

March 28, 2022

PLEASE NOTE:

The attached Board agenda item and Sacramento County Office of Education (SCOE) Recommended Findings of Fact for the Capital Career & College Academy Sacramento countywide charter petition are posted on the SCOE website on March 28, 2022 in order to be in compliance with the 15-day posting requirement under Education Code section 47605.6(b). These documents will be included in the April 12, 2022 Sacramento County Board of Education agenda packet, which will be posted on April 1, 2022.

SACRAMENTO COUNTY BOARD OF EDUCATION

10474 Mather Boulevard, P.O. Box 269003
Sacramento, CA 95826-9003

Subject: Public Hearing and Consideration of Capital College & Career Academy Countywide Charter Petition	Agenda Item No.: 9.A. Enclosures: 68
Reason: Action	From: David W. Gordon Prepared By: Teresa Stinson Board Meeting Date: 04/12/22

BACKGROUND

The Capital College & Career Academy (CCCA) submitted a new petition for a countywide charter school on February 25, 2022 and submitted supplemental information and documents on March 3 and 9, 2022.

CCCA proposes a career technical education (CTE) based, STEAM-focused, early college, countywide charter high school. It plans to open with an initial 9th grade cohort of 80 students in August 2023 and grow to serve 375 students in grades 9-12 with the option for students to return for a “plus one” year of support. During its first year, it intends to operate a main school campus within the Twin Rivers Unified School District (TRUSD) and a learning center site near anticipated internships outside TRUSD, and to open additional learning center sites near internships throughout the county in future years.

On April 12, 2022, the Sacramento County Board of Education (County Board) will conduct a public hearing and consider CCCA’s countywide charter petition. Following review of the CCCA petition and the public hearing, the County Board must either approve or deny the petition. If the County Board denies the countywide charter petition, CCCA has no right of appeal. (Ed. Code, § 47605.6(k); Cal. Code Regs., tit. 5, § 11966.5(e).)

SUMMARY OF CHARTER PETITION ANALYSIS

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

- The petition satisfies the technical signature, school district notification, legal affirmations, and EERA declaration requirements.
- CCCA’s proposed program model meets the preliminary requirements that would allow it to be approved as a countywide charter school.
- CCCA’s budget will be balanced so long as it meets its enrollment and attendance projections, receives the donations pledged to it, and can sustain the \$9.5 million debt burden it plans to assume to pay for its main campus. Whether CCCA can successfully implement its proposed program will depend on its ability to remain financially solvent.

- CCCA enrollment projections may be challenging based on declining enrollment across Sacramento County (e.g., since 2019-2020, enrollment declined 6.1% in TRUSD and 3.4% in Sacramento City Unified School District), and because of the CTE programs already offered in the nine districts operating high schools in Sacramento County (County). If students choose not to travel across the County to attend CCCA and its enrollment is 20% lower than projected, without changes in expenditures or other funding streams, CCCA would become insolvent before the end of its third year of operations.
- CCCA's petition proposes a unique and logistically complex model of providing high school coursework, early college, internships, and other services to high school students across the County. While CCCA's current petition provides more detail than its previous petition, the logistical challenges of operating its program are not fully resolved. Successful implementation of CCCA's program will depend on its ability to address the heightened complexities of providing the array promised educational programming and services to students with different learning levels and needs at different sites with limited staff, and to attract teachers with the credentials required for the courses and learning experiences promised in the petition.
- Although CTE is the central focus of the proposed charter school, the petition does not provide a clear enough description of a high quality CTE program that appears to meet the minimum eligibility requirements for the additional competitive state and federal CTE funding available to local school districts to enhance their CTE programs. While CCCA will be eligible for attendance-based apportionment funding, access to CTE enhancement funding is also important for enhancing and sustaining its program.
- The petition contains reasonably comprehensive descriptions of most elements required by Education Code section 47605.6(b)(5)(A)-(P), with additional clarification needed in some areas, particularly the educational program.

SUPERINTENDENT'S RECOMMENDATION:

Based upon analysis of the petition and the applicable law, the County Board may exercise its discretion to approve or deny CCCA's countywide charter petition. However, if the County Board decides to approve the petition, the Superintendent recommends that approval, opening, and operation of the charter school be conditioned upon satisfaction of the following conditions:

1. CCCA shall enter an acceptable memorandum of understanding with the Sacramento County Board of Education and Sacramento County Office of Education.
2. By May 1, 2023, CCCA shall provide verification that the school has parent or guardian enrollment commitments for the number of students equal to at least 90% of the enrollment projected in its budget for the first year of operation.
3. By May 1, 2023, CCCA shall provide verification that it has a beginning cash balance of at least \$400,000 comprised of unrestricted grants and donations.

4. By May 1, 2023, CCCA shall provide evidence that it has secured acceptable facilities for its main school site and sufficient learning center classrooms near student internship locations to serve students as proposed in its petition.
5. CCCA shall revise its charter petition to describe a high quality CTE program for students that would qualify CCCA for competitive state and federal CTE grants to augment its attendance-based apportionment.
6. Given the unique countywide program promised by CCCA, before opening and operating, CCCA shall demonstrate that it has sufficient certificated staff to provide the courses promised in the petition.
7. Before opening and operating, CCCA shall be accepted as a member of a Special Education Local Plan Area.

SACRAMENTO COUNTY BOARD OF EDUCATION

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PLEASE POST

NOTICE OF PUBLIC HEARING SCHEDULED FOR TUESDAY, APRIL 12, 2022 AT 6:30 P.M. OR THEREAFTER.

A public hearing will be held by the Sacramento County Board of Education (Board) to receive public comment and input from the community regarding the Capital College & Career Academy (CCCA) Sacramento Countywide Charter School petition. At the conclusion of the public hearing, the Board may take action on CCCA's charter petition.

The Board will conduct this hearing via Zoom video and/or teleconference. Members of the public may access the meeting and provide public comment as follows:

To view the Board Meeting by computer, tablet, or smart phone, go to:

<https://scoe.zoom.us/j/93916393023>

To listen by phone: Primary Number: 669-900-6833 Secondary Number: 346-248-7799

Enter the Meeting ID: 945 0753 8412

Public Comments

Anyone may submit public comments to the Board on any item on the agenda or regarding any matter that is within the Board's subject matter jurisdiction. However, the Board may not take action on any item not on the agenda except as authorized by Government Code section 54954.2.

Public comments may be made during the meeting via the Zoom Q&A Tool. Once the meeting has started, click the Q&A button at the bottom of the Zoom window. When the Q&A window appears, enter your name and the agenda item you wish to address in the input box, then choose "Send." Be prepared to speak when prompted by name during the public comments portion of the meeting. Public comments will be received until the public comment period has elapsed. Comments are limited to a maximum of two (2) minutes per speaker per agenda item, and individuals are limited to a single comment per agenda item.

Public comments may also be submitted in writing through an online form at <https://bit.ly/scoe-comments>. Public comments received at least 90 minutes before the start of the meeting, will be distributed to Board members before the meeting. Comments received after that time will be distributed to Board members after the meeting.

Please contact boardcomments@scoe.net before the meeting if you have questions about the public comment process. Materials related to the public meeting are available at <https://www.scoe.net/divisions/board/schedule/>.

**Sacramento County Office of Education
Recommendations and Findings – EXECUTIVE SUMMARY
Capital College & Career Academy Countywide Charter School Petition**

The Capital College & Career Academy (CCCA) charter petition proposes a career technical education (CTE) based, STEAM-focused, early college, countywide charter high school with linked learning, project-based experiences, and internships across the construction trades. It seeks to open at two locations for 9th grade students in August 2023 and to grow to serve grades 9-12 at additional countywide locations, with the option of a “plus one” year of support.

Background, Standard of Review, and Summary (Pages 3-6)

I. Preliminary Requirements (Pages 6-7)

The petition satisfies the technical signature, school district notification, legal affirmations, and EERA declaration requirements.

II. Countywide Charter School Analysis (Page 7-9)

CCCA’s proposed program model meets the preliminary requirements that would allow its petition to be approved as a countywide charter school.

III. Ability to Successfully Implement Intended Program (Pages 9-14)

CCCA’s budget will be balanced so long as it meets its enrollment and attendance projections, receives the donations pledged to it, and can sustain the \$9.5 million debt burden it plans to assume to pay for its main campus. CCCA’s enrollment projections may be challenging based on declining enrollment across the county and already existing CTE programs in local districts. If CCCA’s enrollment is 20% lower than projected, without changes in expenditures or other funding streams, CCCA would become insolvent before the end of its third year. Successful implementation also will depend on CCCA’s ability to address the heightened complexities of providing high school coursework, early college, internships, and the array of CCCA’s promised program and services to students with different learning levels and needs across different sites, with limited staff.

