liability effects, if any, upon the school, any school district where the charter school may operate, SCOE, and the Board. (EC 47605(g) and 47605.6(h))
11. The petition must also demonstrate that the charter school shall meet all applicable requirements of the federal Elementary and Secondary Education Act or its successors.

12. Reasonably comprehensive descriptions of the items listed in EC 47605(b)(5)(A)-(P) and 47605.6(b)(5)(A)-(Q) or any subsequently implemented provisions of the Charter Schools Act of 1992.

A “reasonably comprehensive” description, within the meaning of EC 47605(b)(5) and 47605.6(b)(5) shall include, but not be limited to, information that:

- a. Is substantive and is not, for example, a listing of topics with little elaboration.
- b. For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- c. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- d. Describes, as applicable among the different elements, how the charter school will:
 - i. Improve pupil learning.
 - ii. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - iii. Provide parents, guardians, and pupils with expanded educational opportunities.
 - iv. Hold itself accountable for measurable, performance-based pupil outcomes.
 - v. Provide vigorous competition with other public school options available to parents, guardians, and students.

D. General Submission and Review Guidelines Applicable to All Charter Petitions

SCOE will not accept any substantive amendments to a charter school petition within the 20 day period prior to the date by which the Board must grant or deny the petition.

Petitioners seeking approval to commence the operation of a district-authorized charter school per EC 47605 at the start of a school year are encouraged to submit the charter petition to the district Board by the beginning of the prior school year, so as to allow time to pursue if necessary the appeal process of the

county and the state. Petitioners seeking approval to commence the operation of a county-authorized charter school at the start of a school year per EC 47605.5 or 47605.6 are encouraged to submit the charter petition to the Board no later than October 15 of the prior school year.

SCOE staff will review the petition, paying particular attention to those aspects of the petition that relate to the staff member's own department or division.

SCOE staff may, but are not required to, inform charter school petitioners of general deficiencies within the charter petition. However, SCOE staff will not provide any specific language to be included in a charter petition. Staff will prepare proposed findings of fact for recommendation to the Board. Prior to the Board meeting at which the petition is to be considered, a copy of the proposed findings of fact will be provided to the charter school petitioners and to representatives of the district that denied the charter, or, in the case of a SCOE student population or countywide charter petition, to representatives of every district in the county.

III. Right of Charter Petitioner to Appeal to the State Board of Education

If the Board denies a charter petition or a petition that proposes to serve pupils for whom SCOE would otherwise be responsible for providing direct education and related services, the petitioners may submit the petition to the State Board of Education for consideration, within 180 days of the denial. (EC 47605(j) and 47605.5; 5 CCR 11967)

If the Board denies a countywide charter petition, the petitioner may not submit the petition to the State Board of Education for consideration. (EC 47605.6(k))

IV. Monitoring and Oversight of Approved Charters

Approved charter schools are subject to monitoring and oversight pursuant to applicable law, including but not limited to EC 47604.32, 47604.33, 47604.4 and 47613.

The Board shall ensure that the proposed charter contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include fiscal accountability systems, as well as clear performance standards and multiple measures by which the charter school will be held accountable for meeting its educational and other goals for students. Charter schools shall provide an annual report, and other reports as requested by the Board, the Sacramento County Superintendent of Schools (Superintendent), or designee.

The Board has supervisory oversight responsibilities over charter schools that have been approved by the Board. In order to carry out such responsibilities

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 7 of 10)

the Board through the Superintendent, or designee, may inspect or observe any part of a charter school at any time.

On behalf of the Board, SCOE's supervisory oversight responsibilities shall include, but are not limited to, the following:

- A. Identifying at least one staff member as a contact person for charter schools.
- B. Visiting each charter school at least annually.
- C. Ensuring that each charter school under its authority complies with all reports required of charter schools by law.
- D. Monitoring the fiscal condition of each charter school under its authority.
- E. Providing timely notification to the California Department of Education (CDE) if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 1. A renewal of the charter is granted or denied.
 2. The charter is revoked.
 3. The charter school will cease operation for any reason.

Should an approved charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Board may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the Board's appointee all rights and responsibilities exercised by any other director of the corporation. (EC 47604; Corporations Code 5047)

A charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualifications, student progress toward charter school goals and objectives, student progress on state mandated assessments, and compliance with No Child Left Behind (or successor) requirements.

Charter school officials must be available to consult with the Superintendent or designee, SCOE, and the Board if necessary regarding any inquiries.

The Superintendent, or designee, shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school are appropriately credentialed within the requirements of EC 47605(l) or 47605.6(l).

SCOE shall charge, and the charter school shall pay for the actual costs of monitoring and supervision pursuant to applicable law.

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 8 of 10)

A charter school shall annually prepare and submit to the Superintendent the reports specified in EC 47604.33. A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year to the Superintendent by December 15 of each year.

The Superintendent, or designee, shall examine, not less than annually, the audit report of the charter school, and shall, not less than annually, examine the general operation of the charter school. The Superintendent will promptly report to the Board any instance in which the charter school has committed any of the violations for which a charter school may be revoked, as described in Section VI of these rules and regulations.

