

PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS

BP 0100 Charter Schools

The County Board of Education (County Board, Board) encourages the establishment of charter schools in El Dorado County as an integral part of the California educational system. The Board believes that charter schools provide an opportunity to implement school-level reform, and to support innovations that improve student learning while enabling students to become self-motivated, competent, lifelong learners. These schools shall operate under the provisions of their charters, specific state and/or federal laws, Title 5, the California Code of Regulations adopted by the State Board of Education, and the general oversight of the chartering authority.

Among other requirements, the Charter School Act of 1992, Section 47605, “Act”, provides that a Petition to establish a charter school include reasonably comprehensive descriptions of some 16 elements of the charter program. The Act also requires that the chartering authority monitor various charter activities subsequent to a charter being granted. Therefore it is critical that as part of the chartering documents and prior to charter approval, all relevant detail on all aspects of charter activity be conscientiously considered, provided for and presented to the chartering authority for analysis as part of the approval process rather than relegating such important considerations to post approval processes such as agreements or memorandums of understandings.

Petitions for the establishment of charter schools shall be submitted to the County Board for approval, under the following provisions:

County Program Charters

1. County Program Charters serve students for whom the El Dorado County Office of Education would otherwise be responsible for providing direct education and related services. (Education Code § 47605.5)

Countywide Charters

2. Countywide Charters provide instructional services not generally provided by the El Dorado County Office of Education to a student 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. (Education Code § 47605.6(d))

Secondary Applications

3. A charter school petition denied by a district governing board of a school district within the County Board’s jurisdiction may be submitted to the

County Board for approval within 180 calendar days of the denial. If, upon receipt of the petition, the Board fails to act within 120 days, the petitioner(s) may seek judicial review of the district board's denial. (Education Code § 47605, 5 CCR 11967)

The following policy provisions shall pertain to all petitions received by the County Board, except where noted. The Board will only approve a petition if it finds, in addition to other requirements of law that the educational services provided by the charter school will offer services benefiting a pupil population that cannot be served as well by a charter school operating in a single district.

It is the objective of the County Board that teachers, parents, and guardians of pupils may petition the Board to approve a charter school in accordance with the following procedures:

A. Petition

A petition to the County Board to approve any type of charter as outlined above shall include all information required by Education Code § 47605 et seq.

1. The name, address and phone number of each applicant, together with a statement signed by each of them, formally applying to the Board for approval of the charter school.
2. A thorough description of the education, work experience, credentials, degrees and certifications of the individuals to comprise the directors, administrators and managers of the proposed charter school.
3. The applicable By-laws, articles of incorporation, and other management documents proposed to govern the charter school. The information in this section shall specify that the charter school will be subject to the Brown Act, the Public Records Act, and the Conflict of Interest requirements of common law. (Government Code § 1090 and the Fair Political Practices Act, Government Code §§ 83111 et seq.)
4. A list of consultants whom the petitioners propose to engage for the development, operation, and evaluation of the charter school, together with a thorough description of the qualifications of each consultant.
5. The names, addresses and telephone numbers of those persons endorsing the proposal, with original signatures of such petitioners, and in the form provided in Education Code § 47605.6. The petition form must indicate that a copy of the charter school proposal was attached such that petitioners were able to review it prior to signing. Parents/guardians signing the petition must reside in El Dorado County and

must have one or more children who are age appropriate for the proposed charter school. Teachers signing the petition must be properly credentialed to teach in the proposed charter school.

6. Countywide Charter School Proposals:

Shall include reasonably comprehensive descriptions of those elements of school philosophy, curriculum, and practice, as called for in Education Code §§ 47605.6(b)(5)(A) through 47605.6(b)(5)(M) inclusive.

Charter Secondary Applications and County Program Charters:

Shall include the descriptions called for in Education Code §§ 47605(b)(5)(A) through 47605(b)(5)(P) inclusive.

The descriptions for all charters shall include information on whether the program is classroom based or uses any distance-learning instructional strategies.

7. A description of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code § 60605 and any other statewide standards required by statute or pupil assessments as applicable to pupils in non-charter public schools. The description shall state whether the charter school intends to participate in the Alternative Schools Accountability Model (ASAM) or the main accountability system.
8. A signed statement affirming that the school shall be nonsectarian in its programs, admissions policies, employment practices, and all other operations, and that it shall not charge tuition, nor discriminate against any person on the basis of ethnicity, national origin, gender, or disability as set forth in Education Code § 47605.6(e)(1).
9. The address and a description of the charter school facilities, located within the geographic boundaries of the county, together with documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, and well-suited for its educational purpose, and that the applicant has secured, or has reasonable assurance of securing, the facilities for use by the charter school.
10. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense, shall be included in cases

of renewal applications. Additionally, a three to five year business plan shall be included.

11. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, and reserve positions for the first three years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons identified in paragraphs A(1), A(2), A(4), and A(13) of this policy.
12. A narrative from the charter school applicant providing a thorough description of the potential civil liability, if any, on the charter school, any school district where the charter school may operate, and the El Dorado County Office of Education.
13. A summary of the administrative structure and organization of the school, including special education, the educational agency liaison, and other basic elements of school operation. This section should detail the proposed academic calendar including: days of instruction, hours of operation, and expectations for pupil attendance and annual instructional minutes for each grade level to be served.
14. The manner, form and content by which the charter school proposes to regularly report to the County Board, or designee, concerning charter implementation, measurable student progress, current and projected financial viability of the school, and School Accountability Report Card (SARC) performance.
15. Description of how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements for charter schools serving high school students.
16. A description of charter school admission procedures where applicable.
17. A complete description of how the charter school will serve special education students.
18. The augmented plans to ensure the health and safety of students and staff beyond those listed as Required Elements (E.C. § 47605.6(b)(5)(G) for Countywide Charters, and § 47605(b)(5)(F) for Charter Appeals or County Program Charters), including any plans for additional tuberculosis screening, student supervision, safety training for staff, and immunization screening requirements.

19. A description of the procedures to be used if the charter school closes. These procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for the disposal of assets and for the maintenance and transfer of pupil records. The Board expresses a preference for procedures that include a provision whereby residual assets of the charter school will accrue to the benefit of the El Dorado County Office of Education.
20. The County Board and/or the County Superintendent may impose any additional requirements deemed necessary for the sound operation of a Countywide Charter petition. (E.C. § 47605.6(b)(6))

B. Process

1. Upon receipt of a petition, a designated employee of the El Dorado County Office of Education (EDCOE) shall date stamp the cover page of the submitted materials. A charter school petition shall include all of the information referenced in the Charter Schools Act by which the County Board may evaluate the application. While a charter school petition may be submitted at any time during the year, applicants are encouraged to submit a petition during a period when a regular Board meeting is scheduled to occur within the next 30 days. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year shall initiate the process not later than the prior December 15th. In the case of petitions received after that date, The Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.
2. Not later than 60 days after receiving the Countywide Charter School Petition, or 30 days after receiving a Charter Appeal or County Program Charter School Petition, the Board shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers, other employees, parents and guardians, and the district or districts where the charter school applicants propose to place school facilities shall be considered. Charter school applicants shall be provided an opportunity to appear and provide testimony to the County Board.
3. In the case of a Countywide Charter School Petition, each school district where the charter school proposes to operate a facility must receive at least 30 days notice of the charter school proposal.

4. Countywide Charter Petitions:

The Board shall either grant or deny a Countywide Charter Petition within 90 days of receipt or 120 days based upon agreement between the applicant and EDCOE. The Board shall either grant or deny the charter

Charter Appeal and County Program Charter Petitions:

The Board shall either grant or deny a Charter Appeal or a County Program charter petition within 60 days of receipt or 90 days based upon agreement between the applicant and EDCOE.

When any charter petition/appeal is approved, the County Office shall notify the Charter School Section of the State Department of Education, and all other legally required agencies, including the school districts within the county.

C. Denial of Petition – Findings

It is the intent of the Board that charter schools with sound educational practice should be encouraged. The Board shall not deny a direct or appeal petition unless the Board makes written factual findings, specific to the particular petitioner, setting forth specific facts to support one, or more, of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by Education Code §§ 47605(a), 47605.6(a).
4. The petition does not contain an affirmation of each of the conditions as set forth in Education Code § 47605.6(e)(1).
5. The petition does not contain reasonably comprehensive descriptions of all the information required under paragraph A(6) of this policy.

(In addition to 1-6 above, Countywide Charters have these provisions)

6. The petition does not provide reasonable justification for why it could not be established by petition to a school district as provided by law.
7. Any other basis that the Board finds justifies denial of the petition.

The Board shall deny the charter petition if it makes any of the findings 1 through 5 above.

D. Supervisorial Oversight

EDCOE oversight of the charter school shall be determined by the County Superintendent, or designee, in the best interest of the public as authorized by law.