IV. Program Analysis (Pages 14-28)

Although CTE is the central focus of the proposed school, the description of the CTE program does not provide a clear enough description of a high quality program that appears to meet the minimum eligibility requirements for the state and federal CTE funding available to local school districts to enhance their CTE programs. The petition contains reasonably comprehensive descriptions of most other elements required by Education Code section 46705.6(b)(5)(A)-(P), with additional clarification needed in some areas.

CONCLUSION: Based on SCOE’s analysis, the County Board may exercise its discretion to approve or deny CCCA’s petition. However, if the Board decides to approve the petition, the Superintendent recommends that approval, opening, and operation be conditioned on satisfaction of certain conditions.

Recommended Findings of Fact

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Sacramento County Office of Education Recommendations and Findings Capital College & Career Academy Sacramento Countywide Charter School Petition

BACKGROUND

The Capital College & Career Academy (CCCA) submitted a new petition for a countywide charter school on February 25, 2022.¹ In response to the Sacramento County Office of Education's (SCOE) requests for clarification of certain petition areas, CCCA submitted supplemental documents and information on March 3 and 9, 2022.

CCCA proposes a career technical education based, STEAM-focused, early college countywide charter high school. It plans to open with an initial 9th grade cohort of 80 students in August 2023 and grow to serve 375 students in grades 9-12 by 2027-2028, while providing students with the option of a "plus one" year of support.

CCCA's mission is to prepare tomorrow's workforce today by empowering young people to be critical thinkers who are truly college and career ready by engaging in one-of-a-kind career technical education. CCCA cites abysmal college attainment rates and a shortage of skilled workers in construction related trades. It asserts that traditional schooling options have failed low-income communities, resulted in an unprepared workforce and unfilled jobs, and led to high rates of poverty throughout California.

CCCA proposes to address these issues through an early college high school model with a curriculum centered on linked learning and authentic project-based experiences. Its program plans for students to obtain their OSHA 10 workplace safety certification, CPR and first aid certifications, practical experience and pre-apprenticeship opportunities in their field of choice, eligibility for green energy and general construction certifications, and college credit. It intends for all students to receive foundational skills across the construction trades and have the option to commit to a business partner for their Junior and Senior years. CCCA asserts that, while comprehensive high schools occasionally offer limited internship opportunities to students, the offsite learning opportunities that would be provided by CCCA's industry partners are far more immersive and relevant to future career pathways than traditional high school internships.

Following review of the CCCA petition and the public hearing, the Sacramento County Board of Education (County Board) must either approve or deny the petition. If the County Board denies the countywide charter petition, CCCA has no right of appeal. (Ed. Code, § 47605.6(k); Cal. Code Regs., tit. 5, § 11966.5(e).)

STANDARD OF REVIEW FOR COUNTYWIDE CHARTER PETITION

The law favors charter authorization by local school districts. For a charter petition submitted to a local school district, the presumption is in favor of granting the charter.

¹ CCCA's previous countywide charter petition was denied by the Board after a public hearing on September 28, 2021.

The school district *shall not deny* a charter petition unless it makes written factual findings with specific facts that show the petition does not meet one or more legal requirements. (Ed. Code, § 47605(c).)

The standard for approving a countywide charter school is higher than for a district authorized charter. The County Board may approve a countywide charter petition *only if* it is satisfied that:

- Approving the charter is consistent with sound educational practice;
- The charter school has reasonable justification for why it could not be established by a petition to a school district; and
- 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. (Ed. Code, § 47605.6(a)(1),(b).)

In addition, the County Board *shall deny* a countywide charter petition if it finds one or more of the following:

1. The petition does not contain the **required number of parent or teacher signatures**.
2. The petition does not contain an **affirmation of each of the conditions** described in Education Code section 47605.6(e) [e.g., nonsectarian, not charge tuition, not discriminate, admit all students who wish to attend, satisfy public random drawing requirements, etc.].
3. The petition does not include 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 (EERA). (Ed. Code, § 47605.6(b)(6).)
4. The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.
5. The petitioners are **demonstrably unlikely to successfully implement** the program set forth in the petition.
6. The petition does not contain **reasonably comprehensive descriptions of all the elements** listed in Education Code section 47605.6(b)(5)(A)-(P).

In addition to the higher standard for approval, the County Board has more discretion to deny a countywide charter than a district charter. The County Board may deny the petition for a countywide charter on any other basis that it finds justifies denial. (Ed. Code, § 47605.6(b)(7).) It may also 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

SCOE staff with expertise in each relevant area have reviewed the CCCA countywide charter petition and concluded:

- The petition satisfies the technical signature, school district notification, legal affirmations, and EERA declaration requirements.
- CCCA's proposed program model meets the preliminary requirements that would allow it to be approved as a countywide charter school.
- CCCA's budget will be balanced so long as it meets its enrollment and attendance projections, receives the donations pledged to it, and can sustain the \$9.5 million debt burden it plans to assume to pay for its main campus. Whether CCCA can successfully implement its proposed program will depend on its ability to remain financially solvent.
- CCCA enrollment projections may be challenging based on declining enrollment across the Sacramento County (e.g., since 2019-2020, enrollment declined 6.1% in TRUSD and 3.4% in Sacramento City Unified School District), and because of the CTE programs already offered in the nine districts operating high schools in Sacramento County (County). If students choose not to travel across the County to attend CCCA and its enrollment is 20% lower than projected, without changes in expenditures or other funding streams, CCCA would become insolvent before the end of its third year of operations.
- CCCA's petition proposes a unique and logistically complex model of providing high school coursework, early college, internships, and other services to high school students across the County. While CCCA's current petition provides more detail than its previous petition, the logistical challenges of operating its program are not fully resolved. Successful implementation of CCCA's program will depend on its ability to address the heightened complexities of providing the array promised educational programming and services to students with different learning levels and needs at different sites with limited staff, and to attract teachers with the credentials required for the courses and learning experiences promised in the petition.
- Although CTE is the central focus of the proposed charter school, the petition does not provide a clear enough description of a high quality CTE program that appears to meet the minimum eligibility requirements for the additional competitive state and federal CTE funding available to local school districts to enhance their CTE programs. While CCCA will be eligible for attendance-based apportionment funding, access to CTE enhancement funding is also important for enhancing and sustaining its program.
- The petition contains reasonably comprehensive descriptions of most elements required by Education Code section 47605.6(b)(5)(A)-(P), with additional clarification needed in some areas, particularly the educational program.

Based upon analysis of the petition and the applicable law, the County Board may exercise its discretion to approve or deny CCCA's countywide charter petition. However, if the County Board decides to approve the petition, the Superintendent recommends

that approval, opening, and operation of the charter school be conditioned upon satisfaction of the following conditions:

1. CCCA shall enter an acceptable memorandum of understanding with the Sacramento County Board of Education and Sacramento County Office of Education.
2. By May 1, 2023, CCCA shall provide verification that the school has parent or guardian enrollment commitments for the number of students equal to at least 90% of the enrollment projected in its budget for the first year of operation.
3. By May 1, 2023, CCCA shall provide verification that it has a beginning cash balance of at least \$400,000 comprised of unrestricted grants and donations.
4. By May 1, 2023, CCCA shall provide evidence that it has secured acceptable facilities for its main school site and sufficient learning center classrooms near student internship locations to serve students as proposed in its petition.
5. CCCA shall revise its charter petition to describe a high quality CTE program for students that would qualify CCCA for competitive state and federal CTE grants to augment its attendance-based apportionment.
6. Given the unique countywide program promised by CCCA, before opening and operating, CCCA shall demonstrate that it has sufficient certificated staff to provide the courses promised in the petition.
7. Before opening and operating, CCCA shall be accepted as a member of a Special Education Local Plan Area.

ANALYSIS OF PETITION AND RECOMMENDED FINDINGS OF FACT

This analysis reviews each of the areas specified in Education Code section 47605.6, and Board Policy (BP) and Administrative Rules and Regulations (ARR) on Charter School Petitions (BP 2400 and ARR 2400). BP and ARR 2400 are posted on SCOE's website and are attached for convenient reference.

I. PRELIMINARY REQUIREMENTS

A. THE PETITION INCLUDES THE REQUIRED SIGNATURES, NOTICE, AND AFFIRMATIONS

Charter petitioners may satisfy the petition signature requirements by submitting signatures of either (1) the parents or guardians of at least one-half the number of pupils the charter school estimates will enroll in the school the first year of operation or (2) at least one-half the number of teachers the charter school estimates will be employed at the school during the first year of operation. (Ed. Code, § 47605.6(a)(1)(A),(B).) CCCA has obtained the signatures of four teachers who have stated that they are meaningfully interested in teaching at CCCA, which is at least one-half of the number of teachers projected to be employed at the school during its first year of operation.

