

SACRAMENTO COUNTY BOARD OF EDUCATION

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

NOTICE OF POLICY COMMITTEE MEETING VIA ZOOM

June 16, 2020 at 5:30 p.m. Pacific Time

<https://scoe.zoom.us/j/92321881499>

Meeting ID: 923 2188 1499

Public Comments: <https://bit.ly/policy-committee-6-16-20>

Telephone Call-In Information: 669-900-6833 or 346-248-7799

Accommodating Individuals with Special Needs

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AGENDA

- I. Call to Order and Roll Call
- II. Approval of Minutes
 - A. February 18, 2020 Policy Committee Meeting
- III. Review Proposed Revisions to the Following Board Policies
 - A. BP 5141.52 – Suicide Prevention
 - B. BP 2400 – Charter School Petitions
 1. Handouts – Charter School Regulations
 - a. California Code of Regulations, title 5, section 11967.5.1
 - b. SCOE Administrative Rules and Regulations 2400

- IV. Public Comments

NOTE: Anyone may address the Policy Committee on any item that is within the Committee's subject matter jurisdiction. However, the Committee may not take action on any item that is not on this agenda.

- V. Adjournment

SACRAMENTO COUNTY BOARD OF EDUCATION

Minutes of the Policy Committee Meeting of February 18, 2020

Agenda

- I. Call to Order and Roll Call
 - II. Approval of Minutes
 - A. December 10, 2019 Policy Committee Meeting
 - III. Review Proposed Revisions to the Following Board Policies
 - A. BP 6180 (Renumbered 6178) – Career Technical Education
 - B. BP 5142 – Authorization to Administer Prescription Medication and Medicinal Cannabis
 - IV. Review Proposed Elimination to the Following Board Policy
 - A. BP 2001 – Quality Leadership and Quality First Process
 - V. Public Comments
 - VI. Adjournment
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I. The meeting was called to order at 5:47 p.m. Committee members present were Joanne Ahola, Harold Fong, and Dr. Paul Keefer. Also present were Teresa Stinson, General Counsel; Elizabeth Linton, Associate General Counsel; Dr. Nancy Herota, Deputy Superintendent, Dr. Matt Perry, Assistant Superintendent; Michael Kast, Executive Director; and Maryanna Rickner, Legal Executive Assistant.

II. Approval of Minutes

Member Keefer moved and Member Fong seconded the motion to approve the minutes of the December 10, 2019 Policy Committee (Committee) meeting. Motion carried unanimously (3 ayes).

III. Review Proposed Revisions to the Following Board Policies

A. BP 6180 (Renumbered 6178) – Career Technical Education

SCOE staff explained that the policy revisions are proposed to reflect SCOE's updated Career Technical Education program changes within the program sites.

Member Keefer moved and Member Fong seconded the motion to move the policy as amended to First Reading. Motion carried unanimously (3 ayes).

B. BP 5142 – Authorization to Administer Prescription Medication and Medicinal Cannabis

SCOE staff explained that the policy revisions are proposed to reflect recent legislation.

Member Keefer moved and Member Ahola seconded the motion to move the policy as amended to First Reading. Motion carried 2 ayes, 1 no (Fong).

IV. Review Proposed Elimination to the Following Board Policy

A. BP 2001 – Quality Leadership and Quality First Process

The Committee moved to eliminate this policy because it is outdated and not necessary.

Member Fong moved and Member Keefer seconded the motion to move the policy to First Reading. Motion carried unanimously (3 ayes).

V. No Public Comments

VI. Member Fong moved to adjourn the meeting and Member Keefer seconded. Motion carried unanimously (3 ayes). The meeting adjourned at 6:24 p.m.

Respectfully submitted,

Dr. Nancy Herota
Deputy Superintendent

Date approved:

**III.A.-B.
Review Proposed Revisions
to the Following Board
Policies**

DRAFT

5000 – STUDENTS

SUICIDE PREVENTION

BP 5141.52

(Page 1 of 3)

The Superintendent or designee (Superintendent) shall develop measures and strategies for suicide prevention, intervention, and postvention for pupils in Sacramento County Office of Education (SCOE) schools.

