

LODI UNIFIED SCHOOL DISTRICT

REVISION

Rule 0420.4

Philosophy, Goals, Objectives, and Comprehensive Plans

Charter Schools Authorization

The Board of Education supports the development of Charter School Educational Programs as outlined in the California Education Code. These policies and procedures have been developed to assist petitioners in not only developing comprehensive applications, but also to provide said petitioners with procedures to be used by the Board in the evaluation and authorizing process.

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following:

- 1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation*
- 2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation*
- 3. A petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the school.*

Any petition circulated to collect signatures shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school.

Staff Advisory Committee

The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

Components of Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall also contain reasonably comprehensive descriptions of:

- 1) The educational program of the proposed school, designed, among other things, to identify those whom the 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 students to become self-motivated, competent, and lifelong learners.*

The petition shall include a description of the charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians 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-g" admissions criteria may be considered to meet college entrance requirements.

- 2) The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students*

served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served by the charter school.

- 3) *The method by which student progress in meeting the identified student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.*
- 4) *The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.*
- 5) *The qualifications to be met by individuals to be employed by the charter school.*
- 6) *The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:*
 - a. *Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.*
 - b. *The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J).*
 - c. *The charter school's safety plan shall be reviewed and updated by March 1 each year.*
- 7) *The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the district's territorial jurisdiction.*
- 8) *The charter school's student admission policy. The petition shall, in accordance with Education Code 47605(e), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Governing Board approval.*
- 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 Board's satisfaction.*
- 10) *The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and a statement that the suspension procedures will include requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.*

Such procedures shall also include processes by which the charter school will notify the superintendent of a district, and by which the charter school may be notified by the

superintendent of a district, when a student or former student of the charter school is expelled or subject to any of the circumstances specified in Education Code 47605(e)(3).

- 11) *The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.*
- 12) *The public school attendance alternatives for students residing within the district who choose to not attend the charter school.*
- 13) *A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of return to the district after employment at the charter school.*
- 14) *The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.*
- 15) *A declaration as to whether or not the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.*
- 16) *Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:*
 - a. *Designation of a responsible entity to conduct closure-related activities*
 - b. *Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:*
 1. *The effective date of the closure*
 2. *The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure*
 3. *The students' districts of residence*
 4. *The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements*
 - c. *Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above*
 - d. *Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity*

- e. Transfer and maintenance of personnel records in accordance with applicable law*
- f. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school*
- g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962*
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33*
- i. Identification of funding for the activities identified in item #16a-h above*

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to:

- 1. The facilities to be used by the charter school, including where the school intends to locate*
- 2. The manner in which administrative services of the charter school are to be provided*
- 3. Potential civil liability effects, if any, upon the charter school and district*
- 4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation*
- 5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school*

Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition.

A charter school may establish a resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if both of the following conditions are met:

- 1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.*

2. *The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.*

Section 1: Application Guidelines

1. General Application Components

A. Required Signatures

~~As mandated by Education Code § 47605, the Board will only consider charter school petitions signed by one of the following:~~

~~For Start-up Charter Schools:~~

- ~~• A number of parents/guardians equivalent to at least one half of the number of students the charter school estimates will enroll in the charter school for its first year of operation; or~~
- ~~• A number of teachers 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.~~

~~For Existing Public Schools Converting to Charter School Status:~~

- ~~• At least 50 percent of the number of permanent status teachers currently employed at the public school to be converted.~~

~~Signatures will only be deemed valid if petitioners demonstrate that, while circulating the petition, they included a prominent statement explaining a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher signature, the teacher is meaningfully interested in teaching at the charter school. In addition, petitioners must show the proposed charter was attached to the petition at the time signatures were obtained. Revisions in the charter after the petition is submitted to the Board need not be resubmitted for signatures unless the changes materially alter the nature of the charter school proposal.~~

B. Submission/Renewal Deadlines

~~Charter developers may submit their petitions at any time and, as stipulated in Education Code § 47605, the Board shall either grant or deny the charter within 60 days of receipt of the petition. To receive approval to open in the following year, however, charter petitions must be submitted by November 15. Exceptions to this requirement may be granted to charter developers who can prove, to the Board's satisfaction, less time is required to implement the charter school's proposed instructional program. Such proof may consist of the proposed school having a small initial enrollment or having little or no impact on district facilities, services, and staffing. Renewal documents shall be submitted by March 15 of the prior, proposed renewal year.~~