As required by law, on December 8, 2021, CCCA sent written notice to all school districts in Sacramento County of CCCA's intention to operate a countywide charter school. (Ed. Code, § 47605.6(a)(1)(B).)

The petition includes the required legal affirmations and declaration that CCCA will be the exclusive public school employer of charter school employees under the Educational Employment Relations Act. (Ed. Code, § 47605.6(b)(6),(e).)

II. COUNTYWIDE CHARTER SCHOOL ANALYSIS

A. FINDINGS REQUIRED TO AUTHORIZE COUNTYWIDE CHARTER SCHOOL

A county board of education may approve a countywide charter only if it is satisfied that:

- Approving the charter is consistent with sound educational practice;
- The charter school has a reasonable justification for why it could not be established by petition to a school district;
- The charter school will offer 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.

(Ed. Code, § 47605.6(a)(1),(b).)

B. CCCA'S RATIONALES FOR A COUNTYWIDE CHARTER SCHOOL

Charter schools authorized by a school district are prohibited from operating classrooms outside the geographic boundaries of that district, while countywide charter schools may operate at locations throughout the county. (Ed. Code, §§ 47605.1; 47605.6.)

CCCA's model calls for students from throughout Sacramento County to attend classes and generate classroom-based apportionment for instruction provided at both a main school campus within the Twin Rivers Unified School District (TRUSD) at 501 Arden Way, Sacramento, CA 95815, and at satellite learning centers near internships. Students would attend school three days each week (Mondays, Wednesdays, and Fridays) at the main school site in TRUSD. The other two days each week (Tuesdays and Thursdays), students would participate in career exploration or internships throughout Sacramento County and would attend school either at the main campus or at learning centers located outside of TRUSD that are closer to their internships. On these two days, students would spend half the day at internships and half the day on "schoolwork" such as advisory classes, elective course offerings, or dual enrollment (community college) courses. (pp. 11-13, 19-31, 39-44)

During its first two years of operation, CCCA plans for one learning center within the Sacramento City Unified School District (SCUSD) at the Boys & Girls Club at 1117 G Street, Sacramento. In years three and four, CCCA plans to open an additional learning center within the Elk Grove Unified School District (EGUSD) on Florin Road. In year five, CCCA plans to open a third learning center within the San Juan (SJUSD) or Folsom Cordova Unified School District (FCUSD) in Citrus Heights. (pp. 20-24)

The petition explains a number of rationales for seeking countywide charter status, including (1) the ability of CCCA students to attend school close to internships throughout the county, thereby maximizing instructional time near a wider array of

internship opportunities outside of a single district, while minimizing student learning loss, travel time, loss of sleep, etc.; (2) the ability to take courses directly on college campuses; (3) the ability to ensure that students throughout the county have priority for admission to CCCA, as opposed to the admission preferences that must be given to district students for a district-authorized charter; (4) the increased ability to partner with business and industries that operate across multiple school districts; and (5) the availability of wraparound services and support from community organizations at learning center locations throughout the county. (pp. 19-30)

Students may participate in internships anywhere in the county while attending a district-authorized charter. However, at a district-authorized charter, students may only attend school (i.e., meet instructional minutes requirements that qualify for classroom-based apportionment) within the boundaries of the school district. The petition explains that by locating learning centers closer to student internships outside the boundaries of TRUSD, students can more easily satisfy instructional minutes requirements and reduce learning loss by minimizing the travel time that would be required if students had to return to the main school site for schoolwork on Tuesdays and Thursdays. (pp. 19-23) In addition, it appears that CCCA intends for student internships to be considered instructional time, which would be coordinated, supervised, and evaluated by a certificated teacher. (p. 25)

Having learning centers or instructional time at internships in other parts of the county (outside the boundaries of a single school district) would enable students to attend school and access community resources and services closer to a wider array of internship opportunities, while reducing travel during the school day, loss of sleep, and associated learning loss.

CCCA's program model calls for two days each week where students both receive instruction and participate in internships with partners in different construction industries. Under this model, operating as a countywide charter would better enable the charter to provide internship opportunities throughout the county, while maximizing instructional time by minimizing the time required to return to a school site within a single school district. Accordingly, CCCA's petition provides a reasonable justification that, based on its model, students cannot be served as well by a charter that operates in only one school district. In addition, a district-authorized charter cannot operate learning centers outside of the district. (Ed. Code, § 47605.1.) Therefore, CCCA's proposed model could not be established by a petition to a school district. (Ed. Code, § 47605.6(a)(1),(b).)

C. BENEFIT TO STUDENTS

If successfully implemented, CCCA's proposed pupil population would benefit from CCCA's proposal to provide a STEAM-focused, CTE-based, early college high school, with project-based experiences, workplace certifications, construction trade skills, and college credit.

During its first two years of operation, CCCA intends to operate one learning center at the Boys & Girls Club at 1117 G Street, Sacramento, CA 95814. The petition includes (1) a letter stating that the Boys & Girls Club is "happy to consider" allocating space to CCCA, and (2) a draft Memorandum of Understanding for the Boys & Girls Club to

provide a classroom for no more than 25 students and staff on Tuesdays and Thursdays. (Petition, Appendix A.)

Given CCCA's intention to enroll 80 and 165 students in its first and second years of operation, it is not clear whether there will be sufficient learning center space for students to attend school on the Tuesdays and Thursdays allocated for internships and learning center instruction during its first two years. The petition includes a letter from the Girl Scouts Heart of Central California located at 6601 Elvas Avenue, Sacramento, CA 95819 indicating they are "happy to consider a portion of our space for CCCA," but there is no commitment to provide learning center space. Therefore, if the County Board approves the CCCA's petition, before opening and operating, CCCA should be required to demonstrate that it has secured sufficient learning center or other classrooms near or at actual student internship locations to serve students as proposed in the petition.

D. THE SOUNDNESS OF THE EDUCATIONAL PROGRAM

CCCA's educational concept suggests a sound educational program. However, as explained in more detail below, the petition does not provide a clear enough description of a high quality CTE program for students that appears to meet the minimum eligibility requirements for the competitive state and federal CTE funding available to local school districts to enhance their CTE programs. In addition, the ELA, math, and English learner programs and measurable pupil outcomes need clarification for successful implementation.

III. ABILITY TO SUCCESSFULLY IMPLEMENT THE INTENDED PROGRAM

Under Education Code section 47605.6(b), the County Board must deny a countywide charter petition when petitioners are "**demonstrably unlikely to successfully implement the program set forth in the petition.**"

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.)

A. FINANCIAL ANALYSIS

1. Summary

CCCA's financial plan and budget are set forth on pages 178-179 and Appendices W and X.

CCCA proposes the operation of a CTE-based charter school beginning in the 2023-2024 school year. It anticipates that 80 students will be enrolled during the first year, growing to 375 students by its fifth year. In 2023-2024, CCCA will operate the 9th grade only, expanding by one grade level per fiscal year until Year 4, when it will operate grades 9-12. CCCA projects budget surpluses and fund balances that should be adequate to absorb modest fluctuations in revenues and expenditures throughout the five-year term of the petition. However, these projections are entirely contingent on the charter meeting its enrollment and attendance projections and receiving the donations pledged to it.

The petition projects that CCCA will begin operations with \$400,000 in cash and expects to receive donations of an additional \$400,000 in its first three years of operation. Currently, CCCA has approximately \$156,000 in cash with two pledges for the additional unrestricted donations contingent on charter approval. In addition, CCCA plans to factor receivables to obtain \$250,000 in funding in the first year, which will be repaid evenly from Year 2 to Year 5; the proceeds and payments related to this factoring are not included in the budget but are reflected in the cash flow projections. CCCA also intends to initiate a private bond offering of \$9.5 million with an average debt service of \$677,514 annually to finance the purchase and build out of its main campus location, which it plans to repay over 35 years. The first two years include lower debt service costs, which are deferred and partially deferred in Years 1 and 2.

Local Control Funding Formula (LCFF) revenue makes up the largest source of revenue for the proposed charter, comprising 78% of total revenue sources in the first five years. This revenue source is dependent upon a variety of factors, but mainly enrollment and attendance, which makes these targets essential to meet or exceed to avoid large fluctuations in revenue. An overestimation of these factors would significantly affect revenue and could lead to insolvency depending upon the steps CCCA might take to mitigate these effects.

CCCA's enrollment projections may be overly optimistic considering current circumstances, including declining enrollment in many school districts in the county. Its large debt burden may also strain CCCA's finances should enrollment and attendance figures lag below projected amounts with a particularly high level of risk in the first three years. While CCCA budgets for special education-related positions and subcontracts, SCOE believes CCCA will likely need additional services in this area that are not adequately budgeted. Furthermore, CCCA does not appear to have adequately budgeted for the equipment necessary to operate its CTE-program. The petition and appendices also contain a variety of mismatched figures between narratives, tables, and corresponding budget documents.

