



CHARTER SCHOOL SERVICES

Renewal Submissions Effective July 1, 2020

San Diego County Office of Education

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san diego county office of
EDUCATION

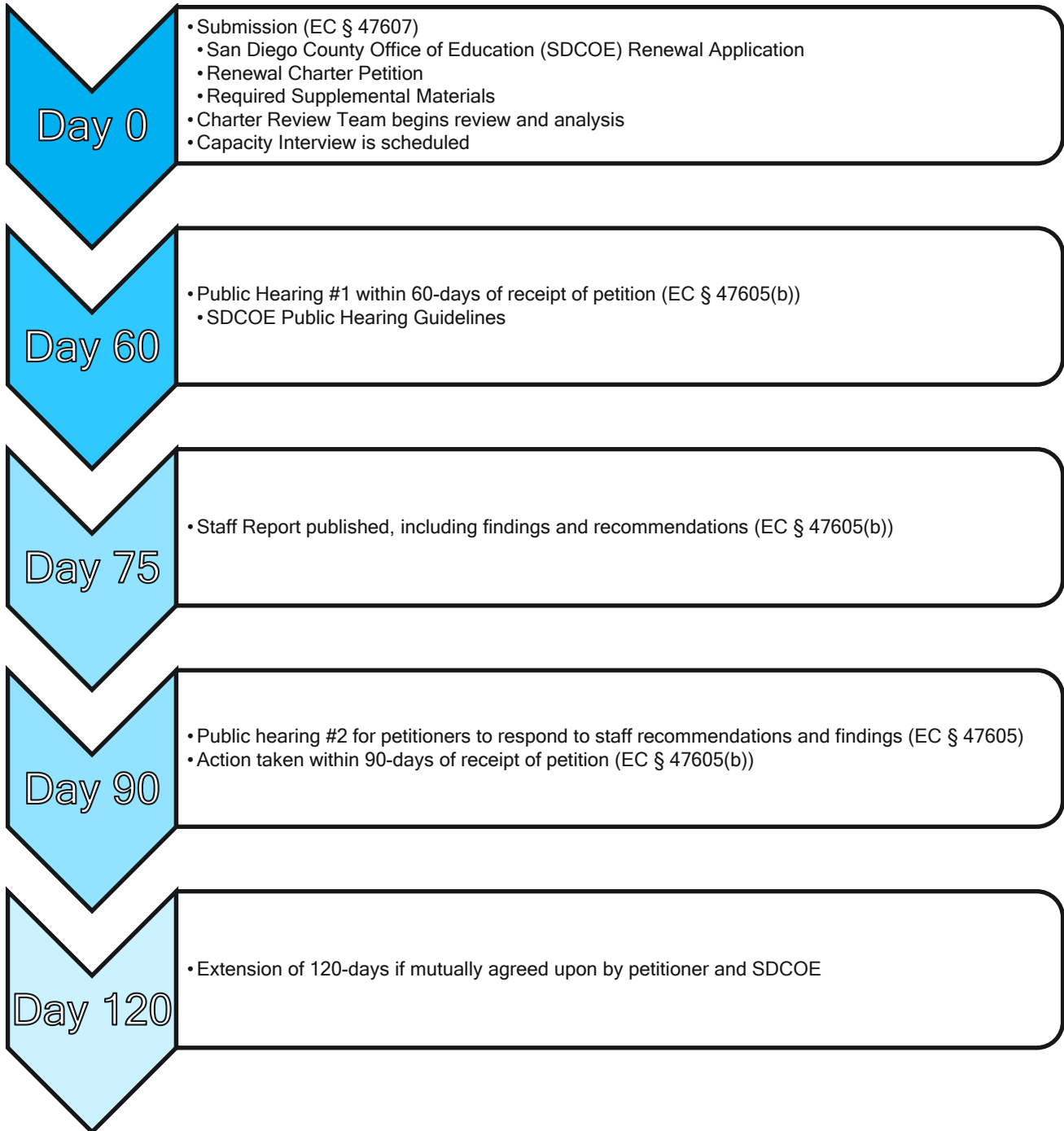
FUTURE WITHOUT BOUNDARIESSM

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Renewal Submission Process – Local Charter School (*non-countywide benefit*)

