



Sacramento County Board of Education

Regular Meeting

Tuesday / February 4, 2020 / 6:30 P.M.

10474 Mather Boulevard
P.O. Box 269003
Sacramento, CA 95826-9003
916.228.2410

SACRAMENTO COUNTY BOARD OF EDUCATION
10474 Mather Boulevard
P.O. Box 269003
Sacramento, California 95826-9003

TO: Members, County Board of Education

FROM: David W. Gordon, Secretary to the Board

SUBJECT: Agenda – Regular Meeting – Tuesday, February 4, 2020

Regular Session: 6:30 p.m.

NOTE: The Sacramento County Office of Education encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, contact the Superintendent's Office at 916.228.2410 at least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate you. [Government Code § 54953.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. § 12132).]

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Approval of the Minutes of the Regular Board Meeting of January 14, 2020
- IV. Adoption of Agenda
- V. Official Correspondence
- VI. Visitor Presentations
 - A. General Public
 - B. Employee Organizations

NOTE: Anyone may address the Board on any item that is within the Board's subject matter jurisdiction. However, the Board may not take action on any item not on this agenda except as authorized by Government Code section 54954.2.

Anyone may appear at the Board meeting to testify in support of or in opposition to any item being presented to the Board for consideration. If possible, notify the Board President or Board Secretary in writing prior to the meeting if you wish to testify.

SCOE Mission Statement

To ensure that our students are prepared for success in college, career, and community;
To provide educational leadership to the diverse groups we serve;
To work creatively and collaboratively with partners; and
To give educators and support staff the training and tools they need for success.

NOTICE: The agenda packet and supporting materials, including materials distributed less than 72 hours prior to the scheduled meeting, can be viewed at the Sacramento County Office of Education – Reception Desk, located at 10474 Mather Boulevard, Mather, CA. For more information, please call 916.228.2410.

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VII. Superintendent's Report

VIII. New Business

A. Adoption of Consent Agenda – David W. Gordon

1. Accept Report on Personnel Transactions – Coleen Johnson
2. Award Diplomas to Special Education, Court, and Community School Students – Dr. Matt Perry/Michael Kast
3. Accept Donation to Project TEACH – Dr. Nancy Herota
4. Declaration of Equipment Listed as Surplus Property and Authorization to Dispose of Equipment Pursuant to Education Code (Technology) – Jerry Jones

B. Approval of Contracts – Tammy Sanchez

C. No Grant Applications/Service Contracts

D. Public Hearing, Discussion, and Action on American River Collegiate Academy Charter Petition Appeal – Teresa Stinson

E. Authorization to Seek Bids for New External Financial Auditing Services – Tammy Sanchez

F. Second Reading and Adoption of Revisions to Board Policy 1312.3 – Uniform Complaint Procedures – Policy Committee

G. Informational Item: Revisions to Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures – Teresa Stinson

H. Second Reading and Adoption of Revisions to Board Policy 6174 – Education for English Learners – Policy Committee

I. Informational Item: New Administrative Rules and Regulations 6174 – Education for English Learners – Teresa Stinson

J. Second Reading and Proposed Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education – Policy Committee

K. Informational Item: Elimination of Administrative Rules and Regulations 1320 – Complaints Concerning the County Office of Education – Teresa Stinson

L. Board Report – Governor's Budget – Tammy Sanchez

M. Board Report – Update on Current Legislation – Teresa Stinson

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IX. Board Reports, Comments, and Ideas

- A. Board Members
- B. Board President
- C. Committees

X. Items for Distribution

- A. February/March Events
- B. February/March Site Visits

XI. Schedule for Future Board Meetings

- A. February 18, 2020 – Revised Local Accountability Model for Court and Community Schools
- B. March 10, 2020 – Study Session on Charter Schools
- C. March 17, 2020 – Family and Community Engagement (FACE)

XII. Adjournment

SACRAMENTO COUNTY BOARD OF EDUCATION

Minutes of the Regular Meeting of January 14, 2020

Agenda

- I. Call to Order and Roll Call
- II. Pledge of Allegiance
- III. Approval of the Minutes of the Regular Board Meeting on December 10, 2019
- IV. Adoption of Agenda
- V. Official Correspondence
- VI. Visitor Presentations
 - A. General Public
 - B. Employee Organizations
- VII. Superintendent's Report
 - A. Recognition of the February 2020 Employees of the Month
- VIII. New Business
 - A. Adoption of Consent Agenda
 - 1. Accept Report on Personnel Transactions
 - 2. Award Diplomas to Court and Community School Students
 - B. Approval of Contracts
 - C. Authorization to Submit Grant Applications/Service Contracts and Accept Funding if Awarded; and Approval of Contracts, Positions, and Other Expenditures Associated with the Grants as Outlined in the Proposed Budgets
 - 1. \$222,990 Career Technical Education Assistance Incentive grant from the California Department of Education, College and Career Transition Division for the 2019-2020 fiscal year
 - 2. \$1,671,637 Statewide Non-Profit Private School Professional Development (SNPSPD) grant from the California Department of Education for the 2019-2020 and 2020-2021 fiscal years
 - D. Accept Audit Report for Fiscal Year Ended June 30, 2019
 - E. Approval of Proposed Board Meeting Dates for 2020-2021
 - F. Authorization for Out of State Travel – Trustee Brown to Attend the 50th Annual Capitol-to-Capitol Conference in Washington, DC
 - G. Authorization for Staff to Complete Necessary Requirements for Deferred Maintenance and Modernization Projects
 - H. Adoption of Resolution No. 20-01 – In Support of Proposition 13, the Public Preschool, K-12, and College Health and Safety Bond Act of 2020
 - I. First Reading of Revisions to Board Policy 1312.3 – Uniform Complaint Procedures
 - J. First Reading of Revisions to Board Policy 6174 – Education for English Learners
 - K. First Reading and Proposed Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education
 - L. Board Report – Mental Health
- IX. Board Reports, Comments, and Ideas
 - A. Board Members
 - B. Board President

- C. Committees
 - X. Items for Distribution
 - A. January/February Events
 - B. January/February Site Visits
 - XI. Schedule for Future Board Meetings
 - A. February 4, 2020 – Governor’s Budget and Legislation
 - B. February 18, 2020 – Revised Local Accountability Model
 - XII. Adjournment
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I. President Lefkovitz called the meeting to order at 6:32 p.m. in the Board Room of the David P. Meaney Education Center, Sacramento County Office of Education, 10474 Mather Boulevard, Mather, California. Board members present were Joanne Ahola, Alfred Brown, Heather Davis, Harold Fong, Paul Keefer, Bina Lefkovitz, and Karina Talamantes. Also present were David W. Gordon, Superintendent and Secretary to the Board; Nancy Herota, Deputy Superintendent; Teresa Stinson, General Counsel; Tammy Sanchez, Associate Superintendent; Matt Perry, Assistant Superintendent; Michael Kast, Executive Director of Special Education; Jerry Jones, Executive Director of Technology; Tim Herrera, Director of Communications; Rachel Perry, Executive Director of C-SAPA; other staff and visitors; and Carla Miller, Superintendent/Board Liaison.

II. Ms. Ahola led the Pledge of Allegiance.

III. On a motion by Ms. Ahola and seconded by Mr. Brown, the minutes of the Regular Board Meeting of December 10, 2019 were approved. Motion carried unanimously (7 ayes).

President Lefkovitz read the mission statement.

IV. Mr. Fong moved to adopt the agenda. Ms. Davis seconded the motion, which carried unanimously (7 ayes).

V. There was no official correspondence.

VI.A. There were no requests for visitor presentations from the general public.

VI.B. There were no requests for presentations from employee organizations.

VII.A. Rachel Unterbrink, Multimedia Design Specialist, C-SAPA Department, was recognized and honored as the classified employee of the month for February.

Rachel Remner, Alternative Education Teacher, Court and Community Schools, was recognized and honored as the certificated employee of the month for February.

Superintendent Gordon reported on the following:

- Introduced and welcomed the newest member of our Personnel Commission. Becky Taylor was selected to replace Christine Robinson,

who retired from the Commission last month. Becky knows us well. She is a retired SCOE employee who previously served as Financial Services Director, among many other duties during her time with us. Becky, welcome.

- Welcomed Dr. Nancy Herota, who is now our Deputy Superintendent of Schools. As you know, Nancy most recently served as our Assistant Superintendent of Educational Services. Welcome, Nancy.
- Tomorrow morning our own Dr. Natalie Woods Andrews will serve as a panelist at the Early Learning and Childcare Summit for the City of Sacramento. She'll be speaking on efforts to improve access to quality early learning and care in the region. The event is at the Tsakopoulos Library Galleria beginning at 9:00 a.m. Natalie's panel begins at 10:00 a.m.
- On December 19, we honored the successes of 30 graduates from our Community School programs at a graduation ceremony. We greatly enjoyed our keynote speaker, Guadalupe Delgado, Director of the Sacramento Cal-SOAP consortium, who gave a very inspirational and compelling speech. Many thanks to Board Trustees Brown, Davis, and Ahola for attending to wish our students well on the next leg of their life's journey.
- Congratulated Gerber Jr./Sr. High School for winning the 2019-2020 Sacramento County Academic Bowl. The competition is for students attending community, continuation, or special education schools. The topic was Sustainable Transportation for the 21st Century and we saw some impressive presentations. Many thanks to President Lefkovitz and Trustees Brown and Davis for serving as judges.
- On December 12, we celebrated the successes of 10 SCOE students who graduated from our special education program for young adults. Many thanks to Trustees Davis and Brown for joining us.
- Thanked everyone who attended our annual Winter Warm-Up on December 11. The annual reception for employees and retirees featured good food and conversation. Many thanks to President Lefkovitz and Trustees Talamantes, Keefer, and Brown for joining us. And thanks to everyone who donated toys for the Sheriff's Toy Drive and warm clothing for students who visit our Sly Park program.
- Please mark your calendars for several upcoming events.
 - Join us on Tuesday, January 21, for our January "Learn at Lunch" presentation. The event begins at noon in Room A. The topic: "Life in Balance: Dimensions of Wellness" and our presenter is Human Resources Chief Administrator Coleen Johnson. "Learn at

Lunch” is a monthly professional learning series for SCOE team members by SCOE team members. Please see Tim Herrera for details.

- The Academic Decathlon competition is Saturday, February 1 at Folsom High School. The Super Quiz begins at 3:45 p.m. This year’s theme: "In Sickness and in Health: An Exploration of Illness and Wellness".
 - The Academic Decathlon Awards dinner is Monday, February 3 at 6:00 p.m. at the CSUS University Ballroom.
 - On February 5, we are hosting our Sacramento County School Boards Association dinner meeting at 6:00 p.m. in the Mather Room. The topic is “The Challenge of Serving Students with Disabilities.” Our guest speakers will be Kevin Gordon, President and Partner of Capitol Advisors Group LLC, and Kristin Wright, Special Education Director for CDE.
 - On Thursday, February 6, we are hosting the Sacramento County Poetry Out Loud competition beginning at noon at Rosemont High School.
 - SCOE’s 13th Annual Heart and Soul Soup Luncheon will be held Friday, February 14 from 11:45 a.m. to 1:15 p.m. in the lunch room. There’s no cost but contributions are being accepted on behalf of SCOE’s Homeless Youth Services program.
 - For information on these events, please see Tim Herrera.
- Please mark your calendars for Tuesday, February 18 when we recognize our nominees for the 2020 SCOE Classified Employee of the Year. At the reception, we also will announce our selection for the Classified Employee of the Year. The event starts 5:00 p.m. in the Mather Room.
 - This is a reminder that ALL SCOE offices will be closed on these days:
 - January 20 for the Martin Luther King holiday
 - February 10 for Lincoln’s Birthday
 - February 17 for President’s Day

VIII.A. Ms. Talamantes moved and Ms. Davis seconded adoption of the consent agenda. Motion carried unanimously (7 ayes). By such action, the Board:

1. Accepted report on Personnel Transactions
2. Awarded diplomas to Court and Community School Students

Dr. Matt Perry, Assistant Superintendent, announced that the following students will be awarded a diploma: 2 candidates from El Centro Jr./Sr. High School; Luis Tadeo Martinez, Aisha Motley, Cesar Ramirez, and Dymin Stingley from Elinor Lincoln Hickey Jr./Sr. High School; Jennifer Irene Valle Amador, Edward Corice Dennings, Bryce R. Neal, Quiana Lakia Chasity Noble, and Moises Issac Ramirez Ribota from Gerber Jr./Sr. High School; and Jabree Fisher-Hankins, Joseph Mills, Shakirah Aquirah Morgan, and Abigale Renae Williams from North Area Community School.

VIII.B. Mr. Fong moved and Ms. Ahola seconded approval of the contracts. Motion to approve the contracts carried unanimously (7 ayes).

VIII.C. On a motion by Ms. Davis, seconded by Mr. Brown, and carried unanimously (7 ayes), the Board authorized staff to submit grant applications/service contracts and accept funding if awarded; and approved contracts, positions, and other expenditures associated with the grants as outlined in the proposed budgets as follows:

1. \$222,990 Career Technical Education Incentive grant from the California Department of Education, College and Career Transition Division for the 2019-2020 fiscal year
2. \$1,671,637 Statewide Non-Profit Private School Professional Development (SNPSPD) grant from the California Department of Education for the 2019-2020 and 2020-2021 fiscal years

VIII.D. Mr. Keefer moved and Ms. Davis seconded the motion to accept the Audit Report for Fiscal Year Ended June 30, 2019. Motion carried unanimously (7 ayes).

Tammy Sanchez introduced Dave Becker, Partner of James Marta & Company, LLP, who presented the summary of the Audit Report.

VIII.E. Ms. Talamantes moved and Mr. Brown seconded the motion to approve the proposed Board Meeting Dates for 2020 as listed. Motion carried unanimously (7 ayes).

VIII.F. Ms. Ahola moved and Mr. Keefer seconded the motion to approve authorization for Out of State Travel for Trustee Brown to attend the 50th Annual Capitol-to-Capitol Conference in Washington, DC. Motion carried 5 ayes, 1 no (Fong), 1 abstention (Brown).

There was discussion among the Board members and Superintendent Gordon clarifying that all Board members may attend and dialogue regarding the benefits of attending and why it is important for SCOE to have a presence in Washington, DC, in terms of networking with legislators and advocacy for programs.

VIII.G. Mr. Fong moved and Mr. Keefer seconded the motion to approve authorization for Staff to Complete Necessary Requirements for Deferred Maintenance and Modernization Projects. Motion carried unanimously (7 ayes).

VIII.H. Ms. Ahola moved and Ms. Davis seconded the motion to adopt Resolution No. 20-01 – In Support of Proposition 13, the Public Preschool, K-12, and College Health and Safety Bond Act of 2020. Motion carried unanimously (7 ayes).

VIII.I. President Lefkovitz announced this is the First Reading of Revisions to Board Policy 1312.3 – Uniform Complaint Procedures.

Chair Joanne Ahola of the Policy Committee recommended that the First Reading of Revisions to Board Policy 1312.3 – Uniform Complaint Procedures move forward to Second Reading at a future Board Meeting.

VIII.J. President Lefkovitz announced this is the First Reading of Revisions to Board Policy 6174 – Education for English Learners.

Chair Ahola of the Policy Committee recommended that the First Reading of Revisions to Board Policy 6174 – Education for English Learners move forward to Second Reading at a future Board Meeting.

VIII.K. President Lefkovitz announced this is the First Reading and Proposed Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education.

Chair Ahola of the Policy Committee recommended that the First Reading and Proposed Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education move forward to Second Reading at a future Board Meeting.

VIII.L. Dr. Nancy Herota, Deputy Superintendent, introduced Director Brent Malicote and Coordinator Chris Williams, who provided a report on Mental Health to the Board.

IX.A. Mr. Brown – no report.

Ms. Talamantes thanked Superintendent Gordon for the School of Education ugly sweater. She attended the Winter Warm-Up and voted for that sweater as the ugliest sweater, and wore it proudly.

Mr. Keefer wished everyone a Happy New Year. His goal is to bring virtue back to the town square, and tonight, the virtue of prudence elevated SCOE. Aristotle and Plato were key to develop prudence and St. Thomas Aquinas helped to build it out into a larger scope of study, but it's looking out into the future and also being wise to accept counsel. He thinks that the SCOE team Board report shows that both are occurring.

Mr. Fong wished Happy New Year to everyone. As we move into the first year of the new century, he would like the Board to double our efforts in closing the achievement gap in our county. It is something we talked about and we have programs trying to achieve it both with the Robla School District and a charter school. He is pleased that the governor's budget has a lot to say about where funding is going in terms of early childhood education and K-12 education. Hopefully those resources will translate into programs in the school districts and schools where they do their LCAP plans that will actually benefit the kids that need it the most.

Ms. Davis wished the four trustees a happy birthday and said she would not be able to stay for cake, but wished them all the very best. She congratulated Dr. Herota and stated that she would like to visit Cal-SOAP this year. It's been awhile since she has been at Sly Park and would like to visit that site/program as well.

Ms. Ahola said she's curious about the COE's work to support districts & schools with diversity inclusion, whether that is professional development or someone on staff. She recently has become aware of a staff person at Butte COE that is the person's job to support districts and charters in the county. Our board presentations are very informative, and months later she would like to go back and look at it, but can't find it in her email. She wondered if we could we add these presentations on our Board shared drive.

IX.B. President Lefkovitz wished everyone a Happy New Year. The Executive Committee met earlier. We are working on the scholarship fund and thinks there will be a report to the Board in February. Superintendent Gordon provided an update on each of the strategic priorities so look for a summary of those in the minutes. There was a discussion on having a presentation on equity, and maybe diversity and inclusion. She was pleased with the direction we are taking on closing the achievement gap. We can ask the Superintendent to speak specifically to that at a future Board meeting; maybe give a ten minute update.

IX.C. There were no committee reports.

X.A. There was no distribution of the January/February Events item.

X.B. There was no distribution of the January/February Site Visits item.

XI. Schedule for Future Board Meetings

A. February 4, 2020 – Governor's Budget and Legislation

B. February 18, 2020 – Revised Local Accountability Model

XII. Mr. Brown moved to adjourn the meeting. Mr. Fong seconded the motion, which carried unanimously 7 (ayes). The meeting adjourned at 8:50 p.m.

