

**Sacramento County Office of Education
Recommended Findings of Fact – EXECUTIVE SUMMARY
Fortune School of Education
2021 Countywide Charter School Renewal Petition**

Based on SCOE staff review of the Fortune School of Education (Fortune) Countywide Charter renewal petition, the Fortune charter offers educational services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. Fortune has reasonably satisfied student achievement requirements. The petition describes a sound educational program, the budget is balanced, the financial and operation plan is realistic, and Fortune is demonstrably likely to successfully implement the program set forth in the petition.

Background; Introduction and Standard of Review (Pages 1-2)

I. Pupil Academic Achievement (Pages 4-6)

Based upon verified data showing the academic performance of Fortune's schoolwide and pupil subgroups, the charter has demonstrated measurable gains in academic performance sufficient to meet the renewal criteria under Education Code section 47602.2(b).

II. Ability to Successfully Implement Intended Program (Pages 6-7)

Fortune's Local Control Funding Formula projections are realistic based upon previous attendance records. The petition describes reasonable recruiting techniques that have proven successful with Fortune's previously opened schools. The expenditures are reasonable for the program described in the petition. The cash flow analysis is sufficient. Based on the petition descriptions and Fortune's past success in opening and operating its charter schools, Fortune has demonstrated the ability and expertise to successfully implement its financial, operational, and administrative services plan.

III. Affirmations (Page 7)

IV. Program Analysis (Pages 7-18)

Fortune's educational program is sound for general education, English learners, and students requiring special education services. The petition contains reasonably comprehensive descriptions of the legally required elements.

CONCLUSION: The Superintendent recommends approval of the Fortune charter renewal petition for a five-year term (2021–2026), subject to an acceptable Memorandum of Understanding.

Recommended Findings of Fact

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Recommended Findings of Fact
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2021 Sacramento Countywide Charter School Renewal Petition**

BACKGROUND

On March 4, 2021, the Fortune School of Education (Fortune) submitted its petition to renew its countywide charter school. Fortune revised, supplemented, and completed its petition on April 12, 2021. The Sacramento County Board of Education (County Board) originally approved the Fortune countywide charter for a term of July 1, 2011–June 30, 2016, and renewed the charter for a term of July 1, 2016–June 30, 2021.

If the County Board approves Fortune’s current renewal petition, the charter will be renewed for a five-year term of July 1, 2021–June 30, 2026. (Ed. Code, § 47607.2(b).) If the County Board denies the petition, Fortune has no right of appeal to the State Board of Education. (Ed. Code, § 47605.6(k); Cal. Code Regs., tit. 5, § 11966.5(e).)

The Fortune charter’s mission is to graduate high achieving students of good character prepared for college and citizenship in a democratic society. The original and renewal petitions describe the Five Pillars that guide the operation of the charter and the values by which administrators, faculty, and staff serve and interact with students: High Expectations; Choice and Commitment; More Time; Focus on Results; and Citizenship.

Fortune is open to all students and serves a diverse student population. While serving all students, a stated goal of the charter is to close the pervasive achievement gap for the county’s lowest performing subgroup of students by increasing the availability of a rigorous, college preparatory, Pre-K-12 program for African American students throughout the county. By operating as a countywide charter, students throughout Sacramento County have a similar opportunity to attend the Fortune charter school, regardless of where they reside.

After its charter was granted in 2011, Fortune opened eight schools ranging in grades TK-12 in communities throughout Sacramento County, including South Sacramento, Oak Park, Elk Grove, and South Natomas. If renewed, Fortune intends to grow from its existing eight schools with 1,890 students in grades TK-12 in 2020-2021 to nine schools with 2,302 students by 2022–23, and 2,630 students by 2025-26. Once Fortune identifies the location of its ninth school, it will provide appropriate notice and obtain County Board approval of the new school site under the material revision process outlined in statute.

The Oversight Reports submitted to the County Board over the past five years, including the most recent November 2020 Annual Report, detail Fortune’s progress in meeting the expected outcomes of the original charter and its Memorandum of Understanding (MOU) with the County Board. After ten years of operation, Fortune has substantially met the outcomes and requirements established in its charter, the MOU, and the charter renewal statute.

INTRODUCTION AND STANDARD OF REVIEW

Charter school law and Board policy require the County Board to review a charter renewal petition using specified criteria. The County Board may deny a charter renewal only if it makes written factual findings setting forth specific facts to support one or more of the following grounds:

- 1) After considering schoolwide and subgroup performance on state and local indicators, the charter school **failed to meet or make sufficient progress toward meeting standards, and closure is in pupils' best interests.** (Ed. Code, §§ 47607(b); 47607.2 (b).)
- 2) The petitioner is demonstrably **unlikely to successfully implement** the program set forth in the petition due to substantial fiscal or governance factors, **or is not serving all pupils who wish to attend.** Renewal may be denied on these grounds only after the charter has been provided at least 30 days' notice of the violation and the opportunity to cure. (Ed. Code, § 47607(e).)
- 3) The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.
- 4) The petition does not contain an **affirmation of each of the conditions** described in subdivision (e) [e.g., nonsectarian, does not charge tuition, does not discriminate, admits all pupils who wish to attend, follows public lottery requirements, does not discourage any pupil from attending or seeking to enroll, does not request or require pupil records before enrollment, does not encourage pupils to disenroll or transfer for any reason, etc.].
- 5) The petition does not contain **reasonably comprehensive descriptions** of all of the 16 elements listed in Education Code section 47605.6(b)(5)(A) through (P).
- 6) The petition does not include a declaration of whether or not it shall be deemed the exclusive public school employer of charter school employees for purposes of the Educational Employment Relations Act (EERA).
- 7) Any other basis that the County Board finds justifies the denial of the charter petition.

(Ed. Code, §§ 47607(b), 47605.6(b)(1)-(7); Cal. Code Regs., tit. 5, § 11966.5(c).)

The County Board may impose any additional requirements that it considers necessary for the sound operation of a countywide charter school. (Ed. Code, § 47605.6(b).)

SUMMARY OF ANALYSIS

The Sacramento County Office of Education (SCOE) staff with expertise in each relevant area have reviewed the Fortune charter renewal petition and concluded:

1. Fortune has sufficiently met the academic performance criteria required by Education Code section 47607.2(b).

2. The petition describes a sound educational program that will benefit the pupils who attend.
3. Based upon Fortune's past performance in the areas of academics, finances, governance, operations, and the realistic, balanced budget included in the petition, it is likely that Fortune will successfully implement the program described in the petition.
4. The petition satisfies technical requirements and includes an affirmation of each of the legally required conditions.
5. The petition contains reasonably comprehensive descriptions of the legally required elements.
6. The petition contains the required EERA declaration.
7. Based on evidence included in the renewal petition, publicly available pupil achievement data documenting the ongoing pervasive achievement gap throughout the county, and the County Board's public findings and evidence detailed in its February 11, 2011 and December 15, 2015 agenda materials and minutes, the Fortune charter school (1) offers educational services to a pupil population that will benefit from those services and cannot be served as well by a charter school that operates in only one school district in the county; (2) renewing the charter is consistent with sound educational practice; and (3) the charter had and continues to have a reasonable justification for why it could not be established by petition to a school district.

RECOMMENDATION

Based upon analysis of the petition and the applicable law, SCOE staff recommend that the County Board approve the Fortune countywide benefit charter renewal petition subject to an acceptable Memorandum of Understanding which includes, but is not limited to, the following terms:

1. Fortune shall continue to make every reasonable effort to specifically reach and recruit pupils from all backgrounds in order to enable it to achieve a balance of racial and ethnic pupils, special education pupils, and English learning pupils that is reflective of the general population of the county.
2. Fortune shall remain in good status as a member of a Special Education Local Plan Area (SELPA).
3. Fortune shall agree to be responsible for all special education services required by law and to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
4. Fortune shall agree to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any claims arising from the opening or operation of the charter school.

5. Fortune shall be subject to the Williams Act, to the extent applicable. (Ed. Code, § 1240(c).)
6. County Board approval of any future Fortune charter school sites before opening.
7. Any additional requirements set by the County Board.

ANALYSIS OF PETITION AND RECOMMENDED FINDINGS OF FACT

This analysis will review each of the areas specified in Education Code sections [47607](#), [47607.2](#), and [47605.6](#), the applicable requirements set forth in Title 5 of the California Code of Regulations section [11966.5](#), and Board Policy (BP) and Administrative Rules and Regulations (ARR) on Charter School Petitions ([BP 2400](#) and [ARR 2400](#)). These are attached for convenient reference.

I. PUPIL ACADEMIC ACHIEVEMENT

A. RENEWAL CRITERIA

Assembly Bill 1505 requires authorizers to consider “verified data” demonstrating one year of student growth for renewals of charter schools that fall within the low-performing and middle-performing categories. As noted in its petition for renewal (p. 44) and the California Department of Education (CDE) [Charter School Performance Category Data File](#), Fortune falls into the middle-performing category.

Under California Education Code section 47607.2(c), “verified data” is defined as “assessment data from nationally-recognized, valid, peer-reviewed, and reliable sources that are externally produced.” At the November 2020 State Board of Education Meeting, CDE provided a list of verified data sources specifically for charter schools to be able to demonstrate student academic growth. One approved source of verified data is longitudinal student progress on the California Assessment of Student Performance and Progress (CAASPP), as provided on pages 61-65 of the petition.

