

**Policy 0420.42: Charter School Renewal**

**Status:** ADOPTED

**Original Adopted Date:** 09/19/2023 | **Last Reviewed Date:** 09/19/2023

The Governing Board 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. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner. The Board shall consider renewal petitions only of charters for which it serves as the chartering authority or pursuant to Education Code 47605.9(b) for charters that were previously approved by the State Board of Education.

The Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604(b))

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites 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 and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607(a)(3))

Education Code Section 47607.4 extends by two years the term of all charter schools whose terms were set to expire between January 1, 2022, and June 30, 2025, so any renewal requests will be submitted and considered in accordance with this term extension.

**Submission of Renewal Petition**

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year. The timing of submittal and the form and number of copies of the renewal submission shall conform with the provisions of AR 0420.4

The signature requirement applicable to new charter petitions is not applicable to petitions for renewal. (5 CCR § 11966.4(a)(2)(A))

The 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 and as necessary to reflect the current programs offered by the charter. (Education Code 47607(b))

**Criteria for Granting or Denying Renewal**

Renewals shall be 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. (Education Code section 47607(a)(b))

As an additional criterion for determining whether to grant a charter renewal, the Board shall consider the performance of the charter school on the state and local indicators included on the California School Dashboard. (Education Code 47607(c)(1)) For this additional criterion, Education Code 47607.2 requires a determination of whether a charter school seeking renewal is in the high, middle, or low performance category based on these performance results, or is a Dashboard Alternative Accountability System (DASS) school, and renewal of the charter petition may be granted in accordance with this tiered system as specified in those Education Code provisions, and generally summarized as follows:

1. Renewal of Five to Seven Years (Education Code 47607(a)(b))

- a. A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, or for two of the most recent years for which state data is available preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, achieved either of the following: (Education Code 47607(c)(2)(A)-(E))

(1) 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 numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average; or

(2) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels.

b. If the charter school satisfies the above criteria, it shall only be required to update the renewal petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current program offered by the charter school. (Education Code 47607(c)(2)(F))

## 2. Denial with Option for Two-Year Renewal (Education Code 47607.2(a))

a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the most recent years for which state data is available preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019--20 or 2020-21 school year, either of the following applies: (Education Code 47607.2(a)(1)(2))

(1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels.

(2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that: (Education Code 47607.2(a)(4)-(6))

1. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; *and*

2. There is clear and convincing evidence, demonstrated by verified data from sources adopted by the State Board of Education, showing either of the following:

(1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or

(2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

## 3. Renewal of Five Years (Education Code 47607.2(b))

a. A renewal for five years may be granted to charters for which the criteria in sections 1 and 2 above do not apply. The Board shall consider schoolwide performance and performance of all pupil subgroups on the state indicators included on the Dashboard and the performance of the charter school on the local indicators included in the Dashboard. The Board shall provide greater weight to performance of measurements of academic performance in determining whether to grant renewal. (Education Code 47607(b)(1)(2)(7))

b. The Board shall also consider if clear and convincing evidence, demonstrated by verified data from sources adopted by the State Board of Education, shows either of the following: (Education Code 47607.2(b)(3)(4))

(1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or

(2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

c. For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2(b) (6))

#### 4. DASS Schools (Education Code 47607(c)(7))

a. A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the criteria in sections on through three above. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607(c)(7))

In addition to all the grounds stated above for denial of a charter, the Board 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 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 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 such as data, if any, provided by the California Department of Education (CDE) reflecting pupil enrollment patterns and any substantiated complaints that the charter school has not complied with Education Code 47605(c)(5)(J). (Education Code 47607(a)(e)) When determining whether to grant renewal, the Board shall review data reflecting pupil enrollment patterns and data provided by California Department of Education and any substantiated complaints that the charter school has not complied with Education Code 47605(c)(5)(J).