2. Enrollment Growth Projections

CCCA anticipates 80 students enrolled at the beginning of its first year of operation. By Year 5, CCCA projects that 375 students will be enrolled, implying a 47.1% compound annual enrollment growth rate over the term of the proposed charter.

The enrollment projections may be optimistic given the impact of the pandemic, declining enrollment, and the unique nature of the charter's programs. CCCA's petition states that it has received student interest forms from over 300 students. (p. 16) Of these, 72 students are currently in 7th grade and able to enroll in 9th-grade when CCCA intends to open in 2023. It is possible that only a portion of these students will enroll in the school. In addition, between Years 1 and 2, CCCA projects that its enrollment will more than double to 165 students. While CCCA intends to open an additional grade level in Year 2, CCCA's assumption that adding a grade level will double enrollment from the previous year is optimistic and does not align with SCOE's recent experiences with other charter schools, or with the declining enrollment experienced throughout the county.

Enrollment has been declining in many school districts in the County. For example, since 2019-2020, enrollment has declined 6.1% in Twin Rivers USD, 3.4% in

Sacramento City USD, and 3.2% in San Juan USD. Given this trend, CCCA will face heightened enrollment pressures, as local districts will likely increase their efforts to retain students in local CTE programs and internship opportunities closer to home. If enrollment does not materialize as projected, LCFF revenues would be significantly reduced, and fund balance reduced accordingly.

For example, if CCCA's enrollment were 20% (i.e., 16 students) lower than projected, LCFF revenue alone would decline by approximately \$178,000 in the first year. This decline would cause CCCA to deficit spend rather than accumulate fund balance as it projects. If CCCA's projections continued to overestimate actual enrollment and the effect carried forward, LCFF revenue could be reduced by as much as \$2.8 million in total over the first five years of operation. Over the same period, CCCA's total projected surplus is only \$1.3 million. These estimates do not incorporate other revenue changes driven by the lower enrollment.

While there is a degree to which CCCA could mitigate the lower-than-expected enrollment by reducing certain variable costs or leveraging other funding streams, ultimately, the over-estimation would lead to insolvency. Assuming no changes in expenditures, CCCA would become insolvent before the end of its third year of operations based on 20% lower than projected enrollment and the corresponding reduction of LCFF revenues. Depending upon its ability to reduce expenditures or leverage other funding streams, CCCA could extend this timeline.

High-risk populations may attend school at a lower rate (65-75%) than an average high school population (90-95%). (SCOE ARR 2400, Appendix B) Therefore, the 92% attendance rate stated in the petition may prove to be too high depending upon the actual composition of the enrolled student body and the challenges of drawing students from across the county to the main school site in TRUSD and other learning center sites each day. This means that achieving both the enrollment and attendance rates as projected in the petition is paramount to CCCA's ability to operate as proposed.

3. Heavy Debt Burden

As shown on page 724 in Appendix W, CCCA intends to take on \$9.5 million in debt by issuing bonds. The bonds will be repaid over 35 years with an average annual debt service amount of \$677,514. These bond proceeds will be used to pay for the acquisition of CCCA's main campus, site improvement, and construction costs necessary to make it suitable for use as a school site. These bonds are very similar to lease-revenue bonds in which the lease payments on the facility are used to pay the debt service on the bonds. The debt service cost on the bonds is substantial, particularly compared to CCCA's opening cash position and projected fund balances over the first five years of operations.

A common measurement quantifying the burden of debt on an entity is the debt service coverage ratio, calculated as Net Income (Increase in Fund Balance) divided by Debt Service (lease payments). Generally, ratios over 1.1 are considered desirable, with a ratio of 1 meaning the entity has sufficient net income to cover its current debt obligations. This ratio shows the percentage of the annual debt service that can be covered by net operating income.

In its first year, when no debt service payment is made, CCCA's ratio is favorable. However, Year 1 is the only time when that is the case. In Years 2-5, its coverage ratio drops to as low as 0.09 (FY 2025-2026) and goes only as high as 0.76 (FY 2024-2025). At its lowest point, this means CCCA would increase its fund balance by only 9 cents for every dollar of debt service it must pay. The substantial increases in debt service make the realization of enrollment and attendance projections even more critical, as a reduction of LCFF revenue and the corresponding decline in fund balance would create a serious financial risk, particularly with such large debt service payments coming due relative to the modest increases in fund balance during the first several years of operations.

4. CTE Equipment

CCCA states its non-capitalized equipment budget is comprised of mainly furniture and technology purchases, and it is unclear if the amount budgeted is sufficient to also cover the cost of CTE-related equipment like table saws, planers, or the like. Furthermore, based on the information gathered from similar CTE programs, the equipment needed to provide the CTE-related programming described in the petition may fall within the definition of capitalized equipment rather than non-capitalized equipment. However, expenditures for capitalized equipment are notably missing from CCCA's budget plan. As explained more fully below, the CTE program CCCA describes may not qualify for many CTE-related grant programs. Therefore, it is unreasonable to assume such grant revenues would be available to cover the additional unbudgeted equipment costs.

We estimate the cost to purchase CTE equipment for CCCA's programs to be in the high tens of thousands of dollars. These costs would need to be added to CCCA's budget in the first two to three years of operation as it adds grade levels.

5. Special Education

CCCA includes costs for an Education Specialist in its budget as well as a subcontract for special education services. In Year 1, the special education subcontract is budgeted at \$12,000, increasing each successive year. However, the student population CCCA proposes to serve may require services that an Education Specialist is not qualified to provide, including individual counseling and guidance, language and speech, adapted physical education, health and nursing, and specialized orthopedic services. This has been the case for the other CTE-based charter school that CCCA has referenced as a model. Additionally, when it becomes necessary for CCCA to do either annual or triennial Individualized Education Program (IEP) for students, it will likely need to contract for psychologists and other services.

CCCA's budget for the special education subcontract is insufficient to cover the costs of such additional services when considering the going rates in the industry for those services. SCOE's Executive Director of Special Education has estimated that costs for contracted services will likely be two to three times the amount CCCA has included in its budget, estimated as \$24,000 in Year 1 and \$51,000 in Year 2. If actual costs align with this estimate, CCCA's budget would be short by \$12,000 in Year 1 and \$17,643 in Year 2. In Years 3-5, CCCA's budget may adequately cover special education subcontract costs dependent upon the services its students require.

6. General Inconsistencies Between Narrative and Budget Documents

There are multiple inconsistencies between the budget narrative and budget documents provided in Appendix W. Revenue totals for Years 1 and 2 disagree with the same revenue totals on the multi-year forecast. Similarly, expense totals for Years 1-5 differ between the narrative and the multi-year forecast. Other such inconsistencies may be found in Table D (Projected Federal Revenues) in Appendix W.

In the budget narrative on page 697 in Appendix W, CCCA states “It is planned that CCCA will open in 2023-24 with enrollment of 80 and grow to 370 during 2026-27.” However, the table provided immediately below disagrees with that description. The budget documents indicate enrollment of 355 in FY 2026-2027 and enrollment of 375 in FY 2027-2028, neither of which align with the narrative from the budget appendix.

Additionally, there is a disagreement between the petition narrative and the budget documents regarding the amount of bond financing CCCA intends to use to acquire and build out its main campus site. In the petition on page 140, CCCA states it has secured assurances for funding “via private bond offering for \$7,000,000.” However, as shown in Appendix W, the amount of bond financing does not agree with the petition narrative and shows \$9,560,000 in bond financing, which is a significant difference.

While most of the differences noted do not materially impact CCCA’s bottom line, the inattention to detail makes it difficult to fully understand CCCA’s plan.

B. ADMINISTRATION, OPERATIONS, AND STAFFING

1. Administration

The charter petition and its appendices describe the engagement of Charter Impact to provide back-office services to CCCA. It describes the type of services to be provided, that required reports will be prepared and submitted within timelines outlined in Education Code, describes potential civil liability effects of the proposed charter, and promises to indemnify the County Board and SCOE for the actions of the charter.

2. Operations and Logistics

CCCA’s ability to successfully implement its program will depend on its ability to adequately address the logistical challenges of its unique model (e.g., educating students with different learning levels and needs across different sites and multiple credential requirements with limited staff, converting its proposed main facility into viable education and CTE space, securing sufficient learning center space and internships to serve all students, etc.), while attracting and sustaining enough student attendance to remain solvent.

3. Staffing Plan

Along with a sound financial plan, having sufficient, qualified staff is critical for ensuring that the charter school program can be successfully implemented.

The petition proposes an array of educational programming and services, including A-G, early college, and CTE courses, twice-weekly advisory periods, individualized instruction, electives, foreign language, schoolwide competitions, community service

projects, social and emotional curriculum, counseling, and support for students with disabilities, English learners, low achieving students, socioeconomically disadvantaged students, and gifted students, all while operating at a main campus and at least one learning center site in its first two years.