Respectfully submitted,

David W. Gordon
Secretary to the Board

Date approved:

SACRAMENTO COUNTY OFFICE OF EDUCATION

PERSONNEL TRANSACTIONS - FOR YOUR INFORMATION

Board Meeting – February 4, 2020

REGULAR APPOINTMENTS

Group (Mgmt/Cert/Class)	Dept./ Program	Name	Status	Classification	Location	Effective Date	Salary Placement
Management	C-SAPA	Dendulk, Arlene	Mgmt.	Curriculum Specialist, English Language Development Assessment 8 h/d 5 d/w 224 d/y PC# 170001	C-SAPA	01/21/20	MT-38
Management	Administration	Herota, Masami	Promotion	Deputy Superintendent 8 h/d 5 d/w 224 d/y PC# 050021	Administration	01/02/20	Contract
	(This individual was selected for a new position which increased her salary by more than \$10,000.)						
Management	Prevention & Early Learning	Rayray, Micaela	Promotion	Project Specialist I, Youth Development & School Mentor Programs 8 h/d 5 d/w 196 d/y PC# 200025	Prevention & Early Learning	01/08/20	MT-18
	(Through a competitive process, this individual was selected for a new position which increased her salary by more than \$10,000.)						
Classified	Special Education	Casey, Kirsten	Prob.	Speech-Language Pathology Assistant 8 h/d 5 d/w 185 d/y PC# 140034	Special Education	01/21/20	CL-39-A
Classified	Early Learning	Dawson, Sandra	Prob.	Staff Secretary 8 h/d 5 d/w 244 d/y PC# 050016	Early Learning	01/13/20	CL-23-A
Classified	Early Learning	Loyless, Lisa	Promotion	Staff Secretary 8 h/d 5 d/w 244 d/y PC# 040044	Early Learning	01/10/20	CL-23-A

TRANSFERS

Group (Mgmt/Cert/Class)	Dept./ Program	Name	Classification	From/To	Effective Date/ Duration
Certificated	Alternative Education	Fraijo, Barbara	Teacher, Alternative Education	El Centro Jr/Sr High School to Senior Extension (Itinerant)	01/02/20
Classified	Special Education	Beams, Debi	Para Educator – SH	Dry Creek West to Rio Linda HS	01/13/20
Classified	Early Learning	Walker, Wilda	Office Assistant	From Personnel to Early Learning	02/03/20

EXTRA ASSIGNMENTS

Group (Mgmt/Cert/Class)	Dept./ Program	Name	Classification	Location	Effective Date/ Duration
Management	Student & Educational Services/ Foster Youth Services	Serrano, Jacque	Project Specialist I, Foster Youth, Instructional Case Manager	Foster Youth Services	2019-2020 school year 45 additional days

SEPARATIONS

Group (Mgmt/Cert/Class)	Type	Name	Classification	Location	Effective Date	Reason for Leaving
Classified	Special Education	Valezquez, Gabriela	Para Educator	Palmiter	01/09/20	Resignation

R E C A P

	Management	Certificated	Classified	Total
Regular Appointments	3	0	3	6
Transfers	0	1	2	3
Extra Assignments	1	0	0	1
Separations	0	0	1	1
TOTAL	4	1	6	11

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Award Diplomas	Agenda Item No.: VIII.A.2. Enclosures: 0
Reason: Approval	From: David W. Gordon Prepared By: Dr. Matt Perry Michael Kast Board Meeting Date: 02/04/20

BACKGROUND:

The following students are scheduled to graduate from each of their respective schools and they have completed all requirements for high school graduation:

El Centro Jr./Sr. High School

1 Candidate

Elinor Lincoln Hickey Jr./Sr. High School

Muhammad Mikaaeel Luqman Abdulkarim Ahmad

Gerber Jr./Sr. High School

Naomi Gonzalez
David Anthony Nelson

Natomas Promise Program

Jimmy Andrews

North Area Community School

Yesenia Marcella Gonzales
Elias Higgins
Davon King
Ronniesha Levan
Daniel Jermaine Patterson

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends the Board approve the issuance of a high school diploma to the students listed above who have completed all requirements for graduation.

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Donation to Project TEACH	Agenda Item No.: VIII.A.3. Enclosures: 0
Reason: Acceptance	From: David W. Gordon Prepared By: Dr. Nancy Herota Board Meeting Date: 02/04/20

BACKGROUND:

The Sacramento County Office of Education (SCOE) has received the following donations:

Project TEACH

El Centro Jr./Sr. High Culinary Arts Program donated \$1,211 from their Halloween dessert sales to support SCOE students served by Project TEACH.

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends acceptance of the donated items on behalf of Project TEACH.

SACRAMENTO COUNTY BOARD OF EDUCATION

10474 Mather Boulevard, P.O. Box 269003

Sacramento, CA 95826-9003

Subject: Surplus Property	Agenda Item No.: VIII.A.4. Enclosures: 1
Reason: Declaration of Equipment Listed as Surplus Property and Authorization to Dispose of Equipment Pursuant to Education Code (Technology)	From: David W. Gordon Prepared By: Jerry Jones Board Meeting Date: 02/04/20

BACKGROUND:

Education Code sections 17545 and 17546 allow for the disposal of property no longer needed or that is determined unsuitable for school use.

The Computer, Network and Telecommunication Support Department (CNTS) reviews all technology surplus equipment to ensure that any repairable, non-obsolete equipment is re-used by SCOE programs. In the event the equipment cannot be repaired, is no longer able to support the latest security patches and updates (posing a network security risk), or is so obsolete it can no longer be used for its intended purpose, the equipment is deemed unsuitable for use and is recommended for disposal.

The technology equipment listed below has been determined to be unsuitable for use and of insufficient value to defray the costs of arranging a sale. It is in the Sacramento County of Education's best interest to deem these items obsolete and dispose of them. All storage devices (hard drives, solid state drives, USB drives, etc.) are completely wiped of data and, whenever possible, physically shredded to ensure the destruction of all electronic data before disposal.

TECHNOLOGY EQUIPMENT			
SCOE Tag Number	Item Description	SCOE Tag Number	Item Description
0190751	Apple iMac Desktop	0212696	Dell Optiplex E6420 Desktop
0188003	Apple Cinema Display	0196154	HP Compaq dc7800 Desktop
0202317	Apple iMac Desktop	0214114	Apple Mac Mini Desktop
0202218	Apple iMac Desktop	0214064	Apple Mac Mini Desktop
0230680	Apple iMac Desktop	0211938	Apple Mac Mini Desktop
0202515	Dell Optiplex 780 Desktop	0211987	Apple Mac Mini Desktop
0134569	Dell Optiplex 380 Desktop	0206490	Apple MacBook Pro Laptop
0198309	HP Compaq DC5700 Desktop	0214742	Apple MacBook Air Laptop
0221150	Dell Optiplex 780 Desktop	0207118	Apple MacBook Pro Laptop
0189779	HP Compaq DC7800 Desktop	0230920	Apple MacBook Pro Laptop
0206987	Dell Optiplex 9020 Desktop	0196014	Apple MacBook Pro Laptop
0201921	Dell Optiplex 980 Desktop	0207316	Dell Latitude 3440 Laptop
0222513	Dell Optiplex 980 Desktop	0219816	Dell Latitude D630 Laptop

0222075	Dell Optiplex 960 Desktop	0201590	Dell Latitude E6500 Laptop
0201871	Dell Optiplex 980 Desktop	0209940	Dell Latitude E6420 Laptop
0202002	Dell Optiplex 980 Desktop	0205138	Dell Precision T7600 Desktop Workstation
0222463	Dell Optiplex 980 Desktop	0230292	Dell C3760dn Printer
0222414	Dell Optiplex 980 Desktop	0221721	Dell Latitude E6500 Laptop
0201731	Dell Optiplex 960 Desktop	0121491	Cisco 1750 Router
0221028	Dell Optiplex 960 Desktop		

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends that the Board declare this equipment unsuitable for school use and of insufficient value to defray the costs of arranging a sale, and authorizes the Procurement Department to dispose of this equipment as authorized under Education Code sections 17545 and 17546.

SACRAMENTO COUNTY BOARD OF EDUCATION
CONTRACTS FOR COUNTY BOARD OF EDUCATION APPROVAL
February 4, 2020

STUDENT PROGRAMS

Expenditure

The HAWK Institute

The HAWK (Higher Attainment through Wisdom and Knowledge) Institute provides Sacramento County Office of Education Court and Community School students with prevention and intervention services, college and career support, and opportunities for community involvement and leadership. Activities support student completion of career/employment readiness skills, indicated by increased attendance, reduced suspensions, and completion of program defined certifications. Original contract amount – \$45,000; Amendment #1 to add \$10,000 to cover services to be provided at an additional community school site, making the total contract \$55,000.

Amendment

Dates of Service: 09/01/2019 – 06/30/2020

Source of Funds: Comprehensive Support and Improvement Grant

\$10,000.00

SUPPORT SERVICES

Sonitrol of Sacramento

Contractor will provide equipment and installation of intrusion and fire systems, along with access readers and video monitoring at the North Area Community School. This will provide increased safety and security for both students and employees.

New

Dates of Service: 02/05/2020 – 06/30/2020

Source of Funds: General Support

\$35,960.00

SPECIAL EDUCATION

Angela's Interpreting Services

Contractor will provide oral interpretation services for infant programs or Individualized Educational Plans. This contract replaces the long-standing service with Carmazzi, Inc. The original contract of \$3,900 was established to begin services. Now a thorough evaluation of all service needs has been completed, and it was determined that Amendment #1 to add \$12,000 to cover estimated service costs for the remainder of the fiscal year was needed, making the total contract \$15,900.

Amendment

Dates of Service: 11/18/2020 – 06/30/2020

Source of Funds: Special Education, Infant Development Program

\$12,000.00

RECAP

	<u>Expenditure</u>
Student Programs	10,000.00
Support Services	35,960.00
Special Education	12,000.00
TOTAL	\$57,960.00

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Appeal of San Juan Unified School District's Denial of the American River Collegiate Academy Petition	Agenda Item No.: VIII.D. Enclosures: 82 plus a Separate Enclosure
Reason: Public Hearing, Discussion, and Action on Appeal of San Juan Unified School District's Denial of the Charter School Petition	From: David W. Gordon Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

On November 12, 2019, the San Juan Unified School District (SJUSD) denied the petition of the Rocklin Academy Family of Schools (Petitioner) for the American River Collegiate Academy (ARCA) charter school. Petitioner submitted its charter appeal to the Sacramento County Board of Education (County Board) on December 5, 2019.

County Board Review of Charter Petition

Petitioner currently operates four charter schools within the Rocklin Unified School District in Placer County. Petitioner's currently operating charter schools appear to be successfully serving the student population of the greater Rocklin area.

Petitioner seeks to operate the ARCA charter school in SJUSD serving students in grades K-12. The petition envisions opening ARCA in 2020-2021 with an enrollment of 144 students in grades K-2 and expanding to 468 students in grades K-6 by the end of the first charter term in 2024-2025. The petition states that it will mirror the demographics of SJUSD and provide families and the community with a cohesive K-12 Core Knowledge and college preparatory educational program to close the achievement gap; and that graduates of ARCA will have completed all University of California A-G requirements, thus meeting and exceeding state standards.

The enclosed Sacramento County Office of Education (SCOE) Recommended Findings of Fact includes a detailed analysis of the charter petition. In summary, a county board of education may not deny a charter appeal unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the findings set forth in Education Code section 47605(b)(1) through (6). While all of the legal elements are important, three elements are the most substantive when considering approval or denial of a charter school petition:

1. Does the petition present a **sound educational program** for the pupils to be enrolled in the charter school?
2. Does the petition demonstrate the petitioners' **ability to successfully implement** the program presented in the petition?
3. Does the petition contain reasonably **comprehensive descriptions** of all of the 16 required elements provided in Education Code section 47605(b)(5)(A) through (P)?

Based on its review of the charter petition, the SCOE analysis concludes that:

- (1) The educational program described in the charter petition is potentially sound. However, it lacks clarity regarding how the proposed programs will be delivered and assessed to provide a coherent and sound education for all students, particularly the more diverse student population of SJUSD. Before being permitted to open and operate, Petitioner should be required to provide more detailed information about how it will approach serving a higher concentration of students with greater needs that reflects the student population of SJUSD.
- (2) The petition's financial and operational plan lacks the specificity necessary to fully evaluate the budget with certainty. However, the information provided suggests that Petitioner's should be able to operate a financially viable charter school. Based upon its currently operating charter schools and on publicly available information, it is reasonable to expect that Petitioner has competent staff and sufficient funds and operational capacity to successfully operate and sustain a new charter school. Nevertheless, before being permitted to open and operate ARCA, Petitioner should be required to provide clarifying information to confirm these expectations.
- (3) While the petition largely includes reasonably comprehensive descriptions of the 15 legally required elements, certain elements require updating and elaboration to ensure compliance with recent changes in the law.

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends that if the Board approves the ARCA charter petition, that the petition be approved with conditions. Specifically, that before being authorized to open and operate the ARCA charter school, Petitioner be required to satisfy the conditions detailed in the SCOE Recommended Findings of Fact through an approved Memorandum of Understanding between Petitioner, the Board, and Superintendent.

SACRAMENTO COUNTY BOARD OF EDUCATION

10474 Mather Boulevard, P.O. Box 269003
Sacramento, CA 95826-9003
(916) 228-2410

****PLEASE POST****

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Sacramento County Board of Education (Board) to receive public testimony and input from the community regarding the Rocklin Academy Family of Schools' charter petition appeal for the American River Collegiate Academy. (The San Juan Unified School District denied the charter petition on November 12, 2019.) At the conclusion of the public hearing, the Board is expected to take action on the charter petition appeal for the American River Collegiate Academy.

The public hearing is scheduled as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Tuesday, February 4, 2020	6:30 p.m. or thereafter	Sacramento County Office of Education David P. Meaney Education Center Board Room 10474 Mather Boulevard, Mather, CA

Individuals wishing to speak before the Board are asked to fill out a speaker card, which will be available in the Board Room. Completed speaker cards need to be submitted to the Board Recording Secretary; speakers will be called in the order in which the cards are received. Each individual addressing the Board will have a maximum of two minutes to speak to ensure that all who wish to address the Board on this matter will be heard.

Materials subject to the public hearing will be available at the public hearing. If you would like a copy of the materials prior to that time, contact the Sacramento County Office of Education at 10474 Mather Boulevard, Mather, CA 95655, or P.O. Box 269003, Sacramento, CA 95826-9003, or call (916) 228-2410.

EXECUTIVE SUMMARY

SCOE staff reviewed the charter appeal for the American River Collegiate Academy under California law, Board Policy, and Administrative Rules and Regulations, and recommends that if the Board approves the petition, that it be approved with conditions.

I. Technical Requirements (Page VIII.D.9.)

- Petitioner submitted sufficient teacher signatures and the information required to begin the charter petition review process.

II. Likelihood of Successful Implementation – Past Involvement in Charter Schools (Pages VIII.D.9. – VIII.D.13.)

- Petitioner's currently operating charter schools appear to be successfully serving the student population of the greater Rocklin area. It is unclear whether replicating the Rocklin model in SJUSD, without intentionally planned interventions and supports for a higher concentration of students with higher needs, will adequately address the needs of all students who may attend.

III. Financial and Operational Analysis (Pages VIII.D.13. – VIII.D.17.)

- The petition lacks specificity and clarity regarding budgeting and operations. However, the information provided suggests that Petitioner's should be able to operate a financially viable charter school.
- Based upon its currently operating charter schools and on public information, it is reasonable to expect that Petitioner has competent staff and sufficient funds and operational capacity to successfully operate and sustain a new charter school. Petitioner should be required to provide clarifying information to confirm these expectations.

IV. Program Analysis (Pages VIII.D.17. – VIII.D.31.)

- The educational program described in the charter petition is potentially sound. However, it lacks clarity regarding how the proposed programs will be delivered and assessed to provide a coherent and sound education for all students. Petitioner should be required to provide clarifying information about its approach for serving a higher concentration of students with greater needs that reflects the diversity in SJUSD.
- While the petition largely includes reasonably comprehensive descriptions of the 15 legally required elements, certain elements require updating and elaboration to ensure compliance with recent changes in the law (teacher credentialing, minimum wage, conflict of interest, student discipline, etc.).

CONCLUSION

SCOE staff recommends that if the Board approves the charter petition, that before being permitted to open or operate, Petitioner be required to satisfy the conditions detailed in the Recommended Findings of Fact through an approved Memorandum of Understanding between Petitioner, the Board, and Superintendent.

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**Sacramento County Office of Education
Recommended Findings of Fact
American River Collegiate Academy
Charter School Petition**

BACKGROUND

The Rocklin Academy (“Petitioner,” “Rocklin Academy Family of Schools” or “RAFOS”) is a well-established charter school operator that is currently operating four charter schools (three elementary and one grade 7-12) in the greater Rocklin area of southern Placer County. Petitioner seeks to open and operate a new charter school, the American River Collegiate Academy (ARCA), within the boundaries of the San Juan Unified School District (SJUSD).

The petition states that it will provide families and the community with a cohesive K-12 Core Knowledge and college preparatory educational program to close the achievement gap; and that graduates of ARCA will have completed all of the University of California A-G requirements, thus meeting and exceeding state standards. An important focus also will be the development of social emotional learning and character education, and to equip students to be knowledgeable, ethical, responsible, critical thinking, and engaged members of society.

The petition states that ARCA “seeks to serve diverse Citrus Heights area families who place a high value on education and learning and who want to participate as full partners in the education of their children in a rigorous, broad-based academic program.” “Our students will come from families who want to participate as full partners in the education of their children and are seeking a rigorous and flexible educational program.” (Petition, p. 10) Petitioner’s long term plan is to locate ARCA in Citrus Heights. (Petition, Tab 6) In the meantime, Petitioner is pursuing plans to temporarily locate at Temple Or Rishon at 7755 Hazel Avenue, Orangevale, CA 95662, which is near the Placer County border and near the boundaries of the Folsom Cordova and Roseville school districts.

The petition envisions opening ARCA in 2020-2021, with an enrollment of 144 students in grades K-2. The school plans to expand to 468 students in grades K-6 by the end of the first charter term in 2024-2025. RAFOS states that its petition for a new charter is in response to parent demand and community interest. (Petition, pp. 7, 18) The existence of such demand is unclear, as no parent signatures or other evidence of parent interest was submitted with the petition.

On November 12, 2019, the SJUSD governing board denied the charter petition on the grounds that: (1) the petition presents an unsound educational program for pupils to be enrolled at the charter school; (2) Petitioner is demonstrably unlikely to successfully implement the program set forth in the petition because the petition presents an inadequate financial plan, an inadequate plan for staffing, does not include specific information concerning a facility plan, the initial projection for enrollment/ADA seems unrealistic, and lacks evidence of secured insurance; and (3) the petition does not contain reasonably comprehensive descriptions of certain required elements (educational program, measurable pupil outcomes, method of measuring pupil progress, staff qualifications, means of achieving racial and ethnic balance). (Petition, Tab 2)

Petitioners submitted a timely charter appeal to the Sacramento County Office of Education (SCOE) on December 5, 2019. The County Board is required to decide the charter appeal at its February 4, 2020 meeting. If the County Board denies the appeal, Petitioner may appeal the decision to the State Board of Education.