Such measures and strategies may include, but are not limited to:

1. Providing staff development on suicide awareness and prevention for teachers, school counselors, and other employees who interact with pupils in **elementary and the** secondary grades and in other SCOE schools, as appropriate.
2. Training staff to encourage pupils to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another pupil's suicidal intentions.
3. Instructing pupils on warning signs of mental health challenges and emotional distress, coping strategies for dealing with stress and trauma, and strategies for seeking help for oneself and others. Age-appropriate pupil instruction may be incorporated into health education or other appropriate curricula.
4. Promoting a positive school climate that enhances pupils' feelings of connectedness with the school.
5. Providing information to parents/guardians regarding risk factors and warning signs of suicide, basic steps for talking to youth about suicide, and/or school and community resources that can help youth in crisis.
6. Creating crisis intervention procedures for addressing suicide threats or attempts.
7. Counseling and other postvention strategies for helping pupils, staff, and others cope in the aftermath of a pupil's suicide.
8. Providing a list of resources and materials for school employees, parents/guardians, and pupils that will identify mental health services and information about when and how to refer children, youth, and families to those services.

As appropriate, these measures and strategies shall specifically address the needs of pupils who are at high risk of suicide, including, but not limited to:

DRAFT

5000 – STUDENTS

SUICIDE PREVENTION

BP 5141.52
(Page 2 of 3)

- pupils who are bereaved by suicide;
- pupils with a history of suicide ideation or attempts;
- pupils with disabilities, mental illness, or substance use disorders;
- pupils who are experiencing homelessness or who are in out-of-home settings such as foster care; and
- pupils who are lesbian, gay, bisexual, transgender, or questioning youth.

The Superintendent **shall** ~~may~~ consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, pupils, local health agencies, mental health professionals, **suicide prevention experts**, and/or community organizations in developing and implementing these measures and strategies. **The measures shall be appropriate for the needs of SCOE pupils, and particularly regarding pupils in grades K through 6, delivered in a manner sensitive to the needs of young pupils.**

SCOE employees must act only within the authorization and scope of the employees' credentials or licenses. Nothing in this policy or in the trainings provided pursuant to this policy shall be construed as authorizing or encouraging a SCOE employee to diagnose or treat mental illness unless the employee is specifically licensed and employed to do so.

Legal References:

EDUCATION CODE

215 Pupil suicide prevention policies
32280-32289 Comprehensive safety plan
49602 Confidentiality of pupil information
49604 Suicide prevention training for school counselors

01/27/98 Proposed Draft
02/03/98 Revised by Policy Committee
02/17/98 First Reading
03/03/98 Second Reading

DRAFT
5000 – STUDENTS

SUICIDE PREVENTION

BP 5141.52
(Page 3 of 3)

03/03/98	Approved
06/13/17	Reviewed by Policy Committee
07/11/17	First Reading
08/15/17	Second Reading and Adoption (Formerly BP 5600)
09/08/17	Distribution
<u>06/16/20</u>	<u>Reviewed by Policy Committee</u>

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 1 of 11)

I. Scope and Purpose

(a) **A.** This policy recognizes legislative intent, as to the purposes of charter schools, **to provide a method to:** per ~~Education Code (EC) section 47601.~~

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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 2 of 11)

(e) **C.** This policy applies to three types of charter petitions:

- (1) **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 ~~EG~~ **Education Code section** 47605(jk)(1).
- (2) **2.** ~~SCOE Student~~ **Pupil Populations.** Petitions that propose to serve ~~students~~ **pupils** for whom SCOE would otherwise be responsible for providing direct education and related services, per ~~EG~~ **Education Code section** 47605.5.
- (3) **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 ~~EG~~ **Education Code section** 47605.6.

II. Petition Submission

- (a) **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) **1.** The requirements for a charter petition.
 - (2) **2.** ~~The petition documents required~~ **to complete the petition and to begin** ~~before the time period for Board consideration of a~~ **the** ~~charter petition commences.~~
 - (3) ~~The deadline for the submission of a charter school appeal.~~ **Petition submission procedures.**
 - (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.~~ **Petition review procedures and standards.**

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 3 of 11)

- (b) **B.** In keeping with ~~EG~~ Education Code sections 47601(b), 47605(h), 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) **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 The Board will consider the following factors:

