

NOTE: COMPREHENSIVE INDEX

ARTICLE 0 PHILOSOPHY-GOALS-GENERAL OBJECTIVES (Series 0000)

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Philosophy - Goals - General ObjectivesQuality Concept, Roles, and Responsibilities

The philosophy, goals, and general objectives of an agency provide a foundation for the development of sound and responsible policy. The County Office of Education's philosophy, goals, and general objectives are rooted in the concept of Quality.

The County Board of Education believes that the effectiveness of the educational programs of the County Office of Education depends upon a common vision held by the Board, the Superintendent and staff. This vision of the agency constitutes the driving force of the agency. The Board believes that the vision is best achieved through a systematic process of continuous improvement. The process recognizes the past, strives to continuously improve the present, and holds a vision of the future.

It is recognized that the Board of Education, the Superintendent, and the Leadership Team have separate and distinct roles and responsibilities. The Board is responsible for making policy and the Superintendent, with the Leadership Team, is responsible for translating such policies into a plan of action that will demonstrate performance and achieve results.

The Board and Superintendent are ultimately responsible and accountable for all decisions made.

The plan of action for continuous quality improvement to achieve the vision will be specified in regulations, setting forth definitions, the vision and mission statements, operational guidelines, and methods of measurement. Departmental strategies will be reviewed on an ongoing basis and modified when appropriate in order to achieve the County Office's vision. A presentation of progress toward vision achievement will be delivered annually to the County Board.

Legal Reference: Education Code
1040 et seq. Duties and Responsibilities
1080 Duties that may be Transferred
51004 Education Goals
51019 Definition: Philosophy
51020 Definition: Goal
51021 Definition: Objective
51053 Course of Study Prescribed by City or County
Board; Development of Courses

Policy
adopted: September 8, 1993

Philosophy - Goals - General Objectives

Definitions

The purpose of all agency activities is to achieve the vision. Each department will develop a mission statement to support the vision.

The County Office of Education will systematically identify, coordinate, and carry out the activities needed to achieve the vision. First, objectives explicitly supporting the vision will be identified. These objectives will be designated as the "critical success factors" in attaining the vision. Next, strategies to achieve the critical success factors will be determined. These strategies will be deployed throughout the organization. Employee involvement in the development of statements of vision, mission, critical success factors, and strategies is integral to the successful attainment of the vision.

To guide the efforts of those participating under the leadership of the County Superintendent of Schools, the following definitions apply:

Vision: The desired future state of the agency.

Mission: A statement of purpose which describes the primary functions of an agency.

Critical Success Factors: Strategic, high level objectives explicitly supporting the vision.

Strategies: The means to achieve the critical success factors. They indicate actions to be taken and are measurable.

Legal Reference: Education Code
 1040 et seq. Duties and Responsibilities
 1080 Duties that may be Transferred
 51004 Education Goals
 51019 Definition: Philosophy
 51020 Definition: Goal
 51021 Definition: Objective
 51053 Course of Study Prescribed by City or County Board; Development of Courses

Regulation
 approved: September 1, 1982

Regulation
 amended: November 8, 1989
 September 8, 1993

Philosophy - Goals - General Objectives

Vision and Mission Statements

VISION STATEMENT OF THE CONTRA COSTA COUNTY OFFICE OF EDUCATION

The service provider of choice.

MISSION STATEMENT OF THE COUNTY BOARD OF EDUCATION

The mission of the Contra Costa County Board of Education is to work with the County Superintendent of Schools to provide leadership, service, and support to the districts and all students of Contra Costa County through teamwork, communication, integrity, creativity, expertise, and advocacy for all learners.

MISSION STATEMENT OF THE COUNTY SUPERINTENDENT OF SCHOOLS

The mission of the County Superintendent of Schools is to create a vision of the future, develop a change strategy, and deploy the vision and the strategy throughout the agency.

MISSION STATEMENT OF THE SUPERINTENDENT'S CABINET

The mission of the Superintendent's Cabinet is to lead the County Office of Education in providing quality, cost effective services which meet or exceed customer expectations.

Philosophy - Goals - General Objectives

Vision and Mission Statements (continued)

MISSION STATEMENT OF THE PUBLIC AFFAIRS OFFICE

To motivate internal and external customers to use COE services by providing quality information resources and public relations services.

MISSION STATEMENT OF THE PERSONNEL SERVICES DEPARTMENT

The Personnel Department will provide responsive quality service to its customers and is committed to continuous improvement.

MISSION STATEMENT OF CURRICULUM AND INSTRUCTION

The Curriculum and Instruction Department, as part of an organization dedicated to quality, will seek out and deliver the resources, training and networks to school districts (our principal clients), school sites and individuals to assist them in providing their students with a quality education.

