CHARTER SCHOOL AUTHORIZATION

Petition Signatures

A petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation

2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

A petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

Any petition circulated to collect signatures shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605)

Staff Advisory Committee

The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

Components of Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall

also contain reasonably comprehensive descriptions of: (Education Code 47605)

1. The educational program of the proposed school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs

   The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

2. The charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, long term English learners, students with disabilities, foster youth, and students experiencing homelessness

   These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

   If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.

3. The measurable student outcomes identified for use by the charter school

Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served by the charter school.

4. The method by which student progress in meeting the identified student outcomes is to be measured

   To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

5. The location of each charter school facility the petitioner intends to operate

6. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement

7. The qualifications to be met by individuals to be employed by the charter school

8. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:

   a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237

   b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(N)

c. The charter school's safety plan shall be reviewed and updated by March 1 each year

9. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the district's territorial jurisdiction

10. The charter school's student admission policy

The petition shall, in accordance with Education Code 47605(e), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Governing Board approval.

11. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the Board's satisfaction

12. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and 47605.6

Such procedures shall contain a clear statement that no student shall be involuntarily removed by the charter school for any reason unless written notice of the intent to remove the student is given to the student's parent/guardian at least five schooldays before the effective date of the removal. In the case of a student experiencing homelessness or foster youth, the notice shall be given to the student's educational rights holder. Additionally, a foster youth's attorney and county social worker, and an Indian child's tribal social worker, and if applicable, the county social worker, shall be given such notice.

For suspensions of fewer than 10 days, the student shall be provided oral or written notice of the charges and an explanation or the supporting evidence. The student shall be provided an opportunity to provide a response.

Notice shall include written notice of the charges and inform the student, the student's parent/guardian, and any other specified individual, as applicable, of the right to initiate a hearing as described in Education Code 47605, before the effective date of the removal. The notice shall be provided in the student's parent/guardian's, or other applicable person's language, and, if such a hearing is initiated, shall include the student's right to remain enrolled in the charter school until a final decision is made by the charter school.

In addition, the procedures shall contain a statement pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will, within 30 days, notify the Superintendent of the district of the student's last known address and, upon request, provide the student's cumulative record to the district, when a student is expelled or leaves the charter school without graduating or completing the school year for any reason. In addition, the procedures shall describe the means by which the district can contact the charter school if the student is subsequently expelled or leaves the school district without graduating or completing the school year for any reason.

Involuntarily removed means disenrolled, dismissed, transferred, or terminated, but does not include suspensions. (Education Code 47605)

13. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security

14. The public school attendance alternatives for students residing within the district who choose to not attend the charter school

15. A description of the rights of any district employee upon leaving district employment to work in the charter school and of any rights of

return to the district after employment at the charter school

16. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions

17. A declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3

18. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:

    a. Designation of a responsible entity to conduct closure-related activities

    b. Notification to parents/guardians, the Board, the County Office of Education, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

        i. The effective date of the closure

        ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure

        iii. The students' districts of residence

        iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements

    c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with Item #18a above

d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with Item #18a above, except for records and/or assessment results that the charter may require to be transferred to a different entity

e. Transfer and maintenance of personnel records in accordance with applicable law

f. Completion of an independent final audit within six months after the closure of the charter school that may function as the annual audit, which includes an assessment of the disposition of any restricted funds received by or due to the school and an accounting of all financial assets and liabilities pursuant to 5 CCR 11962

g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962

h. Completion and filing of any annual reports required pursuant to Education Code 47604.33

i. Identification of funding for the activities identified in Item #18a-h above

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

1. The facilities to be used by the charter school, including where the school intends to locate

2. The manner in which administrative services of the charter school are to be provided

3. Potential civil liability effects, if any, upon the charter school and district

4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school may establish a resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school

2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized

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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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	***Description***
5 CCR 11960-11969.10	*Charter schools*
Corp. Code 5110-6910	*Nonprofit public benefit corporations*
Ed. Code 1240	*County superintendent of schools; duties*