- (1) **1.** Whether a petition is consistent with sound educational practice. (~~5 CCR 11967.5.1 (a)~~)
- (2) **2.** Whether a petition is an unsound educational program. (~~5 CCR 11967.5.1 (b)~~)
- (3) **3.** ~~The factors for consideration of w~~**Whether** charter petitioners are "demonstrably unlikely to successfully implement the program" as referenced in ~~EG~~ Education Code section 47605(~~bc~~)(2). (~~5 CCR 11967.5.1 (c)~~)
- (4) **4.** ~~The interpretation of~~ Whether the petition includes the affirmation requirements under ~~EG~~ Education Code section 47605(~~bc~~)(4). (~~5 CCR 11967.5.1 (e)~~)
- (5) **5.** ~~The factors described for consideration of w~~**Whether** a petition ~~does or does not contains~~ a "reasonably comprehensive description" of the elements specified in ~~ED~~ Education Code section 47605(~~bc~~)(5). (~~5 CCR 11967.5.1 (f)-(g)~~)

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 4 of 11)

- (6) **6.** ~~Instead of the criteria in 5 CCR11967.5.1 (f)(15), the~~ **Whether the petition includes 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 the purposes of the Educational Employment Relations Act [Chapter 10.7 (commencing with **Government Code** Section 3540, **et seq.**) of Division 4 of Title 1 of the Government Code] **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, including, but not limited to the following:**
- (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 community demographics, academic needs and performance indicators, and other characteristics.**
 - (d) Evidence that the proposed charter location will be accessible to pupils and parents.**

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 5 of 11)

(e) Evidence demonstrating that the fiscal or other impact of the proposed charter program will or will not substantially undermine existing district services, academic or programmatic offerings.

(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.

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).)

~~(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.~~

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 6 of 11)

(8) **9.** For purposes of evaluating countywide charter petitions, references to provisions of ~~EC~~ **Education Code section** 47605 shall instead be deemed to be references to corresponding provisions of ~~EC~~ **Education Code section** 47605.6, **to the extent applicable.**

~~(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))~~

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)~~ **C.** In addition to the above requirements, petitions to establish countywide charter schools under ~~EC~~ **Education Code section** 47605.6 must demonstrate the following to be approved:

(4) **1.** The educational services offered are services to a pupil population that will benefit from those services.

(2) **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) **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~~ **Education Code section** 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.~~

IV Petition Hearing Procedures

~~(e)~~ **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.**

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 7 of 11)

~~(f)~~ **B.** In the case of a SCOE student **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.**

~~(g)~~ **C.** ~~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.~~ **The Board will hold a public hearing, consider, and grant or deny a charter petition within the time periods required by law. (Ed. Code, §§ 47605, 47605.5, 47605.6) The Board will strive to hold the public hearing and decide a charter appeal in one meeting within 60 days of receiving a completed charter appeal. However, the Board's decision may take more time depending upon factors such as when the charter appeal is submitted, exigent circumstances, or other factors.**

D. **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.**

E. **For charter appeals, the school district that denied the original charter petition will have a reasonable opportunity to present at the charter decision hearing.**

F. **The Board may establish reasonable time limitations on presentations by charter petitioners, school districts, and their respective employees. Before the decision hearing, the Board will consult with and notify the parties of the total time allotted for presentations by petitioner, the school district(s), and their respective employees.**

~~(h)~~ ~~Countywide charter petitions shall be reviewed and considered within the time periods set forth in EC 47605.6(b).~~

V. Opening, Operating, Accountability, and Oversight

~~(i)~~ **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:

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 8 of 11)

- (1) 1. ~~That~~ it has secured an appropriate facility for the operation of the program described in the charter petition;
 - (2) 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) 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) 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) 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.
- (j) **B.** 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 Education Code section** 47604.32(e)(3).

~~IV. Accountability and Oversight~~

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400
(Page 9 of 10)

- C. The 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 ~~students~~ **pupils**. Charter schools shall provide an annual report, and other reports as requested by the Board, Superintendent, or designee. (~~EG~~ **Ed. Code, §§** 47604.32, 47604.33, 47604.4 and 47613.)

VI. ~~Material Revisions of an Approved Charter~~

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 ~~the provisions of~~ 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 ~~EG~~ **Education Code sections** 47605 and 47605.6.