1. The relationship between the EDCOE and the charter school, as well as any services to be provided by the EDCOE, will be described in the charter petition.
2. The charter school shall provide and certify to the County Superintendent or designee, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which teachers in other public schools would be required to hold, and that those teachers instructing students meet the requirements imposed under state and federal law on charter school teachers. (E.C. § 47605(l))
3. The charter school shall present and certify to the County Superintendent or designee, the audit report of the charter school, and shall, not less than annually, comprehensively report in writing on the general operation of the charter school. In addition, any charter school operating within El Dorado County shall adhere to Education Code § 47605(m).
4. The charter school shall do all of the following:
 - (1) Identify at least one staff member as a contact person for the charter school.
 - (2) Meet with the County Superintendent or designee at least annually.
 - (3) Arrange and coordinate County Superintendent or designee annual visits to each charter school location.
 - (4) Ensure and provide written documentation and certification that the charter school has complied with all reports required by law.
 - (5) Monitor and report to the County Superintendent on its fiscal condition at any time there are any significant changes, issues or problems.

- (6) Provide timely notification of any of the following:
 - (a) renewal of the charter will be sought
 - (b) conditions may exist which could cause the charter to be revoked
 - (c) the charter may cease operations for any reason.
(E.C. § 47604.32)
5. The charter school shall annually prepare and submit the following reports to the County Superintendent:
 - (a) A preliminary budget (on or before July 1)
 - (b) An interim financial report or changes through October 31
(on or before December 15)
 - (c) A second interim financial report on changes through
January 31 (on or before March 15)
 - (d) A full year unaudited report (on or before September 15)
(E. C. § 47604.33)
6. The charter school shall promptly report to the Board any instance in which the charter school has committed any of the violations listed in the Education Code § 47607(c) as follows:
 - (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.
 - (2) Failed to meet or pursue any of the pupil outcomes identified in the charter petition.
 - (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - (4) Violated any provision of law.
7. Upon a finding by the Board that the charter school committed any of the violations at Education Code §§ 47607(c)(1) through (4) inclusive, the Board may revoke the charter. The Board shall notify the charter school of any violation and give the school a reasonable opportunity to cure the violation (unless the Board determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of pupils).
8. The charter school shall pay EDCOE for the actual costs of supervisory oversight, not to exceed one percent of the revenue

of the charter school, except as otherwise provided by law. EDCOE may charge for the actual costs of supervisory oversight of a charter school, not to exceed three percent of the charter school revenue if EDCOE provides substantially rent-free facilities to the charter school.

9. Countywide Charters:

In the case of Countywide Charters, the Board may, as a condition of approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the County Board on the operations of the charter school. In this case, the Board may determine which of the charter school operations will be monitored by the third party, and may require the third party to report information concerning the operation of the charter school to the Board.

E. Charter Approval

An initial approval of a charter petition by the Board shall be for a period normally not to exceed three years. In no case shall the Board approve a charter for more than five years.

F. Charter Renewal or Material Modification of an Approved Charter

1. Any charter renewal or material modification is subject to the approval of the Board.
2. A material modification of an approved charter includes any change in the representations made to the Board under sections A(3), and/or A(6) through A(19) inclusive, of this policy.
3. Applications to renew or materially modify the charter shall include all statutory and regulatory information, and be subject to approval or denial as are proposals for new charter schools, except that any renewal approval shall be for a period of five years.
4. Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine months prior to the date of the charter expiration.
5. An approved Countywide Charter School that proposes to establish operations at additional sites within the county must apply to the County Board for a material revision. The charter school must notify the school districts where those additional sites will be located. The Board will consider whether to approve the additional locations at a public meeting held no sooner than 30 days after notification has been made to those school districts.

6. Commencing on January 1, 2005, or after the charter school has been in operation for four years, whichever is later, the charter school shall meet at least one of the following criteria prior to receiving a charter renewal:

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) The academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school based on all of the following:

(a) Documented and clear and convincing data.

(b) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Education Code Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.

(c) Other information submitted by the charter school.

(5) Has qualified for an alternative accountability system pursuant to Education Code Section 52052(h). (E.C. § 47607(b))

G. Annual Certification

The charter shall provide annual certification in accordance with attached Exhibit A.

H. Miscellaneous

1. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the County Board may appoint a representative to serve on the board of directors of that corporation.

2. A charter school shall promptly respond to all reasonable inquiries and/or requests for written information of any kind or sort from the EDCOE, without charge.
3. The County Superintendent is charged with developing such administrative regulations as may be necessary or prudent to implement this policy.
4. Nothing contained in this policy shall be interpreted to mean that any charter school is not otherwise required to meet all legal regulatory standards and requirements, as well as comply with all generally accepted principles and practices of sound accounting, management, and education.

Legal Reference: EDUCATION CODE 46700 et seq.

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