~~C. Required Affirmations~~

~~As mandated by Education Code § 47604 and 47605, the Board will only consider charter school petitions containing the following affirmations:~~

- ~~• "The 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 ethnicity, national origin, gender, or disability."~~
- ~~• "Admission to the charter school shall not be determined according to the place of residence of the pupil, or that of his or her parent or guardian, within this state, except that any 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."~~

~~D. Required Petition General Information~~

~~A petition to the Board shall include the following information:~~

- ~~1. The name, address, and telephone number of the applicants, together with a statement signed by each person formally applying to the Board for approval of the charter,~~
- ~~2. A thorough description of the education, work experience, credentials, degrees, and administrators and managers of the proposed charter school,~~

- ~~3. 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. If no consultants are to be used, provide a statement to that effect.~~
- ~~4. The by laws, articles of incorporation, and other management documents, as applicable, governing, or proposed to govern the, charter school.~~

~~E. Descriptions of the Required 16 Elements~~

- ~~1. The educational program of the school, designed, among other things, to identify those whom the schools 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 students to become self motivated, competent, and lifelong learners.~~
- ~~2. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the schools educational program.~~
- ~~3. The method by which student progress in meeting those student outcomes is to be measured.~~
- ~~4. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement.~~
- ~~5. The qualifications to be met by individuals to be employed by the school.~~
- ~~6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code § 44327.~~
- ~~7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.~~
- ~~8. Admission requirements, if applicable.~~
- ~~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 Board.~~

- ~~10. The procedures by which students can be suspended or expelled.~~
- ~~11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.~~
- ~~12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.~~
- ~~13. A description of the rights of any district employee upon leaving district employment to work in a charter school, and of any rights of return to the district after employment at a charter school.~~
- ~~14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.~~
- ~~15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for the purposes of collective bargaining under Government Code § 3540 3549.3.~~
- ~~16. 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 school, including plans for disposing of any net assets and for the maintenance and transfer of student records.~~

~~2. Required Elements~~

~~A. Educational Program~~

- ~~1. Describe the mission and the vision of the proposed school.~~
- ~~2. Describe what it means to be an "educated person" in the 21st century.~~
- ~~3. Describe how learning best occurs. This section should include the rationale for how instruction will be delivered. This is also the description of how the curriculum and organizational structure will support student outcomes.~~
- ~~4. Describe the students the school intends to serve, including the demographic profile of those students.~~
- ~~5. Identify the goals of the program, including the objective of enabling pupils to become self-motivated, competent, and lifelong learners.~~
- ~~6. Develop goals clearly tied to the vision statement.~~
- ~~7. Develop goals that are measurable with benchmarks identified.~~
- ~~8. Design action plans with specific activities, timeless, and responsible parties identified.~~
- ~~9. A process for holding staff accountable for goals is articulated.~~

- ~~10. A process for monitoring progress towards goals is established.~~
- ~~11. A process and procedure for revisiting goals and action plans based on emerging student needs is defined.~~
- ~~12. For petitioners seeking to operate a high school, describe how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.~~
- ~~13. Describe the grade levels of students to be served, projected, and maximum number of pupils, and annual expected growth.~~
- ~~14. Describe the curriculum and teaching methods to be used by the school, including a description of the basic learning environment (e.g. site based, independent study, technology based).~~
- ~~15. Describe how the school will respond to the needs of special populations including, but not limited to: Special Education students, low achieving students, students with disabilities, English language learners, high achieving students, gifted students, and other at risk students.~~
- ~~16. Describe how the curriculum and instructional methods support achievement of the goals and mission of the charter school and support student progress towards meeting state standards~~
- ~~17. Describe the Special Education Plan.~~
- ~~18. Describe the plan regarding Special Education Local Plan Area (SELPA) participation.~~
- ~~19. Demonstrate an understanding of the charter school's responsibilities for special education students and a description of how the school will provide special education services.~~

~~B. Measurable Pupil Outcomes~~

- ~~1. Describe the measurable pupil outcomes, including the skill, knowledge and attitudes specified as goals in the educational program that will be assessed at each grade and subject level. Outcomes must address increases in student academic achievement both school wide and for each "numerically significant" subgroup of students served by the charter school.~~
- ~~2. Describe the academic student performance goals that will be tracked over time.~~
- ~~3. Describe promotion requirements.~~
- ~~4. Describe how assessments align with the proposed curriculum and student outcomes.~~

- ~~5. Develop a plan to ensure that student achievement reporting requirements will be met.~~

