

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

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I. Scope and Purpose

- (a) This policy recognizes legislative intent as to the purposes of charter schools, per Education Code (EC) 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 auspices of the Sacramento County Office of Education (SCOE). This policy also governs:
 - (1) Consideration and granting or denial of charter petitions by the Board.
 - (2) Opening and operation of schools under approved charters.
 - (3) Material revisions of an approved charter.
 - (4) Renewal, non-renewal, or revocation of approved charters.
- (c) This policy applies to three types of charter petitions:
 - (1) Appeal. 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 EC 47605(j)(1).
 - (2) SCOE Student Population. Petitions that propose to serve students for whom SCOE would otherwise be responsible for providing direct education and related services, per EC 47605.5.
 - (3) Countywide Charter. 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 EC 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 petition documents required before the time period for Board consideration of a charter petition commences.

- (3) The deadline for the submission of a charter school appeal.
 - (4) The changes a petitioner may make to a charter on appeal, including but not limited to, changes needed to reflect the requirements of this policy.
- (b) In keeping with EC 47601(b), 47605(h), and 47605.6(i), the Board encourages all charter petitioners to incorporate comprehensive learning experiences for academically low achieving pupils.

III. Petition Review and Consideration

- (a) Charter petitions shall be reviewed in accordance with the requirements of law, including the Charter Schools Act. This review shall be guided by the criteria set forth in California Code of Regulations (CCR), Title 5, section 11967.5.1 to the extent that the regulations would be pertinent to county offices of education as follows:
- (1) Whether a petition is consistent with sound educational practice. (5 CCR 11967.5.1(a))
 - (2) Whether a petition is an unsound educational program. (5 CCR 11967.5.1(b))
 - (3) The factors for consideration of whether charter petitioners are "demonstrably unlikely to successfully implement the program" as referenced in EC 47605(b)(2). (5 CCR 11967.5.1(c))
 - (4) The interpretation of the affirmation requirement under EC 47605(b)(4). (5 CCR 11967.5.1(e))
 - (5) The factors described for consideration of whether a petition does or does not contain a "reasonably comprehensive description" of the elements specified in EC 47605(b)(5). (5 CCR 11967.5.1(f)-(g))
 - (6) Instead of the criteria in 5 CCR 11967.5.1(f)(15), 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 [Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code] 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.

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- (7) For purposes of applying the criteria in 5 CCR 11967.5.1, references to “State Board of Education” shall be deemed references to the Board, and references to “school district” and “local education agency” shall be deemed references to SCOE.
 - (8) For purposes of evaluating countywide charter petitions, references to provisions of EC 47605 shall instead be deemed to be references to corresponding provisions of EC 47605.6.
- (b) The Board shall give preference to petitions that demonstrate the capacity to provide comprehensive learning experiences to pupils identified by the petitioner(s) as academically low-achieving. (EC 47605(h) and 47605.6(i))
 - (c) In addition to the above requirements, petitions to establish countywide charter schools under EC 47605.6 must demonstrate the following to be approved:
 - (1) The educational services offered are services to a pupil population that will benefit from those services.
 - (2) The pupils proposed to be served cannot be served as well by a charter school that operates in only one school district in the county.
 - (3) The charter school has a reasonable justification for why it could not be established by a petition to a school district pursuant to EC 47605.
 - (d) 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.
 - (e) In the case of an appeal, after the SCOE staff review and recommendations are complete, the document(s) shall be made available to the petitioners and to representatives of the district that denied the charter.
 - (f) In the case of a SCOE student 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.
 - (g) As set forth in 5 CCR 11967, for a charter appeal or a SCOE student population petition, not later than 60 days after receiving a complete petition package, and following review of the petition at a duly noticed public meeting, the Board shall grant or deny the charter petition. This time period may be extended by an additional 30 days if the Board and the petitioner agree to the extension.

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- (h) Countywide charter petitions shall be reviewed and considered within the time periods set forth in EC 47605.6(b).
- (i) 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) that it has satisfied any other conditions that have been approved by the Board, upon recommendation by the Superintendent;
 - (5) 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.
- (j) If the petitioner fails to meet the requirements set forth in subdivision (i), 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 EC 47604.32(e)(3).

IV. Accountability and Oversight

The Board shall ensure that the proposed charter contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include fiscal accountability systems as well as clear performance standards and multiple measures by which the charter school will be held accountable for meeting its educational and other goals for students. Charter schools shall provide an annual report, and other reports as requested by the Board, Superintendent, or designee. (EC 47604.32, 47604.33, 47604.4 and 47613)

V. Material Revisions of an Approved Charter

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

VI. Renewal, Non-Renewal, or Revocation

- (a) Through ARR, the Superintendent shall specify procedures and timelines for charter schools operated under the auspices 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 EC 47607 and, as applicable, the evaluation criteria set forth in Section III(a) 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 EC 47607. “Substantial evidence,” within the meaning of EC 47607, shall be evidence that:
 - (1) Demonstrates that the violation was material.
 - (2) Supports revocation when viewed as a whole, including any information that may not support revocation, and does not focus on certain pieces of information to the exclusion of all others.
 - (3) Demonstrates that the violation actually occurred.
 - (4) 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)
48005.11, et seq. Charter school funding eligibility
51745-51749.3 Independent Study
56026 Individuals with exceptional needs
56145-56146 Special Education services in charter schools
60600-60649 Assessment of academic achievement

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
54950-54963 Ralph M. Brown Act
6250, et seq. California Public Records Act

PENAL CODE

667.5 Definition of violent felony
1192.7 Definition of serious felony

CALIFORNIA CODE OF REGULATIONS, TITLE 5

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)

06/02/03 Draft of Board Policy
02/10/04 Review by Legal Counsel
02/17/04 Review by Policy Committee
02/17/04 Revisions by Policy Committee
04/06/04 First Reading

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04/20/04	Second Reading
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