

LODI UNIFIED SCHOOL DISTRICT
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REVISION

Policy 0420.4

Philosophy, Goals, Objectives, and Comprehensive Plans

Charter Schools Authorization

~~The Board of Education believes that charter schools provide one opportunity to implement school level reform and to support innovations that improve student learning. These schools shall operate under the provisions of their charters, federal laws, specific state laws, and general oversight of the Board.~~

~~The 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.~~

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

~~The Board and superintendent or designee may inspect or observe any part of the charter school at any time. The 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 Governing Board recognizes that charter schools 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.*

*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 district school to a charter school.*

*Any petition for a charter school shall include all components, signatures, and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition.*

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

*The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition 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 Board of Education shall not require any student to attend a charter school and shall not require any LUSD 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 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 charter to the County Superintendent of Schools, the 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 nonclassroom-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 or not 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 regarding:*
  - 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 or 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.*

*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 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 grant shall or deny the petition within 30 days.*

*Legal References:*      **EDUCATION CODE**  
[200](#) *Equal rights and opportunities in state educational institutions*  
[220](#) *Nondiscrimination*  
[1240](#) *Duties of County Superintendent*  
[17078.52-17078.66](#) *Charter schools facility funding; state bond proceeds*  
[17280-17317](#) *Field Act*  
[17365-17374](#) *Field Act, fitness for occupancy*  
[32282](#) *Comprehensive safety plan*  
[33126](#) *School Accountability Report Card*

[41365](#) *Charter school revolving loan fund*

[42131](#) *Interim certification*

[42238.51-42238.2](#) *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*

[47640-47647](#) *Special education funding for charter schools*

[47650-47652](#) *Funding of charter schools*

[49011](#) *Student fees*

[51745-51749.6](#) *Independent study*

[52052](#) *Accountability: numerically significant student subgroups*

[52060-52077](#) *Local control and accountability plan*

[56026](#) *Special education*

[56145-56146](#) *Special education services in charter schools*

CORPORATIONS CODE

5110-6910 *Nonprofit public benefit corporations*

GOVERNMENT CODE

[1090-1099](#) *Prohibitions applicable to specified officers*

[3540-3549.3](#) *Educational Employment Relations Act*

[6250-6270](#) *California Public Records Act*

[54950-54963](#) *Ralph M. Brown Act*

[81000-91014](#) *Political Reform Act of 1974*

CODE OF REGULATIONS, TITLE 5

[11700.1-11705](#) *Independent study*

[11960-11968.5.5](#) *Charter schools*

UNITED STATES CODE, TITLE 20

[7223-7225](#) *Charter schools*

COURT DECISIONS

*Ridgecrest Charter School v. Sierra Sands Unified School District*, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

*Opinion No. 11-201* (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

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

Charter Schools: A Guide for Governance Teams, rev. February 2016

CALIFORNIA DEPARTMENT OF EDUCATION  
PUBLICATIONS

Sample Copy of a Memorandum of Understanding

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, including the

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity And Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

WEB SITES

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

California Charter Schools Association: <http://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School

Authorizers: <http://www.qualitycharters.org>

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

~~Legal references: EDUCATION CODE~~

~~33054 Waivers~~

~~41365 Charter school revolving loan fund~~

~~42100 Annual statement of receipts and expenditures~~

~~42238.51 42238.53 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~~  
~~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~~  
~~51745 51749.3 Independent Study~~  
~~52052 Alternative accountability system~~  
~~54032 Limited English or low-achieving pupils~~  
~~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~~  
~~3540 3549.3 Educational Employment Relations Act~~  
~~54950 54963 The Ralph M. Brown Act~~  
~~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~~  
~~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

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