B. FORTUNE’S ACADEMIC ACHIEVEMENT

One of the stated goals of Fortune schools is to close the severe achievement gap for African American students that has persisted in the Sacramento region (p. 6). The charter uses the CAASPP as its primary measure of academic achievement. Student participation is above the 95% expectation in the state of California, with over 98% of students participating in the testing program in each of the most recent three years it was administered (p. 61). The CAASPP and California Dashboard data presented on pages 42-65 provide extensive documentation of the charter organization’s record of promoting student academic gains and narrowing the achievement gap.

Mathematics

Student growth in math is described on page 44:

The rate of improvement for Fortune students from 2015 to 2019 is more than three times that of students countywide and statewide. Fortune students improved 24 percentage points over the last four years compared to more moderate increases of 5 percentage points countywide and 7 percentage points statewide.

Strong achievement in math is also evident on the 2019 Dashboard – for all students, Fortune achieved a Green indicator for mathematics compared to Orange for the state. (p. 52) With 62% of all students enrolled at Fortune, African American students comprise the charter’s largest ethnic group. African American students at Fortune outperformed peers of the same ethnicity statewide on the Dashboard, achieving a Yellow indicator in math compared to Orange for African American students statewide. Hispanic students comprise the next largest ethnic group represented at the charter with 24% of enrolled. Hispanic students at Fortune outperformed peers of the same ethnicity statewide, achieving a blue indicator in mathematics compared to Yellow for Hispanic students statewide. (<https://www.caschooldashboard.org>)

An analysis of verified longitudinal student data was conducted by SCOE staff on gains in students’ CAASPP math scores from 2016-17 to 2017-18, and again from 2017-18 to 2018-19. The majority of students at Fortune had greater average gains or improved their CAASPP math scores from year to year to a greater extent than students statewide.

English Language Arts

Achievement in English Language Arts is also positive. Student growth on the English Language Arts CAASPP is described as follows on page 52:

The rate of improvement for Fortune School students in ELA over the past four years has doubled that of the state and nearly doubled that of the county (14 percentage point increase for Fortune School students compared to a 7 percentage point increase for the state and 8-point increase for the county).

Student achievement in English Language Arts is also evident on the 2019 Dashboard. For all students, Fortune achieved a Yellow indicator for English Language Arts compared to Green for the state. (p. 59) However, on page 60, a closer look at the Dashboard indicators by student subgroup shows that significant student groups had the same or higher Dashboard indicator for English Language Arts than the state: African American students, Socioeconomically Disadvantaged students, and English Learners achieved a Yellow indicator in English Language Arts in 2019 both at Fortune and statewide, and Students with Disabilities achieved an Orange indicator both at Fortune and statewide. Hispanic students at Fortune outperformed their peers by achieving a Green indicator compared to Yellow for Hispanic students statewide.

An analysis of verified longitudinal student data was conducted by SCOE staff on gains in students' CAASPP English Language Arts scores from 2016-17 to 2017-18, and again from 2017-18 to 2018-19. Overall, students improved from year to year on the CAASPP about the same amount as their peers. In 2019, 49% of students showed greater improvement on their prior year's CAASPP than their peers, as did 52% of Fortune students in 2018.

The school's mission includes preparing graduates. As the class of 2021 is the first to graduate from the high school, high school students' achievement was not included in the 2019 California Dashboard or CAASPP scores. Nonetheless, the charter demonstrated the achievement of its first senior class by highlighting the fact that 90% are graduating from high school, compared to 84% statewide. Also, 85% are graduating with college credit compared to 13% statewide.

Based upon verified data showing the academic performance of Fortune's schoolwide and pupil subgroups, the charter has demonstrated measurable gains in academic performance sufficient to meet the renewal criteria under Education Code section 47602.2(b).

II. ABILITY TO SUCCESSFULLY IMPLEMENT THE INTENDED PROGRAM

Under Education Code section 47607(e), the County Board may deny a charter renewal petition when petitioners are "**demonstrably unlikely to successfully implement the program set forth in the petition** due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend."

When considering a petition for charter renewal, the County Board must consider the past performance of the charter school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any. (Cal. Code Regs., tit. 5, § 11966.5(c)(1).) Based upon Fortune's successful past performance in each of these areas and the information included in the renewal petition, Fortune is likely to successfully implement the program described in the renewal petition.

A. FINANCIAL ANALYSIS

One of the most crucial elements in assuring that the charter school program can be successfully implemented, along with competent staff, is a realistic financial and operational plan. (ARR 2400, Appendix A, § C.3.)

The budget assumptions for expenditure items were provided on a detailed, line-item basis. The expenditures represented in the budget documents are reasonable based on the program elements described in the petition.

The cash flow analysis Fortune provided is sufficient and realistic based on assumptions articulated in the petition. Fortune School has access to a line of credit in the event it needs to cover temporary cash flow shortfalls.

The petition describes reasonable recruiting techniques that have proven successful with Fortune's previously opened schools. Its Local Control Funding

Formula revenue projections are reasonable based upon previous attendance records.

The Special Education budgets Fortune provided appear adequate to cover projected expenditures. Fortune's projected ending fund balance should be sufficient to cover any unanticipated expenditures.

Fortune's Chief Financial Officer has worked with SCOE for years and has extensive knowledge in the area of charter school finances. If the charter operates as it has indicated in the petition, the budget is reasonable and realistic.

B. ADMINISTRATIVE AND OPERATIONAL PLAN

In determining the likelihood of successfully implementing the program set forth in the petition, the petitioner's history of involvement in charter schools or other education agencies, along with the financial, operational, and administrative services plan are also considered. (ARR 2400, Appendix A, § C.)

Fortune intends to carry adequate insurance in the required areas, and will name the County Board, SCOE, and its officers and employees as additionally insured.

Each school budget adequately budgets for facilities costs. Based on the descriptions in the petition and Fortune's prior successes in opening and operating new school facilities, it has demonstrated the ability and expertise to successfully implement its financial, operational, and administrative services plan.

III. AFFIRMATIONS

The Petition includes affirmations that the charter will comply with applicable legal requirements. (pp. 3-4, 93-96)

IV. PROGRAM ANALYSIS

The Soundness of the Educational Program

The County Board may deny a charter petition when it presents an "unsound educational program for the pupils to be enrolled in the charter school." (Ed. Code, § 47605(b)(1).)

The Petition's Description of the Legally Required Elements

A charter renewal petition must include a reasonably comprehensive description of all the required statutory elements. (Ed. Code, §§ 47605.6(b), 47607(b).) Each of these elements is discussed below.

To be "reasonably comprehensive," staff considered whether each statutory element contained a description that includes information that is substantive; that includes elaboration; that addresses all aspects of the required charter petition elements; that is specific to the charter petition being proposed; that describes the program to a sufficient degree; that improves pupil learning; that increases learning opportunities; meets the social and emotional needs of pupils; and for which accountability and legal compliance

can be reasonably foreseen and assured. Therefore, mere quoting of the law or general statements of educational practices without detailed information of how it will be accomplished by petitioner do not suffice.

Review of the required elements is important because the County Board's future oversight of the charter school will be based on the charter petition itself, and the petition's description of the services promised to prospective students.

A. Element A – Description of the Educational Program

Under Education Code section 47605.6(b)(1), the County Board must deny a charter petition when it presents an **“unsound educational program for the pupils to be enrolled in the charter school.”** The staff review found that the educational program described in the Fortune renewal petition was sound and included reasonably comprehensive descriptions of how the program would be implemented.

1. Sound educational practice.

Based on the analysis of SCOE curriculum experts, the educational program described in the renewal petition is consistent with sound educational practice and is likely to be of educational benefit to students who attend. The data throughout the petition exemplifies the high likelihood of future success.

2. Description of the educational program.

The renewal petition is well-articulated and demonstrates Fortune's understanding of educational requirements and sound instructional pedagogy.

English Language Arts

The petition contains a reasonably comprehensive description of the educational programs for English Language Arts at grades K-12, including the instructional approach, how it will support learning for all students, increase learning opportunities for academically low achieving students, and identify and respond to the needs of students not achieving at expected levels.

The petition states on page 11, “We consider following our instructional materials in a disciplined fashion a part of our commitment to High Expectations (Pillar #1).” The Petition has curricula listed on page 12 that reflects the current curriculum materials. Appendix 16 includes a scope and sequence for all grades.

A variety of curriculum programs are used across K-8 grade levels (pp. 12-13). The petition includes a list of effective practices to meet the needs of all students (e.g., Blended Learning, Extended Day and Year, and Differentiated Instruction) (pp. 19-23), and a detailed Response to Instruction and Intervention (RTI2) plan (pp. 22-23). Based upon past student performance data, we expect that the charter will continue to design and provide effective instruction to meet the needs of all students.

In 2017, petitioner opened the Rex & Margaret Fortune Early College High School. The petition, at pages 13-14, describes the Early College High School model and the partnership Fortune has created with Cosumnes River College and Cal Poly San Luis Obispo:

“Early College High Schools are innovative partnerships between charter or non-charter public secondary schools and a local community college, the CSU, or the UC that allow pupils to earn a high school diploma and up to two years of college credit in four years or less. Early College High Schools are small autonomous schools that blend high school and college into a coherent educational program. In Early College High Schools pupils begin taking college courses as soon as they demonstrate readiness and the college credit earned may be applied toward completing an associate or bachelor’s degree, transfer to a four-year university, or obtaining a skills certificate. (Education Code section 11302)”

The graduation requirements for the Early College High School are outlined on pages 15-16 of the petition. Appendix 16, pages 46-85, provides a Scope and Sequence for each unit of instruction for ELA grades 9-12 to identify the quality of the instructional content and the alignment to content standards they identified as “essential standards.”

Although no state assessment data is available for the charter high school, based on the charter’s success with students in grades TK-8, we expect that Fortune will design and provide an effective high school instructional program.