V. Material Revisions of an Approved Charter

Material revisions to the provisions of a charter petition approved by the Board may be made only with the written approval of the Board, and shall be governed by the same standards and criteria that apply to new charter school petitions as set forth in EC 47605 and 47605.6.

VI. Potential Revocation of Approved Charter Petitions

A charter may be revoked by the Board under the provisions of EC 47607, if, based on evidence presented by the Superintendent, SCOE, or other sources, the Board finds that the charter school did any of the following:

- A. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.
- B. Failed to meet or pursue any of the pupil outcomes identified in the charter petition.
- C. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- D. Violated any provisions of the law.

If the charter school committed any of the violations described above, the Superintendent or designee, on the Board's behalf, shall notify the charter school in writing of its intent to revoke the charter and shall provide the school reasonable opportunity to cure the violation. However, if the Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils, such notification and opportunity to cure need not be provided.

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 9 of 10)

After a reasonable period, if satisfactory evidence is not presented to the Board that the violation has been cured, the Board may revoke the charter effective at such date as the Board determines appropriate.

Upon evidence satisfactory to the Board that the violation has been cured, the Board shall rescind the notice of intent to revoke.

VII. Charter Renewals

Charter petition renewals shall be governed by the same standards and criteria that apply to new charter school petitions as set forth in EC 47605 and 47605.6 and, as applicable, the evaluation criteria set forth in this ARR.

In addition, after a charter has been in operation for four years, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal:

- A. Qualified for an alternative accountability system pursuant to subdivision (b) of EC 52052.
- B. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
- C. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- D. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
- E. Board determination that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

The Board shall base this determination on:

1. Documented and clear and convincing data.
2. Pupil achievement data from assessments, including but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with EC 60640) for demographically similar pupil populations in the comparison schools.

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 10 of 10)

3. Information submitted by the charter school.

In accordance with EC 47607(b)(4)(C), the Board shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for any determination it makes regarding renewal.

A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials to the Board.

Written notice from a charter school that it wants to renew its charter should ideally be submitted at the beginning of the school year during which the charter will expire, but must be received no later than 180 days prior to the expiration of the charter. Upon receipt of written notice from a charter school that it wants to renew its charter and at least 120 days prior to the expiration date of the charter, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days prior to the expiration date of the charter, the Board shall either grant or deny the request for renewal.

Each renewal shall be for a period of five years.

06/03/03	ARR 2400 Drafted
02/10/04	Reviewed by Legal Counsel
02/17/04	Reviewed by Policy Committee
04/06/04	Provided to Board as an Information Item
04/20/04	Approved by the Board of Education and Administrative Cabinet
04/27/04	Distributed
11/17/09	Revised
11/17/09	Reviewed by Legal Counsel
11/17/09	Reviewed by Policy Committee
12/15/09	Reviewed by Policy Committee
01/05/10	Approved by Administrative Cabinet
03/16/10	Reviewed by Policy Committee
05/10/10	Distribution
10/19/10	Reviewed by Policy Committee
11/22/10	Approved by Administrative Cabinet
01/18/11	Provided to Board as an Information Item
01/20/11	Distribution

Administrative Rules and Regulations 2400

Appendix A

Charter School Petition Review Tips

This Tip Sheet is designed to offer guidance to charter school petitioners filing an appeal or original petition with the Sacramento County Board of Education. Over the course of preparing recommended findings of fact for the County Board, Sacramento County Office of Education (SCOE) staff has found that many petitions lack some critical elements. The County Superintendent and designees suggest that petitioners consider the following tips and ensure that the petition addresses these common oversights before submitting a petition:

Tip No. 1: Realistic Budget Figures.

- ✓ The budget must align with the programs offered in the petition. Frequently petitions promise programs and classes which lack a corresponding expenditure. For example, if the petition states that the charter school will offer a computer lab, the budget should reflect the costs of the furniture and computer equipment and peripherals along with ongoing costs for staff, utilities, licensing, etc. Additionally, the facility should have space allocated for the lab.

Tip No. 2: Consistency throughout the Petition.

- ✓ The petition's narrative concerning the programs offered and the timelines in the petition should match with the budget and the program parameters. For example, the number of days referenced for the school year should be consistent with the number of days used to calculate the revenue limit.
- ✓ As another example, if the instructional plan lists textbooks to be used in the classroom, the charter budget should include a plan to purchase those textbooks.

Tip No. 3: Use of Realistic Enrollment Patterns.

- ✓ Frequently, petitions will utilize enrollment figures which assume maximum enrollment on the first day of school with 100% attendance without data support. When estimating the percent of enrolled students that attend daily to earn ADA (average daily attendance), the petitioner needs to consider what is reasonable for the expected student population. For example, in a high risk population, students may attend 65% - 75% of the time, while an average high school population would be 90% - 95% of the time. Additionally, a more realistic estimate of enrollment for purposes of calculating average daily attendance would start with fewer students and then grow as the school becomes established. One way to reflect a realistic enrollment pattern would be to include gradual growth that eventually meets the goal enrollment. Petitioners may also demonstrate realistic enrollment figures by documenting recent contact with students (i.e. phone calls to parents to re-confirm meaningful interest in attending).
- ✓ An example of an enrollment pattern and ADA computation with gradual growth for a 100-student charter school follows:

<u>Month</u>	<u>Enrollment</u>	<u>Month</u>	<u>Enrollment</u>
September	50	February	80
October	50	March	90
November	60	April	100
December	65	May	100
January	70	June	100
<u>Average Enrolled: 64</u> <u>Daily Attendance Rate: 92%</u> <u>Average Daily Attendance: 59</u>			

(Note: Expenditure patterns (especially in hiring teachers) would follow the same pattern).

