

Philosophy-Goals-Objectives and Comprehensive Plans

Charter Schools

The Board of Education 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 sound education that enables them to achieve to their fullest potential.

The District shall not require any District student to attend a charter school nor shall it require any District employee to work at a charter school. (Education Code 47605)

One or more persons may submit a petition for a start-up charter school to be established within the District or for the conversion of an existing District school to a charter school. (Education Code 47605)

Any petition for a charter school submitted for Board of Education consideration – whether start-up, conversion, renewal, or material revision shall include all components (including exhibits and/or appendices), affirmations, and signatures required by law. The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

A charter school petition is deemed received by the Board of Education on the day the petitioner formally submits a petition to the office of the Superintendent or designee (i.e. main District office), along with a signed and dated certification by the petitioner that the petitioner deems the petition to be complete as submitted. The District may maintain appropriate forms to be used by charter school petitioners/operators for such signed certifications for initial petitions, renewal petitions, and requests for material revision. The Superintendent or designee may update and revise these certification forms in a manner consistent with the law and this policy. (Education Code 47605)

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 technical assistance or contracted services which the District may provide to the proposed charter school. The provision of any such assistance is solely within the District's discretion.

Within 60 days of receiving a petition to establish a charter school, the Board of Education shall hold a public hearing on the charter petition, at which time the Board of Education will consider the level of support for the petition by teachers employed by the District, other employees of the District, and parents/guardians. (Education Code 47605)

BP 0420.4(b)

Within 90 days of receipt of a petition, or within 120 days with mutual consent of the petitioners and the Board of Education, the Board shall either grant or deny the request to establish the charter school. (Education Code 47605)

At least 15 days before the public meeting at which the Board of Education is to 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 meeting at which the Board of Education is to grant or deny the charter, the petitioners shall have equal time and opportunity to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

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)

District Board policies relative to charter schools may include reference to the current timelines established by law, but any such timelines shall automatically be deemed to be revised consistent with any changes to the Charter Schools Act or other applicable law. The Board of Education delegates to the Superintendent or designee authority to waive or extend the timelines in a charter, law, applicable California regulation, or District policy or regulation relative to consideration or for action on the matter, including but not limited to timelines for consideration or action on initial charters, material revisions, and/or renewals of charters.

Submission Deadlines

The Board of Education encourages petitioners who are seeking approval to commence charter school operations at the start of the next school year to initiate the process so that the Board of Education receives the charter prior to November 1st of the preceding school year. The Board discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the Board's time period for action to include any significant holiday periods during which all or most of the District staff has vacation or non-work time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

Approval of Petition

A charter petition shall be granted only if the Board of Education is satisfied that doing so is consistent with sound educational practice and, for new charters, 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). (Education Code 47605)

BP 0420.4(c)

Prior to authorizing any charter, the Board of Education shall verify that the charter includes adequate processes and measures for monitoring and holding the school accountable for complying with all applicable laws, including Education Code 47604.1, and for fulfilling the terms of its charter. 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 Board of Education shall hold charter schools under its jurisdiction accountable for fulfilling the terms of their charters and may revoke a charter if deemed necessary.

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the District and a charter school authorized by the Board of Education.

The Board of Education 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 of Education's approval of an initial charter petition and a copy of the charter to the County Superintendent of Schools, the CDE, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board of Education shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school. (Education Code 47602)
3. 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)
4. Proposes to offer nonclassroom-based instruction during the moratorium on new charters for such purposes. (Education Code 47612.7)

Any other charter petition shall be denied only if the Board of Education makes written factual findings specific to the 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.

BP 0420.4(d)

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(e).
5. The petition does not contain reasonably comprehensive descriptions of the charter elements in Education Code 47605(c)(5).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to the Educational Employment Relations Act, Government Code 3540-3549.3.
7. For an initial charter petition or material revision, 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. For an initial charter petition, the District is not positioned to absorb the fiscal impact of the proposed charter school. The District satisfies this cause for denial if it has a negative interim certification, is under State receivership, 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. Charter petitions submitted if the District has such status shall be subject to a rebuttable presumption of denial.

The Board of Education 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. (Education Code 47605.7, 47647)

BP 0420.4(e)

If the Board of Education denies a petition, the petitioners may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to the SBE. (Education Code 47605)

If the petition is denied by the County Board, at the request of the petitioner in preparation for an appeal to the SBE, the District shall prepare the documentary record, including a transcript of the public hearing at which the Board of Education denied the charter, no later than 10 business days after the petitioner makes the request. The Board of Education delegates responsibility for preparing the documentary record to the Superintendent or Superintendent's designee. (Education Code 47605)

Within 30 days of receipt of an appeal submitted to SBE, the Board of Education may submit a written opposition to SBE detailing, with specific citations to the documentary record, how the Board of Education did not abuse its discretion in denying the petition. The Board of Education delegates to the Superintendent or designee to prepare and submit such written opposition. (Education Code 47605)

If either the County Board or SBE remands the petition to the Board of Education because the petition on appeal contains new or different material terms, the Board of Education shall reconsider the petition and shall grant or deny the petition within 30 days. (Education Code 47605)

Charter Renewal

The Board of Education believes that the ongoing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes.

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites and/or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board of Education and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

A petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Renewals are governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the District or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605(c)(7) and (8), though those findings may be used to deny a proposed expansion constituting a material revision of an existing charter school. The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)

BP 0420.4(f)

The Board of Education may renew a charter for a period between two and seven years, depending upon the performance of the charter school in meeting the requirements of law, including student academic performance, and the approved charter. In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607 and 47607.2)

In addition to all other grounds for denial of a charter renewal, the Board of Education may deny renewal of any charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board of Education shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the Board of Education finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

When determining whether to grant renewal, the Board of Education shall review data reflecting pupil enrollment patterns and data provided by CDE and any substantiated complaints that the charter school has not complied with Education Code 47605(c)(5)(J). (Education Code 47607)

Timeline for Renewal

A charter renewal petition is deemed received by the Board of Education on the day the petitioner formally submits a final, non-draft renewal petition to the office of the Superintendent or designee (i.e. main District office), along with a signed and dated certification by the petitioner that the petitioner deems the renewal petition to be complete as submitted. Within the statutory timelines from receipt of the renewal petition, including any agreed upon extension of time, the Board of Education will hold a public hearing on the provisions of the renewal charter and either grant or deny the renewal request. (Education Code 47605)

A charter school may request to consult with the District administration regarding submittal of a draft of a material revision or renewal request prior to the formal submittal of any such request in order to provide additional time for the District administration to review and comment, and for the parties to work cooperatively on any outstanding issues relative to the charter school's operations or the charter document. Any review of or comment on the proposed material revision or renewal charter prior to the formal submittal will be in the District's sole discretion.

BP 0420.4(g)

The Superintendent or designee shall provide notification to CDE, within 10 calendar days of the Board of Education's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board of Education denies a renewal petition, the charter school may submit its application for renewal to the County Board within 30 days of the Board of Education's written factual findings supporting the denial. (Education Code 47605, 47607.5)

If a charter is not renewed and the charter school ceases operation, the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962.

Legal Reference:

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

60600-60649 Assessment of academic achievement

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

CALIFORNIA CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent study

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

Adopted: (7-96 9-05 2-17 2-18 10-19) 10-20

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California