

Submitting an Establishment for a Countywide Benefit Charter School Petition to SDCOE

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BACKGROUND

Education Code allows for the establishment of countywide benefit charter schools who submit their charter petition directly to the county board of education for consideration. Unlike charter schools authorized by EC 47605, countywide benefit charter schools may operate through the county in which they get authorization for.

There are two primary types of countywide benefit charter petitions that may be submitted to the county office of education:

- 1. Countywide Benefit Serving Same Pupils as COE (EC 47605.5)**
A petition may be submitted directly to a county board of education in the same manner as set forth in Section 47605 for charter schools that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services.
- 2. Countywide Benefit Not Serving Same Pupils as COE (EC 47605.6)**
A charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. Additionally, 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.

This document is intended to serve as a comprehensive guide for submitting any of the above countywide benefit charter petitions to the San Diego County Office of Education (SDCOE). It outlines the procedural steps, documentation requirements, and relevant timelines necessary to ensure that establishment petitions are submitted in accordance with applicable legal and administrative guidelines.

SDCOE CHARTER SCHOOL SERVICES CONTACTS

The individuals listed below will serve as primary contacts throughout the countywide benefit charter school establishment process. Charter schools seeking to file an establishment petition with SDCOE should direct all inquiries and communications to these contacts.

Charter School Services (CSS) strongly encourages early communication from charter schools or petitioners considering an establishment petition for a countywide benefit charter school petition. Timely notification helps ensure compliance with statutory deadlines and allows CSS to better anticipate and support the required timelines and procedural steps.

Kristin Armatis
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858-295-6665

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Administrative Assistant III
SDCOE Charter School Services
858-295-6670

TIMELINE



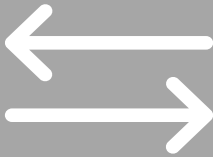
-30 Days

- Notification of each school district where the charter school proposes to operate a facility of the petitioners intent to operate a charter school (EC 47605.6(a)(1))



Day 0

- **Petitioner submits** petition for establishment of a countywide benefit charter school.



Day 0-5

- **Capacity Interview Scheduled**



Day 60

- **Public Hearing #1** within 60 days of receipt of complete petition (EC 47605.6(b))



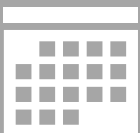
Day 75

- SDCOE **staff report published**, including findings and certification of the county superintendent if applicable (EC 47605.6(b))



Day 90

- **Public Hearing #2** for petitioners to respond to staff recommendations and findings (EC 47605.6(b))
- **Board action taken** (EC 47605.6(b))



Day 120 (*optional / alternative*)

- **Extension of 30 days**, if mutually agreed upon by petitioner and SDCOE (EC 47605.6(b))

SDCOE SUBMISSION REQUIREMENTS

All documents submitted to SDCOE will be electronic through an upload to a Google Drive folder. When a charter school is ready to submit an establishment petition package to SDCOE, they should contact Kristin Armatis or Tara Molina to request a Google Drive folder to upload all required documentation and materials. Please note that if the submission is not complete, or there are multiple submission dates, the latest date and timestamp of submission(s) will be used as the submission date.

Document Formats

Please ensure your documents are received in the following format:

1. Petition: PDF
2. Financial Documents: Excel
3. District Notification Documentation: PDF
4. SDCOE Forms: PDF
5. Electronic signatures are permitted

Documents to Submit

Countywide benefit establishment petitions require the following items to be submitted to CSS:

1. SDCOE Establishment Form: Countywide Benefit Charter School [\[link\]](#)
2. Charter Petition
3. A cover letter signed by the governing board president or designee authorizing the submission of the charter petition
4. Documentation of the 30-day notification to district(s) of geographic location.
5. The [Charter Petition Review Matrix](#)
 - a. Ensure the Completeness Certification is signed
 - b. Indicate the page numbers where each of the criterion can be located in the petition
6. Any additional required supplementary materials and documents as requested by SDCOE

CHARTER PETITION TO ESTABLISH A COUNTYWIDE BENEFIT CHARTER SCHOOL CRITERIA (EC 47605.5 AND EC 47605.6)

The following section outlines the specific legal and regulatory criteria, as established by the California Education Code that apply to petitions to establish a countywide benefit charter school.