Renewal Timeline



Renewal Criteria: EC § 47607, § 47607.2 & 5 CCR § 11966.5

A charter school's renewal submission is determined by [California Education Code \(EC\) sections \(§\) 47607, § 47607.2](#) and the [California Code of Regulation \(CCR\), Title 5 Section 11966.5](#). The required elements of a charter renewal petition are the same as the elements for the initial charter petition ([EC § 47605](#)), with the exception that renewal petitions do not required signatures outline in EC § 47605(a)(1) – (3). Charter school renewal petitions must also contain a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. Additionally, the charter school must demonstrate increases in student academic achievement for all students. If a charter school's renewal petition is denied by the local school district, the charter school may appeal the renewal decision to the county board of education. The county board of education is required to review the appeal of a renewal charter petition in accordance with EC § 47607, EC § 47607.2, EC § 47605 and 5 CCR § 11966.5.

California Code of Regulations, Title 5, Section 11966.5

The charter school must meet the following requirements as outlined in the California Code of Regulations:

- ~~1. Documentation that the charter school meets at least one of the criteria in EC § 47607(b)**~~
 **EC § 47607(b) no longer applicable with enactment of [Assembly Bill \(AB\) 1505](#)
2. A copy of the renewal charter petition including 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
3. A copy of the school district board's denial and supporting written factual findings
4. A description of any changes to the renewal petition necessary to reflect the county board of education as the chartering authority
5. When considering a petition for renewal, the county board of education shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any

California Education Code § 47607 & § 47607.2 – Renewal criteria

A charter school must meet required renewal criteria outlined in EC §47607 and EC § 47607.2 as outlined below in the chart below. The California Department of Education will annually publish the [Charter School Performance Category Data File](#), which will list all non- Dashboard Alternative School Status (DASS) charter schools and their respective performance category.

High Performing Schools Education Code § 47607(c)	Middle Performing Schools Education Code § 47607.2(b)	Low Performing Schools Education Code § 47607.2(a)
A charter school that for two consecutive years immediately preceding renewal either: <ol style="list-style-type: none"> 1. Scored green or blue schoolwide on all state indicators on the Dashboard 	Charter schools not satisfying the "high performing", or "low performing" criteria should be evaluated under this column: <ol style="list-style-type: none"> 1. Shall consider schoolwide performance and performance of all subgroups 	SHALL NOT RENEW a charter that for two consecutive years immediately preceding renewal either:

<p>OR</p> <p>2. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels that are higher than the state average</p>	<p>on the Dashboard, and shall provide “greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.”</p> <p>2. Shall also consider clear and convincing evidence, demonstrated by verified data showing either:</p> <ol style="list-style-type: none"> The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school; <p>OR</p> <ol style="list-style-type: none"> Strong postsecondary outcomes equal to similar peers. <p>MAY DENY ONLY upon making written findings that:</p> <ol style="list-style-type: none"> The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school; <p>AND</p> <ol style="list-style-type: none"> The closure is in the best interest of the pupils; <p>AND</p> <ol style="list-style-type: none"> The decision provided greater weight to the performance on measurements of academic performance 	<p>1. Scored red or orange schoolwide on all state indicators on the Dashboard;</p> <p>OR</p> <p>2. For all measures of academic performance, received performance levels schoolwide that are the same or lower than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels that are lower than the state average.</p> <p>However, MAY RENEW ONLY upon making both of the following written factual findings:</p> <ol style="list-style-type: none"> The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school; <p>AND</p> <ol style="list-style-type: none"> There is a clear and convincing evidence, demonstrated by verified data, showing either: <ol style="list-style-type: none"> The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school; <p>OR</p> <ol style="list-style-type: none"> Strong postsecondary outcomes equal to similar peers
<p>For charter schools satisfying the criteria in this column:</p>	<p>For charter schools satisfying the criteria in this column:</p>	<p>For charter schools satisfying the criteria in this column:</p>
<ul style="list-style-type: none"> 5 to 7-year renewal term Only required to update petition to include reasonably comprehensive description of any new 	<ul style="list-style-type: none"> 5-year renewal term Verified data considered for the next two subsequent renewals until January 1, 2026 	<ul style="list-style-type: none"> Nonrenewal <p>OR</p> <ul style="list-style-type: none"> 2-year renewal term

requirements, and as necessary to reflect the current program offered by the charter school • Charter schools eligible for technical assistance not eligible for renewal under this column		• Verified data considered until 6/30/2025 for a school operating on or before 6/30/2020 for the next two subsequent renewals
Chart provided by Lozano Smith, Attorneys at Law, Charter School Toolkit		

