

Fresno Unified Board Policy (BP) 0420.42

Charter School Renewal

The Governing Board believes that the renewal 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.

(cf. 0420.4 - Charter School Authorization)
(cf. 0420.41 - Charter School Oversight)
(cf. 0420.43 - Charter School Revocation)
(cf. 0500 - Accountability)

A charter school submits a charter renewal petition shall not be operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

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. The material revision shall be governed by the standards and criteria described in Education Code 47605. (Education Code 47607)

The Board recommends that a charter school submit its petition for renewal to the Board with sufficient time before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed prior to the end of the term.

Renewals of charters are governed by Education Code 47605 and the petition for renewal shall include, but not be limited to, a reasonably comprehensive description of any new requirements of charter schools and 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)

Criteria for Granting or Denying Renewal

All charter schools whose term expires on or between January 1, 2022, and June 30, 2025, shall have their term extended by two years. (Education Code 47607.4)

When considering whether to renew a charter petition, if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, the Board shall review two of the most recent years for which state data is available preceding the renewal decision. (Education 47607, 47607.2)

For purposes of renewal, measurements of academic performance means indicators included in the adopted evaluation rubrics that are based on statewide assessments. The determination of a charter school's academic progress is based on all the state indicators in the California School Dashboard for which it receives performance levels, provided that the charter school has schoolwide performance levels on at least two measurements of academic performance per year and for at least two numerically significant student subgroups. 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. The State Board of Education approved a list of valid and reliable indicators of academic progress and postsecondary outcomes that may be used to demonstrate a charter school's academic performance. (Education Code 47607)

Renewals shall be governed by the standards and criteria for the establishment of a charter school described in Education Code 47605. A charter renewal shall not be denied based on findings that the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is located or that the district is not positioned to absorb the fiscal impact of the charter school pursuant to Education Code 47605. However, for a material revision concurrent with the renewal to expand operations to one or more additional sites or grade levels, the Board shall consider the impact of the proposed material revision using these provisions. (Education Code 47607)

The signature requirement in Education Code 47605 for the establishment of a charter school is not applicable to petitions for renewal. (5 CCR 11966.4)

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

1. Renewal of Five to Seven Years

The Board shall not deny renewal for a charter school and may renew the charter petition for a period between five and seven years if either of the following apply for two consecutive years immediately preceding the renewal decision:

- a. The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics shown on the California School Dashboard for which the charter school receives performance levels
- b. For all measurements of academic performance, the charter school has 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 (Education Code 47607(c))

A charter school eligible for technical assistance pursuant to Education Code 47607.3 shall not qualify for renewal for a period of between five and seven years.

A charter school that satisfies the criteria for this renewal shall only be required to update its charter petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter petition was originally granted or last renewed and as necessary to reflect the current program offered by the charter school.

2. Renewal of Five Years

For a renewal of a charter school for which the above does not apply, the Board shall consider the schoolwide performance and performance of all numerically significant student subgroups served by the charter school, on the state and local indicators included in the evaluation rubrics shown on the California School Dashboard. The Board shall provide greater weight to performance on measurements of academic performance in determining whether to grant renewal for such a charter school: (Education Code 47607.2)

In addition to the state and local indicators, the Board shall consider clear and convincing evidence, demonstrated by verified data, showing either of the following:

- (a) The charter school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school
- (b) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers (Education Code 47607.2)

Verified data means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes. (Education Code 47607.2(c))

For any such charter school, the Board may deny the renewal petition only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the students of the school, that 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)

For a charter school renewed pursuant to this criteria, the Board shall grant a renewal for a period of five years.

3. Denial with Option for Two-Year Renewal

The Board shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision: (Education Code 47607.2)

(a) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics shown on the California School Dashboard for which it receives performance levels.

(b) 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. (Education Code 47607.2(a))

However, the Board shall consider the following factors and may renew a charter petition that meets such criteria only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(a) 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.

(b) There is clear and convincing evidence, demonstrated by verified data, showing either of the following:

(i) the charter school achieved measurable increases in academic achievement, as defined by at least year's progress for each year in school; or

(ii) strong postsecondary outcomes, as defined by college enrollment, persistence, and competition rates equal to similar peers

For a charter petition renewed pursuant to these written factual findings, the Board may grant a renewal for a period of two years. (Education Code § 47607.2(a))

Notwithstanding all of the above, the Board may deny renewal of a 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 is not serving all students who wish to attend. The Board may deny renewal of the charter school only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The Board may deny renewal only by making either of the following findings:

(i) corrective action proposed by the charter school has been unsuccessful; or

(ii) 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)

Upon making a finding that a charter school is not serving all students who wish to attend, the Board shall specifically identify the evidence supporting the finding. (Education Code 47607)

None of the above criteria shall apply to a charter school that is eligible for alternative methods for calculating the state and local indicators and is designated as Dashboard Alternative School Status (DASS). 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 evaluation rubrics shown on the California School 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))

Timelines for Board Action

No later than 60 days after receiving the renewal petition, the Board shall hold a public hearing on the provisions of the renewal petition and to consider the level of support for the renewal petition. A petition is deemed received by the Board on the day the petitioner submits a petition to the district's Charter office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

Following review of the petition and the public hearing, the Board shall either grant or deny the charter renewal petition at a public hearing held within 90 days of receipt of the renewal petition. That date may be extended an additional 30 days if the petitioner and the Board agree to the extension. (Education Code 47605)

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

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

If the Board does not grant a renewal to a charter petition, the charter school may appeal the decision pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school as provided in Education Code 47605 (k). (Education Code 47607.5)

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.

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition,

military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

52052 Accountability; numerically significant student subgroup

56145-56146 Special education services in charter schools

60600-60648.5 Assessment of academic achievement

CODE OF REGULATIONS, TITLE 5

11962-11962.1 Definitions

11966.4 Submission of charter renewal petition

11966.5 Charter petitions that have not been renewed; submission to county board of education

UNITED STATES CODE, TITLE 20

7221-7221j Expanding opportunity through quality charter schools

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: May 27, 2015 Fresno, California

revised: May 10, 2023

Policy Section: 0000 Philosophy, Goals, Objectives and Comprehensive Plans