The petition promises a comprehensive program and multiple CTE pathways over time, each of which require specialized CTE credentials. There is insufficient information to determine that staffing by appropriately credentialed CTE and other teachers will be sufficient to provide the comprehensive program, advising, and pathways promised in the petition.

CCCA also budgeted for an Executive Director, Education Specialist, part-time instructional assistant, and one day per week counselor to support its promised programming. It is not clear if this staffing plan will be sufficient to support the full program promised by CCCA's petition at multiple sites.

IV. PROGRAM ANALYSIS

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

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.

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; 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 the petitioner do not suffice.

A. ELEMENT A – DESCRIPTION OF A SOUND EDUCATIONAL PROGRAM

The County Board may approve a countywide charter petition only if it is satisfied that granting the charter is consistent with sound educational practice. (Ed. Code, § 47605.6(b).)

The petition promises A-G curriculum course pathways, early college, dual enrollment, career and technical education, linked learning, youth apprenticeships, individualized educational plans plus an additional year of support if needed, and varied and flexed learning environments. If provided with fidelity, this is consistent with sound educational practice.

1. English Language Arts and Mathematics

The petition states that all courses are A-G approved. However, the list of curriculum and instructional materials, found in Table 1E: Curriculum & Instructional Materials on

page 55 of the petition, does not match the sample outlines of curriculum provided in Appendix I. Though the petition mentions that math and ELA support will be provided for students who need it, it does not describe in detail the curriculum to be used. Clarification of the curriculum and instructional support would enhance the petition and provide assurance that all students will be adequately served.

2. Career Technical Education

CCCA's newly filed petition includes additional details regarding its proposed CTE program that were not provided in its original petition. Although CTE and Work Experience Education were referenced in the first petition, the first petition had little specific information of how these would fit into CCCA's overall educational program.

CCCA's new petition does not provide a clear enough description of a high quality CTE program for students that appears to meet the minimum eligibility requirements for the additional competitive state and federal CTE funding available to local school districts to enhance their CTE programs. While CCCA will be eligible for attendance-based apportionment funding, access to CTE enhancement funding is also important for enhancing and sustaining its program.

a. Course Sequence

The petition proposes a two-course sequence of foundational and introductory courses (Introductory Craft Skills in Year 1 and Construction Technology in Year 2) with no concentrator or capstone course, which does not constitute a CTE pathway. While CCCA proposes internships as a capstone, work experience does not qualify as a capstone under current requirements. The proposed courses in Years 3 and 4 ("Industry Specific Certifications") are too general to evaluate, and CTE CALPADS codes were not provided to determine a course sequence. In addition, there is not clear alignment between Table 1C: CCCA Course Offerings on page 44 to Table 1D: CCCA Base Course Sequence on pages 48 and 49, and Table 1E: Curriculum & Instructional Materials on pages 55-56.

b. Curriculum

The petition does not include sufficient evidence that the proposed CTE programs would be aligned to the State Board of Education approved Model Curriculum Standards for CTE or the Standards for Career Ready Practice.

Both 9th and 10th National Center for Construction Education and Research (NCCER) courses would serve as foundational CTE courses, and no concentrator or capstone courses are provided. The petition describes a Mandatory Study Skills course as CTE, which is not recognized by CALPADS as a CTE course. The petition describes student coursework that includes pre-apprenticeship, apprenticeship, Workplace Experience Education and internships. However, work experience is no longer considered or recognized by CDE as a CTE course. While each of these programs have very specific definitions and requirements in the Education and Labor Codes, the petition does not acknowledge these requirements.

c. Funding

Regarding state and federal CTE enhancement funding (CTEIG, K-12 SWP, and Perkins), the petition states “All of these funding efforts will be available to CCCA as it builds a robust high quality CTE program for students and families.” (p. 141) Based on the current petition descriptions, it does not appear that CCCA would qualify for these funding enhancements until it has outlined a high quality CTE program as described above.

d. Work-based Learning

Although internships are a graduation requirement, CCCA currently has commitments from only 50% of the business partners needed to ensure internships for all its anticipated students. Therefore, CCCA will need to solidify additional internships.

CCCA plans to use Work Experience Education curriculum which is not Building Trades and Construction specific. WEE was removed from the CTE CALPADS codes as it is not CTE specific. For students to receive course credits for work experience, CCCA will need to file a plan with CDE and follow Education Code and Title V Regulations when setting up work/job/internship sites.

The petition mentions pre-apprenticeship and apprenticeship throughout but does not address or indicate relationship or intention to work with the California Division of Apprenticeship Standards, which is required to implement apprenticeship programs.

e. Existing School District CTE Programs

In CCCA’s “Building Trades & Construction Career Technical Education Landscape Analysis” (Appendix F), CCCA suggests that the nine local school districts operating high schools have no, few, or limited evidence of the essential elements of a high quality college and career pathway. However, CCCA’s description of available school district CTE programs does not accurately reflect current district CTE programs. CCCA’s descriptions fail to acknowledge that each of the nine districts are recipients of CTE Incentive Grant funding, which requires satisfaction of program quality standards.

Of the nine districts included within the Landscape Analysis of Sacramento County within Appendix F, 15 schools are identified as offering courses within the Building and Construction Trades pathways. At least three schools are missing from this list – Calvine High School (Elk Grove USD), Liberty Ranch High School (Galt Joint HSD), and Rio Americano High School (San Juan USD). In addition, a new Construction Pathway is scheduled to start at Encina High School (San Juan USD) in the 2022-2023 school year.

Of the now 19 schools that offer construction courses, all but four (in River Delta and Galt) are located within proximity of the proposed CCCA campuses. Of the 15 construction programs within the CCCA proposed footprint, 4 are focused on introducing students to construction careers and 11 are construction pathways dedicated to preparing students for jobs in construction. The North State Building Industry Association works with local construction pathways and has placed an average

of 53 students in summer construction internships over the past three years. In addition, the potential OSHA and CPR certificates to be offered by CCCA aligns with offerings from other construction programs currently offered in the region.

If CCCA's petition is approved, approval should be conditioned upon CCCA revising its petition to describe a high quality CTE program that would qualify CCCA for competitive state and federal grants to augment its attendance-based apportionment. This would include:

- A complete plan for teaching, testing, and documenting safety assessments prior to students being assigned into Construction Internships;
- A complete Work Experience Plan ready for submission to CDE that details the type of Work Experience, the Work Experience Courses, and the Work Experience Teacher(s) planned caseload and qualifications;
- Commitments from labor partners about the number of students to be accepted as interns;
- A detailed plan for the proposed CTE program of study that:
 - Includes a sequence of CTE courses (minimum of concentrator and capstone) in one pathway that are aligned to CTE standards and identification of the local community college through which the program of study will be completed
 - If using NCCER curriculum, program needs to be a three-year sequence to meet hours and industry requirements
 - Includes sustainable budget (inclusive of industry standard equipment and consumables) for CTE materials and equipment
- Includes Career Technical Student Organizations;
- A developed plan for evaluation of the CTE program of study that results in feedback and improvement to the program; and
- Provides specific CTE measurable outcomes and reports CTE data on an annual basis to CDE.

3. English Learners

The petition requires clarification to adequately demonstrate the ability to meet the needs of English learners (EL). For example, the inclusion of both integrated and designated English language development (ELD) in the educational program is limited. One course offering for ELD is described but lacks specific entry and exit points. In addition, placement pathways and progression for the level or type of EL is not differentiated. Lastly, the reclassification criteria lack alignment with the state-required level for ELPAC.

4. Special Education

The petition states in many places that CCCA will ensure that all students' IEPs will be followed, and all accommodations and modifications will be provided. CCCA will need to contract out for all related special education services (speech, psychology, counseling, etc.) referenced in the petition. However, CCCA has only allocated \$1,000 a month for the first year. As noted in the financial analysis above, when compared to a

similar CTE-based charter school, this amount substantially underestimates the typical services and needs of students with disabilities and the costs associated with those services.

CCCA has begun its application process to join the El Dorado County Charter Special Education Local Plan Area (SELPA). It has followed the appropriate steps to apply for membership in SELPA.

5. State Priorities

The petition outlines goals, metrics, and measurable outcomes identified in the state priorities described in Education Code section 52060(d). The framework is aligned to and inclusive of the eight state priorities and consistent with the structure of goals, measurable outcomes, and measures of progress included in a Local Control and Accountability Plan (LCAP).

The petition states that the charter school shall meet all applicable state and federal accountability requirements. The petition includes a reasonably comprehensive description of the charter school's annual goals to be achieved in the state priorities described in Education Code section 52060(d).