STANDARD OF REVIEW

A school district and county board of education may not deny a charter appeal unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings set forth in Education Code section 47605(b)(1) through (6):

1. The charter school presents an ***unsound educational program*** for the pupils to be enrolled in the charter school.
2. The Petitioner is demonstrably ***unlikely to successfully implement*** the program set forth in the petition.
3. The petition does not contain the ***number of signatures*** required by subdivision (a).
4. The petition does **not contain** an ***affirmation of each of the conditions*** described in subdivision (d) [e.g., nonsectarian; admit all students; use of public random lottery, if needed, for admission].
5. The petition does **not contain** reasonably ***comprehensive descriptions*** of all of the 15 elements listed in Education Code section 47605(b)(5)(A) through (O).
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act (EERA).

SCOE STAFF RECOMMENDATION

The ARCA petition was analyzed by SCOE staff with expertise in each of the petition areas (fiscal, educational programs, student assessments, special education, English learners, human resources, facilities, and legal). Based upon this analysis, SCOE staff found:

1. The educational program described in the charter petition is potentially sound. However, it lacks clarity regarding how the proposed programs will be delivered and assessed to provide a coherent and sound education for all students, particularly for a higher proportion of students with greater needs that mirrors the population of SJUSD.
2. Among the most crucial elements for successfully implementing and operating a proposed new charter school are competent staff and a realistic financial and operational plan. The petition lacks specificity and clarity regarding budgeting and operations. Based upon its currently operating charter schools and on publicly available information, it is reasonable to expect that RAFOS has competent staff

and sufficient funds and operational capacity to successfully operate and sustain a new charter school. Nevertheless, before being permitted to open and operate ARCA, Petitioner should be required to provide clarifying information to confirm these expectations.

3. The petition includes the signatures of five credentialed teachers, which meets the minimum signature requirement.
4. The petition includes the required legal affirmations.
5. While the petition largely includes reasonably comprehensive descriptions of the 15 legally required elements, certain elements require updating and elaboration to ensure compliance with recent changes in the law.
6. The petition contains the required EERA declaration.

Based upon its analysis of the petition, SCOE staff recommend that if the Board approves the ARCA charter petition, that the petition be approved with conditions. Specifically, that before being authorized to open and operate the ARCA charter school, Petitioner be required to satisfy the follow conditions through a Memorandum of Understanding between Petitioner, the Board, and County Superintendent:

- (1) By April 1, 2020, provide a clearly articulated plan demonstrating how Petitioner will approach serving a higher proportion of students with greater needs that reflects the student population of SJUSD.
- (2) Given the demographics of students currently served by Petitioner's other charter schools, Petitioner shall make every reasonable effort to specifically reach and recruit pupils from all student groups in order to help it achieve a student population that is reflective of the student population of SJUSD.
- (3) By April 1, 2020, provide clarifying information about the charter school budget and operations.
- (4) By April 1, 2020, update the charter petition to comply with all legal requirements and recent changes in the law, including, but not limited to requirements related to teacher credentialing, minimum wage, conflict of interest, student discipline, etc.
- (5) By April 1, 2020, in order to provide opportunities for more students, update the charter petition so that preferences for children of RAFOS employees and board members are limited to a total of 10% of ARCA enrollment.
- (6) By July 1, 2020, secure an acceptable school facility for the 2020-2021 academic year that meets all legal requirements.
- (7) By July 1, 2020, demonstrate that ARCA has been accepted into a Special Education Local Plan Area (SELPA) and can provide the full continuum of special education services as required by state and federal law.

- (8) Petitioner shall agree to be responsible for all special education services required by law and to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
- (9) Petitioner shall agree to hold harmless, defend, and indemnify the Board, the Superintendent, and SCOE from any claims arising from the opening or operation of the charter school.
- (10) Petitioner will otherwise be subject to all deadlines and requirements set forth in County Board Policy 2400 and Administrative Rules and Regulations 2400.
- (11) Any additional requirements set by the Board.

ANALYSIS OF PETITION AND RECOMMENDED FINDINGS OF FACT

This analysis will review each area specified in Education Code section 47605, the applicable requirements of Title 5 of the California Code of Regulations sections 11967 and 11967.5.1, and County Board Policy and Administrative Rules and Regulations on Charter School Petitions (BP 2400 and ARR 2400). These sections are enclosed for convenient reference.

I. TECHNICAL REQUIREMENTS

RAFOS submitted the signatures of five teachers who affirm they are meaningfully interested in teaching at the ARCA Charter School. Based on the names, SCOE verified that each possesses a valid California teaching credential. As this is at least half of the teachers RAFOS estimates will be employed by the school during its first year of operation, it meets the minimum signature requirements for a teacher petition.

As required, RAFOS has provided a copy of the charter petition as denied by the school district, a copy of the school district governing board's action of denial of the petition, the SJUSD factual findings and decision, a summary of changes it believes are necessary to reflect the County Board as the chartering entity, an affirmation of compliance with applicable law, and the required declaration that it will serve as the exclusive public school employer for purposes of the EERA.

II. LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION – PAST INVOLVEMENT IN CHARTER SCHOOLS

Under Education Code section 47605(b)(2), the County Board may deny a charter appeal if Petitioner is **“demonstrably unlikely to successfully implement the program set forth in the petition.”** In determining whether Petitioner is demonstrably able to successfully implement a program, the County Board may consider whether Petitioner's past history of involvement in charter schools is one that it regards as successful. (Cal. Code Regs., title 5, § 11967.5.1(c)(1).)

RAFOS currently operates Rocklin Academy (RA) Turnstone (K-6), RA Meyers (K-6), Western Sierra Collegiate Academy (7-12), and RA Gateway (K-8), which operate within the Rocklin Unified School District (RUSD) in Placer County.

Based on assessment results, Petitioner's currently operating charter schools appear to be successful, high performing schools, with results comparable or slightly higher than the average results of RUSD. (Petition, pp. 11-13) Demographically, 6.8% to 13.1% of the population of Petitioner's charter schools in 2017-2018 were socioeconomically disadvantaged students, compared to the 18.5% socioeconomically disadvantaged student population in RUSD. (Petition, pp. 14-15; <https://www.ed-data.org>)

Petitioner proposes to replicate its existing charter school programs for students in SJUSD and states that it will "strive to mirror the demographic data" of SJUSD. The assessment results for Petitioner's existing schools are higher than the SJUSD average and higher than the schools in Citrus Heights, where Petitioner intends to permanently locate. (Petition, pp. 10-13; see also Tab 6A)

The student demographics of SJUSD schools are also significantly different than the schools currently operated by Petitioner and RUSD. In 2017-2018, SJUSD's pupil population was 53.4% socioeconomically disadvantaged, while the student populations of SJUSD's Citrus Heights schools ranged from 38.6% to 87.8% socioeconomically disadvantaged students. (Petition, pp. 14-15; <https://www.ed-data.org>)

In 2018-2019, 6.9% to 10.9% of the population of Petitioner's charter schools were socioeconomically disadvantaged students, compared to a socioeconomically disadvantaged population of 53% in SJUSD and 32.3% to 80.1% in SJUSD's Citrus Heights schools. (<https://data1.cde.ca.gov/dataquest>)

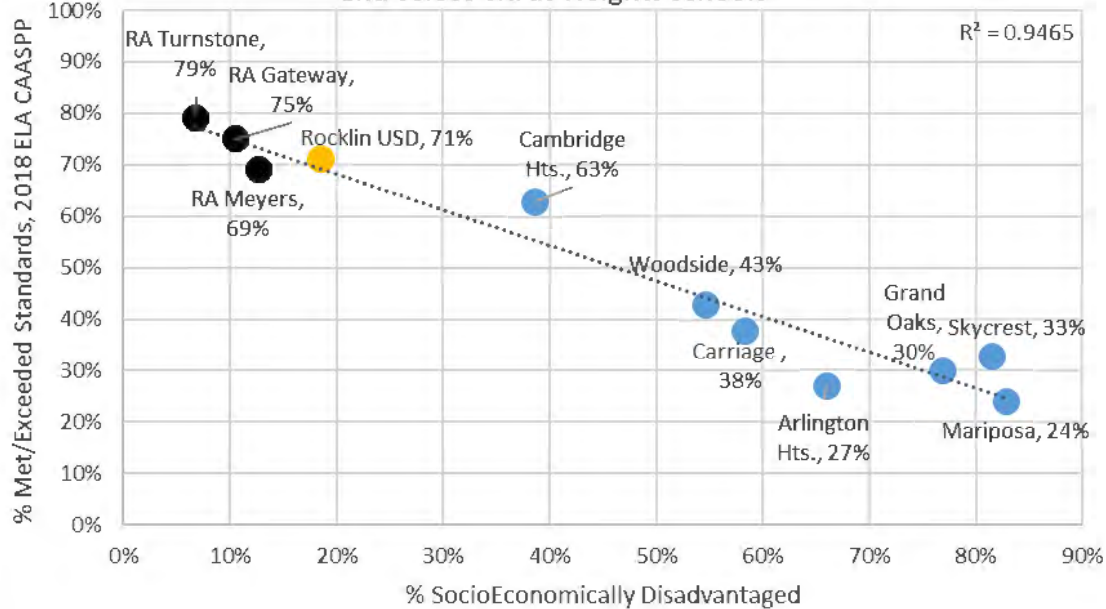
The following graphs show the achievement of Petitioner's elementary charter schools plotted against the percentage of socioeconomically disadvantaged students at each entity in 2017-2018 and 2018-2019:

● RA Academy Elementary Schools

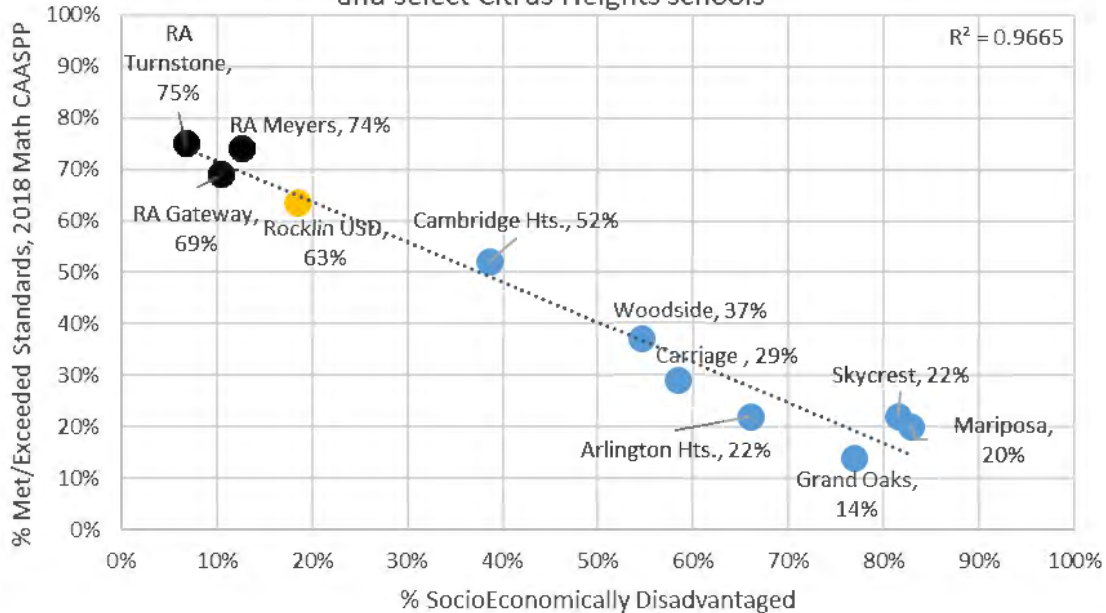
● Rocklin USD

● Citrus Heights-area Elementary Schools

2017-18 ELA CAASPP achievement of students as related to the percentage of socioeconomically disadvantaged students at Rocklin and select Citrus Heights schools

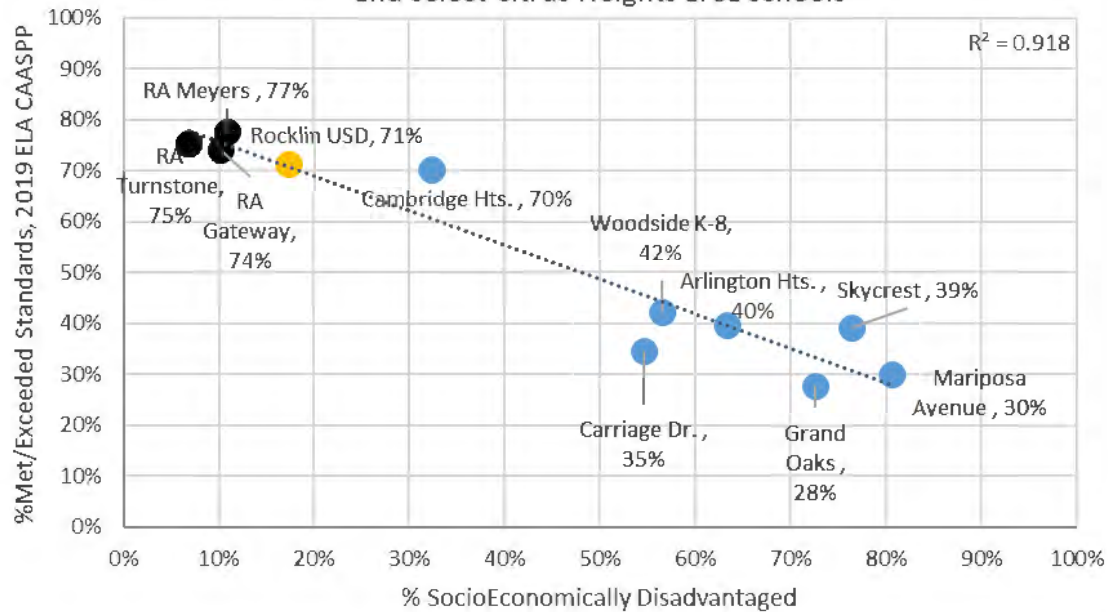


2017-18 Math CAASPP achievement of students as related to the percentage of socioeconomically disadvantaged students at Rocklin and select Citrus Heights schools

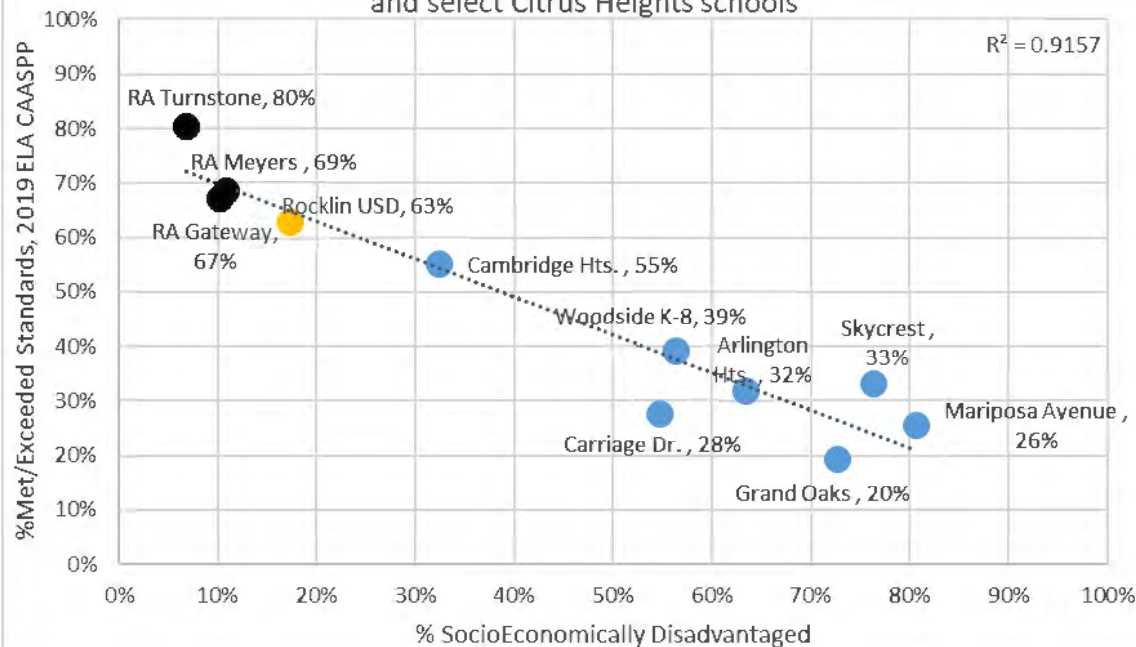


● RA Academy Elementary Schools ● Rocklin USD ● Citrus Heights-area Elementary Schools

2018-19 ELA CAASPP achievement of students as related to the percentage of socioeconomically disadvantaged students at Rocklin and select Citrus Heights area schools



2018-19 Math CASPP achievement of students as related to the percentage of socioeconomically disadvantaged students at Rocklin and select Citrus Heights schools



In its response to SJUSD findings, Petitioner provided additional CAASPP data showing that students with disabilities and socioeconomically disadvantaged students in Petitioner's schools outperformed SJUSD schools in the Citrus Heights area. (Petition, Tab 6A)

However, comparing the outcomes for students who are socioeconomically disadvantaged in Petitioner's schools versus SJUSD schools does not address the school-level factor of the more concentrated poverty in SJUSD schools that does not exist in Rocklin-area schools. Schoolwide achievement has been strongly associated with schoolwide socioeconomic status. Therefore, it is not clear whether replicating the Rocklin program in SJUSD, without intentionally planned interventions and supports for a higher concentration of students with higher needs, will adequately address the needs of all students who may attend.

In summary, Petitioner's currently operating charter schools appear to be successfully serving the student population of the greater Rocklin area. It is unclear if the same model will successfully enroll and serve a more diverse student population in SJUSD as Petitioner proposes to do. Before being permitted to open a new charter school in SJUSD, Petitioner should be required to provide a more detailed plan about how it will approach serving a higher proportion of students with greater needs that reflects the student population of SJUSD.

III. LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION – FINANCIAL AND OPERATIONAL ANALYSIS

One of the most crucial elements in assuring that the charter school program can be successfully implemented, along with competent staff, is a realistic financial and operational plan. (Cal. Code Regs., title 5, § 11967.5.1(c)(3).) A charter petition's financial and operational plan is not realistic when it does not adequately:

- (1) include cash flow projections for the first three years;
- (2) include reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including special education;
- (3) include budget notes that clearly describe assumptions on revenue estimates;
- (4) present a budget that in its totality appears viable and, over a period of no less than two years of operation, provides for the amassing of a reserve equivalent to that required by law for a school district of similar size;
- (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;
- (6) reflect the types of facilities needed to operate the size and scope of the proposed educational program; or
- (7) reflect reasonable costs for the acquisition or leasing of facilities.

(Cal. Code Regs., title 5, § 11967.5.1(c)(3)(B), (c)(3)(D).)

Overall, the petition's financial and operational plan lacks the specificity necessary to fully evaluate the budget with certainty. However, the information provided suggests that Petitioner's should be able to operate a financially viable charter school.

A. Financial Analysis

Enrollment Projections

The ARCA petition lacks details to substantiate the projected enrollment. Petitioner's budget is based upon aggressive growth as follows:

Year 1 – 144 students

Year 2 – 216 students

Year 3 – 300 students

There are no details or documentation to demonstrate that 144 students will be enrolled on the first day of school and realistically grow to 300 students within 3 years. There is some discussion in the petition on recruitment and a more detailed plan in response to SJUSD's findings. (Petition, p. 110; Tab 6, Finding 3, Item #1C) The petition discusses a waiting list, but no supporting evidence was submitted.