CHARTER SCHOOL AUTHORIZATION

Ed. Code 17078.52-17078.66	*Charter schools facility funding; state bond proceeds*
Ed. Code 17280-17317	*Field Act; approval of plans and supervision of construction*
Ed. Code 17365-17374	*Field Act; fitness for occupancy; liability of board members*
Ed. Code 200	*Equal rights and opportunities in state educational institutions*
Ed. Code 220	*Prohibition of discrimination*
Ed. Code 32280-32289.5	*School safety plans*
Ed. Code 33126	*School accountability report card*
Ed. Code 41365	*Charter school revolving loan fund*
Ed. Code 42131	*Interim certification*
Ed. Code 42238.02-42238.52	*Funding for charter districts*
Ed. Code 44237	*Criminal record summary*
Ed. Code 44830.1	*Certificated employees; conviction of a violent or serious felony*
Ed. Code 45122.1	*Classified employees; conviction of a violent or serious felony*
Ed. Code 46201	*Instructional minutes*
Ed. Code 47600-47616.7	*Charter Schools Act of 1992*
Ed. Code 47640-47647	*Special education funding for charter schools*
Ed. Code 47650-47655	*Funding of charter schools*
Ed. Code 48900	*Suspension or expulsion; use of controlled substances*
Ed. Code 49011	*Student fees; definition*
Ed. Code 51744-51749.6	*Independent study*
Ed. Code 51745	*Independent study*
Ed. Code 52052	*Accountability; numerically significant student subgroups*
Ed. Code 52060-52077	*Local control and accountability plan*
Ed. Code 56026	*Special education*
Ed. Code 56145-56146	*Special education services in charter schools*
Gov. Code 1090-1099	*Prohibitions applicable to specified officers*
Gov. Code 3540-3549.3	*Educational Employment Relations Act*
Gov. Code 54950-54963	*The Ralph M. Brown Act*
Gov. Code 7920.000-7930.215	*California Public Records Act*
Gov. Code 81000-91014	*Political Reform Act*
W&I Code 224.1	*Indian child; definition*
Federal	***Description***
20 USC 1400-1482	*Individuals with Disabilities Education Act*
20 USC 7221-7221j	*Charter schools*
29 USC 794	*Rehabilitation Act of 1973; Section 504*
42 USC 12101-12213	*Americans with Disabilities Act*
Management Resources	***Description***

CHARTER SCHOOL AUTHORIZATION

Attorney General Opinion	*101 Ops.Cal.Atty.Gen. 92 (2018)*
Attorney General Opinion	*78 Ops.Cal.Atty.Gen. 297 (1995)*
Attorney General Opinion	*89 Ops.Cal.Atty.Gen. 166 (2006)*
Attorney General Opinion	*80 Ops.Cal.Atty.Gen. 52 (1997)*
California Charter Authorizing Professionals Pub.	*Memorandum of Understanding (MOU) Resource, September 2022*
Court Decision	*Napa Valley Unified School District v. State Board of Education, Case No. C099068*
CSBA Publication	*Charter Schools: A Guide for Governance Teams, rev. 2021*
CSBA Publication	*Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018*
CSBA Publication	*Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016*
U.S. Department of Education Publication	*Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014*
Website	*CSBA District and County Office of Education Legal Services*
Website	*National Association of Charter School Authorizers*
Website	*California Charter Schools Association*
Website	*California Department of Education, Charter Schools*
Website	*CSBA*
Website	*U.S. Department of Education*

Cross References

Policy	***Description***
0420.41	*Charter School Oversight*
0420.41-E(1)	*Charter School Oversight*
0420.42	*Charter School Renewal*
0420.43	*Charter School Revocation*
0430	*Comprehensive Local Plan For Special Education*
0430	*Comprehensive Local Plan For Special Education*
0460	*Local Control And Accountability Plan*
0460	*Local Control And Accountability Plan*
0510	*School Accountability Report Card*
0510	*School Accountability Report Card*
2230	*Representative And Deliberative Groups*
4116	*Probationary/Permanent Status*
4116	*Probationary/Permanent Status*
6146.3	*Reciprocity Of Academic Credit*
6146.3	*Reciprocity Of Academic Credit*

CHARTER SCHOOL AUTHORIZATION

6158	*Independent Study*
6158	*Independent Study*
6162.51	*State Academic Achievement Tests*
6162.51	*State Academic Achievement Tests*
6178	*Career Technical Education*
6178	*Career Technical Education*
6184	*Continuation Education*
6184	*Continuation Education*
7160	*Charter School Facilities*
7160	*Charter School Facilities*
9320	*Meetings And Notices*

Regulation **PASADENA UNIFIED SCHOOL DISTRICT**
Approved: October 8, 1996 Pasadena, California
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