In addition to the academic performance tier of the charter school, Education Code Section § 47607 also has the below renewal requirements:

1. A reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

California Education Code 47605 – Renewal Requirements

The same required components of an initial petition are required in a renewal petition with the exception of the signature requirement (EC § 47605). The signature requirement of students or staff is not required for a renewal petition. As a result of [Assembly Bill \(AB\) 1505 \(O'Donnell\)](#) and [AB 1507 \(Smith\)](#), there are new requirements that may impact a charter school upon renewal. Below is a listing of changes to EC § 47605 that may impact a charter school's renewal:

1. Facility Locations – if a charter school is operating outside of the geographic boundaries of the authorizing district, and the charter wishes to continue to operate the facility, the charter school will need to do either of the following prior to submitting the request for renewal:
 - a. Obtain approval in writing from the school district where the site is operating
 - b. Submit a renewal of the charter petition pursuant to EC § 47607 to the school district in which the charter school is located.
2. The charter school presents a sound educational program for the pupils to be enrolled in the charter school
3. The petitioners are demonstrably likely to successfully implement the program set forth in the petition
4. The petition has appropriate signatures of either:
 - a. A number of parents or legal guardians of pupils that is equivalent to at least on-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation; or,
 - b. A number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.
 - c. Conversion Schools ONLY – if the charter school is proposing to convert an existing public school, the petition must contain at least 50 percent of the permanent status teachers currently employed at the public school to be converted

5. All affirmations and declarations pursuant to EC § 47605(e)
6. Charter school must contain a reasonably comprehensive description of all 15 required elements outlined in EC § 47605(c)(5)(A) – (O).
 - a. Educational Program
 - b. Measurable Pupil Outcomes
 - c. Pupil Progress and Outcomes
 - d. Governance
 - e. Employee Qualifications
 - f. Health and Safety of Pupils and Staff
 - g. Racial, Ethnic and Student Subgroup Balance
 - h. Admission Policies and Procedures
 - i. Annual Financial Audits
 - j. Pupil Discipline
 - k. Staff Retirement Selection
 - l. Public School Attendance Alternatives
 - m. Rights of the Employee
 - n. Dispute Resolution
 - o. Closure Procedures
7. The petition contains 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 (EC § 47605(c)(6)).
8. The charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to EC § 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools (EC § 47605(d)(1)).
9. Charter schools shall consult with parents, legal guardians and teachers regarding the school's educational programs on a regular basis (EC § 47605(d)(2)).
10. The charter must contain information regarding the proposed operation and potential effects of the charter school, including, but not limited to (EC § 47605(h)):
 - a. Proposed facilities, including a description of facilities to be used and specify where the charter school intends to locate
 - b. The manner in which administrative services of the charter school will be provided
 - c. Potential civil liberty effects upon the charter school and upon the school district (if any)
 - d. Financial statements that include the proposed first-year operational budget, startup costs, cashflow and financial projections for the first three years of operation

- e. If the charter school is operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school governing board

Other Materials & Documents Used to Determine Renewal

In addition to statutorily required elements within the charter petition, the San Diego County Office of Education (SDCOE) Charter Review Team will also consider other documentation during renewal, including but not limited to the following:

1. The School District Site Visit Analysis
2. The School District Annual Charter Reports
3. Student Academic Achievement
 - a. California Assessment of Student Performance and Progress (CAASPP) System
 - b. California School Dashboard
 - c. Verified Data as approved by the State Board of Education (SBE) ([SBE Item 14](#))
 - d. Other student academic information as requested
4. Financial Reporting
 - a. Annually required financial documents
 - b. Audit Report
 - c. All Applicable “Good Standing” Reports
 - d. Any other financial information
5. Governance Compliance
 - a. Conflict of Interest
 - b. Ralph M. Brown Act
 - c. Any other governance information
6. Special Education Compliance
 - a. Special Education Local Plan Area (SELPA) letter of good standing
 - b. California Department of Education (CDE) Correspondence regarding Special Education
 - c. Any violations, corrections or concerns regarding Special Education students, services, or programs.
 - d. Any other information related to the services, program, and operation of Special Education at the charter school.
7. Authorizer Notices of Concern, Violations, Notices to Cure
8. Any other correspondence, documentation and materials pertaining to the charter school.