The petition indicates the annual goals for the charter school for all pupils including ELs. It does not include specific goals for all student groups identified in Education Code section 52052(a) – ethnic subgroups, socioeconomically disadvantaged pupils, pupils with disabilities, foster youth, or homeless youth. It does include the overarching anticipatory statement (“including subgroups of students”) which is found to be sufficient at this time.

The petition includes a reasonably comprehensive description of specific annual actions to achieve the stated annual goals.

The petition requires further clarifications and updates to present a reasonably comprehensive description of the educational program.

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. To be sufficient, 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 groups of pupils. (ARR 2400, Appendix A, § F.2.)

CCCA's petition describes Pupil Academic Achievement as an area of focus, as it will provide for dual enrollment in community college courses, including those relevant to CTE. Enrollment and performance are monitored by school advisors/counselors along with the student success team (SST) meetings for students falling below a 2.0. CCCA also proposes an annual family survey to gauge student engagement in the program to help inform its program to better suit students' interests and needs.

CCCA's petition includes the following measurable pupil outcomes:

- 70% of CCCA students, including numerically significant subgroups, will increase or maintain their proficiency in math and ELA based on their 8th grade California Assessment of Student Performance and Progress (CAASPP) scores
- 65% of students will demonstrate standard "met" or "exceeded" in the SBAC ELA/Math and California Science Test (CAST) assessment
- The number of students meeting or exceeding ELPAC performance expectations will increase by 5% annually
- 75% or more of ELs (including LTELs) will make one or more levels of growth on the ELPAC
- 75% of ELs will make measurable growth on their annual iReady assessment
- 100% of students will complete a capstone project prior to graduation
- 80% of students will score proficient on their final capstone project
- 70% of graduating students will earn a minimum of 15 college units
- 100% of students will participate in career exploration opportunities
- 90% of students will participate in at least one community service project per year
- 100% of graduating seniors will obtain industry recognized credentials

This section of the petition is nearly identical to the first submission with the addition of sections regarding college and career preparedness and engaging multilingual students and refinement of several outcome targets. The outcomes regarding college credit, industry certification, and completion of a capstone project appear realistic given the structure of the proposed program and the stated mission and vision of the school. The petition has provided additional information regarding the expectations for CAASPP and CAST performance. Although the petition describes an increase in the grade levels for which the iReady assessment will be administered, the use of iReady to assess the measurable pupil outcomes is limited to ELs in ELA.

Overall, the petition has remedied some areas that were noted in the first submission; however, the lack of comprehensive and more frequent measurable objectives diminishes the school's ability to monitor progress and pupil outcomes.

Expansion and clarity in the following areas would enhance the ability of the program to annually assess student progress and achievement of the goals of the charter. As a high school program proposing CTE and dual enrollment courses, the measurable pupil outcomes should also include areas that are measured annually and that help the school know where it stands among the CA Dashboard measures. To strengthen the petition, it is recommended that the petition:

- Declare measurable outcomes that are available in the first and second years of the program for all students.
- Declare measurable outcomes for subject areas outside of ELA and math that are required for graduation or to meet A-G course completion for CSU/UC college eligibility.
- Set a minimum standard for grades earned in dual enrollment courses.
- Declare measurable outcomes for suspensions and expulsions

The petition does not contain a reasonably comprehensive description of measurable pupil outcomes.

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.)

This section of the petition is nearly identical to the first petition with improved clarity in some areas. The petition states that it will meet all statewide and grade-relevant standards and it provides a matrix of assessments that it plans to use to assess the measurable pupil outcomes. Although the Assessment Summary and Outcome Matrix provides substantially more information related to the measurable outcomes, clarity is still lacking in several areas that could describe how the data will be used to measure the objectives and how the proposed assessment measures the objective or goal.

Recommended enhancements to the measurement of pupil progress are:

- Better alignment between the performance targets defined in the measurable outcomes and those in the measurements section.
- Better alignment between the assessment tools and the outcomes they plan to assess.
- A clearer plan as to how the school will compare student scores across assessments to measure proficiency in ELA and math in 9th grade against prior 8th grade performance.

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

D. ELEMENT D – THE LOCATION OF EACH CHARTER SCHOOL FACILITY

Education Code section 47605.6(b)(5)(D) requires a reasonably comprehensive description of the location of each charter school facility that the petitioner proposes to operate. If a specific facility has not been secured for the charter school, at a minimum, petitioners must:

- Describe the types and potential location of facilities needed to operate the size and scope of the educational program proposed in the charter, including number of rooms and amount of space (by square foot) needed to reasonable operate the proposed program.
- Provide a list of potential facilities under consideration.
- Provide evidence of the type and projected cost of the facilities and tenant improvements that may be available in the location of the proposed charter school.
- Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school. (ARR 2400, Appendix A, § C.3.d)

CCCA's petition provides a potential location for its main school site at 501 Arden Way, Sacramento, CA 95815. The petition states that the main facility will include 18,500 square feet of usable space. The conceptual site plan includes 10 classrooms ranging

from 513 to 960 square feet with enough space for a total 198 students. In addition, the CCCA team proposes the addition of four portables of unknown square footage. Conceptually, the facilities appear to be adequate for CCCA's planned enrollment. It remains to be seen whether CCCA can convert the existing facility into viable education space.

The proposed main school site is located near a busy thoroughfare and heavily used light rail tracks. Students utilizing light rail to commute to the proposed school site will be required to cross two sets of light rail tracks and the four lanes of Arden Way. The light rail tracks have automated crossing guards and Arden Way includes pedestrian crosswalks in each direction.

The petition states "primary CTE space occurring under the covered outdoor area attached to the main building," but does not mention a specific or designated CTE classroom(s). Although construction often happens outdoors and in inclement weather, students will be in class year-round with a need for a designated space.

The petition also proposes for students to attend school on Tuesdays and Thursdays at "learning centers" proximate to its industry partners across Sacramento County. In its first two years of operation, CCCA plans to locate one learning center at the Boys & Girls Clubs of Greater Sacramento located at 117 G Street, Sacramento. The draft Memorandum of Understanding with the Boys & Girl Club includes space for 25 students in a 550 square foot classroom at a monthly cost of \$2,000. Given that CCCA intends to enroll 80 and 165 students in its first and second year of operation, it is not clear whether there will be sufficient learning center space for students to attend school on the Tuesdays and Thursdays planned for internships and learning center instruction.

For Years 3-5, CCCA proposes additional satellite learning centers to be located at 8200 Florin Road, Sacramento, CA, 95828 and 7741 Auburn Boulevard, Citrus Heights, CA, 95610. The Florin Road location is currently an empty lot. The Auburn Boulevard location is currently a Shell gas station. Before opening and operating, these additional learning center locations would need to be reviewed and approved as appropriate for student instruction.

CCCA's petition states that it will be leasing the 501 Arden Way facility from a "related non-profit supporting organization." Rent is deferred for Year 1 and partially deferred in Year 2. CCCA starts paying 100% of the rent amount in 2025-2026. The rent payment in Year 3 is \$675,200 per year or \$56,267 per month. The budget included with the petition appears to support the cost for rent.

The petition budget appears to support the expected cost for rent at the main school site and one learning center. If approved, before opening and operating, CCCA should be required to demonstrate that its main school site is acceptable and that it has secured appropriate learning center classrooms near actual student internship locations to serve students as proposed in the petition.

E. ELEMENT E – GOVERNANCE STRUCTURE OF THE SCHOOL

CCCA's Board of Directors includes a diverse group of individuals with experience in education, nonprofits, and the construction industry and reflects CCCA's intended mission. The petition includes evidence that CCCA is incorporated as a 501(c)(3)

nonprofit public benefit corporation, and the Board Bylaws establish appropriate governance standards, structures, and procedures.

CCCA's petition includes commitments to involve parents and to comply with the Brown Act, California Public Records Act, Conflict of Interest requirements (Political Reform Act and applicable sections of Government Code section 1090), and public meeting location and governance requirements.

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

F. ELEMENT F – STAFF QUALIFICATIONS

The petition includes assurances regarding compliance with state and federal laws related to staffing and requires employees to be legally authorized to work in the U.S., complete a Department of Justice fingerprinting background check, and tuberculosis risk assessment. Although not noted in the petition, classified employees must also complete a Federal Bureau of Investigation fingerprinting background check.

The petition includes detailed resumes for CCCA's Board of Directors and identifies general qualifications for administration/leadership, instructional, and support staff and lists additional qualifications and responsibilities for the key positions listed under each category.

1. Staffing

The Executive Director is the administrative leadership position in CCCA's initial year, and will perform all administrative and supervisory functions, including serving as principal. (p. 123) These duties are extensive for an administrator implementing a logistically complex new charter school at different sites. The budget plan (p. 46) indicates that an Assistant Site Director will be added to the leadership team in Year 2 and a Special Education Director will be added in Year 3.

