

# LODI UNIFIED SCHOOL DISTRICT

**REVISION**

Policy 0420.4

## Philosophy, Goals, Objectives, and Comprehensive Plans

### Charter Schools Authorization

The Board of Education ~~believes~~ **recognizes** that charter schools ~~provide one opportunity to implement school-level reform and to support innovations that improve student learning~~ **may assist the district in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the district, the Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.** These schools shall operate under the provisions of their charters, federal laws, specific state laws, and general oversight of the Board.

**One or more persons may submit a petition to the Board for a charter school to be established within the district or for the conversion of an existing school to a charter school.**

**The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.**

The ~~S~~superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to gather information about the proposal and suggest components that would align the petition with the district's vision and goals for student learning **and in order to ensure compliance of the petition with legal requirements. As needed, the Superintendent or designee may also meet with the petitioners to establish workable plans for contracted services which the district may provide to the proposed charter school.**

The ~~S~~superintendent or designee shall identify at least one staff member to serve as a contact for each charter school.

The Board and ~~S~~superintendent or designee may inspect or observe any part of the charter school at any time. The ~~S~~superintendent or designee shall visit each charter school at least annually.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff

input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

The Superintendent shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems as well as multiple measure for evaluating the educational program. In accordance with laws and the charter provisions, charters shall provide regular reports to the Board to assist in fulfilling its oversight responsibility.

The Board of Education shall not require any student to attend a charter school and shall not require any ~~LUSD~~ district employee to work at a charter school.

### **Timelines for Board Action**

Within 60 days of receiving a charter petition, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider the level of support for the petition by district teachers, other district employees, and parents/guardians. A petition is deemed received 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 Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the Board.

At least 15 days before the public hearing at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings.

The Superintendent or designee shall maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which the Board's decision is made.

### **Approval of Petition**

A charter petition shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice and the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving, based on standards established by California Department of Education (CDE).

Prior to authorizing any charter, the Board shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for fulfilling the terms of its charter and complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, inspection and observations of any part of the charter school, and regular reports to the Board.

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board.

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school governing body and amended as necessary.

The Board may initially grant a charter for a specified term not to exceed five years.

When a petition is approved by the Board, it shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the petition to the County Superintendent of Schools, CDE, and the State Board of Education (SBE).

### **Denial of Petition**

The Board shall summarily deny any charter petition that proposes to:

1. Operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization
2. Convert a private school to a charter school
3. Serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district
4. Offer non-classroom-based instruction

Regarding all other charter petitions, the Board shall deny a petition only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist:

1. The charter school presents an unsound educational program that has a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for, the students 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.
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e), including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c).

6. The petition does not contain a declaration as to whether the charter school shall be deemed the exclusive public employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
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 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 district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
8. The district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification, or is under state receivership.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the district participates.

### **Appeals**

If the Board denies a petition, the petitioner may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to SBE.

At the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request.

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE, which may include supporting documentation, detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition.

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and shall grant or deny the petition within 30 days.

Legal references:      EDUCATION CODE  
32280-32289.5 School safety plans  
33126 School accountability report card  
~~33054~~ Waivers  
41365 Charter school revolving loan fund  
42100 Annual statement of receipts and expenditures  
42131 Interim certification  
42238.5102-42238.532 Funding for charter districts  
44237 Criminal record summary  
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  
47600-47616.7 Charter Schools act of 1992, as amended  
47640-47647 Special education funding for charter schools  
47650-47655 Funding of charter schools  
47652 Funding of first year charter schools  
48000 Minimum age of admission (kindergarten)  
48010 Minimum age of admission (first grade)  
~~48011 Minimum age of admission from kindergarten or other school~~  
49011 Student fees  
51744-51749.6 Independent study  
51745-51749.3 Independent Study  
52052 Alternative accountability system numerically significant student subgroups  
54032 Limited English or low-achieving pupils  
52060-52077 Local control and accountability plan

56026 Special education

56145-56146 Special education services in charter schools

~~60600-60649 Assessment of academic achievement, including:~~

~~60605 Academic content and performance standards:  
assessments~~

~~60640-60649 Standardized Testing and Reporting Program~~

~~GOVERNMENT CODE~~

~~1090-1099 Prohibitions, applicable to specified officers~~

~~3540-3549.3 Educational Employment Relations Act~~

~~54950-54963 The Ralph M. Brown Act~~

~~7920.000-7930.215 California Public Records Act~~

~~81000-91014 Political Reform Act~~

~~W & I Code 224.1 Indian child, definition~~

~~FEDERAL REFERENCES~~

~~20 USC 7221-7221 Charter schools~~

~~PENAL CODE~~

~~667.5 Definition of violent felony~~

~~1192.7 Definition of serious felony~~

~~CODE OF REGULATIONS, TITLE 5~~

~~11700.1-11705 Independent Study~~

~~11960-11969 Charter Schools~~

~~UNITED STATES CODE, TITLE 20~~

~~6311 Adequate yearly progress~~

~~6319 Qualifications of teachers and paraprofessionals~~

~~8061-8067 Charter schools program~~

~~8071 Charter school facilities~~

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~200 Accountability~~

~~ATTORNEY GENERAL OPINIONS~~

~~101 Ops.Cal.Atty.Gen. 92 (2018)~~

~~89 Ops.Cal.Atty.Gen. 166 (2006)~~

~~80 Ops.Cal.Atty.Gen 52 (1997)~~

~~78 Ops.Cal.Atty.Gen 297 (1995)~~

~~MANAGEMENT RESOURCES:~~

~~CSBA PUBLICATIONS~~

~~Charter Schools: A Manual for  
Governance Teams, 2002~~

~~CDE PUBLICATIONS~~

~~Special education and Charter Schools:~~

~~Questions and Answers, September 10, 2002~~

~~USDOE DRAFT NONREGULATORY GUIDANCE:  
Charter School Program, August 31, 2003; The Impact of the  
New Title I Requirements on Charter Schools, March 4,  
2003~~

~~WEB Sites~~

~~CSBA: <http://www.csba.org>~~

~~CDE: <http://www.cde.ca.gov/charter>~~

~~Education Commission of the States: <http://www.ecs.org>~~

~~NSBA: <http://www.nsba.org>~~

~~U.S. Department of Education: <http://www.ed.gov>~~

Policy

adopted: 05/19/09

revised: 05/19/15