VII. Renewal, Non-Renewal, or Revocation

- (a) **A.** Through ARR, the Superintendent shall specify procedures and timelines for charter schools operated under the auspices of SCOE:
- (1) **1.** To apply for renewal; or, if applicable,
 - (2) **2.** To be proposed by SCOE staff for revocation.
- (b) **B.** Renewal shall be governed by ~~EG~~ **Education Code section** 47607, **et seq.** and, as applicable, the evaluation criteria set forth in Section III(a) of this policy, and applicable ARR.
- (c) **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) **D.** Revocation shall be governed by ~~EG~~ **Education Code section** 47607, **et seq.** “Substantial evidence,” within the meaning of ~~EG~~ **Education Code section** 47607, shall be evidence that:

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 10 of 11)

- (1) 1. Demonstrates that the violation was material.
 - (2) 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) 3. Demonstrates that the violation actually occurred.
 - (4) 4. Was not cured by the charter school during its reasonable opportunity to remedy the violation.
- (e) 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, et seq.-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

1090, et seq. Conflicts of Interest in Contracts

3540, et seq.-3549.3 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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

BP 2400

(Page 11 of 11)

TITLE 2, CALIFORNIA CODE OF REGULATIONS

18700, et seq. Conflicts of Interest

TITLE 5, 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~~
~~04/20/04 — Second Reading~~
~~04/20/04 — Adoption~~
~~04/27/04 — Distribution~~
~~06/16/09 — Review by Policy Committee~~
~~07/21/09 — Review by Policy Committee~~
~~08/18/09 — Draft~~
~~08/18/09 — Review by Policy Committee~~
~~09/15/09 — Review by Policy Committee~~
~~10/20/09 — Review by Policy Committee~~
~~11/17/09 — Review by Policy Committee~~
~~12/15/09 — Review by Policy Committee~~
~~01/19/10 — First Reading~~
~~02/16/10 — Review by Policy Committee~~
~~03/16/10 — Review by Policy Committee~~
~~04/02/10 — First Reading~~
~~04/20/10 — Second Reading and Adoption~~
~~05/10/10 — Distribution~~
~~10/19/10 — Review by Policy Committee~~
~~11/16/10 — First Reading~~
~~01/18/11 — Second Reading and Adoption~~
~~01/20/11 — Distribution~~
06/16/20 — Reviewed by Policy Committee

Handouts
Charter School Regulations
June 16, 2020

5 CCR § 11967.5.1

§ 11967.5.1. Criteria for the Review and Approval of Charter School Petitions and Charter School Renewal Petitions by the State Board of Education (SBE).

(a) For purposes of Education Code section 47605(b), a charter petition shall be “consistent with sound educational practice” if, in the SBE'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 student who might possibly seek to enroll in order for the charter to be granted by the SBE.

(b) For purposes of Education Code section 47605(b)(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 SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.

(2) A program that the SBE 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(b), 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(b)(2), the SBE 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 SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

(2) The petitioners are unfamiliar in the SBE'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(b)(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 SBE 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(b)(4), a charter petition that “does not contain an affirmation of each of the conditions described in subdivision (d)” 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(d).

(f) For purposes of Education Code section 47605(b)(5), the SBE 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(b)(5)(A), at a minimum:

- (A) Indicates the proposed charter school's target student 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 with the needs of the pupils that the charter school has identified as its target student 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 four core curriculum areas adopted by the SBE 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 students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student 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 students 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 special education pupils, and how the school intends to meet those responsibilities.
- (2) Measurable pupil outcomes, as required by Education Code section 47605(b)(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. 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 students and for groups of students.
- (B) Include the school's Academic Performance Index growth target, if applicable.
- (3) The method by which pupil progress is to be measured, as required by Education Code section 47605(b)(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 (2)(A) of subdivision (f) of this section.
- (B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.

(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.

(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(b)(5)(D), at a minimum:

(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.

(B) 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(b)(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(b)(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.

(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.

(7) Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(d), 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 school district to which the charter petition is submitted, as required by Education Code section 47605(b)(5)(G), 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(b)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(d) and any other applicable provision of law.

(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(b)(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 SBE, California Department of Education, or other agency as the SBE 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 or expelled, as required by Education Code section 47605(b)(5)(J), at a minimum:

(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.

(B) Identify the procedures by which pupils can be suspended or expelled.

(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.

(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 students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, 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 and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.

(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(b)(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(b)(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(b)(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 SBE 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(b)(5)(N), at a minimum:

(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not an LEA.