Serving Students Otherwise Served by a County Office of Education (EC 47605.5)

A charter school proposing to serve the same pupils for whom the county office of education would otherwise be responsible for providing direct education and related services, may submit a countywide benefit petition to the county office of education. A charter petition submitted under EC 47605.5 is to be submitted in the same manner as a charter petition under EC 47605. EC 47605 requires a charter school to meet the following criteria and standards:

1. The charter school presents a sound educational program
2. The petitioners are demonstrably likely to successfully implement the program set forth in the petition
3. The petition has the appropriate signatures of either:
 - a. A number of parents/guardians equal to at least half the charter school's projected enrollment
 - b. A number of teachers equal to at least half the number of teachers 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% of the permanent status teachers currently employed at the public school to be converted
4. All affirmations and declarations pursuant to EC 47605(e)
5. 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. Independent Fiscal Audits
 - j. Pupil Discipline
 - k. Staff Retirement Selection
 - l. Public School Attendance Alternatives
 - m. Rights of the Employee
 - n. Dispute Resolution
 - o. Closure Procedures
6. 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))
 7. Demonstrate the charter school is likely to serve the interests of the entire community in which the school is proposing to locate (EC § 47605(c)(7))
 8. The school district is not positioned to absorb the fiscal impact of the proposed charter school (EC § 47605(c)(8))
 9. 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))
 10. Charter schools shall consult with parents, legal guardians and teachers regarding the school's educational programs on a regular basis (EC § 47605(d)(2))
 11. 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.

Serves Pupils Not Generally Service by a County Office of Education (EC 47605.6)

A county board of education may approve a countywide benefit charter school under EC 47605.6 if the following criteria are met:

1. Countywide Benefit Justification:
 - a. The charter school proposes to operate one or more sites within the geographic boundaries of the county,
 - b. The charter school provides instructional services that are not generally provided by a county office of education,
 - c. 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 petition has the appropriate signatures of either:
 - a. The number of parents/guardians meaningfully interested in having their child or ward attend the charter school, equal to at least half the charter school's projected enrollment
 - b. The number of teachers meaningfully interested in teaching at the charter school, equal to at least half the number of teachers the charter school estimates will be employed at the charter school during its first year of operation
3. The charter school has provided a 30-day notification to each of the school districts where the charter school proposes to operate a facility of its intent to operate a charter school.
4. The charter school presents a sound educational program
5. The petitioners are demonstrably likely to successfully implement the program set forth in the petition
6. All affirmations and declarations pursuant to EC 47605.6(e)
7. 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. Facilities
 - e. Governance Structure

- f. Employee Qualifications
 - g. Health and Safety of Pupils and Staff
 - h. Racial, Ethnic and Student Subgroup Balance
 - i. Independent Fiscal 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
8. 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 § 47605.6(b)(6))
9. 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))
10. 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))
11. 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. The facilities used by the charter school
 - b. The manner in which administrative services of the charter school will be provided
 - c. Potential civil liberty effects upon the charter school and any school district where the charter school may operate, and upon the county board of education
 - 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.

BOARD ACTION

The county board of education is required to take formal action on an establishment of a countywide benefit charter school petition within 90 days of receiving it. If the county board of education grants the charter petition, the COE becomes the authorizing agency responsible for oversight of the charter school. There are no appeals of countywide benefit petitions if the county board of education denies the charter petition.

Reasons for Denial

The county office of education shall not deny a petition for establishment of a countywide benefit charter school unless it makes written factual findings that support one or more of the following:

1. The charter school was not found to offer educational 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 an unsound educational program for the pupils to be enrolled in the charter school (EC 47605.6(b)(1))
3. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (EC 47605.6(b)(2))
4. The petition does not contain the number of signatures required (EC 47605.6(b)(3))
5. The petition does not contain an affirmation of each of the conditions described in EC § 47605(e) (EC 47605.6(b)(4))
6. The petition does not contain reasonably comprehensive descriptions of all 16 elements (EC 47605.6(b)(5))
7. 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 (EC 47605.6(b)(6))
8. Any other basis that the county board of education finds justifies the denial of the petition (EC 47605.6(b)(7)).

AFTER ACTION

Depending on the action taken by the county board of education, different processes may begin. Below outlines contact information and next steps for either granting or denying a petition.

Granting the Petition

If the county board of education grants the petition to establish a charter school, the SDCOE CSS will promptly initiate contact with the petitioners to begin the onboarding process. This process includes, but is not limited to:

- Assigning SDCOE staff to support the school

- Registering the charter with the California Department of Education (CDE)
- Executing a Memorandum of Understanding (MOU)
- Integrating the school into SDCOE's charter oversight systems
- Outlining expectations and requirements for ongoing charter oversight

Below are the primary points of contact as the onboarding process begins:

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SDCOE Charter School Services
858-295-6665
charterschools@sdcoe.net

Tara Molina

Administrative Assistant III
SDCOE Charter School Services
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Denying the Petition

There are no appeal rights for the establishment of a countywide benefit charter school. The denial of the petition would mean that the authorization of the school would not move forward.