Action Taken by the Board

The county board of education may deny the renewal of a charter petition by making written factual findings to support one or more of the following based on the performance category of the charter school:

High Performing Charter School (EC § 47607(e)):

Allowable Charter Term: Five (5) to Seven (7) years

1. Demonstrably unlikely to successfully implement the program due to substantial fiscal or governance concerns
2. The charter school is not serving all pupils who wish to attend, as documented by data provided by CDE.
 - a. Use of either of these denial reasons requires the charter school is provided with a 30-day notice of the violation and a reasonable opportunity to cure the violation. Written findings must be either the following:
 - i. The corrective action proposed by the charter school has been unsuccessful.
 - ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Middle Performing Charter School (EC § 47605, EC § 47605.6, EC § 47607(e)):

Allowable Charter Term: Five (5) years

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school
2. The petitioners are demonstrably unlikely to successfully implement the program
3. The petition does not contain the required affirmations
4. The petition does not contain reasonably comprehensive descriptions of the required elements
5. The petition does not contain a declaration of whether or not the charter school will be the exclusive employer
6. *Demonstrably unlikely to successfully implement the program due to substantial fiscal or governance concerns
7. *The charter school is not serving all pupils who wish to attend, as documented by data provided by CDE.

- a. *Use of either of these denial reasons requires the charter school is provided with a 30-day notice of the violation and a reasonable opportunity to cure the violation. Written findings must be either of the following:

- i. The corrective action proposed by the charter school has been unsuccessful.
- ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Low Performing Charter School (EC § 47607.2(a)(1)):

Allowable Charter Term: *if granted, Two (2) years*

A low performing charter school is a presumptive denial (EC § 47607.2(a)(1)). In the case of a low performing charter school, in order to grant a low performing charter school, the governing board must find:

A low performing charter school may only be approved for a two-year term, if the charter school has met both of the below:

1. The charter school has taken meaningful steps to address the low performance, and those steps are reflected, or will be reflected in a written plan adopted by the charter school's board.
2. There is clear and convincing evidence of either measurable increases in academic achievement or strong postsecondary outcomes.

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a high or middle performing charter petition:

1. Grant the petition with a charter term in accordance with Education Code applicable to the charter school's performance category.
2. Grant the petition with a charter term in accordance with Education Code applicable to the charter school's performance category; provided that the Charter School enters into a Memorandum of Understanding (MOU) with SDCOE, prior to July 1, to address, reconcile and resolve the Findings presented in the Staff Report.
3. Deny the petition and adopt written findings of fact
 - a. A charter school may appeal the decision of the county board of education to the State Board of Education

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a low performing charter petition:

1. The Board finds:

- a. The charter school has taken, or is taking, meaningful steps to address the underlying cause(s) of the lower performance and the steps are, or will be reflected in a written plan adopted by the governing board, and
- b. There is clear and convincing evidence as demonstrated by verified data showing either the school achieved at least one year's progress for each school year in academic achievement, or the charter school has strong postsecondary outcomes;

And therefore, GRANTS the Petition in accordance with Education Code Section 47607.2 for a two-year term.