(B) Describe how the costs of the dispute resolution process, if needed, would be funded.

(C) Recognize that, because it is not an LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute 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 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.

(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. Education Code section 47605(b)(5)(O) recognizes that the SBE is not an exclusive public school employer. Therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (commencing with Government Code section 3540).

(g) A "reasonably comprehensive" description, within the meaning subdivision (f) of this section and Education Code section 47605(b)(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 students.

Note: Authority cited: Sections 33031 and 47605, Education Code. Reference: Section 47605, Education Code.

HISTORY

1. New section filed 3-1-2002; operative 3-31-2002 (Register 2002, No. 9).

2. Amendment of section heading, section and Note filed 10-24-2011; operative 11-23-2011 (Register 2011, No. 43).

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

This database is current through 5/15/20 Register 2020, No. 20

5 CCR § 11967.5.1, 5 CA ADC § 11967.5.1

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 1 of 12)

I. General Provisions

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

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

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

II. Charter School Petition Submission and Review Procedures

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

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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 2 of 12)

A. Appeals (Pursuant To ~~EC Ed. Code, §47605(j)(1)(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 by the Board no later than 180 days after the denial at SCOE's administrative offices (10474 Mather Boulevard, Mather, CA 95655) within the legally required deadline. (Ed. Code, § 47605(k).) When filing the charter school petition appeal with the Board, petitioners shall provide the following before the Board will consider the appeal:

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

~~This description may also incorporate any changes needed to:~~

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

5. Evidence that copies of all charter appeal documents have also been submitted to the school district. (Ed. Code, §47605(k).)
6. If the petition submitted on appeal contains new or different material terms as defined in Ed. Code, §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.

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 3 of 12)

The timeline for consideration of the appeal will not commence until the above items 1-5 are submitted. ~~(5 CCR 11967)~~

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

B. SCOE Student Pupil Population or Countywide Charter Petitions (Pursuant To ~~ED~~ 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 ~~EG~~ **Ed. Code, § 47605**, other applicable law, and Board policy. Petitions to establish a countywide charter school must be submitted as set forth in ~~EG~~ **Ed. Code, § 47605.6**, other applicable law, and Board policy.

In addition to the above requirements, petitions to establish countywide charter schools under ~~EG~~ **Ed. Code, § 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 ~~EG~~ **Ed. Code, § 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 ~~signed by each of them,~~ formally applying to the Board for the approval of a charter petition. For a charter appeal, if the proposed charter school includes one or more grade levels not served by the district to which the charter was initially submitted, it must also propose to serve all of the grade levels which are served by the district. (~~EG~~ **Ed. Code, § 47605(a)(6)**.)
2. A copy of the charter school petition must be attached to the form and signatures provided by either:

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 4 of 12)

- 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 ~~EG~~ Ed. Code, §§ 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. (~~EG~~ Ed. Code, §§ 47605(a)(1)(B) and 47605.6(a)(1)(B).)

In the case of a petition for the establishment of a charter school through the conversion of an existing public school, the petition must be signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted. (~~EG~~ 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).)
4. A detailed complete, and fully annotated operational budget with estimates of charter school revenues and expenditures including startup costs, cashflows, and reserve positions for the first three years of operation.
5. 3. A thorough description of the education, work experience, credential, degrees and certifications of the individuals comprising, or proposed to comprise, the administration of the proposed charter school, including the directors, Board members, administrators, and managers.

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 5 of 12)

- ~~4.~~ ~~Opening a charter school does not require the use of consultants. However, if the Petitioners intend to use consultants, the petition should include a list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.~~
- ~~5.~~ **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, the Public Records Act, **Political Reform Act, Government Code section 1090, and any other governance or public meeting requirements applicable to charter schools. (Ed. Code, § 47604.1)** and, if applicable, the charter school's Conflict of Interest provisions.
- ~~6.~~ **7.** An affirmation that meets the requirements of ~~EC~~ **Ed. Code, §§** 47605(d) or 47605.6(e).
- ~~7.~~ **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.
- ~~8.~~ **9.** ~~A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures including startup costs, cash-flows, and reserve positions, for the first three years of operation.~~
- 9.** **Opening a charter school does not require the use of consultants. However, if the Petitioners intend to use consultants, the petition should include a list of consultants whom the charter school has engaged, for the purpose of developing, operating and evaluating the charter school, together with a through description of the qualifications of such consultants.**