Petitioner has opened four charter schools since 2001. Based on Petitioner's website, it appears that the K-8 charter school opened by Petitioner in 2014 now has over 1,200 students. Each of RAFOS' existing charter schools have structurally balanced budgets.

Revenue

The petition includes verifiable Local Control Funding Formula (LCFF) revenue. The petition provides no information on special education funding, which is discussed further in the "Special Education Section" below.

Staffing

The petition provides no staffing information which would enable verification of the budget data. (Petition, Appendix M) In response to SJUSD findings, Petitioner submitted a staffing plan to SJUSD, but again no detailed salary or benefit sheet that would enable SCOE to verify Petitioner's planned staffing costs. (Tab 6, Exh. B, C) The response to SJUSD indicates that Petitioner has budgeted for the appropriate general education teachers to meet proposed student-to-teacher ratios, a part-time intervention teacher, a Principal, two office staff, a yard duty employee, and a Physical Education instructor. There appears to be enough budgeted in those line items to cover the non-teaching positions, although it is difficult to confirm without detailed salary and benefit information.

Benefits

The charter does not budget for Workers' Compensation expenses, although coverage is outlined in the insurance documents provided. Based on the staffing information provided and the rates quoted in Petitioner's insurance documents, the estimated annual budget increases needed to cover Workers' Compensation costs are:

Year 1 – \$6,800
Year 2 – \$10,500
Year 3 – \$13,800

Administrative Services Plan

The petition states, "The Charter School anticipates it will provide or procure most of its own administrative services including, but not limited to, financial management, accounts payable/receivable, payroll, human resources, and instructional program development either through its own staff or through an appropriately qualified third-party contractor. At any time, the Charter School may discuss the possibility of purchasing administrative services from the District." (Petition, p. 142)

The petition budgets 12% of expenditures for Direct Costs. (Petition, Appendix M) With no additional detail provided, SCOE assumed the 12% covers the administrative services described above. More detail of the actual costs covered by the 12% is needed to provide a reasonable analysis of the petition's budgeted expenditures. For example, items such as custodial services, audit fees, utilities, etc., are not covered in the budget. Such costs may be already included in the administrative services, but it is difficult to determine as the petition provides no details.

Special Education

As a member of an outside SELPA, the charter would be responsible for 100% of its special education costs. While Petitioner has set aside a line item in the budget for special education, there are no details on special education revenues or expenditures. Due to the lack of details, SCOE staff were required to estimate special education costs and all possible special education revenues. The line item that the charter budgeted is not enough to cover the net costs of the special education program (total costs net of estimated revenues). We estimate that the annual increase needed to cover the special education budget net of revenues is:

Year 1 – \$75,855
Year 2 – \$98,516
Year 3 – \$142,606

This is a minimum. If the charter received just one student who needed more intense services, the cost would increase significantly.

Facilities Plan

The petition states that ARCA will serve diverse Citrus Heights families, that it will operate within the boundaries of SJUSD, that it is seeking to secure a private facility for the first year of operation, but reserves the right to request a Proposition 39 facility from SJUSD. (Petition, pp. 10, 142)

It is unclear where Petitioner is in the process for acquiring a school facility. In its November 8, 2019 response to SJUSD's findings, Petitioner stated that it had approached SJUSD about potential facilities sharing, and SJUSD was not interested in providing a location in Citrus Heights. Because Petitioner was not able to find a move-in ready solution in Citrus Heights, it indicates it is now in final negotiations for a short time lease at Temple Or Rishon at 7755 Hazel Avenue, Orangevale, CA 95662. However, the November 26, 2019 letter from the proposed landlord states that the parties are just beginning the process of establishing the negotiations team. (Petition, Tab 6, Finding 2, Item 4; Exh. 9)

The petition does not indicate the size of the facility needed or if utilities and custodial services will be included. (Petition, p. 142) A school with ARCA's proposed enrollment would require approximately 11,000 square feet in the first year growing to approximately 18,000 square feet in the third year. Petitioner's budget includes a rent line item as follows:

Year 1 – \$128,591
Year 2 – \$198,511
Year 3 – \$279,761

At current market rates, ARCA's estimated rent costs would be short as follows:

Year 1 – \$48,289
Year 2 – \$26,609

Since the facility currently being considered is a temple, there may be special concessions or rates the charter is hoping to facilitate. Again, due to the lack of detail, it is not feasible for SCOE to determine if the expenditure item for rent is reasonable or the likelihood of securing an adequate facility. If Petitioner finalizes a lease at the temple, measures will need to be implemented to ensure appropriate separation between school and religious facilities.

Summary

When considering the possible shortfalls listed above for benefits, special education, and rent, ARCA's budget losses would be approximately \$130,000 to \$135,000 in the first 2 years, and it would come close to breaking even in Year 3.

Due to the lack of detail provided in the ARCA petition, SCOE located RAFOS' 2019-2020 budget on its website and reviewed the revenue and expenditure items in its currently operating charter schools. This additional information led to a similar outcome. If the ARCA budget was based on a program and staffing

similar to Petitioner's other schools, and its budget was prepared in similar manner, the ARCA budget would be short by approximately \$150,000 in Year 1.

Although not submitted with the ARCA charter petition, based upon the 2019-2020 proposed budget report posted on the RAFOS website, RAFOS appears to have an estimated fund balance over \$7 million. If RAFOS confirms this fund balance, that it is available to ARCA, and the terms of such availability, ARCA's anticipated shortfalls in years 2019-2020 and 2021-2022 could potentially be covered by the RAFOS fund balance.

In order to confirm that the ARCA charter school is likely to be viable in its first years of operation, Petitioner should be required to provide the following additional information before ARCA is permitted to open and operate:

- A more detailed/comprehensive budget;
- Additional evidence to demonstrate that enrollment projections are realistic, and a plan for covering decreased revenues if enrollment is less than anticipated;
- Additional details regarding administrative services and expected costs;
- Evidence of available resources to cover any budget shortfalls during the early years of operation; and
- Secure a suitable school facility.

The information provided in the petition suggests that Petitioner should be able to operate a financially viable charter school. However, additional clarifying information is needed to fully evaluate the financial and operational plan with certainty.

IV. PROGRAM ANALYSIS

The Soundness of the Educational Program

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

The ARCA petition proposes a site-based K-12 school with a target population from the Citrus Heights community that mirrors the demographics of SJUSD. The petition envisions opening ARCA with grades K-2 and expanding to grades K-6 by the end of the first charter term. Its mission is to provide a distinct educational program strengthened by community and parent partnerships to achieve high standards, rich core content, and innovative learning.

The educational program described in the charter petition is potentially sound. However, as explained more fully in the "Description of the Educational Program" section below, it does not fully demonstrate that it is aligned to state grade level

standards, and lacks clarity regarding how the proposed programs will be used and measured to coherently provide a sound education for all students, especially if higher proportions of demographically diverse students enroll in the school.

The Petition's Description of the 15 Required Elements

Under Education Code section 47605(b)(5), a petition's failure to include a reasonably comprehensive description of all 15 statutory elements is grounds for the County Board to deny a charter petition. These elements are each discussed below.

To be "reasonably comprehensive," staff considered whether a description includes information that is substantive; that includes elaboration; that addresses all aspects of the required charter petition elements; that is specific to the charter petition being proposed; that describes the program to a sufficient degree that improves pupil learning; that increases learning opportunities for pupils of all backgrounds and abilities; that expands educational opportunities; and for which accountability and legal compliance can be reasonably foreseen and assured. Therefore, mere quoting of the law or general statements of educational practices without detailed information about how it will be accomplished by Petitioner do not suffice. (Cal. Code Regs., title 5, § 11967.5.1(g).)

A. Element A – Description of the Educational Program

The petition describes Petitioner's beliefs that learning best occurs when (1) there is a schoolwide expectation of high achievement; (2) teachers are highly motivated; (3) there is a culture of caring; (4) the curriculum is individualized; (5) students have extra time to practice; and (6) there is a safe, well-run school. It describes what it means to be an educated person in the 21st century, and its intention to create and maintain the conditions under which its students will become self-motivated, competent, life-long learners. (Petition, pp. 18-21)

At page 22, the petition states that the ARCA elementary program will replicate the educational program at Petitioner's existing elementary schools in the greater Rocklin area, and, when a high school program is implemented, will replicate the college preparatory curriculum of its grade 7-12 charter school. ARCA "will implement the Core Knowledge Sequence, and the supporting curricula, to prepare students for Advanced Placement coursework beginning in 10th grade. Teachers will employ a cohesive set of research-based instructional methods and approaches to ensure all students are achieving academic success, and developing as self-motivated, competent, life-long learners." Strategies and methods include:

- (1) Data Driven Instruction Using Multiple Assessments
- (2) Direct (explicit) Instruction
- (3) Differentiated Instruction

- (4) Project-based Learning
- (5) Cooperative Learning
- (6) Family/Community-School Partnerships

The petition states that “when applicable, courses are aligned to meet California content standards, including the Common Core State standards, Next General Science Standards, History-Social Science Framework, English Language Development Standards, and any other applicable state content standards, collectively “State Standards.” (Petition, p. 27)

1. While the petition describes the annual goals and actions in the eight state priorities, it does not specifically address the numerically significant subgroups attending school in SJUSD whose population ARCA seeks to mirror.

Charter schools filing initial charter petitions must incorporate into the petition the required Local Control and Accountability Plan (LCAP) information regarding the eight state priorities. Specifically, charter petitions must include a description of the annual goals and actions in the eight state priority areas in Education Code section 52060, for all pupils and for each numerically significant subgroup, that apply to the grade levels served. (Ed. Code, § 47605(b)(5)(A)(ii).) SCOE staff reviewed the “Goals, Actions, and Measurable Outcomes Aligned to State Priorities” section (pp. 74-90) in the entire petition to assess whether this element was satisfied.

The petition includes a reasonably comprehensive description of how ARCA will provide the “basic conditions of learning” (State Priority 1).

As to “implementation of California State Standards” (Priority 2), “student achievement” (Priority 4) and “other student outcomes” (Priority 8), the petition describes how ARCA will replicate the programs currently implemented in Petitioner’s Rocklin schools to address these priorities. However, as noted above, the student demographics in SJUSD are significantly different from Rocklin schools. If ARCA mirrors the demographics of SJUSD, there will be larger population of students from low-income families, English learners, and foster youth. Petitioner does not include specific information about how the programs currently used in its Rocklin schools will address the challenges inherent in schools with much higher proportions of low-income students, English learners, foster youth, etc.

Regarding “parent and family engagement” (Priority 3), the petition includes a list of strategies to regularly consult with parents, guardians, and teachers regarding the educational program. (Petition, pp. 99, 51-52, 64, 68) Petitioner states that it “sees families as equal partners in the educational process,” while also asserting “our students will come from families who want to participate as full partners in the education of

their children . . .” (Petition, pp. 10, 25) The petition does not sufficiently describe how ARCA will seek input or promote parental participation for students with exceptional needs, English learners, foster or homeless youth.

Regarding “student engagement (attendance/chronic absenteeism)” and “school climate” (Priorities 5, 6), the petition sets targets for chronic absenteeism, suspension, and expulsion rates that are not tailored to the current rates in SJUSD. Should the ARCA student population mirror the population of SJUSD, it is unclear whether Petitioner has sufficiently planned to implement appropriate supports and interventions needed to ensure a positive learning environment among a student population which currently has much higher rates of absenteeism, suspensions, and expulsions.

The petition states that ARCA “will strive to mirror the demographic data of the district” and describes recruitment strategies intended to attain a balance of students that is reflective of the general population. (Petition, pp. 13, 110; Tab 6) In order to support equitable access to ARCA’s educational program (Priority 7, “course access”), ARCA should be held accountable for engaging outreach efforts designed to enroll students that reflect the more diverse demographics of SJUSD, including its higher proportions of low income students, English learners, foster and homeless youth.

2. The educational plan for English Language Arts (ELA) lacks clarity about how instruction will be organized and cohesively implemented.

The ELA content standards call for an integrated approach to reading, writing, speaking, listening, and language. It is unclear how the 21 programs listed in the petition will cohesively work together to provide a comprehensive, integrated ELA program that meets all ELA standards.

The petition provides a list of instructional programs for K-8 ELA including the Core Knowledge Sequence, Core Knowledge Language Arts, Step Up To Writing (K-6), Jane Schaeffer (grades 7-8), and Engage New York Language Arts. In addition, it lists 6+1 Writing Traits, Spelling, Vocabulary, Rigby, Wright Group, Reading A-Z, trade books, reference books, Read Naturally, and SIPPS. (Petition, pp. 27, 31-32) In Petitioner’s response to SJUSD Findings, an additional list for “special ed, limited English proficient, and other special populations” includes Fountas and Pinnell Leveled Literacy Intervention, Intensive Phonological Awareness Program, SIPPS, Zoo Phonics, Handwriting Without Tears, and an Orton-Gillingham approach to phonics instruction. (Petition, Tab 6, Finding 3, Item #1D) There is not an adequate description of how instruction will be organized and cohesively implemented for this extensive list of core programs, supporting curricula, and interventions.

Foundational skills instruction in the early grades are critical for all future learning. The petition lists numerous programs that include or are specifically designed for foundational skills instruction. (Petition, p. 32) However, these programs have differing, and potentially inconsistent approaches to foundational skills instruction. It is unclear what will be the main program.

While ARCA will not immediately serve high school students, the petition provides no details about the ELA curriculum for grades 9-12 other than that it will be a replication of Petitioner's currently operating (7-12) charter schools.

Petitioners should more clearly articulate which of the 21 programs and approaches listed in the petition will be used to meet ELA content standards, and provide a comprehensive, cohesive ELA program utilizing these 21 programs.

3. The Petition lacks clarity regarding the Math Curriculum.

The petition identifies Core Knowledge Sequence, Eureka Math, and CPM Connections instructional materials. (Petition, pp. 27-31) Core Knowledge and Eureka Math are not on the state-approved list of instruction materials. While instructional materials are not legally required to be on the state-approved list, Education Code section 60210 requires that schools ensure the materials are aligned to standards. Petitioner has not demonstrated that Core Knowledge and Eureka Math are aligned to California's State Content Standards for mathematics. Additionally, the petition does not explain whether Eureka Math will supplement Core Knowledge, or vice versa. It is not clear how the two curricula will be used together.

4. The petition addresses special education services.

The original petition states that ARCA will be categorized as a school of the district for special education purposes. However, the appeal confirms that ARCA will operate as its own Local Educational Agency (LEA) for special education purposes, and that it has applied for membership in the El Dorado Charter SELPA, where Petitioner's other charter schools are members. (Petition, p. 56, Tabs 4, 7) The petition affirms that it will provide special education instruction and related services in accordance with the Individuals with Disabilities Education Improvement Act (IDEA), Americans with Disabilities Act (ADA), California Education Code, and applicable policies and practices of the SELPA, and addresses students served through 504 plans.

The petition provides very little detail about the special education programs other than affirming that Petitioner will have adequate staffing and follow the law. ARCA will provide all required services pursuant to the Individualized Education Plan (IEP), and will use a Learning Center model to meet the specialized minutes of students. There is no mention

of specific intervention curriculum or strategies in the Learning Center model, stating that “students may spend only moments a day, or most of their day.”

In 2017-2018, Petitioner’s other charter schools had pupil populations ranging from 7% to 9.4% students with disabilities, compared to 10.5% in Rocklin Unified School District, and 11.7% in SJUSD. (Petition, p. 14-15; <http://www.ed-data.org>) In 2018-2019, Petitioner’s other charter schools had populations ranging from 6.2% to 12% students with disabilities, compared to 10.8% in RUSD and 11.8% in SJUSD. (<https://data1.cde.ca.gov/dataquest>)

ARCA is likely able to share existing special education staff (i.e., educational specialist, nurse, speech therapist, psychologist, etc.) with Petitioner’s other charter schools. While the petition is not especially detailed, the Learning Center model is a reasonable approach, and there is no indication that Petitioner is not equipped to implement this model. If any students require a more restrictive environment than the Learning Center model, ARCA will need to make provisions for serving them. This could include additional personnel, furniture, assistive devices, curriculum, educational space, etc.

5. The petition does not comprehensively describe how it will meet the needs of English learners (ELs).

Identification and Assessment of ELs

The petition presents basic information about the initial identification of ELs. (Petition, pp. 51-52) Petitioner plans to use the required Home Language Survey (HLS) and results from the English Language Proficiency Assessments for California (ELPAC) to identify students who are English learners. However, the petition lacks specificity regarding how the ELPAC results will be used to inform program placement and pathway of ELs to meet the exit criteria (Reclassification).

It also fails to describe an appropriate level of integrated ELD and designated ELD instruction across content areas. For example, there is no mention of ELD materials.

Program of Instruction

Federal provisions require that ELs in public schools receive a program of instruction in English Language Development (ELD) in order to develop proficiency in English as rapidly and effectively as possible. (20 U.S.C. §§ 1703(f), 6825(c)(1)(A); *Castañeda v Pickard* (5th Cir. 1981)). Additionally, ELs must be provided access to grade-level curriculum in a comprehensive, effective manner. California Education Code section 305 requires a description of language acquisition programs and opportunities to be instructed in other languages.

The California ELA/ELD Framework states, “English learners at all proficiency levels and at all ages require both integrated ELD and specialized attention to their particular language learning needs, or Designated ELD.” It is unclear how ELs will be provided both Integrated and Designated ELD. In addition, the petition does not include information about ELD instructional materials, nor specific details about how students will receive the appropriate level of ELD instruction. (Petition, pp. 51-54)

While the petition shares student performance data for select student groups at Petitioner’s other charter schools, it provides no data for EL students. (Petition, pp. 16-17)

Parent Involvement

Charter schools are required to regularly consult with parents and guardians about the school’s educational program. In addition, parents and guardians must be given information about their child and the school of attendance in a format, to the extent practicable, in a language that a parent can understand. (20 U.S.C. § 6318[e][5]; NCLB 111 [h][6][C] and 3302[c]). School communications must be translated when there is 15% representation of parents speaking a single language. (Ed. Code, § 48985.) The petition does not address how the school will reach out to parents of ELs or a process to meet translation requirements.

The educational program described in the charter petition is potentially sound. However, it lacks clarity regarding how the proposed programs will be delivered and assessed to provide a coherent and sound education for all students, particularly for a higher proportion of students with greater needs that mirrors the student population of SJUSD.

B. Element B – Measurable Pupil Outcomes

The regulations require that Petitioner specify “measurable pupil outcomes,” specifically, skills, knowledge, and attitudes that reflect the school’s educational objectives that can be assessed by objective means that are frequent and sufficiently detailed to determine whether students are making satisfactory progress. 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 groups of students. (Cal. Code Regs., title 5, § 11967.5.1(f)(2).) In addition, the pupil outcomes must align with the state priorities, as described in Education Code section 52060(d), that apply for the grade levels served. (Ed. Code, § 47605(b)(5)(B).)