3. The Board finds:

- a. The charter school has taken, or is taking, meaningful steps to address the underlying cause(s) of the lower performance and the steps are, or will be reflected in a written plan adopted by the governing board, and
- b. There is clear and convincing evidence as demonstrated by verified data showing either the school achieved at least one year's progress for each school year in academic achievement, or the charter school has strong postsecondary outcomes;

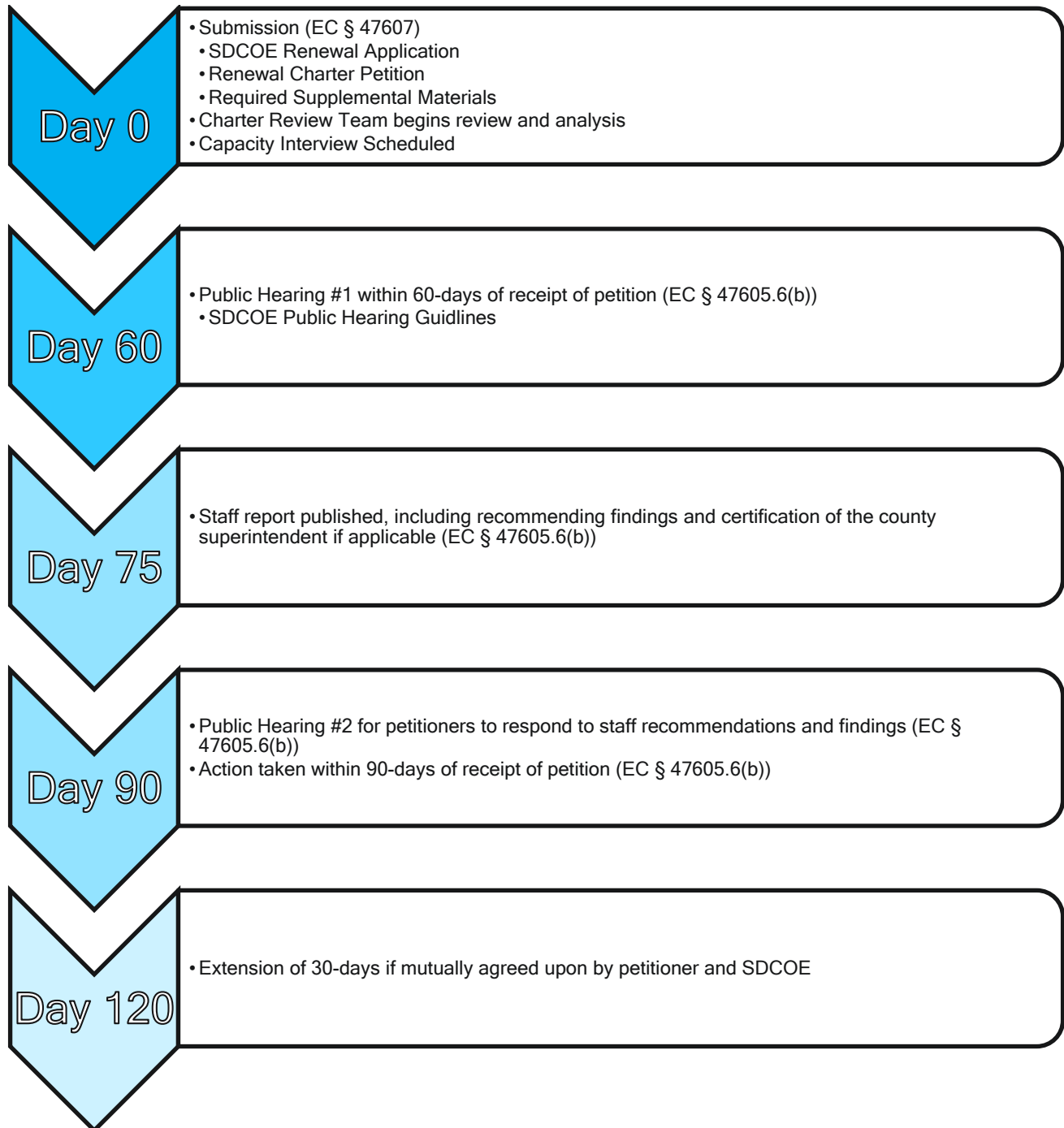
And therefore, GRANTS the Petition in accordance with Education Code Section 47607.2 for a two-year term provided the charter school enters into an MOU with SDCOE, prior to July 1, 2021, to address, reconcile and resolve the Findings presented in the Staff Report.

4. DENY the Petition in accordance with Education Code Section 47607.2, and ADOPT the Findings presented in the Staff Report.

- a. The charter school may appeal the denial to the State Board of Education (SBE).