Mathematics

The petition contains a reasonably comprehensive description of the mathematics programs. Based on the math assessment data, the charter has demonstrated previous student success in mathematics. In most cases, students are performing at or above the state average. Additionally, the math program is aligned to the California state standards for mathematics as evidenced by the *Program Overview: Scope and Sequence Details* (Appendix 17).

English Learners

The petition describes procedures for the initial identification and reclassification of English learners. It describes the use of the Home Language Survey (HLS) to identify students as English learners. It uses the English Language Proficiency Assessments for California (ELPAC) as the English language assessment as well as the initial and annual diagnostic of language acquisition progress toward reclassification. (p. 32)

Pages 34-35 outline the guidelines and criteria for reclassification of English learners as they become fluent English proficient. It includes differentiation of monitoring based on English learner broad typologies. The guidelines include

a statement of monitoring reclassified students for four years as noted in Education Code section 313(d).

The petition references curriculum materials utilized for English learner instruction by adopting materials that have embedded ELD instructional aspects. The emphasis to meet core curriculum is in academic language with concept development in designated and integrated ELD settings. Inclusion of the English Language Development Standards is evidenced in the description of the K-12 Structured English Immersion program. (p. 24-35)

The petition affirms that its teachers will meet the legally required credential requirements, including the appropriate EL authorization credential. (p. 73) The petition references professional learning to support English language development. (p. 36)

Page 35 describes the future formation of an English Learner Advisory Committee and a District English Learner Advisory Committee that include topics related to the minimum requirements. Parents and guardians will be provided with key notices and reports in a language they understand. (p. 32)

Special Education

Fortune's special education plan describes the process to identify and serve students who qualify for special education, including the Student Study Team process, initial referral process, and Individualized Education Program (IEP) meeting process. (pp. 37-41) According to the petition, the Student Study Team meetings occur at each school site to address students demonstrating challenges within the school setting. Meetings are held to identify potential accommodations to the learning environment, with active participation of staff and family members. When needed, assessment plans are developed by the team, including the family, to provide information in areas of suspected disability for the initial IEP meeting to determine eligibility for special education programs and services.

The petition identifies appropriate staff (Fortune employees and contracted staff) to address the needs of students with special needs. (p. 38) Fortune is a Local Education Agency (LEA) member of the El Dorado County Charter SELPA. (p. 37)

The petition presents a sound educational program for the students to be enrolled in the charter school and contains a reasonably comprehensive description of the educational program for all students, including English learners and students with disabilities.

B. Element B – Measurable Pupil Outcomes

At a minimum, measurable pupil outcomes specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. (ARR 2400, Appendix A, § F.2.)

The petition identifies desirable student outcomes in terms of eliminating the achievement gap between African American students and others in the state and county. This is achieved by analysis of disaggregated test score data from statewide annual assessments: CAASPP and California Science Test (CAST). Additionally, the Academic Indicator of the California Dashboard, comprised of CAASPP English Language Arts and math scores, also provides a measurable outcome to be compared by student group.

Additional desirable student outcomes include graduating prepared for college. College preparation is tracked for high school students by reasonable measures that include the percent that graduate, the percent that attain an associate's degree in high school, and the percent that graduate with college credit. Some of these high-school specific measures will also be included in the California Dashboard's College and Career Indicator upon resumption of state-mandated CAASPP testing. Dashboard indicators have a statewide goal of a Green or Blue indicator.

The petition contains a reasonably comprehensive description of the measurable pupil outcomes identified for use by the school.

C. Element C – Measurement of Pupil Progress

The school must utilize a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment. This must also include the annual assessment results from any state-mandated test program; a plan for collecting, analyzing, and reporting data on student achievement to school staff, parents, and others; and a plan for utilizing the data for continuous monitoring and program improvement. (ARR 2400, Appendix A, § F.3.)

The petition identifies the methods by which pupil progress in meeting the specified outcomes would be assessed. In addition to the state-mandated assessments (CAASPP, ELPAC) and other key elements feeding into the California Dashboard (e.g., graduating with college credit), Fortune employs interim and benchmark assessments:

- NWEA MAP
- CAASPP Interim Assessment Blocks
- Interim Assessments from Achievement First

Assessment results are discussed in Data Teams, weekly meetings of the Cabinet, Principals, and/or special meetings focused on student outcomes (e.g., SSTs).

The petition describes in sufficient detail how ELPAC, CAASPP, and interim assessment scores impact placement and support provided to English Learners and Reclassified Fluent English Proficient students.

As students begin to matriculate at post-secondary institutions, Fortune plans to collect post-secondary progress measures such as college persistence.

The petition contains a reasonably comprehensive description of the methods by which pupil progress in meeting the identified pupil outcomes is to be measured.

D. Element D – The Location of Each Charter School Facility

Education Code section 47605.5(b)(5)(D) requires a reasonably comprehensive description of the location of each charter school facility that the petitioner proposes to operate.

The petition provides the specific locations of the eight schools opened under the existing charter. (p. 67) Upon visual inspection of the eight school locations, each appeared to be clean and well maintained with no obvious safety hazards. In November 2018, the Board approved the location of Fortune’s K-12 Education Complex at the intersection of Big Horn Boulevard and Bilby Road in Elk Grove. Construction is expected to be completed on the Education Complex in the summer of 2021, and the Rex and Margaret Fortune Early College High School, Fortune Middle School, and Alan Rowe College Prep will move to the K-12 Education Complex in August 2021. (p. 68)

Fortune plans to open a new middle school campus in the Meadowview area in 2023-2024, however, the precise location is not yet known. Once Fortune identifies the location of its new middle school campus, it will need to provide appropriate notice and obtain County Board approval of the new school site under the material revision process required by Education Code section 47605.6(a)(3).

As required by the parties’ MOU, the County Board has approved each of Fortune’s previous school sites before opening. As the County Board will approve Fortune’s anticipated new middle school site before it is opened, the location description is reasonably comprehensive at this time.

The petition contains a reasonably comprehensive description of the location of each charter school facility that the petitioner proposes to operate.

E. Element E – Governance Structure of the School

Fortune School is a directly-funded, independent charter school operated by Fortune School of Education (FSE), a California Nonprofit Public Benefit Corporation.

Fortune School is governed by the FSE Board of Directors (“Board” or “Board of Directors”) in accordance with its adopted corporate bylaws, which are consistent with the terms of the charter. The petition affirms compliance with the Brown Act (Government Code section 54950, et seq.), the Political Reform Act (Government Code section 87100, et seq.) and Government Code section 1090, et seq., as set forth in Education Code section 47604.1. The FSE Board will have five (5) to seven (7) directors. All FSE directors are designated at FSE’s annual meeting of the Board of Directors. Unless otherwise removed from office in accordance with the

FSE bylaws, each director holds office for a term of two (2) years and until a successor director has been appointed.

The FSE Board of Directors meet regularly, at least quarterly, and in accordance with the Brown Act and Education Code section 47604.1(c). The Board of Directors is fully responsible for the operation and fiscal affairs of Fortune School. FSE has adopted a Conflict of Interest Code which complies with applicable legal requirements.

The FSE Board participates in appropriate training and educational opportunities to more effectively govern Fortune School's operations. Such training experiences include individual training sessions with legal counsel or other experts familiar with public school governance, and/or training sessions with charter school governance experts. Professional development is made available to individual Board Members to enhance skills they need to effectively perform a critical role on the FSE Board's behalf, or include full Board training and professional development on matters applicable to the full Board.

The petition contains a reasonably comprehensive description of the governance structure of the school.

F. Element F – Staff Qualifications

The petition describes key administrative positions, includes a staffing plan for school sites, and an organizational chart. Job descriptions that detail minimum qualifications are included for some, but not all positions addressed within the petition or noted on the organizational chart.

The charter states it, "shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary." In addition to holding a valid California Teaching Credential, all teachers are required to hold an appropriate certification for teaching English Language Learners.

The petition contains a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school.

G. Element G – Health and Safety Procedures

The petition includes details on how Fortune adheres to an Emergency Preparedness Handbook/School Safety Plan that is annually updated. The handbook includes, but is not limited to, the following responses: fire, flood, earthquake, terrorist threats, and hostage situations.

All employees undergo mandatory Anti-Discrimination and Harassment Prevention training bi-annually managed across the Fortune network by the Human Resources Department. The petition indicates that Fortune is committed to providing schools that are free from discrimination and harassment. Fortune has developed a policy to prevent and immediately remediate any concerns about

discrimination or harassment at the charter school (including employee to employee, employee to student, and student to employee misconduct).

Additional health and safety evidence includes information on the following:

- Fortune works to ensure every student in the charter school receives proper health care.
- Fortune will adhere to Education Code section 49423 regarding administration of medication in school. The Charter School will adhere to Education Code section 49414 regarding epinephrine auto injectors and training for staff members.
- All employees undergo Bloodborne Pathogens mandated training annually, managed across the Fortune School network by the Human Resources Department.
- All employees undergo required Mandated Reporter training annually. Fortune maintains detailed policies and procedures for the immediate reporting of suspected child abuse, acts of violence, or other improprieties.
- Fortune maintains a policy on student suicide prevention in accordance with Education Code section 215 and is reviewed every five years.
- Fortune schools identify and implement the most appropriate methods of informing parents and guardians of students in grades 6-12 of human trafficking prevention resources.
- Fortune provides each needy student, as defined in Education Code section 49552, with one nutritionally adequate free or reduced-price meal, as defined in Education Code section 49553(a), during each school day.
- Fortune teaches sexual health education and HIV prevention education to students in grades 7-12, at least once in middle school and at least once in high school, pursuant to the California Healthy Youth Act (Education Code section 51930, et seq.).