The petition states, “Because American River Collegiate Academy does not know what its numerically significant subgroups will be, all goals, actions and outcomes are designed to apply school wide and to all student subgroups.” (Petition, p. 73) The petition also provides both schoolwide demographic and

Smarter Balanced Assessment Consortium tests (SBAC) data for its existing charter schools and several schools in Citrus Heights. (Petition, pp. 11-15) Therefore, if the demographics and achievement of Citrus Heights schools can be used for comparison purposes in the “Students To Be Served” section and Petitioner intends to “mirror the demographics of the district” (Petition, pp. 10-17), Petitioner could have used these demographics as the basis for an estimate of significant student groups at ARCA.

Petitioner’s Annual Measurable Outcome (AMO), No. 3 is to “Obtain 80% positive school climate rating, as measured by the annual survey.” This AMO is vague, as the petition does not specify the aspects of climate that are being measured, or the evidence for 80% positive representing an appropriate outcome. There is no benchmark information for the measure.

Petitioner’s AMO, Nos. 7, 8, 10, and 11 are to have suspension and expulsion rates “equal to or less than the District rate and County rate” and “the percentage of special education students who score a 3 or 4 on the Statewide Assessments (SBAC ELA/Math) will be equal to or exceed that of the District.” (Petition, pp. 80-82) More appropriate goals could have been constructed by using current rates from Citrus Heights schools listed in the “Students To Be Served” section. This would also have demonstrated awareness of the trends for the student population within the proposed area.

Although the school proposes to begin with grades K-2, there are no AMOs specific to primary education – only AMOs applicable to large grade spans (e.g., SBAC scores) or applicable to high school grades (graduation rate, A-G completion). Measurable objectives for primary grades and methods for meeting those objectives are important for this petition to demonstrate a high likelihood of successful implementation of a program with educational benefit to the students and families it proposes to serve.

Petitioner appears to be successfully educating and measuring outcomes for students at its existing charter schools. However, its measurable pupil outcomes are general in nature and do not specifically address the potential concentration of significant student groups in its proposed SJUSD location, nor does it specify student outcomes and metrics for K-2 grade students.

The petition would be strengthened by providing more specific measurable student outcomes tailored to the student population in the proposed charter school location, and for students in primary grades K-3 who do not have SBAC scores.

The petition minimally describes the measurable pupil outcomes identified for use by the school and would be strengthened by further elaboration as discussed above.

C. Element C – Method of Measuring Pupil Progress

The petition must specify the methods by which pupil progress in meeting the specific pupil outcomes will be measured. To the extent practicable, the

method for measuring pupil outcomes for the state priorities shall be consistent with the way information is reported on the school accountability report card. (Ed. Code, § 47605(b)(5)(C).)

The school must utilize a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment. This must also include the annual assessment results from any state mandated testing program; a plan for collecting, analyzing, and reporting data on student achievement to school staff, parents, and others; and a plan for utilizing the data for continuous monitoring and program improvement. (Cal. Code Regs., title 5, § 11967.5.1(f)(3).)

The data analysis methods described in “Methods for Measuring Pupil Progress” section are not highly descriptive – essentially consisting of a list of assessments given, the groups that will use the data, and the general way that the data will be used. (Petition, pp. 91-93)

Sound educational practice related to assessments includes formative, interim, and summative assessments integrated into a feedback loop that aims to improve teaching and learning for the students who attend. The petition provides a description of all three types of assessments and, therefore, is minimally consistent with sound educational practice.

The petition would be strengthened by the inclusion of Northwest Evaluation Agency (NWEA) Measures of Academic Progress (MAP) data to illustrate typical student growth over the school year in Petitioner’s existing charter schools to (a) provide a concrete example of how interim data is analyzed and successfully used to impact the educational program, and (b) demonstrate the effectiveness of instruction at grade levels not assessed by the SBAC.

The petition minimally describes the methods by which pupil progress in meeting the identified pupil outcomes is to be measured and would be strengthened by further elaboration as discussed above.

D. Element D – Governance Structure of the School

The governance structure is described on pages 6, 94-100 and Appendix A. The petition states that the charter school will be operated by the Rocklin Academy, a California nonprofit public benefit corporation. It describes the membership and duties of the board of directors, affirms that it will comply with the Brown Act, Public Records Act, and Family Educational Rights and Privacy Act, and provides for annual governance training of board directors. It includes copies of the Bylaws, but not the articles of incorporation.

The petition affirms that the charter will comply with the Political Reform Act, Government Code section 1090, et. seq., and Corporations Code conflict of interest rules. (Petition, pp. 6, 95) The Rocklin Academy’s Conflict of Interest Code requires Board members and designated employees to file Statements of Economic Interests (Form 700s), prohibits them from making, influencing,

or participating in decisions that impact their financial interests, and otherwise complies with the Political Reform Act. (Appendix A)

The Bylaws allow up to 49% of voting board members to be financially interested persons, which is defined as any person currently compensated by the Rocklin Academy for services rendered within the previous 12 months as an employee, independent contractor, or otherwise, and certain relatives of such persons. (Appendix A, p. 3) The Bylaws include provisions that comply with Government Code section 1090 by prohibiting the Rocklin Academy from entering contracts or transactions in which Board members have a material financial interest. (Appendix A, Articles IX, X, pp. 10-11) However, the Conflict of Interest Code allows contracts or transactions with “Common Directors” and designated employees under certain circumstances, which is inconsistent with Government Code section 1090.

The petition states the school will use a range of methods to consult with and receive parental input, including parent/student/teacher conferences, open houses, email and phone communication, parent and student surveys, parent participation on committees and the Board, and parent participation on the Parent Student Partnership Committee.

The Articles of Corporation are missing, and the Conflict of Interest Code requires updating to align with the Board Bylaws and Government Code section 1090. Otherwise, the petition contains a reasonably comprehensive description of the governance structure of the school.

E. Element E – Staff Qualifications

The petition provides a description of the required education, work experience, credential, degrees, and certifications of the proposed directors, administrators, and managers of the charter school. The petition includes a list of qualifications for teachers, and generally states that it may also employ non-certificated instructional staff with appropriate expertise, experience, and capacity to work successfully in an instructional support capacity without further elaboration. The petition identifies a number of positions as part of its intended program offering (e.g., behavioral specialists, occupational therapists, program specialists, psychologists, speech language pathologists, etc.) but does not address the general qualifications for these positions or for other staff generally needed to operate a school site. (Petition, pp. 94-104) Petitioner’s response to SJUSD Findings provides additional information regarding the qualifications of its Superintendent/Executive Director, principals, and instructional coaches. (Petition, Tab 6, Finding 3, Item #1e)

The petition affirms that teachers will possess a “Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers.” The petition also states that non-certificated instructional staff may assign grades and approve student work in non-core or non-college preparatory courses. (Petition, pp. 5, 103) Beginning July 1, 2020, only appropriately

credentialed teachers may assign grades or approve student work, and flexibility regarding credentials for non-core, non-college preparatory teachers will be removed. (Ed. Code, § 47605(l).)

The classified salary schedule include with Petitioner's response to SJUSD's findings contains salary levels below minimum wage. (Tab 6, C)

The petition does not contain a reasonably comprehensive description of the new teacher credentialing requirements and would benefit from further elaboration regarding staff qualifications. However, Petitioner may be allowed to make technical corrections to its petition to comply with current legal requirements.

F. Element F – Health and Safety Procedures

RAFOS will require that employees undergo a criminal background check and that volunteers who will work outside the direct supervision of an employee will also need fingerprint clearance. It recognizes that all employees are mandated reporters and will provide annual mandated reporter training.

Tuberculosis screening is required for staff and volunteers and renewed every four years. Immunization records and mandated health screenings (vision, hearing, scoliosis) are required to the extent as students attending non-charter public schools.

RAFOS affirms that it will comply with facility safety requirements, adopt the legally required school safety plan, and adopt other legally required policies and practices to ensure student safety and well-being. (Petition, pp. 105-109)

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

G. Element G – Achievement of Racial and Ethnic Balance

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 students that is reflective of the general populations residing within the territorial jurisdiction of the school district to which the charter petition is submitted is presumed met, absent specific information to the contrary. (Cal. Code Regs., title 5, § 11967.5.1(f)(7).)

The petition expresses the intention to recruit and create a racial and ethnic balance among students that reflects the general population and to “mirror the demographic data of the district.” (Petition, pp. 13, 110) The petition describes proposed outreach, including the development of promotional and informational materials that address the needs of various racial and ethnic groups, outreach meetings in convenient locations, and targeted marketing to achieve racial and ethnic balance, including print and electronic media, community and regional outreach, direct presence at service group meetings within the community, distribution of promotional materials to community

groups and agencies that serve the various racial and ethnic groups represented in the school district. The charter's annual report will include a summary of racial and ethnic balance. (Petition, p. 110) RAFOS response to SJUSD's findings includes additional recruitment strategies, including working with an organizer who specializes in connecting with low income communities, attending local community events, sending postcards to all households with young children in and near Citrus Heights, and printing recruitment materials in English, Spanish, and Russian. (Tab 6, Response to Finding 3, Item #1c)

Given the regulatory presumption, the petition contains a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its pupils. However, given the demographics of students currently served by Petitioner's other charter schools, Petitioner should be expected to make every reasonable effort to specifically reach and recruit pupils from all student groups in order to help it achieve a student population that reflects the student population of SJUSD.

H. Element H – Admission Requirements

Admission policies and procedures are described on pages 111-112. The petition states the charter school will be open to all students who wish to attend, that no test or assessment will be administered to students before acceptance and enrollment, that the charter will actively recruit a diverse population, and that it will not discourage a pupil from seeking to enroll for any reason, including academic performance or because the pupil exhibits any protected characteristic, including disability, low achievement, English learners, neglected or delinquent pupils, homeless, or economically disadvantaged. If applicants exceed capacity, then admission will be based on a public random drawing. Existing students are exempted from the lottery; and admissions preferences are given to applicants in the following order:

1. Children of RAFOS full-time employees
2. Siblings of students admitted or attending American River Collegiate Academy
3. Students who reside within SJUSD
4. Children of RAFOS board members
5. Students who reside outside the district

Students will be selected beginning with the first category (all applicants who are children of RAFOS employees) and shall continue with that preference until all vacancies within that grade level have been filled. If all children of RAFOS employees have been selected and there are remaining spaces available in that grade level, siblings of students attending ARCA will be selected, and the selection will continue until all spaces are filled and

preference categories are exhausted in the order listed above. (Petition, p. 112)

Under Education Code section 47605(d)(2)(B), preferences must be given to pupils currently attending the charter school and pupils who reside in the school district. Preferences may also be given on an individual charter school basis to siblings and to children of the charter school's teachers, staff, and founders, so long as:

- (i) Each type of preference is approved by the chartering authority at a public hearing,
- (ii) Preferences are consistent with federal law, the California Constitution, and Section 200, and
- (iii) Preferences do not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

In order to ensure that the enrollment preferences for ROFAS employees and board members do not result in limiting enrollment access for students in the categories listed above, SCOE recommends that preferences for ROFAS employees and board members be limited to no more than a total of 10% of American River Collegiate Academy's enrollment.

Subject to the recommended revisions, the petition contains a reasonably comprehensive description of admission policies and procedures.

I. Element I – Independent Financial Audits

Page 114 of the petition describes an annual independent audit process that meets the minimum criteria regarding independent auditor selection, auditor experience, distribution timelines, and process for resolving and reporting any audit findings.

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

J. Element J – Suspension or Expulsion of Students

As required by law, the petition contains a clear statement that no pupil will be involuntarily removed (disenrolled, dismissed, transferred, or terminated) for any reason unless the parent/guardian or education rights holder receives written notice (in their native language) of the intent to remove the pupil and the right to initiate due process procedures. If these procedures are initiated, the pupil must remain enrolled and shall not be removed until the charter

school issues a final decision. (Petition, p. 116; Ed. Code, § 47605(b)(5)(J)(iii).)

The petition includes a description of the suspension and expulsion process, including a list of offenses for which a student may or must be disciplined, notice to students and parents, due process procedures, and affirms that it will follow all required state and federal laws in disciplining students with disabilities. (Petition, pp. 115-133)

The petition allows students in grades 4-12 to be suspended for disrupting school activities or willful defiance. (Petition, p. 117) As of July 1, 2020, such suspensions are no longer permitted for students in grades 4 and 5, and are not permitted for students in grades 6, 7, and 8 for the next five years. (Ed. Code, § 48900(k).)

The acts for which students may be suspended or expelled largely mirrors the acts for which students in traditional public schools may be expelled. However, unlike traditional public school expulsion requirements, before expelling a student for a discretionary expellable offense, the petition does not require the charter school to demonstrate that other means of correction are not feasible or have repeatedly failed to bring about proper conduct or, that due to the nature of the violation, the pupil's presence causes a continuing danger (secondary findings). (See Ed. Code, § 48915 (b), (e).) While such provisions are not legally required for charter schools, the lack of such provisions may provide less incentive for the charter to attempt other means of correction before suspending or expelling students.

The petition requires revision to comply with new legal requirements. While not required by law for charters, unlike traditional public school expulsion requirements, students may be expelled without secondary findings by the charter. Subject to the above, the petition contains a reasonably comprehensive description of the procedures by which pupils can be suspended, expelled, or removed from school.

K. Element K – Retirement Systems

The petition states that all full time charter school employees will participate in a qualified retirement plan including, but not limited to, state Teachers' Retirement Systems (STRS), Public Employees' Retirement System (PERS), and the federal social security system based on their eligibility to participate. Teachers will participate in STRS and non-credential staff, who qualify, will participate in PERS and social security. The Director of Human Resources/Operations will ensure that appropriate arrangements are made for retirement coverage. (Petition, p. 134)

The petition contains a reasonably comprehensive description of the manner by which staff members of the charter school will be covered by the STRS, PERS, or Social Security system.

L. Element L – Student Attendance Alternatives

The petition appropriately states that no student is required to attend, students who choose not to attend may attend other public schools, and that parents and guardians will be informed that students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the charter school. (Petition, p. 135)

The petition contains a reasonably comprehensive description of the public school attendance alternatives.

M. Element M – Rights of Employees

The petition contains a reasonably comprehensive description of the rights of employees upon leaving employment of the district and any rights of return.

N. Element N – Dispute Resolution

The petition states that the RAFOS board has created an internal dispute resolution procedure that is binding on students, parents, volunteers, charter school personnel, and board members, and that all members of the school community will be provided a copy. While the petition states that the authorizer will refer all complaints regarding charter school operations to its Superintendent/Executive Director for resolution in accordance with its adopted policies, the petition does not include a copy of these internal dispute resolution policies or procedures. (Petition, pp. 137-138)

The petition outlines proposed procedures to resolve disputes between the charter and authorizer that are intended as a starting point, while recognizing that RAFOS cannot bind the County Board to a dispute procedure without its agreement. Additional provisions would need to be agreed upon, such as recognizing that the County Board, County Superintendent, or SCOE may resolve a dispute directly, without pursuing the outlined procedures, in appropriate circumstances.

Subject to the above, the petition contains a reasonably comprehensive description of a dispute resolution process.

O. Element O – Closure Procedures

The closure procedures described on pages 139-140 include appropriate notice, a final independent audit to determine assets and liabilities, plans for disposing of any net assets and for the maintenance and transfer of pupil records.

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

CONCLUSION

Based upon its analysis of the petition, SCOE staff recommend that if the Board approves the American River Collegiate Academy charter petition, that the petition be approved with conditions. Specifically, that before being authorized to open and operate the ARCA charter school, Petitioner be required to satisfy the follow conditions through a Memorandum of Understanding between Petitioner, the Board, and County Superintendent:

1. By April 1, 2020, provide a clearly articulated plan demonstrating how Petitioner will approach serving a higher proportion of students with greater needs that reflects the student population of SJUSD.
2. Given the demographics of students currently served by Petitioner's other charter schools, Petitioner shall make every reasonable effort to specifically reach and recruit pupils from all student groups in order to help it achieve a student population that is reflective of the student population of SJUSD.
3. By April 1, 2020, provide clarifying information about the charter school budget and operations.
4. By April 1, 2020, update the charter petition to comply with all legal requirements and recent changes in the law, including, but not limited to requirements related to teacher credentialing, minimum wage, conflict of interest, student discipline.
5. By April 1, 2020, in order to provide opportunities for more students, update the charter petition so that preferences for children of RAFOS employees and board members are limited to a total of 10% of ARCA enrollment.
6. By July 1, 2020, secure an acceptable school facility for the 2020-2021 academic year that meets all legal requirements.
7. By July 1, 2020, demonstrate that ARCA has been accepted into a Special Education Local Plan Area (SELPA) and can provide the full continuum of special education services as required by state and federal law.
8. Petitioner shall agree to be responsible for all special education services required by law and to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
9. Petitioner shall agree to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any claims arising from the opening or operation of the charter school.
10. Petitioner will otherwise be subject to all deadlines and requirements set forth in Sacramento Board of Education Policy 2400 and Administrative Rules and Regulations 2400.
11. Any additional requirements set by the Board.

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.

- (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.

- (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
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
04/23/10	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

I. General Provisions

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

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

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

II. Charter School Petition Submission and Review Procedures

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

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

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

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

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

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

This description may also incorporate any changes needed to:

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

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

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

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

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

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

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

C. All Charter School Petitions Must Include The Following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Monitoring and Oversight of Approved Charters

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Material Revisions of an Approved Charter

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

VI. Potential Revocation of Approved Charter Petitions

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

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

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

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

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

VII. Charter Renewals

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

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

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

The Board shall base this determination on:

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

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3. Information submitted by the charter school.

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

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

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

Each renewal shall be for a period of five years.

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02/10/04	Reviewed by Legal Counsel
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04/06/04	Provided to Board as an Information Item
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Appendix A

Charter School Petition Review Tips

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

Tip No. 1: Realistic Budget Figures.

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

Tip No. 2: Consistency throughout the Petition.

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

Tip No. 3: Use of Realistic Enrollment Patterns.

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

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

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

Tip No. 4: Awareness of Special Education Funding.

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

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

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

Tip No. 6: Petition Should Include Sufficient Detail.

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

- Instructional Courses
 - Clear description of each course including texts (standards-based) and other materials.
 - Sample of lesson plans and/or pacing guides that match stated goals and objectives.
 - Sample of lesson plans and/or pacing guides that show use of identified curricular programs and assessment.
- Instructional Approaches
 - Clear understanding of the research behind an instructional approach and how it is to be used in supporting student achievement of standards.
 - If more than one approach is listed, include a detailed plan on how the approaches will be integrated and implemented.

Tip No. 7: Address Potential Civil Liability Effects

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

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

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

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

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

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

State of California

EDUCATION CODE

Section 47605

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or legal 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 charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

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

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual

findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

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

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

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in paragraphs (2) to (8), inclusive, of subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for

state priorities shall be consistent with the way information is reported on a school accountability report card.