Tip No. 4: Awareness of Special Education Funding.

- ✓ The petition should reflect an understanding of special education funding which impacts the petition's use of realistic budget figures and the petition's consistency (see Tips 1 and 2 above).
- ✓ In preparing Recommended Findings of Fact, SCOE staff will consider whether the petitioners are members of a SELPA, or have provided evidence that the charter school has applied for SELPA membership. Because each SELPA has its own unique funding model, the SELPA should be identified at the time of the petition to properly budget and allow staff sufficient information to evaluate special education funding and expenditures.
- ✓ Charter petition budgets should assume that special education expenditures are the same for a charter school as for other public schools.

Tip No. 5: Awareness of SELPA procedures and timelines.

- ✓ Frequently petitioners have indicated a proposed charter school's intent to provide services through the Sacramento County SELPA, but the petition reflects a lack of clarity related to the SELPA process.
- ✓ Before opening and operating a charter school approved by the Board, petitioners must demonstrate that the charter school has been accepted as a member of a SELPA for purposes of providing special education services.
- ✓ Petitioners are encouraged to apply for membership in a SELPA before or at the same time they submit their charter petition to the Board (e.g., the El Dorado County Charter SELPA). Petitioners should consult with the SELPA that petitioners will apply to concerning its timelines and acceptance processes.

Tip No. 6: Petition Should Include Sufficient Detail.

- ✓ Petitions should include specific detail regarding the instructional programs and their implementation in order to predict success and for the Board to have confidence that the charter school has planned for programs that amount to sound educational practice. Use of global ideas, buzz words and concepts without specific, concrete plans on how to carry them out may result in SCOE staff recommending a finding that a sound educational program does not exist. It is important to describe how the plan will meet the needs of all students including English Learners. The following is a sample list of program areas that frequently require more information:
 - Intervention Program for underperforming students
 - System for identifying, testing and placement of students
 - Schedule of time for intervention: how long, how often
 - Types of materials used: state-board approved or other
 - Plans for exiting students to the core program
 - A specific plan for on-going support
 - Assessment Program
 - Information on whether assessments are curriculum-embedded (taken from state-approved texts) or teacher made. If teacher made, what is the source of the items and how do they correlate to state standards.
 - Specific details in relation to the three types of assessment:
 - Entry-level tests – needed to determine student needs prior to instruction
 - Formative tests – needed to determine how teachers modify instruction
 - Summative test – needed to determine how well students have mastered standards
 - Schedule of when major assessments take place

- Instructional Courses
 - Clear description of each course including texts (standards-based) and other materials.
 - Sample of lesson plans and/or pacing guides that match stated goals and objectives.
 - Sample of lesson plans and/or pacing guides that show use of identified curricular programs and assessment.

- Instructional Approaches
 - Clear understanding of the research behind an instructional approach and how it is to be used in supporting student achievement of standards.
 - If more than one approach is listed, include a detailed plan on how the approaches will be integrated and implemented.

Tip No. 7: Address Potential Civil Liability Effects

- ✓ Petitioners must address the potential civil liability effects, if any, upon the school, school district, SCOE and the Board. Petitioners should agree to:
 - Hold harmless, defend, and indemnify SCOE, its employees, and the Sacramento County Board of Education from liability arising from the operation of the charter;
 - Secure insurance, such as liability, including educators' legal liability and employment practices liability; workers' compensation; property; bond; and, any additional insurance as may be required by law.

Tip No.8: Organize a charter Petition appeal to Demonstrate the Packet is Complete

- ✓ Petitioners are encouraged to include a cover sheet identifying the four items necessary before the Board will consider a charter petition appeal:
 - A complete copy of the charter petition as denied by the district governing board, including the signatures required by Education Code section 47605;
 - A copy of the governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, as required by Education Code section 47605(b);
 - A signed certification of compliance with applicable law; and
 - A description of any changes to the petition necessary to reflect the County Board of Education as the chartering entity. (5 CCR 11967(b).)

Tip No.9: Use Realistic Timelines for Petition Submission and Charter Renewal

- ✓ The timeline for opening a new school should take into account SELPA membership application timelines (see Tip No. 5) and other applicable timelines relative to planning and obtaining government funding.
- ✓ Written notice from a charter school that it is seeking a renewal of its charter must be received no later than 180 days prior to the expiration of the charter (see ARR 2400). Ideally, however, charter schools should submit written requests for renewal at the beginning of the school year during which the charter will expire.

Any questions should be directed to the Sacramento County Office of Education's Legal Office at (916) 228-2500.