Staff positions and services typically associated with a school program are not mentioned in the petition, such as clerical support staff, library services or staff, yard/hall duty, and nurse. The petition states that CCCA will transport students to and from internships. Appendix W indicates that one option for providing these services is through the execution of a transit van rental agreement with Enterprise Holdings and the budget refers to having a bus driver.

2. Credentials

The petition states that teachers shall hold a Commission on Teacher Credentialing (CTC) certificate, permit, or other documents equivalent to that which a teacher in other public schools would be required to hold. Further clarification is needed in the areas described below.

A valid education specialist credential is included in the list of qualifications for the Education Specialist to support students with disabilities, but does not specify which credentials or authorizations would be appropriate for this assignment.

The petition states, “Teachers employed by charter schools during the 2019-20 school year shall have until July 1, 2025, to obtain the certificate require[d] for the teacher’s certificated assignment.” (p. 4) However, this flexibility provision does not apply to countywide charters, for which teachers have always been required to hold credentials appropriate to their assignment. It also does not apply to charter schools that were not open in 2019-2020.

The petition states, “CCCA uses the term “building trades” loosely and, in so doing, refers to any number of career pathways within the industry. This includes, but is not limited to, the four building and construction trades pathways defined by the California Department of Education. Multiple career pathways in architecture, engineering, manufacturing, and the building trades all fall under CCCA’s broad definition of the construction sector.” (p. 18) However, CDE does not include manufacturing nor architecture among building and construction trades pathways.

An LEA’s assertion that an architecture or manufacturing course is “loosely” under building trades would not allow a teacher with a CTE Building and Construction Trades authorization to teach these courses. The specific content of the course must align with a pathway or occupation authorized by the industry sector on the educator’s credential.

CTE teachers must hold a credential appropriate to their specific area of instruction. Local Assignment Options, which allow teachers to teach outside their credential authorization, cannot be used for CTE courses. In addition, because CTE credentials are issued with broad industry sectors that include a diverse set of occupations, the employer is expected to examine the work experience of CTE credential holders to ensure the background and expertise of the educator aligns with the pathway/course (see [CTC Coded Correspondence No. 14-08](#); [CTC Industry Sectors Chart](#)).

The CTC Industry Sectors Chart provides guidance on which pathways and occupations are authorized by which CTE credential industry sectors. The currently issued credential authorizations for the pathways named in the petition are:

Engineering & Architecture

Designated Subjects Career Technical Education: Engineering and Architecture

Manufacturing

Designated Subjects Career Technical Education: Manufacturing & Product Development

Building Trades

Designated Subjects Career Technical Education: Building and Construction Trades

A Single Subject Industrial Technology Education (ITE) or Industrial Arts (IA) Credential authorizes instruction in all industry sectors noted above. However, there are few Single Subject ITE/IA credential holders. If CCCA is not able to employ a single subject ITE/IA credential holder to teach the courses proposed in the petition, CCCA will need to employ teachers authorized to teach each of the three separate CTE pathways. While not required, none of the teachers who signed the petition as “meaningfully interested in teaching at the charter” appear to hold any of the CTE credentials that would be required for CCCA’s proposed program. Therefore, there is insufficient information to

determine if staffing by appropriately credentialed CTE instructors will be sufficient to support the proposed program.

While the petition commits to complying with legal requirements for staffing and certificated assignments, before opening and operating, CCCA should demonstrate that it has employed appropriately qualified staff for the program promised in the petition.

The petition minimally 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

CCCA's petition includes the required criminal record background checks, tuberculosis assessments, student immunization, vision, hearing, and scoliosis screening, and affirms that it will comply with all applicable federal, state, and local requirements related to school and student health, safety, emergency preparedness, and facilities requirements.

CCCA commits to adopting and implementing full health and safety procedures and risk management policies at school sites, including a School Safety Plan with all the legally required elements.

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

H. ELEMENT H – ACHIEVEMENT OF RACIAL AND ETHNIC 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.)

The petition asserts CCCA's intention to address the low college attainment rates and historic lack of diversity in the skilled labor force, and to provide access to well compensated and in-demand careers so that individuals and families are able to exit cycles of poverty. (pp. 6-8, 18-19) CCCA affirms that it will strive to ensure that its student population is reflective of the general population residing within the territorial jurisdiction of Sacramento County, and will monitor the school's racial, ethnic, EL, and special education balance on an annual basis and engage in a variety of means and strategies to achieve a diverse student population, including:

- Developing an enrollment timeline and process that allows for a broad-based recruiting and application process.
- Engaging in outreach efforts and making presentations via neighborhood groups, community organizations, churches, other leadership organizations, and local preschools.

- Advertising openings through marketing brochures, posting flyers in neighborhoods, distributing flyers at local grocery stores, and/or TV/radio public service announcements targeted towards diverse populations, and in various languages.
- Conducting all outreach and recruiting efforts in English and Spanish.
- Hosting open houses to provide information on the school's curriculum and program.
- Recruiting for all student populations, including academically low-achieving and economically disadvantaged students.
- Enrollment preferences for students eligible for free and reduced-price lunch and first-generation college students.

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

I. ELEMENT I – INDEPENDENT FINANCIAL AUDITS

The petition outlines the financial audit procedures, including how the auditor will be selected and retained, the required qualifications that the auditor must possess, the timing of the audit, how any deficiencies or exceptions will be resolved, and how CCCA will communicate this information to required outside parties. The petition contains a reasonably comprehensive description of the annual independent financial audits.

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

J. ELEMENT J – SUSPENSION OR EXPULSION OF STUDENTS

CCCA's discipline, suspension, and expulsion procedures are described on pages 144-165 of the petition. The petition includes a list of offenses for which students may be suspended or expelled, which was created based upon its review of Education Code section 48900, et seq. and will be periodically reviewed and modified as necessary.

The petition identifies the procedures by which parents, guardians, and students will be informed about behavior expectations, and the reasons for suspension, expulsion, and removal procedures and due process rights. CCCA's Policy and Procedures will be distributed annually as part of the Student Handbook and will be available in the office of the Executive Director or designee and available upon request.

CCCA affirms that its staff will enforce disciplinary policies and procedures fairly and consistently among all students, and that CCCA is committed to supporting all students through the implementation of systems that build a positive school culture. Except in cases where suspension for a first offense is warranted in accordance with law, each school site shall consider suspension from school only when other means of correction have not been successful or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

The petition contains a reasonably comprehensive description of the procedure by which pupils can be suspended, expelled or removed from school.

K. ELEMENT K – RETIREMENT SYSTEM COVERAGE

The petition states all employees who qualify for membership in the State Teacher's Retirement System (STRS) or the Public Employees' Retirement Systems (PERS) shall be covered under the appropriate system and employees who are not STRS members must contribute to Social Security. The Executive Director will be responsible for arranging retirement benefits. The petition also states CCCA will periodically evaluate the feasibility of offering a 403(b) plan.

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

L. ELEMENT L – DISPUTE RESOLUTION

CCCA shall have an internal dispute resolution process to be used for all internal disputes related to the school's operations. CCCA will also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at CCCA will be provided with a copy of CCCA's policies and internal dispute resolution process. The petition calls for SCOE and the County Board to promptly refer all disputes not related to a possible violation of the charter or law to CCCA and describes reasonable procedures for resolving any disputes that may arise between CCCA and SCOE or the County Board.

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

M. ELEMENT M – ADMISSIONS POLICIES AND PROCEDURES

1. Affirmations Regarding Non-Discrimination, Admissions, and Enrollment

CCCA affirms that it will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not charge tuition nor discriminate against any student on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability, and that it will comply with the specific, applicable laws related to charter school admissions and enrollment.

2. Admissions Procedures

CCCA's student admissions and attendance policies are on pages 169-173 of the petition. CCCA's petition affirms that it will admit all pupils who wish to attend, and that if the number of students who wish to attend exceeds capacity, attendance (except for existing students) will be determined by a public random drawing. The petition describes the public random drawing process and specifies that, in the event of a drawing, admission preferences will be given in the following order:

- a. Children of CCCA regular, full-time employees
- b. Siblings of students admitted to or attending CCCA
- c. Students who are eligible for free or reduced-price meals
- d. Students who would be the first in their immediate family to go to college
- e. Students residing within the County

The petition includes a detailed description of CCCA’s admissions process and schedule. Students who wish to attend CCCA will complete an application form. After admission, students will submit an enrollment packet, with a student enrollment form, proof of immunization, home language survey, emergency medical form, proof of age, and release of records.

The petition contains a reasonably comprehensive description of the charter’s admission requirements.