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

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

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

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

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

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

(G) The means by which the charter 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.

(H) Admission policies and procedures, consistent with subdivision (d).

(I) 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.

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

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

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

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

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

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language

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

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

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee 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.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

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

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

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

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

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

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

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

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

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

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

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

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

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

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil

exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

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

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

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

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

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

(e) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering authority, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b), and shall define "reasonably comprehensive," as used in paragraph (5) of subdivision (b), in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering authority, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that is granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, before expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the charter school's

petition for renewal, the charter school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

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

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

(Amended by Stats. 2019, Ch. 543, Sec. 3.2. (AB 1595) Effective January 1, 2020. Superseded on July 1, 2020; see further amendment by Sec. 3.3 of Stats. 2019, Ch. 543)

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EDUCATION CODE

Section 47605

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(A) The petition is signed by a number of parents or legal 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 charter school for its first year of operation.

(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

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

(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.

(5) (A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a

request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:

(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.

(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.

(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school site is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.

(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.

(D) A charter school located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the provisions of this paragraph.

(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils prior to October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020.

(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. The governing board of the school district shall publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools prepared pursuant to paragraph (8) of subdivision (c), regarding the petition at least

15 days before the public hearing at which the governing board of the school district will either grant or deny the charter. At the public hearing at which the governing board of the school district will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.

(c) In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The governing board of the school district shall consider the academic needs of the pupils the school proposes to serve. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

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

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

(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

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

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable

under the “A to G” admissions criteria may be considered to meet college entrance requirements.

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

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

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

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

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

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

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

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

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

(H) Admission policies and procedures, consistent with subdivision (e).

(I) 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.

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

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

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

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

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

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

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

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) The rights of an employee 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.

(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.

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

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 1240 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 1240, has a negative interim certification pursuant to Section 1240, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

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

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

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

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

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to

pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

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

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

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

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

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

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

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school

pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).

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

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

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

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

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

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

(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.

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

(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(k) (1) (A) (i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

(ii) The county board of education shall review the appeal petition pursuant to subdivision (c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the county board of education shall also review the school district's findings pursuant to paragraph (8) of subdivision (c).

(iii) As used in this subdivision, "material terms" of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.

(B) If the governing board of a school district denies a petition and the county lacks an independent county board of education, the petitioner may elect to submit the petition for the establishment of a charter school to the state board. The state board shall review the petition pursuant to this paragraph. If the denial of a charter petition is reversed by the state board, the state board shall designate the governing board of the school district in which the charter school is located as the chartering authority.

(2) If the county board of education denies a petition, the petitioner may appeal that denial to the state board.

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is

submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

(B) If the appeal contains new or different material terms, as defined in clause (iii) of subparagraph (A) of paragraph (1), the state board shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the state board.

(C) Within 30 days of receipt of the appeal submitted to the state board, the governing board of the school district or county board of education may submit a written opposition to the state board detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education did not abuse its discretion in denying the petition. The governing board of the school district or the county board of education may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the county board of education.

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the chartering authority to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(5) Upon the approval of the petition by the county board of education, the petition or petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school is located, the department, and the state board.

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

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

(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.

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

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

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

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

(Amended by Stats. 2019, Ch. 543, Sec. 3.3. (AB 1595) Effective January 1, 2020. Operative July 1, 2020, pursuant to Sec. 12 of Stats. 2019, Ch. 543.)

5 CCR 11967

This document is current through Register 2019, No. 52, December 27, 2019

CA - Barclays Official California Code of Regulations > TITLE 5. EDUCATION > DIVISION 1. CALIFORNIA DEPARTMENT OF EDUCATION > CHAPTER 11. SPECIAL PROGRAMS > SUBCHAPTER 19. CHARTER SCHOOLS > ARTICLE 2. GENERAL PROVISIONS

§ 11967. Appeals on Petitions for the Establishment of a Charter School That Have Been Denied

(a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education (SBE) not later than 180 calendar days after the denial. Any petition received by the county board of education or SBE more than 180 days after denial shall not be acted upon by the county board of education or the SBE.

(b) When filing a petition with the county board of education or the SBE for the establishment of a charter school, petitioner(s) shall provide the following:

(1) A complete copy of the charter petition as denied, including the signatures required by *Education Code section 47605*.

(2) Evidence of the governing board's action to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in *Education Code section 47605(b)*.

(3) A signed certification stating that petitioner(s) will comply with all applicable law.

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

(c) The county board of education or SBE shall deny a petition for the establishment of a charter school only if that board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in *Education Code section 47605(b)(1)-(5)*.

(d) If within 60 days of a county board of education's receipt of a petition appealing the denial to establish a charter school, the county board of education does not grant or deny the petition for the establishment of a charter school, the charter school may submit the petition for the establishment of a charter school to the SBE. The county

board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

(e) If, within 120 days of the SBE's receipt of a petition appealing the denial to establish a charter school, the SBE does not grant or deny the charter petition, the decision of the governing board of the school district to deny the petition is subject to judicial review. The SBE and the charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

(f) In considering charter petitions that have been previously denied, the county board of education or SBE are not limited to a review based solely on the reasons for denial stated by the school district, but must review the charter school petition pursuant to *Education Code section 47605(b)*.

5 CCR 11967.5.1

This document is current through Register 2019, No. 52, December 27, 2019

CA - Barclays Official California Code of Regulations > TITLE 5. EDUCATION > DIVISION 1. CALIFORNIA DEPARTMENT OF EDUCATION > CHAPTER 11. SPECIAL PROGRAMS > SUBCHAPTER 19. CHARTER SCHOOLS > ARTICLE 2. GENERAL PROVISIONS

§ 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.
- (F)** 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.

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Bids for New External Financial Auditing Services	Agenda Item No.: VIII.E. Enclosures: 0
Reason: Authorization to Seek Bids	From: David W. Gordon Prepared By: Tamara Sanchez Board Meeting Date: 02/04/20

BACKGROUND:

Since April 2015, the Sacramento County Office of Education has engaged James Marta & Company to provide external financial audit services. The initial contract agreement was executed and approved in April 2015 for audit years ending June 30, 2015, June 30, 2016, and June 30, 2017. Per the terms of the original agreement, the contract was extended for an additional two years.

The terms of service have expired and staff is now requesting authorization to seek bids for external financial auditing services for the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, with the option of extending services for an additional two years.

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends the Board authorize staff to seek bids for external financial auditing services.

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Revisions to Board Policy 1312.3 – Uniform Complaint Procedures	Agenda Item No.: VIII.F. Enclosures: 5
Reason: Second Reading and Adoption of Board Policy Revisions	From: Policy Committee Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

Attached are proposed revisions to Board Policy 1312.3 – Uniform Complaint Procedures. All proposed revisions are indicated by strikeouts and bold underlined additions.

A brief summary of the rationale and basis for the proposed revisions follows:

- Policy changes are proposed to reflect recent changes to the law and CDE requirements.

The Policy Committee reviewed Board Policy 1312.3 – Uniform Complaint Procedures on December 10, 2019 and recommended that the revised policy be presented to the Board for First Reading. The First Reading of the revised policy occurred at the January 14, 2020 meeting.

SUPERINTENDENT’S RECOMMENDATION:

The Superintendent recommends that the Board of Education hear the Second Reading and adopt the proposed revisions to Board Policy 1312.3 – Uniform Complaint Procedures.

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The Sacramento County Office of Education (SCOE) has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. SCOE shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, retaliation or bullying in SCOE educational programs in accordance with SCOE's Uniform Complaint Procedures.

Uniform Complaint Procedures shall also be used to address complaints alleging that SCOE has violated federal or state laws or regulations governing academic or educational programs, including:

- **accommodations for pregnant and parenting pupils;**
- **after school education and safety programs;**
- **agricultural career technical education;**
- the prohibition against charging pupil fees for participation in educational activities;
- the requirements for the development and adoption of a school safety plan;
- the requirements for Local Control and Accountability Plans;
- adult education;
- career technical education and training programs **(Career Technical and Technical Education, Career Technical, Technical Training [state] and Career Technical Education [federal]);**
- ~~consolidated categorical aid programs;~~
- migrant education;
- child care and development programs;
- ~~child nutrition programs;~~
- ~~special education programs;~~
- compensatory education;
- course periods without educational content;
- education of pupils in foster care;
- credit and graduation requirements for pupils who are homeless, former and current juvenile court school pupils, and children of military families, **pupils who are migratory children, and pupils participating in a newcomer program;**
- Every Student Succeeds Act/~~No Child Left Behind;~~
- physical education and instructional minutes;
- reasonable accommodations to a lactating pupil; and
- ~~tobacco use and prevention education~~
- **regional occupational centers and programs;**
- **school plans for pupil achievement;**

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- **schoolsite councils;**
- **state preschool; and**
- **state preschool health and safety issues.**

The Superintendent or designee may utilize the Uniform Complaint Procedures as appropriate to address other concerns or complaints received regarding the operation of SCOE that would not otherwise fall within the parameters of this policy.

Complaints shall be submitted in writing in accordance with Uniform Complaint Procedures set forth in ARR 1312.3.

The Board prohibits any form of retaliation for the filing of a complaint, the reporting of instances of discrimination, or for participating in the complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant. To the fullest possible extent, SCOE personnel shall ensure that complainants are protected from retaliation.

Complaints shall be investigated in a manner that protects the confidentiality of the parties to the extent possible and maintains the integrity of the process. The identity of the complainant will be kept confidential as appropriate when investigating allegations of discrimination, harassment, intimidation, retaliation or bullying.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. Furthermore, the Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with Uniform Complaint Procedures, whenever all parties to a complaint agree to try resolving their issues through mediation, the Sacramento County Superintendent of Schools (Superintendent) or designee shall initiate a mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Annually, Uniform Complaint Procedures shall be disseminated to all pupils, employees, parents and/or guardians, school councils, advisory councils, and other interested parties and shall include information regarding allegations about discrimination, harassment, intimidation and bullying.

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The *Williams* Uniform Complaint Procedures, ARR 1312.4, shall be used to investigate and resolve any complaint related to the following:

- Sufficiency of textbooks or instructional material;
- Emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff;
- Teacher vacancies and misassignments.

Legal References:

EDUCATION CODE

200-262.4 Educational equity

222 Reasonable accommodations; lactating student pupils

8200-8498 Child Care and Development Services Act

8482-8484.65 After school education and safety

8500-8538 Adult education

18100-18203 School libraries

~~32280-32289 Noncompliance with school~~ **School** safety **plan** requirements of the No Child Left Behind Act

35186 Complaints concerning deficiencies related to instructional materials, emergency or urgent facilities conditions, teacher vacancy or misassignments

46015 Pregnant and parenting pupils; accommodation rights

48645.7 Juvenile court school pupils, diploma and continued education options

48853-48853.5 Foster youth

48985 Notices to parents in language other than English

49010-49011 Pupil fees

49060-49079 Pupil records

49069.5 Timely preparation and transfer of pupil records

51210 Course of study grades 1-6; noncompliance complaints

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, and homeless children, **former juvenile court school pupils, children of military families, pupils who are migratory child, and pupils participating in a newcomer program**; course credits; graduation requirements

51226-51226.1 Career technical education (federal)

51228.1-51228.3 Course periods without educational content

52075 Complaint for lack of compliance with local control and accountability plans

52300-52490 Career technical education **(state)**

52460-52462 Agricultural career technical education

52500-52616.24 Adult schools

~~52800-52870 School-based program coordination~~

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~~54000-54529 Disadvantaged Youth Program~~

~~5446000-54425 Compensatory education programs~~

~~54440-54445 Migrant education~~

~~56000-56867 Special education programs~~

~~59000-59300 Special schools and centers~~

~~64000-64001 Consolidated application process~~ **School plans for pupil achievement**

HEALTH AND SAFETY CODE

1596.7925 Regulations for state preschool programs

GOVERNMENT CODE

11135 Discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime definition

422.6 Crimes and penalties **Interference with constitutional right or privilege**

TITLE 20, UNITED STATES CODE

1681-1688 Title IX of the Education Amendments of 1972

~~6301-**6577-6576** Improving the academic achievement of the disadvantaged~~

~~6601-6777 Preparing, training, and recruiting high quality teachers and principals~~

~~6801-**7014** 6874 Language instruction for limited English proficient and immigrant pupils~~

~~7101-7184 Safe and Drug Free Schools and Communities Act~~

~~7201-7283(g) Promoting informed parental choice and innovative programs~~

~~7301-7372 Flexibility and accountability~~

TITLE 5, CALIFORNIA CODE OF REGULATIONS

3080 Procedural safeguard general provisions

4600-4687 Uniform Complaint Procedures

~~4414 Standards for pupil eligibility~~

4900-4965 Nondiscrimination and educational equity

03/09/95	Draft
05/02/95	First Reading
05/23/95	Second Reading and Approval
03/04/03	Draft Revisions
03/12/03	Reviewed by Legal Counsel
03/18/03	Reviewed by Policy Committee

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04/01/03	First Reading
04/15/03	Second Reading and Approval
04/16/03	Distribution
02/23/05	First Reading
03/23/05	Second Reading and Approval
04/18/07	Policy Committee
04/25/07	First Reading
05/09/07	Second Reading and Approval
02/03/09	Review by Policy Committee
03/17/09	Review by Policy Committee
04/07/09	First Reading
04/21/09	Second Reading and Adoption (formerly BP 1322)
04/24/09	Distribution
05/07/13	Review by Policy Committee
06/04/13	First Reading
06/18/13	Second Reading and Adoption
07/01/13	Distribution
06/10/14	Reviewed by Policy Committee
06/24/14	First Reading
07/15/14	Second Reading and Adoption
07/16/14	Distribution
10/04/16	Reviewed by Policy Committee
11/15/16	First Reading
12/13/16	Second Reading and Adoption
12/14/16	Distribution
04/17/18	Reviewed by Policy Committee
06/12/18	First Reading
06/26/18	Second Reading and Adoption
06/29/18	Distribution
12/10/19	Reviewed by Policy Committee
01/14/20	First Reading
02/04/20	Second Reading and Adoption

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Revisions to Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures	Agenda Item No.: VIII.G. Enclosures: 15
Reason: Informational	From: David W. Gordon Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

The Sacramento County Office of Education (SCOE) and the Sacramento County Superintendent of Schools have revised the attached Administrative Rules and Regulations 1312.3 – Uniform Complaint Procedures. These revisions reflect recent changes to the law and CDE requirements.

This item is provided for information, and no action is required by the Board.

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These Uniform Complaint Procedures shall be used to investigate and resolve complaints alleging violations of federal or state laws as specified in BP 1312.3 and discussed herein.

I. Compliance Officer or Designee

The Sacramento County Office of Education (SCOE) has designated the following Compliance Officer or designee to receive and investigate complaints and ensure SCOE's compliance with law: Deputy Superintendent (or such other person designated by the Sacramento County Superintendent of Schools (Superintendent)), 10474 Mather Boulevard, Mather, CA 95655, P.O. Box 269003, Sacramento, CA 95826-9003; (916) 228-2409; complianceofficer@scoe.net.

The Compliance Officer or designee shall maintain a record of each complaint and subsequent related actions, as required by law, including all information required for compliance with California Code of Regulations, title 5, sections 4631 and 4633. (See, Ed. Code, § 234.1.) **All complaints and responses are public records, unless otherwise provided by law.**

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee. (Cal. Code Regs., tit. 5, § 4621.)

II. Notifications

~~SCOE's Uniform Complaint Procedures policy and administrative regulation shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. If 15 percent or more of pupils enrolled in a particular school speak a single primary language other than English, SCOE's policy, regulations, forms, and notices concerning Uniform Complaint Procedures shall be translated into that language. (Ed. Code, §§ 234.1, 48985.)~~

~~The Superintendent or designee shall annually provide written notification of SCOE's Uniform Complaint Procedures to pupils, employees, parents/guardians, SCOE/school advisory committees, appropriate school officials or representatives, and other interested parties. The notification will contain information about SCOE's complaint procedures, available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education (CDE). Copies of SCOE's Uniform Complaint Procedures are available free of charge. (Ed. Code, §§ 262.3, 49013; Cal. Code Regs., tit. 5, § 4622.)~~

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The Superintendent or designee will annually disseminate a written notice of SOCE's Uniform Complaint Procedures (Annual Notice) to all pupils, employees, parents or guardians of its pupils, school and SOCE advisory committee members, appropriate private school officials or representatives, and other interested parties as appropriate.

The Annual Notice will include information regarding allegations about discrimination, harassment, intimidation, or bullying. It will also include information regarding the requirements of Education Code section 49010 through 49013 relating to pupil fees and information regarding the requirements of Education Code Section 52075 relating to Local Control and Accountability Plans (LCAP).

SCOE's Annual Notice shall be in English, and, when necessary, in the primary language of the pupils (if 15 percent or more of pupils enrolled in a particular school speak a single primary language other than English) or the mode of communication of the recipient of the notice. (Ed. Code, § 48985; Cal. Code Regs., tit. 5, § 4622.)

SCOE will have a notice posted in each California state preschool program classroom and in each SOCE school that helps identify the appropriate subjects of complaints regarding state preschool health and safety issues. It will notify parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations that apply to California state preschool programs pursuant to Health and Safety Code section 1596.7925 and (2) where to get a form for a complaint related to state preschool health and safety issues.

