

Charter Schools

Petition Signatures

To be considered by the Governing Board, a petition for the establishment of a new charter school within the District must be signed by one of the following: (Education Code 47605)

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 charter school for its first year of operation
2. 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

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the public school to be converted. (Education Code 47605)

In circulating a petition, the petitioners shall include a prominent statement explaining that 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's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Components of Charter Petition

A charter petition shall include affirmations of the conditions described in Education Code 47605(d), a declaration consistent with Education Code 47605(b)(6), as well as reasonably comprehensive descriptions of all of the following: (Education Code 47605)

1. The educational program of the 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 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, or the nature of the program operated, 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.

If the proposed school will serve high school students, the manner in which the charter 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 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 subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school.
3. The method by which student progress in meeting those student 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.
4. The governance structure of the charter school, including, but not limited to, the process to be followed by the charter 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. These procedures shall include
 - That each employee of the charter school furnish the charter school with a criminal record summary as described in Education Code 44237;
 - The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents; and
 - That the school safety plan be reviewed and updated by March 1 of every year by the charter school.
7. The means by which the charter 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 policies and procedures, consistent with Education Code Section 47605(d).
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 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 his or her 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 him or her 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).
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.

The public school attendance alternatives for students residing within the District who choose not to attend charter schools.

12. The rights of an employee of the District 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.
13. The procedures to be followed by the charter school and the Board to resolve disputes relating to provisions of the charter.
14. 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 student records.

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the charter school, including, but not limited to: (Education Code 47605)

1. The facilities to be used by the charter school, including where the charter school intends to locate (cf. 7160 - Charter School Facilities)
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

All petitions for new charter schools, material revisions, charter renewals, and conversions must be filed at a regular meeting of the Board. Each filing must include one original submission plus ten printed copies and one copy of the financial statements in Excel format and one copy of the entire submission, exactly as filed in a PDF format, with bookmarks, identical to the table of contents, on a USB drive. The electronic copies of the required documents may be submitted as separate files on the same USB drive. Each filing should include a concise statement (250 words or fewer) of how the charter school will fulfill the intent of the California Charter Schools Act, and a one page summary listing the name of the entity petitioning for the charter school, the proposed name of the charter school, the grades to be served upon opening, the proposed month and year instruction will begin, the grades to be served at full development, the proposed location of the charter school, and the Lead Petitioner's name, mailing address, telephone number and email address. All pages must be numbered. The submission must include one set of

original dated petition signatures. In accordance with Board policy, District staff will consider signatures that are more than six months old upon petition filing to be stale and will discard them.

Petitions for a new charter schools, conversion charter schools, or material revisions may be filed at any regular Board meeting occurring on or between August 1 and November 15 each year. The Board will accept a request to renew a charter at any regular Board meeting that is not prior to 270 days but at least 120 days from the expiration of the charter. District staff will provide notice for a Board public hearing within 30 days of a filing and initiate staff work to support a recommendation to the Board for action within 60 days of filing. Petitioners will be allotted fifteen minutes for a presentation at the public hearing. Petitioners and the District may mutually agree to extend the decision-making process for up to 30 additional days. Concurrence will be recorded in writing and signed by both parties. (cf. Education Code 47605(b))

Location of Charter School

Unless otherwise authorized by law, any charter petition submitted to the Board 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. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the District's jurisdictional boundaries may establish one site outside District boundaries but within the County, provided that: (Education Code 47605, 47605.1)

1. The district in which the charter school will be located is notified prior to approval of the petition.
2. The County Superintendent of Schools is notified before the charter school begins operations.
3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

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 charter school is authorized.

Charter Approval/Denial

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605)

The Board shall grant the charter if the Board is satisfied that doing so is consistent with sound educational practice. A charter shall be denied only if the Board presents written factual findings specific to the particular petition that one or more of the following conditions exist: (Education Code 47605)

1. The charter school presents an unsound educational program 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 an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b) listed in "Components of Charter Petition" above.
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.

The Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

The Board shall not approve any charter petition that proposes to 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. (Education Code 47605)

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 disabled students who reside outside the special education local plan area (“SELPA”) in which the District participates. (Education Code 47605.7, 47647)

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. (Education Code 47611.5) In granting charter petitions, the Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education (CDE) under Education Code 54032. (Education Code 47605)

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

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, the CDE, and the State Board of Education (“SBE”). (Education Code 47605)

Material Revisions

Material revisions to a charter may be made only with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

Renewals

A charter school seeking renewal of its charter shall submit a written request to the Board no sooner than 270 days but at least 120 days before the term of the charter is due to expire.