N. ELEMENT N – STUDENT ATTENDANCE ALTERNATIVES

CCCA affirms it will be a “school of choice,” and no pupil shall be required to attend the school. Students who reside within any school district in which the school operates a school site who choose not to attend CCCA may attend school within that school district according to its policy or at another school district or school within the district through its intra- and inter-district transfer policies. The parent or guardian of each student enrolled in CCCA shall be notified on admissions forms that the student(s) 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 CCCA, except to the extent that such a right is extended by the LEA. (p. 173.)

The petition 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 states that SCOE employees shall not be required to work at the charter school, and those who choose to leave SCOE employment to work at the charter shall not have an automatic right to return to SCOE employment, unless granted specifically by SCOE in compliance with SCOE collective bargaining agreements.

The petition also states that sick or vacation leave or years of service credit at SCOE or any other school district will not be transferred to CCCA. In addition, employment by CCCA provides no rights of employment at any other entity, including any rights in the case of closure of CCCA.

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

P. ELEMENT P – CLOSURE PROCEDURES

The petition describes the charter school closure procedures, including the final audit, the disposition of any remaining assets and liabilities, and for maintenance and transfer of pupil records.

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

V. POTENTIAL EFFECTS OF CHARTER SCHOOL

CCCA will be operated by a California nonprofit public benefit corporation which is organized and operated exclusively for charitable purposes under 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code section 23701(d). SCOE and the County Board will not be liable for the debts or obligations of CCCA, pursuant to Education Code section 47604(d), and CCCA will work to assist SCOE in meeting all oversight obligations to ensure SCOE is not liable for operation of the charter school.

CCCA would indemnify SCOE for the actions of the charter school, and will purchase general liability insurance, workers' compensation, Board Members and Officers Insurance, fidelity bonding, and other necessary insurance in the coverage amounts recommended by SCOE and will name SCOE as an additional insured on all policies.

CONCLUSION

Based upon the above analysis, the County Board may exercise its discretion to approve or deny the CCCA countywide charter petition. If the County Board decides to approve the petition, the Superintendent recommends that approval, opening, and operation of the charter school be conditioned upon satisfaction of the following conditions:

1. CCCA shall enter an acceptable memorandum of understanding with the Sacramento County Board of Education and Sacramento County Office of Education.
2. By May 1, 2023, CCCA shall provide verification that the school has parent or guardian enrollment commitments for the number of students equal to at least 90% of the enrollment projected in its budget for the first year of operation.
3. By May 1, 2023, CCCA shall provide verification that it has a beginning cash balance of at least \$400,000 comprised of unrestricted grants and donations.
4. By May 1, 2023, CCCA shall provide evidence that it has secured acceptable facilities for its main school site and sufficient learning center classrooms near student internship locations to serve students as proposed in its petition.
5. CCCA shall revise its charter petition to describe a high quality CTE program for students that would qualify CCCA for competitive state and federal CTE grants to augment its attendance-based apportionment.
6. Given the unique countywide program promised by CCCA, before opening and operating, CCCA shall demonstrate that it has sufficient certificated staff to provide the courses promised in the petition.
7. Before opening and operating, CCCA shall be accepted as a member of a SELPA.



EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001] (*Division 4 enacted by Stats. 1976, Ch. 1010.*)

PART 26.8. CHARTER SCHOOLS [47600 - 47663] (*Part 26.8 added by Stats. 1992, Ch. 781, Sec. 1.*)

CHAPTER 2. Establishment of Charter Schools [47605 - 47608] (*Chapter 2 added by Stats. 1992, Ch. 781, Sec. 1.*)

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.)



Book	Board Policies and ARRs
Section	2000 Administration
Title	Charter School Petitions
Code	2400 BP
Status	Active
Adopted	April 20, 2004
Last Revised	August 11, 2020
Last Reviewed	August 11, 2020
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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 (SCOPE). 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.

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.

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:
 - 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.

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.
- 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) 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. 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

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.
 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.)

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.

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

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)



Book	Board Policies and ARR
Section	2000 Administration
Title	Charter School Petitions
Code	2400 ARR
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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 (SCOPE) Pupil Population. Petitions that propose to serve pupils for whom the SCOPE 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 SCOPE, 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 SCOPE staff will consider in determining whether charter school petitions meet applicable standards; the process SCOPE 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 (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).

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 Code 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 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.
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.

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 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; Corporations Code 5047.)

A charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualifications, 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 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.

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.

[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.

[ARR-2400 Appendix A 09.15.20.pdf \(147 KB\)](#)

[ARR-2400 Appendix B 09.15.20.pdf \(172 KB\)](#)

[ARR-2400 Appendix C 09.15.20.pdf \(210 KB\)](#)

Charter School Petitions – Administrative Rules and Regulations 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 mis-management 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.

Administrative Rules and Regulations 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

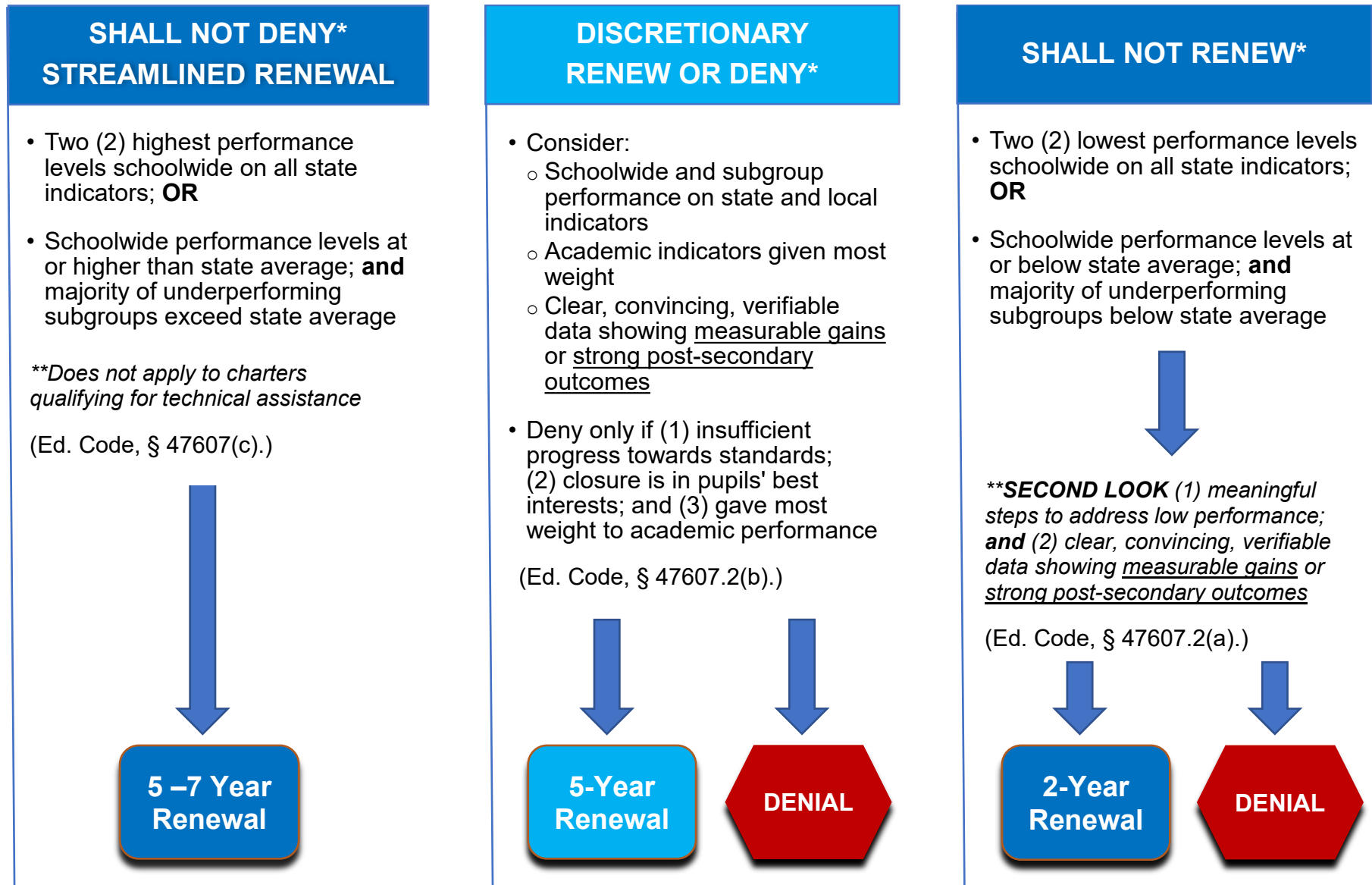
- ✓ Petitioners are encouraged to include a cover sheet identifying the five items necessary before the Board will consider a charter petition appeal:
 - A complete copy of the charter petition as denied by the district governing board, including the signatures required by Ed. Code, § 47605;
 - A copy 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 Renewal Summary APPENDIX C



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