~~C. Outcome Measurement~~

- ~~1. Describe how the academic outcome measures align with the state performance standards.~~
- ~~2. Describe the method by which student progress in meeting those student outcomes is to be measured, including a description of the assessment tools to be used. Assessments should include, but should not be limited to, annual results of state mandated assessments.~~

~~D. Additional Information~~

~~In addition to providing comprehensive descriptions of the 16 elements, charter statues also require petitioners to provide other information about their proposed school. The Board has established the following criteria for evaluating the additional information provided.~~

~~1. Additional Requirement 1, Operation and Effects of School~~

~~As mandated by Education Code § 47605, charter petitioners, "shall be required to provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided and the potential civil liability effects, if any, upon the school and upon the district."~~

~~a. Applicants who have identified a site will:~~

- ~~(1) Describe the demographics of the surrounding neighborhood, including nearest district school and neighborhood characteristics.~~
- ~~(2) Provide the address and physical description of the site to include the square footage, basic floor plan, strategy for meeting the fire life safety requirements, handicap accessibility requirements, and building code requirements.~~
- ~~(3) Describe how the school anticipates securing the site, if this has not been done at the time of application, and whether or not the charter school board will exercise the extend of its authority~~

~~_____ granted in Government Code § 53094 to declare zoning _____
_____ inapplicable to property used by the district for instructional _____
_____ purposes.~~

~~_____ b. Applicants who have not identified a site will:~~

~~_____ (1) Describe the community or communities in which the school _____
_____ plans to locate its facilities, including the area or areas, if any, in _____
_____ which the school requests or anticipates requesting an allocation _____
_____ of district facilities pursuant to Proposition 39.~~

~~_____ (2) Assure the petitioners understand that future identification of a _____
_____ site that would limit the charter petition would constitute a _____
_____ material amendment of the charter requiring submission and _____
_____ approval of the amendment by the Board.~~

~~_____ (3) Assure the school will notify LUSD 30 days in advance of _____
_____ occupancy of every site to be leased, purchased, or controlled by _____
_____ the school for instructional purposes.~~

~~_____ c. All applicants will describe the manner in which administrative _____
_____ services are to be provided. Applicants are strongly encouraged to:~~

~~_____ (1) Describe the plans and systems the school will use to manage its _____
_____ business affairs efficiently and effectively, including, but not _____
_____ limited to, payroll, purchasing, grants, categorical funding, _____
_____ contributions, inventory, and employee retirement and health _____
_____ plan contributions.~~

~~_____ (2) Describe the systems of internal control the charter school will _____
_____ employ to achieve sound fiscal practices and clear delineation of _____
_____ responsibility for business affairs.~~

~~_____ (3) Assure any charter school operating as a nonprofit public benefit _____
_____ corporation, will make provisions for the liabilities, debts, and _____
_____ financial obligations of the school and will indemnify, defend _____
_____ and hold harmless LUSD for damages resulting from the acts of _____
_____ the school.~~

~~_____ (4) Provide a plan for the event of school closure. This plan should _____
_____ include, but not be limited to, the process for physical property _____
_____ liquidation, debt and liability payments, notification of _____
_____ students/parents, notification of LUSD, etc.~~

~~_____ 2. Additional Requirement 2, Provision of Financial Statements~~

- ~~_____ a. The petitioners shall be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.~~
- ~~_____ b. Applicants will use the templates provided by the LUSD Business Office to complete the required financial statements.~~

~~_____ 3. Additional Requirement 3, Respond to Inquires~~

- ~~_____ a. The petitioners shall provide assurance that, "the charter school will promptly respond to all reasonable inquires, including inquiries regarding its financial records."~~

~~_____ 4. Additional Requirement 4, Reporting Requirements~~

- ~~_____ a. The petitioners shall assure the charter school will adhere to the LUSD reporting requirements.~~

- ~~_____ b. The applicant shall:~~

~~_____ (1) Provide the following reports as required by law:~~

- ~~_____ (a) California Basic Educational Data System.~~
- ~~_____ (b) Actual Daily Attendance Reports~~
- ~~_____ (c) Budget J210 both preliminary and final.~~
- ~~_____ (d) School Accountability Report Card~~
- ~~_____ (e) Copies of annual, independent financial audits employing generally accepted accounting principles.~~