#### **Timelines for Board Action**

Within 60 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input from District teachers, other District employees, and parents. A petition is deemed received on the day that the petitioner submits a petition to the District office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605(b))

The Board shall either grant or deny the charter renewal within 90 days of receiving the renewal petition, or within 120 days if extended by mutual consent of the Board and the charter school. The Board hereby grants authority to the Superintendent or designee to agree in writing to an extension of time to act on a renewal request. (Education Code 47605(b))

At least 15 days before the public hearing at which the Board will grant or deny the charter renewal, the Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing to grant or deny the charter renewal, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605(b))

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

If the Board denies a renewal petition, the charter school may appeal the decision pursuant to the procedures pertaining to denial of a petition to establish a charter school provided in Education Code 47605(k) for review in

accordance with Education Code 47607. (Education Code 47607.5(a))

## School Closure

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. (Education Code 47603.32(a)(5))

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

	Description
5 CCR 11962-11962.1	Definitions
5 CCR 11966.4	Submission of charter renewal petition
5 CCR 11966.5	Charter petitions that have not been renewed; submission to county board of education
Ed. Code 47600-47616.7	Charter Schools Act of 1992 - <a href="https://simbli.eboardsolutions.com/SU/jplumZHRaxBMyaXh7aUGqfvQ==">https://simbli.eboardsolutions.com/SU/jplumZHRaxBMyaXh7aUGqfvQ==</a>
Ed. Code 52052	Accountability; numerically significant student subgroups - <a href="https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWlo3rs0EA==">https://simbli.eboardsolutions.com/SU/wGe4pOjRslshjsTfWlo3rs0EA==</a>
Ed. Code 56145-56146	Special education services in charter schools - <a href="https://simbli.eboardsolutions.com/SU/4bhkvSLV5Tiy9C0JLqe9iw==">https://simbli.eboardsolutions.com/SU/4bhkvSLV5Tiy9C0JLqe9iw==</a>
Ed. Code 60600-60649	Assessment of academic achievement - <a href="https://simbli.eboardsolutions.com/SU/vslshWgHorCjsh9UHEON4ipXIA==">https://simbli.eboardsolutions.com/SU/vslshWgHorCjsh9UHEON4ipXIA==</a>

### Federal References

	Description
20 USC 7221-7221j	Expanding opportunity through quality charter schools

### Management Resources References

	Description
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. June 2021
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==</a>
Website	California Charter Authorizing Professionals - <a href="https://simbli.eboardsolutions.com/SU/vJXDxR86ebDNFKP3piiV0Q==">https://simbli.eboardsolutions.com/SU/vJXDxR86ebDNFKP3piiV0Q==</a>
Website	California Charter Schools Association - <a href="https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==">https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==</a>
Website	California Department of Education, Charter Schools - <a href="https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==">https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==</a>
Website	National Association of Charter School Authorizers - <a href="https://simbli.eboardsolutions.com/SU/9nzhOG5X2VVH42kMJnO6kg==">https://simbli.eboardsolutions.com/SU/9nzhOG5X2VVH42kMJnO6kg==</a>
Website	U.S. Department of Education - <a href="https://simbli.eboardsolutions.com/SU/XcSsJimosish3XhJKy4tplus7wplusA==">https://simbli.eboardsolutions.com/SU/XcSsJimosish3XhJKy4tplus7wplusA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

### Cross References

	Description
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/did3XYbfsishOyrnx2UA7B5lQ==">https://simbli.eboardsolutions.com/SU/did3XYbfsishOyrnx2UA7B5lQ==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/abcZzYnsmgjY3gCeI33M2g==">https://simbli.eboardsolutions.com/SU/abcZzYnsmgjY3gCeI33M2g==</a>

0420.41 Charter School Oversight - <https://simbli.eboardsolutions.com/SU/Woplus5Qrraq2yrNfUwldKNLA==>

0420.41-E PDF(1) Charter School Oversight - <https://simbli.eboardsolutions.com/SU/8V0P3Wp05bNfXocCgF1XbQ==>

0420.43 Charter School Revocation - <https://simbli.eboardsolutions.com/SU/fKsLVELbXpPn5KUPQdIXBA==>

0500 Accountability - <https://simbli.eboardsolutions.com/SU/kjgcMzN6b377plusqvn9Y5EpA==>

6162.51 State Academic Achievement Tests - <https://simbli.eboardsolutions.com/SU/dHxgH6Fs2o3i6BrkWkZI4A==>

6162.51 State Academic Achievement Tests - <https://simbli.eboardsolutions.com/SU/lvNV1RxxvYD8DSFJOEkiHvw==>