III. Scope of Uniform Complaint Procedures

- A. SCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Uniform Complaint Procedures will be used for any claim alleging noncompliance with laws relating to all programs and activities implemented by SOCE that are subject to the Uniform Complaint Procedures. All complainants are protected from retaliation.
- B. The Uniform Complaint Procedures shall be used to address complaints that allege that SOCE has violated federal or state laws or regulations governing academic and educational programs, including:

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1. Accommodations for pregnant and parenting pupils (Ed. Code, § 46015)
2. Adult education (Ed. Code, §§ 8500-8538, 52334.7, 52500-52616.4)
3. After school education and safety (Ed. Code, §§ 8482-8484.65)
4. Agricultural career technical education (Ed. Code, §§ 52460-52462)
5. Career technical and technical education; career technical; technical training (state) (Ed. Code, §§ 52300-52462)
6. Career technical education (federal) (Ed. Code, §§ 51226-51226.1)
7. Child care and development (Ed. Code, §§ 8200-8493)
8. Compensatory education (Ed. Code, § 54400)
9. Course periods without educational content (Ed. Code, §§ 51228.1-51228.3)
10. Education of pupils in foster care, pupils who are homeless, current juvenile court school pupils, former juvenile court pupils now enrolled in a SCOE school, pupils of military families, pupil who is a migratory child, and pupil participating in a newcomer program (Ed. Code, §§ 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
11. Every Student Succeeds Act (20 U.S.C. § 6301 et seq.)
12. Local control and accountability plans (LCAP) (Ed. Code, § 52075)
13. Migrant education (Ed. Code, §§ 54440-54445)
14. Physical education instructional minutes (Ed. Code, §§ 51210, 51223)
15. Pupil fees (Ed. Code, §§ 49010-49011)
16. Reasonable accommodations to a lactating pupil (Ed. Code, § 222)

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17. Regional occupational centers and programs (Ed. Code, §§ 52300-52334.7)
18. School plans for student achievement (Ed. Code, § 64001)
19. School safety plans (Ed. Code, §§ 32280-32289)
20. School site councils (Ed. Code, § 65000)
21. State preschool (Ed. Code, § 8235-8239.1)
22. State preschool health and safety issues in LEAs exempt from licensing (Ed. Code, §§ 8235.5, 33315; Health & Saf. Code, § 1596.7925)
23. Other complaints or concerns received regarding the operation of SCOE, at the discretion of the Superintendent or designee.¹
 - ~~1. Consolidated Categorical Aid Programs (Ed. Code, § 64000(a).)~~
 - ~~2. Career/Technical Education (Ed. Code, §§ 52300-52480.)~~
 - ~~3. Adult Education (Ed. Code, §§ 8500-8538 and 52500-52616.4.)~~
 - ~~4. Child Nutrition Programs (Ed. Code, §§ 49490-49570.)~~
 - ~~5. Child Care and Development Programs (Ed. Code, §§ 8200-8493.)~~
 - ~~6. Special Education Programs (Ed. Code, §§ 56000 et seq., 59000-59300.)~~
 - ~~7. Compensatory Education (Ed. Code, §§ 54400-54425.)~~
 - ~~8. Tobacco Use Prevention Education (Health & Saf. Code, §§ 104420, 104559.)~~
 - ~~9. Every Student Succeeds Act/No Child Left Behind.
(See Cal. Code Regs., tit. 5, § 4610.)~~

¹ SCOE does not offer all of these programs, but CDE requires the complete list to be included. The Superintendent may also choose to utilize the Uniform Complaint Procedure for other complaints that do not fall within the specific categories listed within this policy.

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- B. SCOE will also use its Uniform Complaint Procedures when addressing allegations of:
1. Unlawful discrimination harassment, intimidation, retaliation, or bullying on the basis of any actual or perceived characteristic in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55 including: age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnicity, race, ancestry, national origin, immigration status, ethnic group identification, nationality, religion, color, or mental or physical disability; or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by a local agency that is funded by, or receives or benefits from, any state financial assistance. (Cal. Code Regs., tit. 5, § 4610.)
 2. Violations of SCOE Board Policies prohibiting discrimination, harassment, intimidation, or bullying in SCOE educational programs.
 - ~~3. Failure to comply with the prohibition against requiring pupils to pay fees, deposits, or other charges for participation in educational activities. (Ed. Code, § 49013.)~~
 - ~~4. Failure to comply with the school safety planning requirements. (Ed. Code, § 32289.)~~
 - ~~5. Failure to comply with the requirements regarding Local Control and Accountability Plans (LCAP). (Ed. Code, § 52075.)~~
 - ~~6. Course periods without educational content; improperly requiring a pupil to repeat a course which the pupil completed and received a sufficient grade. (Ed. Code, § 51228.3.)~~
 - ~~7. Failure to provide reasonable accommodation to a lactating pupil. (Ed. Code, § 222.)~~

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- ~~8. Noncompliance with legal requirement applicable to a foster youth regarding educational placement decisions, the responsibilities of SCOE's educational liaison to the pupil, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from SCOE's graduation requirements. (Ed. Code, §§ 48853, 48853.5, 49069.5, 51225.1, 51225.2.)~~
 - ~~9. Noncompliance with any requirement applicable to a pupil experiencing homelessness, a former juvenile court school pupil, or a child of a military family as defined in Education Code section 49071, regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from SCOE's graduation requirements. (Ed. Code, §§ 51225.1, 51225.2.)~~
 - ~~10. Noncompliance with any requirement regarding a juvenile court school pupil obtaining a diploma upon completion of statewide graduation requirements while attending a juvenile court school. (Ed. Code, § 48645.7.)~~
 - ~~11. Noncompliance with physical education instructional minute requirement. (Ed. Code, §§ 51210, 51223.)~~
 - ~~12. Noncompliance with the requirements of the California Peer Assistance and Review (PAR) program for teachers. (Ed. Code, § 44500 et seq.)²~~
- C. These Uniform Complaint Procedures may also be used to file complaints with SCOE or to appeal SCOE decisions that concern unlawful discrimination in SCOE's educational programs under federal law, including:
1. Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 (ADA) for charges of discrimination based on physical or mental disability.

² ~~The Local Control Funding Formula (LCFF) eliminated categorical funding for PAR. Its compliance requirements no longer remain in effect. However, CDE requires it to be included in the list of programs covered by the UCP.~~

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2. Title IX of the Education Amendments of 1972 for charges of discrimination based on sex, including charges of sexual harassment.
- D. The following complaints are not subject to SCOE's Uniform Complaint Procedures ~~and shall be referred to the specified agencies for resolution:~~
 1. Allegations of child abuse shall be referred to the applicable County Department of Child Protective Services or to the appropriate law enforcement agency.
 2. Health and safety complaints regarding a Child Development Program shall be referred to the Sacramento County Department of Health and Human Services for licensed facilities and to the appropriate Child Development regional administrator for licensing exempt facilities.
 3. Allegations of unlawful employment discrimination shall be **resolved in accordance with SCOE's employee complaint resolution procedures in SP 1006 and SP 1006.1 and may be filed with** ~~sent to the State Department of Fair Employment and Housing (DFEH) pursuant to California Code of Regulations, title 22, section 98410. The complainant shall be notified by first class mail of any DFEH transferal.~~
 4. Allegations of fraud shall be referred to the **Legal, Audits and Compliance Branch in CDE** ~~CDE Division Director. (Cal. Code Regs., tit. 5, § 4611.)~~

IV. Procedures

A. Step 1: Filing of Complaint

1. Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs, **as set forth above.** ~~listed in California Code of Regulations, title 5, section 4610(b). (Cal. Code Regs., tit. 5, § 4630.)~~

Except as otherwise stated below, the complaint shall be presented to SCOE's Compliance Officer or designee, who shall maintain a log of complaints received, including the date of receipt.

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If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCOE staff shall assist the complainant in the filing of the complaint. (Cal. Code Regs., tit. 5, § 4600.)

2. **Unlawful Discrimination, Harassment, Intimidation, Retaliation, and Bullying.** A complaint concerning unlawful discrimination, harassment, intimidation, retaliation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, retaliation, or bullying or by a person who believes that an individual or specific class of individuals has been subjected to it.

When the complainant or the alleged victim requests confidentiality, the Compliance Officer shall inform the requester that the request may limit SCOE's ability to investigate or take other necessary action. SCOE will, nevertheless, take all reasonable steps to investigate and respond to the complaint. The identity of the complainant **and/or alleged victim** will be kept confidential as appropriate.

A complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, retaliation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, retaliation, or bullying. However, upon written request by the complainant, the Superintendent or designee may, for good cause, extend in writing the filing period for up to 90 calendar days. (Cal. Code Regs., tit. 5, § 4630.)

3. **Pupil Fees.** A complaint alleging noncompliance with the law prohibiting pupils to pay pupil fees must be filed within one year of the alleged violation. (Cal. Code Regs., tit. 5, § 4630.) **Complaints regarding the unlawful charging of pupil fees may be filed with the school principal, Superintendent, or Compliance Officer.**

Pupil fee and LCAP complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Ed. Code, §§ 49013, 52075; **Cal. Code Regs., tit. 5, § 4630.**)

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4. State Preschool Health and Safety Issues. Uniform Complaints regarding state preschool health and safety issues pursuant to Health and Safety Code section 1596.7925 (state preschool health and safety issues complaint) may be filed with the preschool program administrator or designee.

A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate local educational agency official for resolution.

The complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if so requested. A complaint form shall include a space to indicate whether a response is requested.

A state preschool health and safety issues complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

- ~~5. The complaint shall be presented to the Compliance Officer or designee who shall maintain a log of complaints received, providing each with a code number and a date stamp. Complaints regarding the unlawful charging of pupil fees may be filed with the school principal Superintendent, or Compliance Officer.~~
- ~~6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCOE staff shall assist him/her in the filing of the complaint. (Cal. Code Regs., tit. 5, § 4600.)~~

~~B. Step 2: Mediation~~

- ~~1. After receipt of the written complaint, if deemed appropriate, SCOE's Compliance Officer or designee may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the Compliance Officer or designee shall make all arrangements for the process.~~

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- ~~2. Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the Compliance Officer or designee shall ensure that all parties agree to make the mediator a party to related confidential information.~~
- ~~3. If the mediation process does not resolve the problem within the parameters of law, the Compliance Officer or designee shall proceed with his/her investigation of the complaint. Mediation may not extend the 60-day timeline for investigation and resolution of the complaint unless the complainant agrees, in writing, to the extension.~~

C. Step ~~2~~ 3: Investigation of Complaint

1. ~~Within 30 days of receiving the complaint, the~~ **The** Compliance Officer or designee shall provide the complainant and/or ~~his/her~~ **the complainant's** representative an opportunity to present any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer or designee also shall collect documents and interview witnesses with information pertinent to the complaint. **The Compliance Officer may implement interim measures, as appropriate, pending the outcome of the investigation.**
2. A complainant's refusal to provide the SCOE Compliance Officer or designee with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (Cal. Code Regs., tit. 5, § 4631.)
3. In accordance with law, SCOE shall provide the Compliance Officer or designee with access to records and other information related to the allegation in the complaint, **shall cooperate in the investigation,** and shall not in any way obstruct the investigation. Failure or refusal of ~~SCOE to cooperate in the investigation~~ **to comply with this requirement** may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (Cal. Code Regs., tit. 5, § 4631.)
4. Investigations of discrimination, harassment, intimidation, retaliation, and bullying complaints shall be conducted in a manner that protects the confidentiality of the parties (including their immigration status) and the integrity of the process. (Cal. Code Regs., tit. 5, § 4630.)

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5. The preschool program administrator or designee shall make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint. (Ed. Code, § 8235.5.)

Step 4~~3~~: Written Response

4. Unless extended by written agreement with the complainant, ~~within 60 days of receiving the complaint,~~ the SCOE Compliance Officer or designee shall prepare and send to the complainant a written report of SCOE's decision within 60 days of receiving the complaint unless otherwise stated herein or required by law. ~~as described in Step 5-4 below.~~ If the parties choose to participate in mediation, mediation will not extend the 60-day time line to respond unless the complainant agrees in writing to the extension.

The investigator of a state preschool health and safety issues complaint will report to the complainant the resolution of the complaint within 45 working days of the initial filing when a response is requested. If the preschool program administrator makes this report, the administrator shall also report the same information in the same timeframe to the Compliance Officer.

~~D. Step 5-4: Final Written Decision~~

~~SCOE's decision~~ A Uniform Complaint Procedures report shall be in writing and sent to the complainant. The decision shall be written in English and in the language of the complainant whenever feasible or required by law.

For all complaints, the report shall include:

1. the findings of fact based on the evidence gathered,
2. conclusion(s) of law,
3. disposition of the complaint,
4. the rationale for such disposition,

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5. corrective actions, if any are warranted, ~~including any pupil fee remedies,~~
6. notice of the complainant's right to appeal SCOE's Decision within 15 days to CDE,
7. procedures to be followed for initiating an appeal to CDE. (Cal. Code Regs., tit. 5, § 4631.)

In addition, any decision concerning a discrimination complaint based on State law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies. (Ed. Code, § 262.3.)

D. Step 4: Remedy

If a complaint alleging noncompliance with the laws regarding LCAP requirements, physical education instructional minutes (grades one through eight), and/or pupil fees is found to have merit, SCOE shall provide a remedy to all affected pupils and parents/guardians. (Ed. Code, §§ 49013, 51223, 52075.) Where applicable, this shall include reasonable efforts to reimburse pupil fees ~~subject to procedures established through State Board adopted regulations.~~ Reasonable efforts means good faith attempts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. (Ed. Code, § 49013; Cal. Code Regs., tit. 5, § 4600.)

If SCOE finds merit in a complaint regarding reasonable accommodations to a lactating pupil, a course periods without educational content (grades 9 through 12), and/or education of pupils in foster care, pupils who are homeless, current or former juvenile court school pupils, pupils in military families, pupils who are migratory children, and pupils participating in a newcomer program, ~~complaint is found to have merit,~~ the remedy shall go to the affected pupil. (Ed. Code, §§ 222, 48645.7, 51225.2, 51228.3.)

The investigator of a state preschool health and safety issue shall remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. A complainant not satisfied with the resolution of a complaint regarding state preschool health and safety issues by the preschool program administrator or SCOE's Compliance Officer has the right to describe the complaint to SCOE's board at a regularly scheduled hearing.

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E. Step ~~6~~5: Appeals to the California Department of Education

If dissatisfied with SCOE's decision, the complainant may appeal in writing to CDE within 15 days of receiving SCOE's written decision, **except for state preschool health and safety issues**. (Cal. Code Regs., tit. 5, § 4632.) **To appeal SCOE's Decision of State Preschool Health and Safety Issues the complainant must file a written appeal within 30 days of receiving the decision to the State Superintendent of Public Instruction (State Superintendent).**

When appealing to CDE, the complainant must specify the reason(s) for appealing SCOE's decision and whether the facts are incorrect and/or the law has been misapplied. The appeal must include a copy of the locally filed complaint and SCOE's decision. (Cal. Code Regs., tit. 5, § 4632.)

Upon notification by CDE that the complainant has appealed SCOE's decision, the Superintendent or designee shall forward the following documents to CDE:

1. A copy of the original complaint;
2. A copy of the decision;
3. A summary of the nature and extent of the investigation conducted by SCOE, if not covered by the decision;
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the SCOE Compliance Officer or designee;
5. A report of any action taken to resolve the complaint;
6. A copy of SCOE's Uniform Complaint Procedures;
7. Other relevant information requested by CDE. (Cal. Code Regs., tit. 5, § 4633.)

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For appeals to the State Superintendent regarding a SCOE decision on state preschool health and safety issues, the State Superintendent shall comply with the requirements of 5 CCR section 4633 and shall provide an investigation report to the State Board of Education describing the basis for the complaint, SCOE's response to the state preschool health and safety issues complaint, and the remedy or proposed remedy.

~~CDE may directly intervene in a complaint without waiting for action by SCOE when one of the conditions listed in California Code of Regulations, title 5, section 4650 exists, including cases in which SCOE has not taken action within 60 days of the date the complaint was filed with SCOE. (Cal. Code Regs., tit. 5, § 4650.)~~

F. Step 6: Report to SCOE's Board

SCOE's Compliance Officer shall publicly report summarized data on the nature and resolution of all state preschool health and safety complaints on a quarterly basis to the Superintendent and Board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Ed. Code, § 8235.5)

V. Civil Law Remedies

A complainant may pursue available civil law remedies outside of SCOE's complaint procedures under state or federal discrimination, harassment, intimidation or bullying laws. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

~~The U.S. Department of Education, Office for Civil Rights, enforces compliance with Section 504, Title II of the ADA, Title VI, and Title IX and may be contacted for assistance with complaints relating to these laws and their regulations.~~

~~The State DFEH and the Federal Equal Employment Opportunity Commission are agencies that enforce compliance with state and federal laws and regulations protecting individuals from employment discrimination and may be contacted for assistance with complaints of employment discrimination.~~

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For discrimination complaints based on State law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies, provided SCOE has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with California Code of Regulations, title 5, section 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

(Ed. Code, § 262.3)

08/03/92	Draft
11/03/92	Revised
12/08/92	Reviewed
03/09/95	Revised
05/25/95	Distributed
02/28/03	Draft Revisions
05/18/03	Revised
06/08/07	Distributed to Policy Committee
06/13/07	Reviewed by Board
06/11/13	Reviewed by Cabinet
06/18/13	Reviewed by Board of Education
07/01/13	Distribution
06/18/14	Reviewed by Cabinet
06/24/14	Reviewed by Board
06/27/14	Distribution
09/29/15	Reviewed by Cabinet
09/30/15	Technical Correction and Distribution
11/22/16	Reviewed by Cabinet
12/13/16	Reviewed by Board of Education
12/14/16	Distribution
03/27/18	Reviewed by Cabinet
06/26/18	Reviewed by Board of Education
06/29/18	Distribution
01/21/20	Reviewed by Cabinet
02/04/20	Reviewed by Board of Education

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Revisions to Board Policy 6174 – Education for English Learners	Agenda Item No.: VIII.H. Enclosures: 7
Reason: Second Reading and Adoption of Board Policy Revisions	From: Policy Committee Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

Attached are proposed revisions to Board Policy 6174 – Education for English Learners. All proposed revisions are indicated by strikeouts and bold underlined additions.

A brief summary of the rationale and basis for the proposed revisions follows:

- Policy changes are proposed to reflect current legal requirements and CDE guidance.

The Policy Committee reviewed Board Policy 6174 – Education for English Learners on December 10, 2019 and recommended that the revised policy be presented to the Board for First Reading. The First Reading of the revised policy occurred at the January 14, 2020 meeting.

SUPERINTENDENT’S RECOMMENDATION:

The Superintendent recommends that the Board of Education hear the Second Reading and adopt the proposed revisions to Board Policy 6174 – Education for English Learners.

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The Sacramento County Office of Education (SCOE) will provide English learners with challenging curriculum and instruction that maximizes the attainment of high levels of proficiency in English, advance multilingual capabilities, and facilitate pupil achievement in SCOE's regular course of study.

English learners shall be provided differentiated English language development instruction which is targeted to their English proficiency level. Such instruction shall be based on sound instructional theory, be aligned with state content standards, emphasize inquiry-based learning and critical thinking skills, and be integrated across all subject areas.

No middle or high school pupil who is an English learner shall be denied enrollment in any of the following:

1. Courses in the core curriculum areas of reading/language arts, mathematics, science, and history-social science, courses required to meet state and local high school graduation requirements, or courses required for middle school grade promotion.

However, an English learner may be denied participation in any such course if the pupil has been enrolled in a school in the United States for less than 12 months or is enrolled in a program designed to develop the basic English skills of newly arrived immigrant pupils, and the course of study provided to the pupil is designed to remedy academic deficits incurred during participation and to enable the pupil to attain parity of participation in the standard instructional program within a reasonable length of time after the pupil enters the school system.

2. A full course load of courses specified in item #1 above.
3. Other courses that meet the "a-g" course requirements for college admission or are advanced courses such as honors or Advanced Placement courses, on the sole basis of the pupil's classification as an English learner.

SCOE shall identify in its local control and accountability plan (LCAP) goals and specific actions and services to enhance pupil engagement, academic achievement, and other outcomes for English learners.

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The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

Identification and Assessment

The Superintendent or designee shall maintain procedures for the early identification of English learners and an assessment of their proficiency using the state's English Language Proficiency Assessments for California (ELPAC). To oversee test administration, the Superintendent or designee shall annually designate a SCOE ELPAC coordinator and a site coordinator for each test site in accordance with the California Code of regulations (5 C.C.R. 11518.40-11518.45).