The petition includes health and safety policies for the Charter School, as required by the Education Code, including:

- Tuberculosis screening is required for staff and volunteers before employment and working with students, and is repeated every four years.
- Completion of a criminal background check, receipt of a criminal record summary, and clearance by the Director of Human Resources is required for all employees and contractors prior to employment. Any individual convicted of a violent or serious felony shall not be hired by the Charter School, except as otherwise provided by law.
- Students must provide immunization records and mandated health screenings to the extent required by law.
- Charter school provides screening for student vision, hearing, and scoliosis.
- School Safety Plan, which provides procedures to comply with applicable laws related to school safety, is adopted annually.

The petition contains a reasonably comprehensive description of the health and safety procedures.

H. Element H – Student Population Balance

A charter petition must describe “the means by which the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learning pupils that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter is submitted.” (Ed. Code, § 47605.6(b)(5)(H).) The regulations state that this element is presumed to have been met, absent specific information to the contrary. (ARR 2400, Appendix A, § F.7.)

Fortune School has implemented a student recruitment strategy that is represented by, but is not necessarily limited to, a combination of the following:

- An enrollment process that is scheduled and adopted and includes a timeline that allows for a broad-based recruiting and application process.
- The development and distribution of promotional and informational material that appeals to all the various racial and ethnic groups represented in Sacramento County, including materials in languages other than English.
- The distribution of promotional and informational materials to a broad variety of community groups and agencies.
- Outreach meetings in several areas of the county, reaching prospective students and parents. Fortune keeps a record of the number and location of these community presentations.
- Use of brochures, newsletter, TV/radio public service announcements, print and non-print media for outreach communications.
- Collaboration with community-based organizations to support outreach.

The petition contains a reasonably comprehensive description of the means by which the school will achieve a balance among its pupils that is reflective of the general population residing within the County Board’s jurisdiction.

I. Element I – Independent Financial Audits

The petition describes an annual independent audit process that complies with state law, involving an audit committee that will oversee the selection of an independent auditor to conduct the audit in accordance with generally accepted accounting principles. The audit report will be provided to the Sacramento County Superintendent of Schools, the California State Controller, and the California Department of Education by December 15 of each year.

The audit committee will review any findings or deficiencies identified by the auditor and report to the Fortune Board with its recommendations for resolution. The Fortune Board will then submit a report to SCOE describing how any findings or deficiencies have been or will be resolved to SCOE’s satisfaction.

Fortune provided a copy of its most recent audit report in Appendix 12. The audit is treated as a public record and will be provided to the public on request.

The petition contains a reasonably comprehensive description of the annual, independent financial audits.

J. Element J – Suspension or Expulsion of Students

Fortune uses Positive Behavioral Interventions and Supports (PBIS) discipline matrix that clearly communicates expectations for positive behaviors for students throughout all of Fortune schools. It is a reference that helps the school community consistently reinforce key behavioral expectations during students' daily routines. A discipline referral results if students do not correct classroom misbehavior.

The discipline matrix indicates the types of disciplinary actions that may apply to each offense across four levels from minor to more severe. These actions may be applied to a first time or repeated incident and are intended as a guide to standardize disciplinary procedures across schools aligned with the Five Pillars.

A student may be suspended or expelled for prohibited misconduct as specified in law and Fortune Board policy, and the discipline matrix, if the act is related to school activity or school attendance occurring at any time, including but not limited to: a) while on school grounds; b) while going to or from school; c) during the lunch period off or on campus; d) during or coming or going to or from a school-sponsored activity.

The petition includes legally required information, including an explanation of parent notice requirements before a student is involuntarily removed, grounds for discipline, suspension and expulsion, due process rights, special procedures for students with disabilities, and appeal rights.

Based on the above discussion, the petition contains a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled for disciplinary reasons or involuntarily removed.

K. Element K – Retirement System Coverage

Employees participate in the federal social security system and have access to a 403(b) retirement plan, and the Chief Financial Officer ensures that appropriate arrangements for coverage are made. Fortune does not plan to participate in the California State Teachers' Retirement System nor the California Public Employees' Retirement System.

The petition contains a reasonably comprehensive description of the retirement system coverage.

L. Element L – Dispute Resolution

The petition, on pages 91-93 provides a reasonably, comprehensive description for resolving disputes with the chartering authority. It outlines the process to resolve disputes that do not involve potential revocation as well as recommended procedures for issues that could lead to charter revocation. The petition provides various levels of escalation, identifies positions to participate at each level, and the processes to move across levels as needed.

The petition contains a reasonably comprehensive description of a dispute resolution process.

M. Element M – Admission Policies and Procedures

Fortune's student admissions and attendance policies are described on petition pages 93-96 and its enrollment materials are in Appendix 13.

1. Charter Schools Must Admit All Pupils Who Wish to Attend and Comply with Statutory Requirements

A charter renewal petition must include a reasonably comprehensive description of the charter school's admission policies and procedures. A charter school must admit all pupils who wish to attend the school and maintain admissions policies and procedures that are consistent with statutory requirements. (Ed. Code, §§ 47605.6(b)(5)(N),(e).)

Fortune's enrollment application includes the affirmation regarding non-discrimination. In addition, as required by Education Code section 47605.6(e), the petition affirms that Fortune will admit all pupils who wish to attend, that no test or assessment shall be administered before acceptance and enrollment in the school, and that Fortune shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reasons, including academic performance or student characteristics. The petition also affirms that Fortune shall not request or require submission of a student's records before enrollment. (pp. 93-95)

The petition includes the required legal affirmations.

2. Public Random Drawing

If the number of applications does not exceed the capacity of the charter school, all students who submitted complete applications are enrolled (with the exceptions noted above). If the number of pupils who wish to attend exceeds capacity, attendance, except for existing pupils, shall be determined by a public random drawing (lottery). It is completed in a public forum by pulling slips of paper with applicants' names on them out of a container. All eligible names are drawn from the container, and those exceeding the number of available spaces are placed on a waiting list in the order drawn.

Existing students do not participate in the lottery, as they are automatically reserved a space for the following year. Fortune grants admission preference to children and grandchildren of founding members of Fortune School, children of Fortune employees, siblings of existing pupils, and pupils who reside in Sacramento County. Siblings and children of school faculty shall not constitute more than 10% of the school's total enrollment. (pp. 94-95)

The petition contains a reasonably comprehensive description of the charter's admission policies and procedures.

N. Element N – Public School Attendance Alternatives

No student is required to attend the Fortune charter school. Students who reside within the county who choose not to attend Fortune School may attend any school within the county according to county and/or local school district policies.

The petition, on page 96, contains a reasonably comprehensive description of the public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

O. Element O – Rights of Employees

The petition addresses the rights of employees who transition employment between SCOE and the Charter, and any rights of return to previous employment must be agreed to in advance by the initial employer prior to leaving employment with that agency. (p. 96)

The petition contains a reasonably comprehensive description of the rights of employees.

P. Element P – Closure Procedures

The procedures described on pages 96-98 of the petition address all the legally required procedures for closure, including the notification process, disposal of assets, transfer and maintenance of student and personnel records, completion of reports, and the final audit.

The petition contains a reasonably comprehensive description of the necessary closure procedures.

Q. Exclusive Public School Employer

The petition, at page 3, declares that Fortune “shall be deemed the exclusive public school employer of the employees of Fortune School for purposes of the Educational Employment Relations Act. [Education Code section 47605.6(b)(6)]”

The petition contains the required declaration; and therefore, includes a reasonably comprehensive description of this element.

V. POTENTIAL EFFECTS OF CHARTER SCHOOL

As required by Education Code section 47605.6(h), Fortune has provided the required information, including:

- **Facilities:** Fortune has provided reasonably comprehensive descriptions of the facilities to be used by the charter school.
- **Administrative Services:** Fortune plans to continue providing its own administrative services independent of SCOE. If Fortune elects to purchase administrative services from SCOE, it will do so upon the mutual agreement of the parties.

- Civil Liability Effects: Fortune is operated by a California nonprofit public benefit corporation. Entities that grant charters operated by a nonprofit public benefit corporation are not liable for the debts or obligations of the charter school if the entity has complied with legally required oversight responsibilities. (Ed. Code, § 47604(d).) Through an MOU, Fortune agrees to hold harmless, defend, and indemnify SCOE and the County Board for Fortune's actions under the charter. Fortune maintains general liability insurance, Board Members' and Officers' insurance, and fidelity bonding to secure against financial risks. SCOE and the County Board shall be named as additional insureds on Fortune's general liability insurance.

VI. FINDINGS JUSTIFYING COUNTYWIDE CHARTER

When it approved the establishment of the original Fortune countywide charter on February 1, 2011, and took action renewing the charter on December 15, 2015, the County Board considered evidence and found that the Fortune charter will:

- Offer educational services to a pupil population that will benefit from those services and cannot be served as well by a charter school that operates in only one school district in the county;
- that granting the charter is consistent with sound educational practice; and
- the charter school has a reasonable justification for why it could not be established by petition to a school district.

(Ed. Code, §§ 47605.6(a)(1), 47605.6(b).)

The County Board's detailed findings and supporting evidence are included in the February 1, 2011 and December 15, 2015 agenda materials and minutes. Fortune's renewal petition summarizes these findings and justifies the continued operation of a countywide charter designed to achieve a countywide purpose: closing the well-documented, persistent, and pervasive achievement gap of the county's lowest performing students by increasing the availability of a rigorous, college-preparatory, Pre-K-12 educational program to African American students throughout the county. (pp. 6-11, Appendix 1)

Limited access to high quality educational programs is an ongoing concern for students of color, low-income students, and other historically underachieving students. By continuing as a countywide charter, students throughout Sacramento County have a similar opportunity to attend the high-quality educational program offered by the Fortune charter, regardless of where they reside.