~~_____ (2) Provide the following reports required by LUSD:~~

- ~~_____ (a) Monthly statements of accounts (for charters that are considered "arm of the district" charter schools granted by the Board).~~
- ~~_____ (b) Annual reconciliation of the J210 with financial audits. (LUSD will provide the charter with the needed templates.)~~
- ~~_____ (c) Copies of test results reports for all state mandated assessments, to include, but no be limited to:~~
- ~~_____ (d) Standardized Testing and Reporting or Alternative~~
- ~~_____ (e) Standardized Testing and Reporting~~

- ~~_____ (f) California English Language Development Test,~~
- ~~_____ (g) Spanish Assessment of Basic Education,~~
- ~~_____ (h) California High School Exit Examination.~~

~~_____ Changes in reporting requirements may be incorporated by reference into~~
~~_____ the school's charter when the school and the Board update their _____~~
~~_____ Memorandum of Understanding.~~

~~_____ 5. Additional Requirement 5, Term of Contract~~

- ~~_____ a. The petitioners will state, within legal limits, a term for the charter _____~~
~~_____ requested and will justify why that length of time is appropriate.~~

~~_____ **Section Two: Evaluating Applications**~~

~~The Board, whether the application is a direct application or an appeal, will~~
~~thoroughly, fairly, and consistently evaluate each charter school application~~
~~within the time constraints mandated by Education Code § 47605.~~

~~Step 1: Procedural Compliance~~

~~_____ A. Within five business days of receiving a charter school petition or appeal, _____~~
~~_____ the Superintendent will make an initial review of the charter application in~~
~~_____ order to verify the application contains:~~

- ~~_____ 1. The required number of valid signatures,~~
- ~~_____ 2. The required affirmations,~~
- ~~_____ 3. Provisions purporting to describe the 16 elements and additional _____~~
~~_____ requirements outlined in this document and according to Education _____~~
~~_____ Code § 47605.~~

~~_____ The Superintendent will contact the designated petitioners, within these five~~
~~_____ business days; to either begin the process of charter proposal/appeal _____~~
~~_____ evaluation, or to discuss needed revisions necessary for procedural _____~~
~~_____ compliance. Should petitioners fail to revise their application or appeal, the~~
~~_____ district will not convene the evaluative committees as called for in Step 2 of~~
~~_____ the evaluation process and will not consider the application or appeal to be~~
~~_____ properly submitted.~~

~~———— If the petition is properly submitted, the Board will hold a public hearing to
———— consider the level of support for the petition. This will be completed within
———— 30 days of the submission of a procedurally compliant petition or appeal.~~

Step 2: Substantive Evaluation

~~Upon determining that the submitted petition or appeal has met procedural compliance, the Superintendent will direct the LUSD Charter Review Committee to evaluate the soundness of the charter petitions.~~

~~This Review committee is comprised of the:~~

- ~~• Associate Superintendent/Chief Business Officer~~
- ~~• Assistant Superintendent, Secondary Education~~
- ~~• Assistant Superintendent, Elementary Education~~
- ~~• Assistant Superintendent, Personnel~~
- ~~• Senior Director, Operations~~
- ~~• Administrative Director, Student Services/SELPA~~
- ~~• Administrative Director, Curriculum and Instruction~~

~~This committee may convene other sub-committees with special expertise related to the proposed charter.~~

~~In addition to evaluating the charter's petition itself, the committees or individuals within the committees may conduct interviews with the applicants to assess the likelihood of the applicants being able to implement successfully the instructional and operational provisions described in the petition. The committees will take into consideration the extent to which the applicants possess sufficient knowledge and expertise in the following areas critical to a charter school's success:~~

- ~~• Curriculum, instruction, and assessment~~
- ~~• Special Education student and program issues~~
- ~~• Finance and business management~~
- ~~• Administrative organization and governance~~
- ~~• Facilities~~

~~Within 60 days of receipt of the completed petition, or 90 days, based upon agreement between the applicant and the Board, the Board shall either grant or deny the petition or appeal. During this same time period, the Superintendent shall work to develop and finalize agreements regarding all aspects of the relationship between the Board and the charter school.~~

Section 3: Final Board Consideration

~~1. Within the timelines mandated in Education Code § 47605, the Board will render a decision regarding the full granting, the conditional granting, or the denial of the charter petition. Conditional granting involves the approval of the charter on such conditions as may be prescribed by the Board. Denied petitioners shall receive in writing the grounds used to reject the application. The Board will not deny a petition unless it makes written factual finding setting forth specific facts to support one or more of the following findings:~~

~~A. The charter school presents an unsound education program for students.~~

~~B. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.~~

~~C. The petition does not contain the required number of signatures.~~

~~D. The petition does not contain the necessary affirmations.~~

~~F. The petition does not contain reasonably comprehensive descriptions of all 16 required elements.~~