Renewal Submission Process – Countywide Benefit Charter School

Renewal Timeline



Renewal Criteria: EC § 47607, § 47607.2 & 5 CCR § 11966.5

A charter school's renewal submission is determined by California Education Code (EC) sections 47607, 47607.2 and the California Code of Regulation (CCR), Title 5 Section 11966.5. The required elements of a charter renewal petition are the same as the elements for the initial charter petition (EC 47605), with the exception that renewal petitions do not required signatures outline in EC 47605(a)(1) – (3). Charter school renewal petitions must also contain a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. Additionally, the charter school must demonstrate increases in student academic achievement for all students. If a charter school's renewal petition is denied by the local school district, the charter school may appeal the renewal decision to the county board of education. The county board of education is required to review the appeal of a renewal charter petition in accordance with EC § 47607, EC § 47607.2, EC § 47605 and 5 CCR § 11966.5.

California Code of Regulations, Title 5, Section 11966.5

The charter school must meet the following requirements as outlined in the California Code of Regulations:

1. ~~Documentation that the charter school meets at least one of the criteria in EC § 47607(b)**~~
**EC 47607(b) no longer applicable with enactment of AB 1505
2. A copy of the renewal charter petition including 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
3. A copy of the school district board's denial and supporting written factual findings
4. A description of any changes to the renewal petition necessary to reflect the county board of education as the chartering authority
5. When considering a petition for renewal, the county board of education shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any

California Education Code § 47607 & § 47607.2 – Renewal criteria

A charter school must meet required renewal criteria outlined in EC §47607 and EC § 47607.2 as outlined below in the chart below. The California Department of Education will annually publish the [Charter School Performance Category Data File](#), which will list all non- Dashboard Alternative School Status (DASS) charter schools and their respective performance category.

High Performing Schools Education Code § 47607(c)	Middle Performing Schools Education Code § 47607.2(b)	Low Performing Schools Education Code § 47607.2(a)
A charter school that for two consecutive years immediately preceding renewal either:	Charter schools not satisfying the "high performing" or "low performing" criteria should be evaluated under this column:	SHALL NOT RENEW a charter that for two consecutive years immediately preceding renewal either:

<p>3. Scored green or blue schoolwide on all state indicators on the Dashboard</p> <p>OR</p> <p>4. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels that are higher than the state average</p>	<p>3. Shall consider schoolwide performance and performance of all subgroups on the Dashboard and shall provide “greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.”</p> <p>4. Shall also consider clear and convincing evidence, demonstrated by verified data showing either:</p> <p>a. The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school;</p> <p>OR</p> <p>b. Strong postsecondary outcomes equal to similar peers.</p> <p>MAY DENY ONLY upon making written findings that:</p> <p>4. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school;</p> <p>AND</p> <p>5. The closure is in the best interest of the pupils;</p> <p>AND</p> <p>6. The decision provided greater weight to the performance on measurements of academic performance</p>	<p>3. Scored red or orange schoolwide on all state indicators on the Dashboard;</p> <p>OR</p> <p>4. For all measures of academic performance, received performance levels schoolwide that are the same or lower than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels that are lower than the state average.</p> <p>However, MAY RENEW ONLY upon making both of the following written factual findings:</p> <p>3. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school;</p> <p>AND</p> <p>4. There is a clear and convincing evidence, demonstrated by verified data, showing either:</p> <p>c. The school achieved measurable increases in academic achievement, as defined by at least on year’s progress for each year in school;</p> <p>OR</p> <p>d. Strong postsecondary outcomes equal to similar peers</p>
<p>For charter schools satisfying the criteria in this column:</p>	<p>For charter schools satisfying the criteria in this column:</p>	<p>For charter schools satisfying the criteria in this column:</p>
<ul style="list-style-type: none"> • 5-7-year renewal term • Only required to update petition to include 	<ul style="list-style-type: none"> • 5-year renewal term • Verified data considered for the next two subsequent 	<ul style="list-style-type: none"> • Nonrenewal <p>OR</p>

reasonably comprehensive description of any new requirements, and as necessary to reflect the current program offered by the charter school • Charter schools eligible for technical assistance not eligible for renewal under this column	renewals until January 1, 2026	• 2-year renewal term • Verified data considered until 6/30/2025 for a school operating on or before 6/30/2020 for the next two subsequent renewals
Chart provided by Lozano Smith, Attorneys at Law, Charter School Toolkit		