CONCLUSION

Based on the above analysis, SCOE staff recommend that the County Board renew the Fortune School of Education countywide benefit charter for a five-year term (July 1, 2021–June 30, 2026) subject to an acceptable Memorandum of Understanding which includes, but is not limited to, the following terms:

1. Fortune shall continue to make every reasonable effort to specifically reach and recruit pupils from all backgrounds in order to enable it to achieve a balance of

racial and ethnic pupils, special education pupils, and English learning pupils that is reflective of the general population of the county.

2. Fortune shall remain in good status as a member of a SELPA.
3. Fortune shall agree to be responsible for all special education services required by law and to hold harmless, defend, and indemnify the County Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
4. Fortune shall agree to hold harmless, defend, and indemnify the County Board, Superintendent, and SCOE from any claims arising from the opening or operation of the charter school.
5. Fortune shall be subject to the Williams Act, to the extent applicable. (Ed. Code, § 1240(c).)
6. County Board approval of any future Fortune charter school sites before opening.
7. Any additional requirements set by the County Board.

State of California

EDUCATION CODE

Section 47607

47607. (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.

(2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

(3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.

(4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.

(5) The chartering authority may inspect or observe any part of the charter school at any time.

(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be 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.

(c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the three years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, “measurements of academic performance” means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, “subgroup” means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority 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.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority 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 pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority 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 pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision

(c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school 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 is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision 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 a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual

findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

(Amended by Stats. 2020, Ch. 24, Sec. 44. (SB 98) Effective June 29, 2020.)

State of California

EDUCATION CODE

Section 47607.2

47607.2. (a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) 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 subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) Notwithstanding paragraph (1), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not renew a charter if either of the following apply for two of the three years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) 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 subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(3) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(4) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) or (2) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(A) The charter school is taking meaningful steps to address the underlying cause or causes 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.

(B) There is clear and convincing evidence showing either of the following:

(i) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant to this subdivision, operating on or before June 30, 2020, only for the charter school's next two subsequent renewals.

(6) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.

(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c) (1) For purposes of this section, "verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board's adoption pursuant to paragraph (2) may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

(Amended (as added by Stats. 2019, Ch. 486, Sec. 8) by Stats. 2020, Ch. 24, Sec. 45. (SB 98) Effective June 29, 2020. Repealed as of January 1, 2026, by its own provisions. See later operative version added by Sec. 9 of Stats. 2019, Ch. 486.)

State of California

EDUCATION CODE

Section 47605.6

47605.6. (a) (1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. A petition for the establishment of a countywide charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or guardians of pupils residing within the county 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 and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(B) The petition is signed by 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 and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(2) An existing public school shall not be converted to a charter school in accordance with this section.

(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board of education shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the charter school's approved charter.

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

(1) The charter school presents an unsound educational program for the pupils 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 signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs.

The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(D) The location of each charter school facility that the petitioner proposes to operate.

(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(F) The qualifications to be met by individuals to be employed by the charter school.

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of

the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.

(M) Admission policy and procedures, consistent with subdivision (e).

(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.

(P) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.

(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(7) Any other basis that the county board of education finds justifies the denial of the petition.

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against

any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences 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.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the county board of education shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall 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 clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall 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.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another 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 clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

- (i) When a parent, guardian, or pupil inquires about enrollment.
- (ii) Before conducting an enrollment lottery.
- (iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The county board of education shall not require an employee of the county or a school district to be employed in a charter school.

(g) The county board of education shall not require a pupil enrolled in a county program to attend a charter school.

(h) The county board of education shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, and upon the county board of education. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the charter school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the

capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent, and the state board.

(k) If a county board of education denies a petition, the petitioner shall not elect to submit the petition for the establishment of the charter school to the state board.

(l) (1) Teachers in charter schools shall be required to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools. The Commission on Teacher Credentialing shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the county office of education, the Controller, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

(Amended by Stats. 2019, Ch. 543, Sec. 4.5. (AB 1595) Effective January 1, 2020. Operative on July 1, 2020, pursuant to Sec. 13 of Stats. 2019, Ch. 543.)

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5 CA ADC § 11966.5

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 5. Education

Division 1. California Department of Education

Chapter 11. Special Programs

Subchapter 19. Charter Schools

Article 2. General Provisions

5 CCR § 11966.5

§ 11966.5. Charter Petitions That Have Not Been Renewed - Submission to County Board of Education.

(a) When the governing board of a school district denies a charter school's petition for renewal, the charter school may submit a petition for renewal to the county board of education not later than 30 calendar days after the district governing board makes its written factual findings. The county board of education and the charter petitioner may extend this date by an additional 30 days only by written mutual agreement. A petition for renewal not submitted to the county board of education within this time shall be considered denied with no further options for administrative appeal.

(b) A petition for renewal, whether submitted to the county board of education as the chartering authority or on appeal from denial of the renewal petition by the local governing board, shall be considered by the county board of education upon receipt of the petition with all of the requirements set forth in this subdivision.

(1) Documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).

(2) A copy of the renewal charter petition, as denied by the local board, including 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.

(A) The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.

(3) When applicable, a copy of the governing board's denial and supporting written factual findings, if available.

(4) A description of any changes to the renewal petition necessary to reflect the county board of education as the chartering entity.

(c)(1) When considering a petition for renewal, the county board of education shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any.

(2) The county board of education may deny a petition for renewal of a charter school only if the county board of education makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth, as applicable, in Education Code sections 47605(b) and 47605.6(b), or failure to meet one of the criteria set forth in Education Code section 47607(b).

(d) If within 60 days of a county board of education's receipt of a petition for renewal the county board of education does not grant or deny the petition for the renewal of a charter school, the charter school may submit a petition for renewal to the State Board of Education (SBE). The county board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

(e) If a county board of education denies a petition for renewal of a countywide charter school established under Education Code section 47605.6, the petitioner may not elect to submit the petition for renewal of the countywide charter school to the SBE.

Note: Authority cited: Sections 33031 and 47605, Education Code. Reference: Sections 47605, 47605.6, 47607 and 47607.5, Education Code.

HISTORY

1. New section filed 10-24-2011; operative 11-23-2011 (Register 2011, No. 43).

2. Editorial correction of History 1 (Register 2011, No. 44).

This database is current through 4/16/21 Register 2021, No. 16

5 CCR § 11966.5, 5 CA ADC § 11966.5

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

I. Scope and Purpose

A. This policy recognizes legislative intent, as to the purposes of charter schools, to provide a method to:

1. Improve pupil learning.
2. Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
3. Encourage the use of different and innovative teaching methods.
4. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
5. Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
6. Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
7. Provide vigorous competition within the public school system to stimulate continual improvements in all public schools. (Education Code (Ed. Code), section 47601)

B. This policy governs the submission of petitions to the Sacramento County Board of Education (Board) for operation of charter schools under the oversight of the Sacramento County Office of Education (SCOE). This policy also governs:

1. Consideration and granting or denial of charter petitions by the Board.
2. Opening and operation of schools under approved charters.
3. Material revisions of an approved charter.
4. Renewal, non-renewal, or revocation of approved charters.

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C. This policy applies to three types of charter petitions:

1. Appeals. Petitions that have been denied by the governing board of a school district in Sacramento County and are subsequently submitted to the Board for consideration, per Education Code section 47605(k)(1).
2. SCOE Pupil Populations. Petitions that propose to serve pupils for whom SCOE would otherwise be responsible for providing direct education and related services, per Education Code section 47605.5.
3. Countywide Charters. Petitions to establish a countywide charter school that will operate at one or more sites within Sacramento County to 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 Education Code section 47605.6.

II. Petition Submission

- A. Through Administrative Rules and Regulations (ARR), the Sacramento County Superintendent of Schools (Superintendent) shall establish procedures for the submission of charter petitions consistent with the requirements of law that address, among other things, the following areas:
1. The requirements for a charter petition.
 2. The documents required to complete the petition and to begin the time period for Board consideration of the charter petition.
 3. Petition submission procedures.
 4. Petition review procedures and standards.
- B. In keeping with Education Code sections 47601(b), 47605(i), and 47605.6(i), the Board encourages all charter petitioners to incorporate comprehensive learning experiences for academically low achieving pupils, and the Board shall give preference to petitions that demonstrate the capacity to do so.