Once identified as an English learner, a pupil shall be annually assessed for language proficiency until the pupil is reclassified based on criteria specified in the accompanying administrative regulation.

In addition, English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Pupil Performance and Progress. As necessary, the test shall be administered with testing variations, as permitted by law. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law.

Language Acquisition Programs

SCOE shall offer research-based language acquisition programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to pupils on the state-adopted academic content standards, including the English language development standards.

At a minimum, SCOE shall offer a structured English immersion program which includes designated and integrated English language development. In the structured English immersion program, nearly all of the classroom instruction shall be provided in English, but with the curriculum and presentation designed for pupils who are learning English.

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For the purpose of determining the amount of instruction to be conducted in English in the structured English immersion program, "nearly all" means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.

In establishing SCOE's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. The Superintendent or designee shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program.

At the beginning of each school year or upon a pupil's enrollment, parents/guardians shall be provided information on the language acquisition programs available to pupils enrolled in SCOE, including, but not limited to, a description of each program, the process to be followed in making a program selection, identification of any language to be taught in addition to English when the program includes instruction in another language, and the process to request establishment of a language acquisition program.

Whenever a pupil is identified as an English learner based on the results of the ELPAC, the pupil's parents/guardians may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more pupils at the school or by the parents/guardians of 20 or more pupils at any grade level shall be offered by the school.

Transfer from Program

When an English learner is determined based on state and SCOE reclassification criteria to have acquired a reasonable level of English proficiency pursuant to law, the pupil shall be transferred out of the language acquisition program.

Parents or guardians of English learners may opt their children out of participating in a language acquisition program, or particular services within that program.

Program Evaluation

The Superintendent shall annually evaluate the effectiveness of SCOE's educational program for English learners.

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~~Sacramento County Office of Education (SCOE) instructional programs shall provide English learners with a challenging core curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist student in accessing the full educational program and achieving academic standards.~~

~~SCOE's English learner program shall be based on sound instructional theory and shall be adequately supported so that English learners, enrolled in Juvenile Court School, Community School, and Special Education programs, can achieve results at the same academic level as their English-proficient peers.~~

~~To ensure that SCOE is using sound methods that effectively serve the instructional needs of English learners, the Superintendent or designee shall annually examine program results, including reports of the student academic achievement, their progress towards proficiency in English, and the progress of student who have been redesignated as fluent English proficient. The Superintendent shall ensure that schools compile data for English learners in order to help determine program effectiveness.~~

~~SCOE staff are encouraged to exchange information with districts and other county offices of education about programs, options and strategies for English learners that succeed under various demographic conditions.~~

~~The Superintendent or designee shall maintain procedures, which provide for the identification, assessment, and placement of English learners and for their reclassification.~~

~~As required by Education Code section 305, student who are identified as English learners with "less than reasonable fluency" shall be placed in a structured English immersion program, not normally intended to exceed one year. Nearly all of the classroom instruction in SCOE's structured English immersion program shall be in English, with curriculum, including core content, presentation, clarification, explanation and support designed for student who are learning English. Student will also receive English language development instruction to help them develop English proficiency.~~

~~An English learner shall cease to receive structured English immersion instruction when the student has acquired "reasonable fluency" as measured by any of the state-designated assessments approved by the California Department of Education (e.g., CELDT) and locally designated assessments.~~

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~~English learners who score at a “reasonable fluency” shall be placed in an English language mainstream setting. Student will be taught English language development and other core subjects based on grade-level standards. Student shall receive any additional instruction needed for them to be reclassified as fluent English proficient.~~

~~English learners who are placed in alternative programs, pursuant to the granting of a parental waiver request under Education Code sections 310 and 311, will receive English language development instruction and core subjects taught through their primary language. Student will receive any additional instruction needed for them to be reclassified as fluent English proficient.~~

~~When requested by a parent or guardian, or by order of the court or IEP team determination, an English learner with less than reasonable fluency shall be placed in an English language mainstream classroom.~~

~~All programs for English learners shall include English language development and teaching strategies used to help each student reach proficiency in speaking, reading and writing English, and to succeed academically in all core subjects.~~

Parental Exception Waivers

~~Parent or guardian requests for waivers from Education Code section 305, or orders of the court or IEP team decisions to that effect, shall be granted in accordance with law and administrative regulation.~~

~~The Superintendent shall adopt Administrative Rules and Regulations to carry out this policy.~~

Legal Reference:

EDUCATION CODE

300-340 English Language Education for Immigrant Children, especially

305-310 Language acquisition programs

313-313.5 Assessment of English proficiency

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.15-44253.1140-Certification for bilingual-cross-cultural competence

48985 Notices to parents in language other than English

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~~51101 Rights of parents to information~~

~~51101.1 Rights for parents of English learners~~

~~52130-52135 Impacted Languages Act of 1984~~

52052 Accountability; numerically significant pupil subgroups

52060-52077 Local control and accountability plan

~~52160-52178 Bilingual Bicultural Act~~

~~52164.6 Reclassification criteria~~

~~52169 Requirements for establishment of program~~

~~52171 Evaluations of student progress~~

~~52171.6 Annual report to legislature~~

~~52177 Administration of article~~

~~52180-52186 The State Bilingual Teacher Training Assistance Program~~

~~54000-54028 Programs for disadvantaged children~~

~~56305 CDE manual on English learners with disabilities~~

~~60603 Definition, recently arrived English learner~~

~~60640 California Assessment of Student Performance and Progress~~

~~60811-60812 Assessment of English language development~~

~~62002.5 Continuation of advisory committee after program sunsets~~

~~62000-62005.5 Evaluations and sunseting of programs~~

CODE OF REGULATIONS, TITLE 5

854.1-854.3 CAASPP and universal tools, designated supports, and accommodations

~~11300-11316 English language learner education~~

~~11510-11516 California English Language Development Test~~

UNITED STATES CODE, TITLE 20

~~1701-1705 Equal Educational Opportunities Act~~

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Discrimination prohibited

200.16 Assessment of English learners

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COURT DECISIONS

~~Valeria G. v. Wilson, 307 F.3d 1036 (9th Cir. 2002)~~

~~California Teachers Association, et al. v. State Board of Education, et al., 271 F.3d 1141 (9th Cir. 2004)~~

~~McLaughlin v. State Board of Education, 75 Cal.App.4th 196 (1999)~~

~~Teresa P., et al. v. Berkeley Unified School District, et al., 724 F.Supp. 698 (1989)~~

~~Gastañeda v. Pickard, 648 F.2d 989 (5th Cir. 1981)~~

05/26/10	Drafted
06/15/10	Reviewed by Policy Committee
07/06/10	First Reading
08/24/10	Second Reading and Adoption
09/21/10	Distribution
12/10/19	Reviewed by Policy Committee
01/14/20	First Reading
02/04/20	Second Reading and Adoption

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: New Administrative Rules and Regulations 6174 –Education for English Learners	Agenda Item No.: VIII.I. Enclosures: 8
Reason: Informational	From: David W. Gordon Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

The Sacramento County Office of Education (SCOE) and the Sacramento County Superintendent of Schools have developed the attached Administrative Rules and Regulations (ARR) 6174 – Education for English Learners. The ARR specifies SCOE's process and procedures for educating English learners and complies with California legal requirements.

This item is provided for information, and no action is required by the Board.

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The Sacramento County Office of Education (SCOE) values diverse cultures and its programs strive to create a welcoming environment for all students, including English learners.

Definitions

English learner means a pupil who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the pupil the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a pupil who was not born in the United States or whose native language is a language other than English; a pupil who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a pupil who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Ed. Code, § 306; 20 U.S.C. § 7801)

Designated English language development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (Cal. Code Regs., tit. 5, § 11300)

Integrated English language development means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (Cal. Code Regs., tit. 5, § 11300)

Native speaker of English means a pupil who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Ed. Code, § 306)

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Identification and Assessments

Upon enrollment in a SCOE program, each pupil's primary language shall be determined through the use of a home language survey. (Ed. Code, § 52164.1; Cal. Code Regs., tit. 5, § 11307)

Any pupil who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). (Ed. Code, §§ 313, 52164.1; Cal. Code Regs., tit. 5, § 11518.5)

Each year after a pupil is identified as an English learner and until the pupil is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the pupil during a four-month period after January 1 as determined by the California Department of Education (CDE). (Ed. Code, § 313)

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and Cal. Code Regs., tit. 5, §§ 11518.5-11518.35.

Notifications

The Superintendent or designee shall notify parents/guardians of their child's results on the ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Ed. Code, § 52164.1; Cal. Code Regs., tit. 5, § 11518.15)

The parent/guardian of a pupil participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the pupil's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the pupil is identified for program participation during the school year, within two weeks of the pupil's placement in the program. The notice shall include all of the following: (Ed. Code, §§ 313.2, 440; 20 U.S.C. § 6312)

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1. The reason for the identification of the pupil as an English learner and the need for placement in a language acquisition program.
2. The level of English proficiency, how the level was assessed, and the status of the pupil's academic achievement.
3. A description of the language acquisition program in which the pupil is, or will be, participating, including a description of all of the following:
 - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
 - b. The manner in which the program will meet the educational strengths and needs of the pupil;
 - c. The manner in which the program will help the pupil develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation;
 - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable;
 - e. Where the pupil has been identified for special education, the manner in which the program meets the requirements of the pupil's IEP.
4. As applicable, the identification of a pupil as a long-term English learner or at risk of becoming a long-term English learner, as defined in Ed. Code, § 313.1, and the manner in which the program for English language development instruction will meet the educational strengths and needs of such pupils and help such pupils develop English proficiency and meet age-appropriate academic standards.
5. Information about the parent/guardian's right to have the pupil immediately removed from a language acquisition program upon the parent/guardian's request.
6. Information regarding a parent/guardian's option to decline to enroll the pupil in the program or to choose another program or method of instruction, if available.

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7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered.

Language Acquisition Programs

Whenever parents/guardians of enrolled pupils, and those enrolled for attendance in the next school year, request that SCOE establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (Cal. Code Regs., tit. 5, § 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and pupil making the request, a general description of the request, and the pupil's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 pupils enrolled in the school, or at least 20 pupils in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, SCOE shall consider requests from parents/guardians of pupils enrolled in the school who are native English speakers in determining whether this threshold is reached.
3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
 - a. Within 10 days of reaching the threshold, notify the parents/guardians of pupils attending the school, the school's teachers, administrators, and SCOE's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program.
 - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and

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opportunities for parent/guardian and community engagement to support the proposed program goals.

- c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of pupils attending the school, the school's teachers, and administrators.
- d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

SCOE shall notify parents/guardians at the beginning of each school year or upon the pupil's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (Cal. Code Regs., tit. 5, §§ 11309, 11310)

- a. A description of the programs provided, including structured English immersion;
- b. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English;
- c. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development;
- d. The manner in which SCOE has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals;
- e. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language;

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- f. The process to request establishment of a language acquisition program not offered at the school;
- g. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

Reclassification/Redesignation

SCOE shall continue to provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers until they: (Cal. Code Regs., tit. 5, § 11302)

- 1. Demonstrate English language proficiency comparable to that of SCOE's average native English language speakers;
- 2. Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of pupils of the same age or grade whose primary language is English and who are in the regular course of study. (Ed. Code, § 52164.6)

The procedures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Ed. Code, §§ 313, 52164.6; Cal. Code Regs., tit. 5, § 11303)

- 1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC.
- 2. Participation of the pupil's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the pupil.
- 3. Parent/guardian involvement, including:

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- a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate;
 - b. Encouragement of parent/guardian participation in SCOE's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process.
4. Pupil performance on an objective assessment of basic skills in English that shows whether the pupil is performing at or near grade level.

The Superintendent or designee shall monitor the progress of reclassified pupils to ensure their correct classification and placement. (Cal. Code Regs., tit. 5, § 11304)

Advisory Committees

A parent/guardian advisory committee shall be established at the county office level when there are 51 or more English learners in SCOE and at the school level when there are 21 or more English learners at the school. Parents/guardians of English learners shall constitute committee membership in at least the same percentage as English learners represent of the total number of pupils in the school. (Ed. Code, § 52176; Cal. Code Regs., tit. 5, § 11308)

SCOE's English language advisory committee shall provide advice on the following tasks, except as otherwise modified by CDE or by law: (Cal. Code Regs., tit. 5, § 11308)

1. The development of a plan for education programs and services for English learners, taking into consideration the school site plans for English learners.
2. A SCOE-wide needs assessment on a school-by-school basis.
3. Establishment of a SCOE program, goals, and objectives for programs and services for English learners.
4. Development of a plan to ensure compliance with applicable teacher or aide requirements.
5. Administration of the annual language census.

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6. Review of and comment on SCOE's reclassification procedures.

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (Cal. Code Regs., tit. 5, § 11308)

LCAP Advisory Committee

When there are at least 15 percent English learners in SCOE, with at least 50 pupils who are English learners, a SCOE-level English learner parent advisory committee shall be established to review and comment on SCOE's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Ed. Code, § 52063; Cal. Code Regs., tit. 5, §§ 11301, 15495)

The advisory committee established pursuant to Cal. Code Regs., tit. 5, § 11308, as described in the section "Advisory Committee" above, could serve as the LCAP English learner advisory committee if its composition includes a majority of parents/guardians of English learners.

Program Administration and Evaluation

The Superintendent or designee will provide SCOE staff employed to teach English learners with appropriate professional development opportunities as necessary and ensure that SCOE complies with applicable laws related to teacher authorization and credentialing requirements.

The Superintendent or designee will provide reports to the Board regarding the effectiveness of SCOE's language acquisition programs.

01/21/20 Reviewed by Cabinet

02/04/20 Reviewed by Board of Education

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Elimination of Board Policy 1320 – Complaints Concerning the County Office of Education	Agenda Item No.: VIII.J. Enclosures: 1
Reason: Second Reading and Proposed Elimination of Board Policy	From: Policy Committee Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

Attached is Board Policy 1320 – Complaints Concerning the County Office of Education for proposed elimination.

A brief summary of the rationale and basis for the proposed elimination follows:

- The policy's subject matter is encompassed within BP 1312.3 – Uniform Complaint Procedures.

The Policy Committee reviewed this Board Policy 1320 – Complaints Concerning the County Office of Education on December 10, 2019 and recommended that the proposed elimination of this policy be presented to the Board for First Reading. The First Reading of the proposed elimination occurred at the January 14, 2020 meeting.

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends that the Board of Education hear the Second Reading and adopt the proposed elimination of Board Policy 1320 – Complaints Concerning the County Office of Education.

1000 – COMMUNITY RELATIONS

COMPLAINTS CONCERNING THE COUNTY OFFICE OF EDUCATION **BP 1320** (Page 1 of 1)

It is the policy of the County Board of Education to establish an orderly process for the public to present, discuss, and resolve their concerns regarding the operations of the County Office of Education.

The County Superintendent shall develop Administrative Rules and Regulations for the proper handling of public complaints.

Administrative Rules and Regulations developed for complaints shall be reviewed by the County Board of Education at the time of their development and any subsequent revision.

REFERENCE:

06/06/89	
07/11/89	First Reading
07/18/89	Second Reading
07/18/89	Approved
12/16/08	Review by Policy Committee
01/06/09	First Reading
01/20/09	Second Reading and Adoption
02/23/09	Distribution
<u>12/10/19</u>	<u>Reviewed by Policy Committee</u>
<u>01/14/20</u>	<u>First Reading</u>
<u>02/04/20</u>	<u>Second Reading and Elimination</u>

SACRAMENTO COUNTY BOARD OF EDUCATION

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

Subject: Elimination of Administrative Rules and Regulations 1320 – Complaints Concerning the County Office of Education	Agenda Item No.: VIII.K. Enclosures: 2
Reason: Informational	From: David W. Gordon Prepared By: Teresa Stinson Board Meeting Date: 02/04/20

BACKGROUND:

The Sacramento County Office of Education (SCOE) and the Sacramento County Superintendent of Schools have attached the proposed elimination of Administrative Rules and Regulations (ARR) 1320 – Complaints Concerning the County Office of Education. This ARR is no longer necessary because its contents are encompassed within BP 1312.3 – Uniform Complaint Procedures, and the corresponding BP 1320 is being eliminated.

This item is provided for information, and no action is required by the Board.

1000 - COMMUNITY RELATIONS

COMPLAINTS CONCERNING THE COUNTY OFFICE OF EDUCATION **ARR 1320**

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The purpose of this Administrative Rule and Regulation is to establish guidelines for responding to and resolving complaints concerning the County Office of Education in such a way that the rights of staff and the Office are protected. Whenever a complaint is made concerning the Sacramento County Office of Education, which does not properly fall within Board Policy 1321 (Complaints concerning School Personnel) and Board Policy 1322 (Uniform Complaint Procedures), it shall be referred to the County Superintendent or his/her designee for study. The Superintendent or his/her designee may determine if a complaint filed should be processed in accordance with this or a different Board Policy.

The following process shall apply to complaints concerning the Sacramento County Office of Education:

1. The complainant shall be promptly referred to the Superintendent or his/her designee; every effort should be made to resolve the complaint at the earliest possible stage.
2. The Superintendent or designee shall contact the complainant to hear the concerns expressed. The complainant shall be instructed to present a written and signed summary of the complaint, which shall set forth in detail all of the facts upon which the complaint is based, including names, dates and other specifics.

If the complainant fails to put the complaint in writing and fails to sign his or her name to the complaint, the Superintendent or designee is not required to proceed any further on the matter and the complaint may be dropped at that time.

3. Within five working days of the receipt of the written and signed complaint, the

1000 - COMMUNITY RELATIONS

COMPLAINTS CONCERNING THE COUNTY OFFICE OF EDUCATION **ARR 1320**

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Superintendent or designee shall schedule a meeting with the complainant to review the allegations of concern. The complainant will have the opportunity to repeat the complaint orally and the County Office of Education's representatives shall have an opportunity to present information relevant to the complaint.

4. An investigation of the complaint will be conducted and the Superintendent or designee will make a determination as to what action, if any, should be taken.
5. Once the Superintendent's or designee's decision is made, the complainant shall be informed in writing of the decision within five working days.
6. If the complainant is dissatisfied with the Superintendent's or designee's decision, the Sacramento County Board of Education may decide, in its sole discretion, to review the matter. Such review shall be in closed session, to the extent permitted by law, pursuant to the Ralph M. Brown Act.
7. During its review, the Board shall examine such documents and materials and interview such persons as it may deem appropriate, in its sole discretion.
8. Once the Board's decision is made, the complainant shall be informed in writing of the decision within five working days. Confidential or privileged information shall not be disclosed to the complainant. The decision of the Board shall be final.

8-29-95	Drafted
9-15-95	Reviewed by Cabinet
10-3-95	Reviewed by Legal Counsel
01/21/20	Reviewed by Cabinet
02/04/20	Reviewed by Board of Education and Eliminated