~~G. The petition or proposed programs are inconsistent with State law.~~

~~Approval of a charter petition for the Board, which was previously denied by a school district, shall be for a period of one year.~~

Section 4: Appeals for Denied Charter Petitions

~~1. Denied applicants or appellants may submit their petition to the County Board of Education as outlined in Education Code § 47605.~~

Section 5: Charter Renewal or Material Modification of an Approved Charter

~~1. Renewing or materially modifying a charter is subject to the approval of the Board of Education~~

~~2. Applicants to renew or materially modify the charter shall include all the same information, be processed in the same way, and be subject to approval or denial on the same basis, as proposals for new charter schools; except that any renewal approved shall be for a period of five years from the expiration date of the charter, and material modification when approved, shall not affect the expiration date of the charter as originally approved.~~

~~3. Applications to materially modify the charter, or applications to renew, may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no later than March 15.~~

~~4. A material modification of an approved charter is any change in the Representations made to the Board under Guidelines 3, 4, or 5.~~

~~5. After a charter school 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. The charter school attains 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.~~

~~B. The charter school ranks in deciles 4-10 on the API for the prior year or in the last three years.~~

~~C. The charter school ranks in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years.~~

~~D. The Board determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school.~~

~~E. The charter school qualifies for an alternative accountability system pursuant to Education Code § 62062(h).~~

Section 6: Monitoring and Supervision

~~1. The district shall provide monitoring and supervision. The district may charge, and the charter school shall pay the district, for the actual costs of monitoring and supervision not to exceed 1% (3%, if the charter school obtains "substantially rent free facilities" from the chartering agency) of the revenue of the charter school except as otherwise provided by law.~~

~~2. The Superintendent will provide oversight responsibilities as required by Education Code § 47604.32:~~

- ~~— a. Identify at least one staff member as a contact person for the charter school,~~
- ~~— b. Visit each charter school at least annually,~~
- ~~— c. Ensure that each charter school under its authority complies with all~~
 - ~~— reports required by charter schools by law,~~
- ~~— d. Monitor the fiscal condition of each charter school under its authority,~~
- ~~— e. Provide timely notification to the department if any of the following~~
 - ~~— circumstances occur or will occur with regard to a charter school for which~~
 - ~~— it is the chartering authority:~~
 - ~~• a renewal of the charter school is granted or denied,~~
 - ~~• the charter is revoked,~~
 - ~~• the charter school will cease operation for any reason.~~

~~3. Regarding the performance of its oversight responsibilities, the fundamental~~
~~— interest of the Board is, on an ongoing basis, to be reasonably assure all charter~~
~~— schools are:~~

- ~~a. Providing a sound education to all of its students,~~
- ~~b. Implementing their charters as presented,~~
- ~~c. Complying with all applicable laws, and~~
- ~~d. Engaging in sound fiscal management.~~

~~4. To receive assurance that charter schools are performing these functions, the~~
~~district will be responsible for conducting the oversight activities of the~~
~~Board. The district shall:~~

- ~~— a. Serve as the principal point of contact between the Board and its charter~~
~~— schools.~~
- ~~— b. Be reasonably familiar with the operations of all of the charter schools~~
~~— authorized by the Board.~~
- ~~— c. Monitor ongoing charter school compliance with reporting requirements.~~
- ~~— d. Verify charter schools are adhering to all aspects of the Charter School~~
~~— Accountability Contract for Student Achievement.~~

~~Section 7: Charter Revocation~~

~~1. The Superintendent will promptly report to the Board any instance in which a~~
~~— previously authorized charter school has committed any of the violations listed~~
~~— in Education Code § 47607(b):~~

- ~~— 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, or~~
- ~~— d.. Violated any provision of law.~~

~~2. Upon written finding by the Board that the charter school committed any of
— the violations of Education Code § 47607 (b)(1) through (4) inclusive, the Board
— shall notify the charter school accordingly, providing notice that the board may
— revoke the charter, and give the school reasonable opportunities to remedy the
— violation, unless the Board determines that the violation constitutes a severe
— and imminent threat to the health or safety of pupils.~~

~~— Upon evidence satisfactory to the Board that the violation has been remedied,
— the Board shall rescind the written findings. If satisfactory evidence is not
— presented to the Board that the violation has been cured, then the Board may
— revoke the charter effective at such date as the Board determines appropriate.
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Rule

approved: 05/19/09

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