In addition to the academic performance tier of the charter school, Education Code Section 47607 also has the below renewal requirements:

2. A reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

California Education Code § 47605.6 – Required Elements

Many of the same required components of an initial petition are required in a renewal petition. The signature requirement of students or staff is *not* required for a renewal petition. All other criteria as outline below must be contained in the renewal petition:

1. The educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county
2. The charter school presents a sound educational program for the pupils to be enrolled in the charter school
3. The petitioners are demonstrably likely to successfully implement the program set forth in the petition.
4. The petition contains an affirmation of each of the conditions described in EC 47605.6(e)
5. Charter school must contain a reasonably comprehensive description of all 16 required elements outlined in EC § 47605.6 (b)(5)(A) – (P).
 - a. Educational Program
 - b. Measurable Pupil Outcomes
 - c. Pupil Progress and Outcomes
 - d. Facility Locations
 - e. Governance
 - f. Employee Qualifications
 - g. Health and Safety of Pupils and Staff
 - h. Racial and Ethnic Balance
 - i. Annual Financial Audits

- j. Pupil Discipline
 - k. Staff Retirement Selection
 - l. Dispute Resolution
 - m. Admission Policies and Procedures
 - n. Public School Attendance Alternatives
 - o. Rights of the Employee
 - p. Closure Procedures
6. A declaration of whether or not the charter school shall be deemed the exclusive public-school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code) (EC § 47605.6(c)(6)).
 7. The charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to EC § 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools (EC § 47605.6(d)(1)).
 8. Charter schools shall consult with parents, legal guardians, and teachers regarding the school's educational programs on a regular basis (EC § 47605.6(d)(2)).
 9. The charter must contain information regarding the proposed operation and potential effects of the charter school, including, but not limited to (EC § 47605.6(h)):
 - a. Proposed facilities, including a description of facilities to be used and specify where the charter school intends to locate
 - b. The manner in which administrative services of the charter school will be provided
 - c. Potential civil liberty effects upon the charter school and upon the school district (if any)
 - d. Financial statements that include the proposed first-year operational budget, startup costs, cashflow and financial projections for the first three years of operation
 - e. If the charter school is operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school governing board

Other Materials & Documents Used to Determine Renewal

In addition to statutorily required elements to be contained in the charter petition, the SDCOE Charter Review Team will also consider other documentation during renewal, including but not limited to the following:

1. Site Visit Analysis
2. Annual Charter Reports
3. Student Academic Achievement
 - a. California Assessment of Student Performance and Progress (CAASPP) System

- b. California School Dashboard
 - c. MAP Assessments (if applicable)
 - d. Any other student academic information
- 4. Financial Reporting
 - a. Annually required financial documents
 - b. Audit Report
 - c. Grant “Good Standing” Reports
 - d. Any other financial information
- 5. Governance Compliance
 - a. Conflict of Interest
 - b. Ralph M. Brown Act
 - c. Any other governance information
- 6. Special Education Compliance
 - a. Special Education Local Plan Area (SELPA) letter of good standing
 - b. CDE Correspondence regarding Special Education
 - c. Any violations, corrections or concerns regarding Special Education students, services, or programs.
 - d. Any other information related to the services, program, and operation of Special Education at the charter school.
- 7. Authorizer Notices of Concern, Violations, Notices to Cure
- 8. Any other correspondence, documentation and materials pertaining to the charter school.

Submission of the Renewal Petition

All renewal petitions submitted to the SDCOE should contain the following:

1. Google Folder Submission
 - a. When a charter school is ready to submit a petition to SDCOE, contact the Charter School Services Team at charters@sdcoe.net, to request a Google Drive folder to upload all required petition documents and materials.
 - b. The date of submission will be the latest date that petition documents and materials are submitted.
2. Format of documents
 - a. PDF format
 - b. Please submit a copy of financial documents in Excel format
3. SDCOE Charter Renewal Application
4. A cover letter signed by the governing board president or designee authorizing the submission of the charter renewal petition and application.
5. A copy of the Charter Petition Review Matrix with page numbers included to indicate where the information can be located in the petition.
6. The renewal charter petition, including updates to the charter school's operation and all legal or legislative changes to charter schools.
7. All required supplemental materials and documents as requested by the SDCOE.