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III. Petition Review and Consideration

- A. Charter petitions shall be reviewed in accordance with the requirements of law, including the Charter Schools Act, as set forth in Education Code sections 47600, et seq. This review shall be guided by the criteria set forth in California Code of Regulations, title 5, section 11967.5.1 (as operative on November 23, 2011) to the extent that the regulations would be pertinent to county offices of education. The Board will consider the following factors:
1. Whether a petition is consistent with sound educational practice.
 2. Whether a petition presents an unsound educational program.
 3. Whether charter petitioners are "demonstrably unlikely to successfully implement the program" as referenced in Education Code section 47605(c)(2).
 4. Whether the petition includes the affirmation requirements under Education Code section 47605(c)(4).
 5. Whether a petition contains a reasonably comprehensive description of the elements specified in Education Code section 47605(c)(5).
 6. Whether the petition includes a declaration of whether the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act Government Code section 3540, et seq. The declaration shall recognize that SCOE is an exclusive public school employer and that, therefore, the charter school must be a separate exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act, unless this requirement is specifically waived by the Board.
 7. For purposes of Education Code sections 47605(c) and 47605(c)(7), in determining whether granting the charter is consistent with the interests of the community or is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate, the Board shall consider the individualized facts and circumstances presented in the charter petition and by the school district. For example, such individualized facts and circumstances may include, but are not limited to:

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- a. The community that the charter is proposing to serve or where the charter is proposing to locate.
- b. Evidence that the community is interested in the charter (e.g., data regarding stakeholder engagement and/or outreach; parent signatures; community letters, surveys, or other evidence of support).
- c. Evidence that the charter’s proposed academic and other programs are designed or tailored to meet the needs of the community, taking into account school district and/or community demographics, academic needs and/or performance indicators, and/or other characteristics.
- d. Evidence that the proposed charter location will be accessible to pupils and parents.
- e. Evidence demonstrating that the impact of the proposed charter program will or will not substantially undermine existing district services, academic or programmatic offerings.
 - This analysis shall include consideration of the fiscal impact of the proposed charter school.
- f. Evidence demonstrating that the charter will or will not duplicate an existing district program, and the program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
 - (i) In determining whether a proposed charter will or will not “duplicate” an existing district program, the Board may consider evidence of:
 - whether the district program is comparable in quality to the proposed charter;
 - whether and how the proposed charter program differs from the district program;
 - unique or innovative instructional approaches that are not currently available in the district or community;
 - whether the district program is accessible to all pupils who wish to attend.

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8. In determining whether the school district is not positioned to absorb the fiscal impact of the proposed charter school, the Board shall consider the fiscal condition of the school district as specified in section 47605(c)(8). If the charter school is subject to rebuttable presumption of denial, the Board will consider the individualized facts and circumstances presented by the petitioner and the school district to determine whether the presumed denial is sustained or rebutted. (Ed. Code, § 47605(c)(8).)
 9. For purposes of evaluating countywide charter petitions, references to provisions of Education Code section 47605 shall instead be deemed to be references to corresponding provisions of Education Code section 47605.6, to the extent applicable.
- B. SCOE ARR provisions related to review and consideration of petitions shall include guidance to petitioners as to the factors SCOE staff will consider in determining whether petitions meet applicable standards.
- C. In addition to the above requirements, petitions to establish countywide charter schools under Education Code section 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 a reasonable justification for why it could not be established by a petition to a school district pursuant to Education Code section 47605.

IV. Petition Hearing Procedures

- A. In the case of an appeal, after the SCOE staff reviews and recommendations are complete, the document(s) shall be made available to the petitioners and to representatives of the district that denied the charter at the same time or soon after the recommendations are provided to the Board and as required by Education Code section 47605(b).
- B. In the case of a SCOE pupil population petition or a countywide charter petition, after SCOE staff review and recommendations are complete, the document(s) shall be made available to the petitioners and to representatives of every district in the County at the same time or soon after the recommendations are provided to the Board and as required by Education Code sections 47605.5 or 47605.6.

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- C. The Board is committed to a charter hearing process that considers input from petitioners, stakeholders, and the community, while providing sufficient opportunity for meaningful discussion and deliberation by the Board. To help achieve these goals, Board meetings at which charter petitions are considered may be expected to last longer than usual and/or may be scheduled at mutually convenient alternative times.
- D. The Board will hold a public hearing, consider, and grant or deny a charter petition within the time periods required by law. (Ed. Code, §§ 47605, 47605.5, 47605.6) The Board will strive to hold the public hearing and decide a charter appeal in one meeting within 60 days of receiving a completed charter appeal. However, the Board may take up to 90 days to issue its decision, depending upon factors such as when the charter appeal is submitted, exigent circumstances, or other factors. The decision date may be further extended by mutual agreement of the parties.
- E. At the hearing in which the Board will grant or deny the charter (decision hearing), petitioners shall have equivalent time and procedures to present in response to the SCOE staff's presentation of its recommendations and findings.
- F. For charter appeals, the school district that denied the original charter petition will have a reasonable opportunity to present at the charter decision hearing.
- G. Before the decision hearing, the Board will consult with and notify the parties of a reasonable total time allotment for presentations by petitioner and its employees, and the school district(s) and its employees. Neither of these presentations shall exceed 30 minutes, except in unique circumstances.
- H. Parents, students, and community members will have an opportunity to comment on charter petitions under the Board's public participation guidelines. (See Board Bylaw 9370)

V. Opening, Operating, Accountability, and Oversight

- A. Before receiving an advance apportionment or opening and operating a charter school, a charter petitioner that has been approved by the Board shall demonstrate the following:
 - 1. That it has secured an appropriate facility for the operation of the program described in the charter petition.

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2. That it has been accepted as a member of a SELPA for the purposes of providing special education services as required by law. In order to avoid or minimize potential delays, charter petitioners are encouraged to apply for SELPA membership before or at the same time they submit their charter petition to the Board.
 3. That it has agreed in writing to provide and be responsible for all special education services required by law and to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
 4. Approval of an acceptable Memorandum of Understanding (MOU) between the charter, Board, and Superintendent that establishes expectations for charter operations, performance, accountability, and oversight.
 5. That it has satisfied any other conditions that have been approved by the Board, upon recommendation by the Superintendent.
 6. Unless specifically extended by the Board, the petitioner shall satisfy these requirements by July 1 of the school year specified in the Board's approval action and must be in operation on or before September 30 of the year specified in the Board's approval action.
- B. If the petitioner fails to meet the requirements set forth in subdivision A, after notice to the Board, the Superintendent on behalf of the Board shall notify the California Department of Education that the school has ceased operations, as required by Education Code section 47604.32(e)(3).
- C. Through the MOU between the charter school, Board, and Superintendent, 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 pupils. Charter schools shall provide an annual report, and other reports as requested by the Board, Superintendent, or designee. (Ed. Code, §§ 47604.32, 47604.33, 47604.4 and 47613.)

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VI. Material Revisions

Charter petition appeals containing new or different material terms as defined in Education Code section 47605(k), shall be remanded to the school district governing board for reconsideration.

Material revisions to a charter that has already been 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 Education Code sections 47605 and 47605.6.

VII. Renewal, Non-Renewal, or Revocation

- A. Through ARR, the Superintendent shall specify procedures and timelines for charter schools operated under the oversight of SCOE:
 - 1. To apply for renewal; or, if applicable,
 - 2. To be proposed by SCOE staff for revocation.
- B. Renewal shall be governed by Education Code section 47607, et seq. and, as applicable, the evaluation criteria set forth in Section III A.1-6 of this policy, and applicable ARR.
- C. If non-renewal is recommended by the Superintendent, the recommendation shall include each reason for non-renewal with the factual findings supporting that reason enumerated.
- D. Revocation shall be governed by Education Code section 47607, et seq.
 - 1. A charter may be revoked if the Board finds, through a showing of substantial evidence, that the charter school:
 - a. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
 - b. Failed to meet or pursue any of the pupil outcomes identified in the charter.
 - c. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
 - d. Violated any law.

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2. “Substantial evidence,” within the meaning of Education Code section 47607, shall be evidence that:
 - a. Demonstrates that the violation was material.
 - b. Supports revocation when viewed as a whole, in light of all relevant information.
 - c. Demonstrates that the violation actually occurred.
 - d. Was not cured by the charter school during its reasonable opportunity to remedy the violation.
 - E. If revocation is recommended by the Superintendent, the recommendation shall include each reason for revocation with the substantial evidence supporting that reason enumerated.
-

Legal References:

EDUCATION CODE

41365 Charter school revolving loan fund
44237 Fingerprints and criminal record information
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
46201 Instructional minutes
47600, et seq. Charter Schools Act of 1992
48000 Minimum age of admission (kindergarten)
51745, et seq. Independent Study
56026 Individuals with exceptional needs
56145-56146 Special Education services in charter schools
60600-60649 Assessment of academic achievement

GOVERNMENT CODE

1090, et seq. Conflicts of Interest in Contracts
3540, et seq. Educational Employment Relations Act
54950-54963 Ralph M. Brown Act
6250, et seq. California Public Records Act
81000, et seq. Political Reform Act of 1974

PENAL CODE

667.5 Definition of violent felony
1192.7 Definition of serious felony

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TITLE 2, CALIFORNIA CODE OF REGULATIONS
18700, et seq. Conflicts of Interest

TITLE 5, CALIFORNIA CODE OF REGULATIONS
11700.1-11705 Independent Study
11960-11969.11 Charter Schools

COURT DECISIONS

Wilson v. State Board of Education (App. 1 Distr. 1999) 89 Cal.Rptr.2d 745,
75 Cal.App.4th 1125

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 52 (1997)
78 Ops.Cal.Atty.Gen. 297 (1995)
78 Ops.Cal.Atty.Gen. 253 (1995)

04/20/04	Adoption
04/20/10	Second Reading and Adoption
01/18/11	Second Reading and Adoption
06/16/20	Reviewed by Policy Committee
07/14/20	First Reading
08/11/20	Second Reading and Adoption
09/04/20	Distribution

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CHARTER SCHOOL PETITIONS ARR 2400

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 (Ed. Code, § 47605(k).);
- B. Sacramento County Office of Education (SCOE) Pupil Population. Petitions that propose to serve pupils for whom the SCOE would otherwise be responsible for providing direct education and related services, per Education Code section 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 Education Code section 47605.6.

These ARR have been developed to carry out Board Policy (BP) 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 Education Code section 47600, et seq., and California Code of Regulations, Title 5, sections 11967 and 11967.5.1 (to the extent outlined in BP 2400). Additionally, SCOE staff will follow the guidelines outlined in the Charter School Petition Review Criteria and Tips (attached as Appendices A and B) in making recommendations to the Board.