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 6 of 12)

- ~~9.~~10. Petitions must, at a minimum, specify that prior to enrollment the parent/guardian of each pupil applying to enroll in the charter school shall be informed that the pupil receives no right to admission into a particular school of any local education agency or program of any local education agency by enrolling in the charter school. (~~5 CCR~~ Cal. Code Regs., tit. 5, § 11967.51(f)(12).)
- ~~40.~~11. The petitioners must provide information regarding the potential civil liability effects, if any, upon the school, any school district where the charter school may operate, SCOE, and the Board. (~~EC~~ Ed. Code, §§ 47605(gh) and 47605.6(h).)
- ~~41.~~12. The petition must also demonstrate that the charter school shall meet all applicable **state and federal accountability** requirements ~~of the federal Elementary and Secondary Education Act or its successors.~~
- ~~42.~~13. Reasonably comprehensive descriptions of the items listed in ~~EC~~ Ed. Code, §§ 47605(b)(c)(5)(A)-(PO) and 47605.6(b)(5)(A)-(QP) or any subsequently implemented provisions of the Charter Schools Act of 1992.

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

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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 7 of 12)

- iv. Hold itself accountable for measurable, performance-based pupil outcomes.
- v. Provide vigorous competition with other public school options available to parents, guardians, and students pupils.
- vi. Serve the interests of the community which the charter is proposing to serve, taking into account the school district and community demographics, academic performance and needs, or other characteristics.

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

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

Petitioners seeking approval to commence the operation of a district-authorized charter school per ~~EC~~ **Ed. Code, § 47605** at the start of a school year are encouraged to submit the charter petition to the district Board by the beginning of the prior school year, so as to allow time to pursue if necessary the appeal process of the county and the state. Petitioners seeking approval to commence the operation of a county-authorized charter school at the start of a school year per ~~EC~~ **Ed. Code, §§ 47605.5 or 47605.6** are encouraged to submit the charter petition to the Board ~~no later than October 15 of the~~ **by the beginning of the** prior school year.

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

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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 8 of 12)

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

If the Board denies a charter petition ~~petition~~ **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, ~~within 180 days of the denial.~~ (~~EC~~ **Ed. Code, §§ 47605(jk)** and 47605.5; ~~(5 CCR~~ **(Cal. Code Regs., tit. 5, § 11967.)**)

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

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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 9 of 12)

- D. Monitoring the fiscal condition of each charter school under its authority.
- E. Providing timely notification to the California Department of Education (CDE) if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - 1. A renewal of the charter is granted or denied.
 - 2. The charter is revoked.
 - 3. The charter school will cease operation for any reason.

~~Should an approved charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the~~ Board may appoint a representative to serve on the board of directors of **charter schools operated by nonprofit benefit** the corporations, and the corporation shall confer upon the Board's appointee all rights and responsibilities exercised by any other director of the corporation. (~~EC~~ **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, ~~student~~ **pupil** progress toward charter school goals and objectives, ~~student~~ **pupil** progress on state mandated assessments, and compliance with ~~No Child Left Behind (or successor)~~ **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 ~~EC~~ **Ed. Code, §§** 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.

A charter school shall annually prepare and submit to the Superintendent the reports specified in ~~EC~~ **Ed. Code, §** 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.

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 10 of 12)

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

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

Material revisions to ~~the provisions of~~ 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 ~~EC~~ **Ed. Code, §§** 47605 and 47605.6.

VI. Potential Revocation of Approved Charter Petitions

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

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

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

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 11 of 12)

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 Ed. Code, §§ 47607, et seq., the same standards and criteria that apply to new charter school petitions as set forth in EC 47605 and 47605.6 and, as applicable, the evaluation criteria set forth in this ARR. **A summary of statutory renewal standards is outlined in Appendix B. To the extent that charter renewal standards are later updated, renewal will be governed by currently applicable law.**

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

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

~~— The Board shall base this determination on:~~

- ~~1. Documented and clear and convincing data.~~

DRAFT

2000 – ADMINISTRATION

CHARTER SCHOOL PETITIONS

ARR 2400

(Page 12 of 12)

- ~~2. Pupil achievement data from assessments, including but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with EC 60640) for demographically similar pupil populations in the comparison schools.~~
- ~~3. Information submitted by the charter school.~~

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

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

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

~~Each renewal shall be for a period of five years.~~

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Administrative Rules and Regulations 2400

Appendix A

Charter School Petition Review Tips

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

Tip No. 1: Realistic Budget Figures.