Action Taken by the Board

The San Diego County Board of Education has the following options for a charter renewal:

The county board of education may deny the renewal of a charter petition by making written factual findings to support one or more of the following based on the performance category of the charter school:

High Performing Charter School (EC § 47607(e)):

Allowable Charter Term: Five (5) to Seven (7) years

1. Demonstrably unlikely to successfully implement the program due to substantial fiscal or governance concerns
2. The charter school is not serving all pupils who wish to attend, as documented by data provided by CDE.
 - a. Use of either of these denial reasons requires the charter school is provided with a 30-day notice of the violation and a reasonable opportunity to cure the violation. Written findings must be either the following:

- i. The corrective action proposed by the charter school has been unsuccessful.
- ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Middle Performing Charter School (EC § 47605, EC § 47605.6, EC § 47607(e)):

Allowable Charter Term: Five (5) years

- 1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school
- 2. The petitioners are demonstrably unlikely to successfully implement the program
- 3. The petition does not contain the required affirmations
- 4. The petition does not contain reasonably comprehensive descriptions of the required elements
- 5. The petition does not contain a declaration of whether or not the charter school will be the exclusive employer
- 6. Any other basis that the county board of education finds justifies the denial of the petition
- 7. *Demonstrably unlikely to successfully implement the program due to substantial fiscal or governance concerns
- 8. *The charter school is not serving all pupils who wish to attend, as documented by data provided by CDE.
 - a. *Use of either of these denial reasons requires the charter school is provided with a 30-day notice of the violation and a reasonable opportunity to cure the violation. Written findings must be either of the following:
 - i. The corrective action proposed by the charter school has been unsuccessful.
 - ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Low Performing Charter School (EC § 47607.2(a)(1)):

Allowable Charter Term: *if granted*, Two (2) years

A low performing charter school is a presumptive denial (EC § 47607.2(a)(1)). In the case of a low performing charter school, in order to grant a low performing charter school, the governing board must find:

A low performing charter school may only be approved for a two-year term, if the charter school has met both of the below:

1. The charter school has taken meaningful steps to address the low performance, and those steps are reflected, or will be reflected in a written plan adopted by the charter school's board.
2. There is clear and convincing evidence of either measurable increases in academic achievement or strong postsecondary outcomes.

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a high or middle performing charter petition:

1. Grant the petition with a charter term in accordance with Education Code applicable to the charter school's performance category.
2. Grant the petition with a charter term in accordance with Education Code applicable to the charter school's performance category; provided that the charter school enters into an MOU with SDCOE, prior to July 1, to address, reconcile and resolve the Findings presented in the Staff Report.
3. Deny the petition and adopt written findings of fact
 - a. A charter school may appeal the decision of the county board of education to the State Board of Education

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a low performing charter petition:

1. The Board finds:
 - a. The charter school has taken, or is taking, meaningful steps to address the underlying cause(s) of the lower performance and the steps are, or will be reflected in a written plan adopted by the governing board, and
 - b. There is clear and convincing evidence as demonstrated by verified data showing either the school achieved at least one year's progress for each school year in academic achievement, or the charter school has strong postsecondary outcomes;

And therefore, GRANTS the Petition in accordance with Education Code Section 47607.2 for a two-year term.

2. The Board finds:

- c. The charter school has taken, or is taking, meaningful steps to address the underlying cause(s) of the lower performance and the steps are, or will be reflected in a written plan adopted by the governing board, and
- d. There is clear and convincing evidence as demonstrated by verified data showing either the school achieved at least one year's progress for each school year in academic achievement, or the charter school has strong postsecondary outcomes;

And therefore, GRANTS the Petition in accordance with Education Code Section 47607.2 for a two-year term provided the charter school enters into an MOU with SDCOE, prior to July 1, 2021, to address, reconcile and resolve the Findings presented in the Staff Report.

- 3. DENY the Petition in accordance with Education Code Section 47607.2, and ADOPT the Findings presented in the Staff Report.
 - a. Countywide Benefit charter schools may not appeal the nonrenewal decision.