- A. Appeals (Pursuant To Ed. Code, § 47605 (k).)

A charter school petition that has been previously denied by the governing board of a school district may be appealed to the Board. The charter school appeal must be received at SCOE's administrative offices

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(10474 Mather Boulevard, Mather, CA 95655) within the legally required deadline. (Ed. Code, § 47605(k).)¹ 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 Education Code section 47605.
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 Education Code section 47605(c).
3. A signed certification of compliance with applicable law.
4. A description of any changes to the petition necessary to reflect the Board as the authorizing entity.
5. Evidence that copies of all charter appeal documents have also been submitted to the school district. (Ed. Code, § 47605(k).)
6. If the Board determines that the petition submitted on appeal contains new or different material terms as defined in Education Code section 47605(k)(1)(A)(iii), the petition will be remanded to the school district for reconsideration. If the district denies the charter petition again, the petition may be re-submitted to the Board on appeal, and must include items 1-5.

The timeline for consideration of the appeal will not commence until items 1-5 are submitted.

In considering charter petitions that have been previously denied by a school district, the Board is not limited to a review based on the reasons for denial stated by the school district, but will review the charter petition under Education Code section 47605(c).

¹ Under applicable law, effective July 1, 2020, petitioners must submit a charter appeal petition within 30 days of the school district governing board's denial. To the extent the law is subsequently amended, the charter appeal will be governed by the law in effect at the time of the charter appeal.

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- B. SCOE Pupil Population or Countywide Charter Petitions (Pursuant To Ed. Code, §§ 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 Education section 47605, other applicable law, and Board policy.

Petitions to establish a countywide charter school must be submitted as set forth in Education Code section 47605.6, other applicable law, and Board policy.

In addition to the above requirements, petitions to establish countywide charter schools under Education Code section 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 Education Code section 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 signed statement or letter 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. (Ed. Code, § 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

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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 Education Code sections 47605(a)(1)(A), 47605(a)(3), 47605.6(a)(1)(A), and 47605.6(a)(4).

- b. A number of validly credentialed 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. (Ed. Code, §§ 47605(a)(1)(B) and 47605.6(a)(1)(B).) SCOE will review Commission on Teacher Credentialing records to confirm that teachers signing the petition are validly credentialed.

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. (Ed. Code, § 47605(a)(2).)

3. A description of how the proposed charter will serve the interests of the community in which the charter school proposes to locate, and how it will serve the academic needs of its proposed pupils. (Ed. Code, § 47605(c)(7).)
4. A detailed, complete operational budget as described in Appendix A.
5. 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, Board members, administrators, and managers.
6. 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, Public Records Act, Political Reform Act, Government Code section 1090, and any other governance or public meeting requirements applicable to charter schools as specified in Education Code section 47604.1.

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7. An affirmation that meets the requirements of Education Code sections 47605(d) or 47605.6(e).
8. 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.
9. Opening a charter school does not require the use of vendors or contractors. However, if the Petitioners intend to use vendors or contractors to perform essential functions of the charter school (e.g., finances, human resources, educational programming, special education, etc.), the petition should include a list of vendors and contractors whom the charter school has engaged for the purpose of developing, operating and/or evaluating the charter school, together with a description of their qualifications.
10. The petitioners must provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, SCOE, and the Board. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. (Ed. Code, §§ 47605(h) and 47605.6(h).)
11. The petition must also demonstrate that the charter school shall meet all applicable state and federal accountability requirements.
12. As described more fully in Appendix A, reasonably comprehensive descriptions of the items listed in Education Code sections 47605(c)(5)(A)-(O) and 47605.6(b)(5)(A)-(P) or any subsequently implemented provisions of the Charter Schools Act of 1992.

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

Petitioners seeking approval to commence the operation of a district-authorized charter school under Education Code section 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 under Education Code sections 47605.5 or 47605.6 are encouraged to submit the charter petition to the Board by the beginning of the prior school year.

SCOE staff will review the petition, using the criteria described in Appendices A and B.

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 pupil 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 appeal 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. (Ed. Code, §§ 47605(k) and 47605.5.)

If the Board denies a countywide charter petition, the petitioner may not submit the petition to the State Board of Education for consideration. (Ed. Code, § 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 Education Code sections 47604.32, 47604.33, 47604.4 and 47613.

In order to hold the charter school accountable for fulfilling the terms of its charter, an approved Memorandum of Understanding (MOU) between the Board, the Sacramento County Superintendent of Schools (Superintendent), and charter petitioner will be

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required before the charter school is permitted to open and operate. The MOU will establish expectations for charter school operations, accountability, and oversight.

The Board has supervisory oversight responsibilities over its authorized charter schools. In order to carry out such responsibilities 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.

The Board may appoint a representative to serve on the board of directors of charter schools operated by nonprofit benefit corporations, and the corporation shall confer upon the Board's appointee all rights and responsibilities exercised by any other director of the corporation. (Ed. Code, § 47604; Corp. Code, § 5047.)

A charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualifications, pupil progress toward charter school goals and objectives, pupil progress on state mandated assessments, and compliance with state and federal 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

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are appropriately credentialed within the requirements of Education Code sections 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. (Ed. Code, § 47613.)

A charter school shall annually prepare and submit to the Superintendent the reports specified in Education Code section 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

If the Board determines that a charter petition appeals contains new or different material terms as defined in Education Code section 47605(k), the charter petition shall be remanded to the school district governing board for reconsideration.

Material revisions to a charter petition that has already been 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 Education Code sections 47605 and 47605.6.

VI. Potential Revocation of Approved Charter Petitions

A charter may be revoked by the Board under the provisions of Education Code section 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 law.

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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.

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 Education Code sections 47607, et seq., 47605 and 47605.6 and, as applicable, the evaluation criteria set forth in this ARR. A summary of statutory renewal standards is outlined in Appendix C. To the extent that charter renewal standards are later updated, renewal will be governed by currently applicable law.

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 and, unless other arrangements are made in writing with SCOE, must be received no later than 180 days prior to the expiration of the charter. The Board will review the renewal petition under applicable legal standards, and will conduct a public hearing to receive input on whether or not to renew the charter and to either grant or deny renewal.

04/20/04	Approved by the Board of Education and Administrative Cabinet
10/19/10	Reviewed by Policy Committee
11/22/10	Approved by Administrative Cabinet
01/18/11	Reviewed by Board as an Information Item
06/16/20	Reviewed by Policy Committee
07/28/20	Approved by Superintendent's Cabinet
08/11/20	Reviewed by the Board of Education
09/01/20	Approved by Superintendent's Cabinet
09/15/20	Reviewed by the Board of Education
09/18/20	Distributed

CHARTER SCHOOL PETITIONS

ARR 2400 – Appendix A

Criteria for the Review of Charter School Petitions and Charter School Renewal Petitions by the Sacramento County Board of Education (Board).

- A. For purposes of Education Code section 47605(c), a charter petition shall be “consistent with sound educational practice” if, in the BOARD's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every pupil who might possibly seek to enroll in order for the charter to be granted by the BOARD.
- B. For purposes of Education Code section 47605(c)(1), a charter petition shall be “an unsound educational program” if it is any of the following:
 1. A program that involves activities that the BOARD determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
 2. A program that the BOARD determines not to be likely to be of educational benefit to the pupils who attend.
 3. If the petition is for renewal of a charter school, and either the charter school has not met the standards for renewal pursuant to Education Code section 47607, et seq., as applicable, or the charter school has not met the measurable pupil outcomes as described in its charter.
- C. For purposes of Education Code section 47605(c)(2), the BOARD shall take the following factors into consideration in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program.”
 1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the BOARD regards as unsuccessful, e.g., the petitioners have been associated with a charter school or private school that has ceased operations for reasons within the petitioner's control, has been revoked, has violated its charter or other legal requirements, or has engaged in fiscal mismanagement or malfeasance.
 2. The petitioners are unfamiliar in the BOARD's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
 3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:
 - a. In the area of administrative services, the charter or supporting documents do not adequately:

- (1) Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.
 - (2) For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.
- b. In the area of financial administration, the charter or supporting documents do not adequately:
- (1) Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.
 - (2) Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.
 - (3) Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.
 - (4) Present a budget that in its totality appears viable, and over a period of no less than two years of operations, provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.
 - (5) Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.
- c. In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.
- d. In the area of facilities, the charter and supporting documents do not adequately:
- (1) Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

- (2) In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.
 - (3) Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.
 4. The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas:
 - a. Curriculum, instruction, and assessment.
 - b. Finance and business management.
- D. For purposes of Education Code section 47605(c)(3), a charter petition that “does not contain the number of signatures required by subdivision (a)” of Education Code section 47605 shall be a petition that did not contain the requisite number of signatures at the time of the submission of the original charter to a school district governing board pursuant to Education Code section 47605(a). The BOARD shall not disregard signatures that may be purported to have been withdrawn or to have been determined to be invalid after the petition was denied by the school district. The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.
- E. For purposes of Education Code section 47605(c)(4), a charter petition that “does not contain an affirmation of each of the conditions described in subdivision (e)” of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in Education Code section 47605(e).
- F. For purposes of Education Code section 47605(c)(5), the BOARD shall take the following factors into consideration in determining whether a charter petition does not contain a “reasonably comprehensive” description of each of the specified elements.
1. The description of the educational program of the school, as required by Education Code section 47605(c)(5)(A), at a minimum:
 - a. Indicates the proposed charter school's target pupil population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.
 - b. Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an “educated person” in the 21st

century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.