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

Tip No. 2: Consistency throughout the Petition.

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

Tip No. 3: Use of Realistic Enrollment Patterns.

- ✓ Frequently, petitions will utilize enrollment figures which assume maximum enrollment on the first day of school with 100% attendance without data support. When estimating the percent of enrolled ~~students~~ pupils that attend daily to earn ADA (average daily attendance), the petitioner needs to consider what is reasonable for the expected ~~student~~ pupil population. For example, in a high risk population, ~~students~~ 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 ~~students~~ 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 ~~students~~ 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.

- ~~✓ An example of an enrollment pattern and ADA computation with gradual growth for a 100-student pupil charter school follows:~~

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

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

Tip No. 4: Awareness of Special Education Funding.

- ✓ The petition should reflect an understanding of special education funding which impacts the petition's use of realistic budget figures and the petition's consistency (see Tips 1 and 2 above).
- ✓ In preparing Recommended Findings of Fact, SCOE staff will consider whether the petitioners are members of a SELPA **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 and timelines.

- ✓ Frequently petitioners have indicated a proposed charter school's intent to provide services through the Sacramento County SELPA, but the petition reflects a lack of clarity related to the SELPA process.
- ✓ Before opening and operating a charter school approved by the Board, petitioners must demonstrate that the charter school has been accepted as a member of a SELPA for purposes of providing special education services.
- ✓ Petitioners are encouraged to apply for membership in a SELPA before or at the same time they submit their charter petition to the Board (e.g., the **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 them 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 ~~students~~ **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 ~~students~~ pupils**
 - System for identifying, testing and placement of ~~students~~ **pupils**
 - Schedule of time for intervention: how long, how often
 - Types of materials used: state-board approved or other
 - Plans for exiting ~~students~~ **pupils** to the core program
 - A specific plan for on-going support
 - **Assessment Program**
 - Information on whether assessments are curriculum-embedded (taken from state-approved texts) or teacher made. If teacher made, what is the source of the items and how do they correlate to state standards.
 - Specific details in relation to the three types of assessment:
 - Entry-level tests – needed to determine ~~student~~ **pupil** needs prior to instruction

- Formative tests – needed to determine how teachers modify instruction
 - Summative test – needed to determine how well ~~students~~ **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 ~~student~~ **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 ~~four~~ **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 ~~Education Code section~~ **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 ~~Education Code section~~ **Ed. Code, § 47605(bc)**;
 - A signed certification of compliance with applicable law; and
 - ⊖ A description of any changes to the petition necessary to reflect the County Board of Education as the ~~chartering~~ **authorizing** entity. (~~5 CCR 11967(b).~~)
 - **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

(Based on performance for two consecutive years immediately before renewal decision)

**SHALL NOT DENY*
STREAMLINED RENEWAL**

- Two (2) highest performance levels schoolwide on all state indicators; **OR**
- Schoolwide performance levels at or higher than state average; **and** majority of underperforming subgroups exceed state average

***Does not apply to charters qualifying for technical assistance*

(Ed. Code, § 47607(c).)



**5 –7 Year
Renewal**

**DISCRETIONARY
RENEW OR DENY***

- Consider:
 - Schoolwide and subgroup performance on state and local indicators
 - Academic indicators given most weight
 - Clear, convincing, verifiable data showing measurable gains or strong post-secondary outcomes
- Deny only if (1) insufficient progress towards standards; (2) closure is in pupils' best interests; and (3) gave most weight to academic performance

(Ed. Code, § 47607.2(b).)



**5-Year
Renewal**



DENIAL

SHALL NOT RENEW*

- Two (2) lowest performance levels schoolwide on all state indicators; **OR**
- Schoolwide performance levels at or below state average; **and** majority of underperforming subgroups below state average



DENIAL

***SECOND LOOK (1) meaningful steps to address low performance; **and** (2) clear, convincing, verifiable data showing measurable gains or strong post-secondary outcomes*

(Ed. Code, § 47607.2(a).)



**2-Year
Renewal**



DENIAL

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