No later than 30 days after receiving the petition the Board shall conduct a public hearing to receive input on whether or not to extend the charter. No later than 60 days after receiving the petition, the Board shall either grant or deny the request for renewal, however the date may be extended by an additional 30 days if both parties agree to the extension

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the

charter was originally granted or last renewed. (Education Code 47607)

In addition, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal: (Education Code 47607)

1. Alternative measures that show increases in academic achievement for all groups of students schoolwide and among numerically significant pupil subgroups.
2. 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.

The Board's determination shall be based on documented, clear, and convincing data; student achievement data from the California Assessment of Student Performance and Progress, and any other available assessments, for demographically similar student populations in comparison schools; and other information submitted by the charter school. The Board shall submit to the Superintendent of Public Instruction ("SPI") copies of supporting documentation and a written summary of the basis for its determination.

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

3. The charter school qualifies for an alternative accountability system pursuant to Education Code 52052(h).

Each renewal shall be for a period of five years. (Education Code 47607)

Revocations

The Board may revoke a charter if it finds, through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

Prior to revocation, the Board shall notify the charter school of any violation(s) listed in items #1-4 above and give the charter school a reasonable opportunity to remedy the violation(s) unless the Board determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

If the charter school does not successfully remedy the above violation(s), the Board shall provide the charter school with a written notice of intent to revoke the charter and notice of facts in support of revocation. No later than 30 days after providing the notice of intent to revoke the charter, the Board shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, unless the Board and the charter school agree to a 30-day extension, the Board shall issue its final decision as to whether or not to revoke the charter. The Board shall not revoke a charter unless the action is supported by written factual findings supported by substantial evidence specific to the charter school. A decision to revoke a charter shall be reported to the County Board of Education and the CDE. (Education Code 47607)

Requirements for Charter Schools

In providing general oversight of a charter school, the Board shall determine whether the charter school meets the legal requirements applicable to charter schools. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not charge tuition (Education Code 47605)
3. Not discriminate against any student on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status.(Education Code 47605)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)

(cf. 5111 - Admission)

5. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
6. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

7. Admit all students who wish to attend the school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

However, if a charter school **is** physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in **that** public elementary school and for students who reside in **that** public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing students of the charter school, shall be determined by a public random drawing. Preferences shall be extended to students who reside in the District and any other preference categories approved by the Board at a public hearing. In the event of a drawing, the Board 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 student demand. (Education Code 47605)

8. Require its teachers to 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 (Education Code 47605)

(cf. 4112.2 - Certification)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

9. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1)

(cf. 4112.5 /4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

10. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

11. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds
(cf. 4222 - Teacher Aides/Paraprofessionals)
12. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and any other statewide standards or student assessments applicable to noncharter public schools (Education Code 47605, 47612.5)

(cf. 6011 - Academic Standards)
(cf. 6162.51- Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
13. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

(cf. 6111 - School Calendar)
14. Meet the requirements of Education Code 51745-56749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

(cf. 6158 - Independent Study)
15. Identify and report to the SPI any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2)
16. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
17. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
18. If a student is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, 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. (Education Code 47605)

19. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
 - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
20. Promptly respond to all reasonable inquiries from the District, the County Office of Education, or the SPI, including, but not limited to, inquiries regarding its financial records (Education Code 47604.3)
21. Annually prepare and submit financial reports to the district Board and the County Superintendent in accordance with the following reporting cycle:
 - a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
 - c. By March 1, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
 - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
 - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the District's audit. The audit report shall also be submitted to the state Controller and the CDE. (Education Code 47605)

Administrative and Other District Services

The District may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of

the charter school's revenue for supervisory oversight. (Education Code 47613)

The charter school may separately purchase administrative or other services from the District or any other source. (Education Code 47613)

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the District as a condition for creating and submitting these reports. (Education Code 47611.3)

District Oversight

For each charter school under the Board's authority, the Superintendent shall: (Education Code 47604.32, 47604.33)

1. Identify at least one staff member as a contact person for the charter school
2. Visit the charter school at least annually
3. Ensure that the charter school complies with all reports required of charter schools by law including the local control and accountability plan and annual update to the local control and accountability plan required pursuant to Section 47606.5.
4. Monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the reports listed above in "Requirements for Charter Schools"
5. Monitor one or more memorandum of understanding ("MOU") to clarify the financial and operational agreements between the district and the charter school. Any such MOU shall be reviewed on an annual basis by the Board and the charter school and adjusted as necessary. This annual review may be extended to five years based on positive evaluations
6. Provide timely notification to the CDE if a renewal of the charter is granted or denied, the charter is revoked, or the charter school will cease operation for any reason

The Board and the Superintendent or designee may inspect or observe any part of the charter school at any time. (Education Code 47607)

TUSD Acknowledged: **6/11/19**