- c. Includes a framework for instructional design that is aligned and accessible to a full range of learners and specifically addresses the needs of the pupils that the charter school has identified as its target pupil population.
 - d. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).
 - e. Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the core curriculum areas adopted by the BOARD pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.
 - f. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
 - g. Indicates how the charter school will meet the needs of pupils with disabilities, English learners, pupils achieving substantially above or below grade level expectations, and other special pupil populations.
 - h. Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify pupils who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for pupils with disabilities, and how the school intends to meet those responsibilities.
 - i. Indicates the annual goals for the charter school for all pupils and for each subgroup of pupils identified under Education Code section 52052(a), to be achieved in the state priorities described in Education Code section 52060(d), that apply for the grade levels served and the specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
2. Measurable pupil outcomes, as required by Education Code section 47605(c)(5)(B), at a minimum:
 - a. Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by

objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources.

- b. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils.
 - c. Align with the state priorities, as described in Education Code section 52060(d), that apply for the grade levels served by the charter school.
 - d. Shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school as defined in Education Code section 52052(a).
3. The method by which pupil progress is to be measured, as required by Education Code section 47605(c)(5)(C), at a minimum:
 - a. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph F.2. of these criteria.
 - b. Includes the annual assessment results from any state mandated testing program, currently the California Assessment of Student Performance and Progress (CAASPP).
 - c. Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.
 - d. To the extent practicable, the method for measuring pupil outcomes for state priorities must be consistent with the way information is reported on a school accountability report card.
4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(c)(5)(D), at a minimum:
 - a. Includes evidence that the charter school will comply with the Brown Act, Public Records Act, Political Reform Act, Government Code section 1090, and any other governance or public meeting requirements applicable to charter schools, as currently specified in Education Code section 47604.1.

- b. Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.
 - c. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
 - (1) The charter school will become and remain a viable enterprise.
 - (2) There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
 - (3) The educational program will be successful.
5. The qualifications to be met by individuals to be employed by the school, as required by Education Code section 47605(c)(5)(E), at a minimum:
- a. Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.
 - b. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.
 - c. Specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.
6. The procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(c)(5)(F), at a minimum:
- a. Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.
 - b. Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.
 - c. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school. (See Health & Safety Code § 120325, et seq.)
 - d. Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
 - e. Provide for school safety procedures required by law for charter schools.

7. For purposes of Education Code section 47605(c)(5)(G), the charter petition shall describe a means or plan for recruiting pupils that reflects an intention to achieve a balance of racial and ethnic pupils, pupils with disabilities, and English Learner pupils, including redesignated fluent English proficient pupils, that reflects the general population within the school district or county, as applicable. Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(e), the means by which the school will achieve such balance shall be presumed to have been met, absent specific information to the contrary.
8. To the extent admission requirements are included in keeping with Education Code section 47605(c)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(e) and any other applicable provision of law.
 - a. The charter petition shall include a copy of the charter school's enrollment and lottery application(s).
9. The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority, as required by Education Code section 47605(c)(5)(I), at a minimum:
 - a. Specify who is responsible for contracting and overseeing the independent audit.
 - b. Specify that the auditor will have experience in education finance.
 - c. Outline the process of providing audit reports to the BOARD, California Department of Education, or other agency as the BOARD may direct, and specifying the time line in which audit exceptions will typically be addressed.
 - d. Indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions.
10. The procedures by which pupils can be suspended, expelled, or otherwise involuntarily removed from the charter school for any reason, shall comply with Education Code section 47605(c)(5)(J), and, at a minimum:
 - a. Identify a preliminary list, subject to later revision pursuant to subparagraph (e), of the offenses for which pupils in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which pupils must or may be suspended or expelled in non-charter public schools.

- b. Identify the procedures by which pupils can be suspended, expelled, or involuntarily removed. At a minimum, these procedures shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with Education Code section 47605(c)(5)(J).
 - c. Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension, expulsion, or involuntary removal and of their due process rights.
 - d. Provide evidence that in preparing the lists of offenses specified in subparagraph (a) and the procedures specified in subparagraphs (b) and (c), the petitioners reviewed the lists of offenses and procedures that apply to pupils attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for pupils, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).
 - e. If not otherwise covered under subparagraphs (a), (b), (c), and (d):
 - (1) Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
 - (2) Outline how detailed policies and procedures regarding suspension, expulsion, and involuntary removal will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which pupils are subject to suspension, expulsion, or involuntary removal.
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security, as required by Education Code section 47605(c)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.
12. The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by Education Code section 47605(c)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.

13. The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by Education Code section 47605(c)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:
 - a. Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
 - b. Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
 - c. Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the BOARD determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
 14. The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(c)(5)(N), at a minimum:
 - a. Include any specific provisions relating to dispute resolution that the BOARD determines necessary and appropriate.
 - b. Describe how the costs of the dispute resolution process, if needed, would be funded.
 - c. Recognize that the BOARD may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter.
 - d. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47607, et seq. the matter will be addressed at the BOARD's discretion in accordance with that provision of law and any regulations pertaining thereto.
- G. For purposes of Education Code section 47605(c)(6), the declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act, (Government Code section 3540), shall recognize that SCOE is an exclusive public school employer. Therefore, the charter school must be a separate exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act, unless this requirement is specifically waived by the Board.

- H. For purpose of Education Code section 48905(c)(5)(O), the description of the closure procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing on any net assets and for the maintenance and transfer of pupil records.
- I. A “reasonably comprehensive” description, within the meaning subdivision F of these criteria and Education Code section 47605(c)(5) shall include, but not be limited to, information that:
1. Is substantive and is not, for example, a listing of topics with little elaboration.
 2. For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.
 3. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
 4. Describes, as applicable among the different elements, how the charter school will:
 - a. Improve pupil learning.
 - b. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - c. Provide parents, guardians, and pupils with expanded educational opportunities.
 - d. Hold itself accountable for measurable, performance-based pupil outcomes.
 - e. Provide vigorous competition with other public school options available to parents, guardians, and pupils.
 - f. Serve the interests of the community which the charter is proposing to serve, taking into account the school district and/or community demographics, academic needs and/or performance indicators, and/or other characteristics.
 - g. Meet the social and emotional needs of pupils.

CHARTER SCHOOL PETITIONS

ARR 2400 – APPENDIX B

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 revenues.
- ✓ 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 pupils that attend daily to earn ADA (average daily attendance), the petitioner needs to consider what is reasonable for the expected pupil population. For example, in a high risk population, pupils 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 pupils 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 pupils

(i.e. phone calls to parents to re-confirm meaningful interest in attending), or detailed recruitment plans demonstrating the likelihood of achieving enrollment targets.

(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 Special Education Local Plan Area (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, timelines, and responsibility for providing the full continuum of special education services.

- ✓ 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, and that it is capable of providing the full continuum of special education services.
- ✓ Petitioners should apply for membership in a SELPA before or at the same time they submit their charter petition to the Board (e.g., the Sacramento or 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 evidence the programs are aligned with state academic content standards or without specific,

concrete plans on how to carry out the programs 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 pupils including English Learners and pupils with disabilities. The following is a sample list of program areas that frequently require more information:

- Intervention Program for underperforming pupils
 - System for identifying, testing and placement of pupils
 - Schedule of time for intervention: how long, how often
 - Types of materials used: state-board approved or other
 - Plans for exiting pupils to the core program
 - A specific plan for on-going support, including social and emotional interventions and/or supports.

- 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 pupil needs prior to instruction
 - Formative tests – needed to determine how teachers modify instruction
 - Summative test – needed to determine how well pupils 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 pupil 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 five 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 Ed. Code, § 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 Ed. Code, § 47605(c);
 - 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 authorizing entity.
 - Evidence that copies of all charter appeal documents have also been submitted to the school district. (Ed. Code, § 47605(k).)







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.

CHARTER SCHOOL PETITIONS

ARR 2400 – APPENDIX C – Charter Renewal Summary

SHALL NOT DENY* STREAMLINED RENEWAL	DISCRETIONARY RENEW OR DENY*	SHALL NOT RENEW*
<ul style="list-style-type: none"> Two (2) highest performance levels schoolwide on all state indicators; OR Schoolwide performance levels at or higher than state average; and majority of underperforming subgroups exceed state average <p>** Does not apply to charters qualifying for technical assistance (Ed. Code, § 47607(c).)</p> <p style="text-align: center;"></p> <p style="text-align: center;">5-7 YEAR RENEWAL</p>	<ul style="list-style-type: none"> Consider: <ul style="list-style-type: none"> Schoolwide and subgroup performance on state and local indicators Academic indicators given most weight Clear, convincing, verifiable data showing <u>measurable gains</u> or <u>strong post-secondary outcomes</u> Deny only if (1) insufficient progress towards standards; (2) closure is in pupils' best interests; and (3) gave most weight to academic performance. (Ed. Code, § 47607.2(b).) <p style="text-align: center;"> </p> <p style="text-align: center;">5-YEAR RENEWAL DENIAL</p>	<ul style="list-style-type: none"> Two (2) lowest performance levels schoolwide on all state indicators; OR Schoolwide performance levels at or below state average; and majority of underperforming subgroups below state average <p style="text-align: center;"></p> <p>**SECOND LOOK (1) meaningful steps to address low performance; and (2) clear, convincing, verifiable data showing <u>measurable gains</u> or <u>strong post-secondary outcomes</u> (Ed. Code, § 47607.2(a).)</p> <p style="text-align: center;"> </p> <p style="text-align: center;">2-YEAR RENEWAL DENIAL</p>

* Renewal also may be denied due to substantial fiscal or governance factors, or if charter is not serving all pupils who wish to attend.