MISSION STATEMENT OF INTERNAL BUSINESS SERVICES

To provide customers with the best business resources for quality education.

MISSION STATEMENT OF DISTRICT BUSINESS SERVICES

The District Business Services Department of the County Office of Education will provide quality financial and payroll services that meet or exceed all legal requirements and expectations of School Districts in Contra Costa County.

Philosophy - Goals - General Objectives

Vision and Mission Statements (continued)

MISSION STATEMENT OF THE DATA PROCESSING DEPARTMENT

The Data Processing Department will assist the County Office of Education in providing quality, cost-effective service by the following means:

- supporting existing computer applications with appropriate technical expertise and staff training.
- lowering costs and reducing risks by migrating computerized tasks to hardware and software that is in widespread, current business use.
- assisting staff at all levels to translate new technological developments into means of working more effectively.

MISSION STATEMENT OF THE ALTERNATIVE EDUCATION DEPARTMENT

To focus on at-risk and high-risk juvenile and adult students.

To provide quality educational services through direct instruction and training in a supportive and safe environment.

To empower students to create a positive vision of themselves and to seek greater options in life.

MISSION STATEMENT OF BYRON BOYS' RANCH SCHOOL

To provide a safe, positively structured educational program, within a residential treatment facility, which emphasizes the assessment and development of basic skills, self-esteem, and pro-social behavior.

Philosophy - Goals - General Objectives

Vision and Mission Statements (continued)

MISSION STATEMENT OF THE COMMUNITY SCHOOLS PROGRAM

- To continue the student's education in a self contained classroom.
- To meet individual student needs by collaborating with other county agencies.
- To enhance basic skills while earning academic credits.
- To develop a positive self image and acquire the appropriate social skills.
- To return the student to the home school district.

MISSION STATEMENT OF JAIL ADULT EDUCATION

- To provide students opportunities for lifestyle changes.
- To model a positive learning environment which values cultural diversity and accommodates a variety of learning styles.
- To reduce recidivism and increase learning by providing students a heightened sense of self, increased cognitive, affective and employability skills and linkage to the community.
- To gain local, county and state support of jail education programs.

MISSION STATEMENT OF JUVENILE HALL/LION'S GATE SCHOOLS

- To motivate at-risk and high-risk students by providing quality instruction in a supportive and safe environment.

Philosophy - Goals - General ObjectivesVision and Mission Statements (continued)

MISSION STATEMENT OF REGIONAL OCCUPATIONAL PROGRAM

The Contra Costa Regional Occupational Program will be the service provider of choice for Contra Costa school districts and other customers because of the ROP's ability to provide cost-effective programs and services which meet or exceed customer expectations.

MISSION STATEMENT OF THE SPECIAL EDUCATION AND SERVICES DEPARTMENT

To educate students with special needs in the least restrictive learning environment which will enable them to have a productive, integrated future.

MISSION STATEMENT OF THE SPECIAL EDUCATION TRANSPORTATION DEPARTMENT

The County Office of Education Transportation Department's mission is to administer and provide safe and efficient transportation for all students, to access the full range of educational and co-curricular activities offered by this agency.

MISSION STATEMENT OF SCHOOLS SELF-INSURANCE OF CONTRA COSTA COUNTY

To support the delivery of public educational services by providing health insurance programs for employees of member school districts. To provide these programs to assure fiscal soundness, superior service, quality programs, and efficient and effective utilization of services.

MISSION STATEMENT OF CONTRA COSTA COUNTY SCHOOLS INSURANCE GROUP

To provide cost-effective and quality service to the Contra Costa County Schools Insurance Group's members and their employees in all areas dealing with workers' compensation benefits.

Vision and Mission Statements (continued)

Regulation
approved: September 8, 1993

Regulation
amended: January 12, 1994
September 27, 1995
April 21, 1999

Philosophy - Goals - General ObjectivesContinuous Quality in Education

The County Board of Education and County Superintendent believe that the process of Continuous Quality in Education (CQE) will best achieve the agency's vision and the overall governance needs of the County Office of Education. CQE is grounded in the five core concepts of total involvement, process thinking, customer focus, statistical thinking, and continuous improvement.

Regulation
approved: November 8, 1989

Regulation
amended: September 8, 1993

Philosophy - Goals - General ObjectivesMeasurement

An effective process of measurement is vital to ensure that the County Office of Education's strategies and goals are being met. This process should bring accountability into the working relationship of the Board, Superintendent and management staff.

The agency's mission statements, critical success factors and strategies will be reviewed on an ongoing basis and modified when appropriate. Specific goals and measurements will be developed for each fiscal year and will be published in a document available to the Board of Education, all staff, and the public.

Regulation

approved: November 8, 1989

Regulation

amended: September 8, 1993

Nondiscrimination In County Office Programs And Activities

Philosophy - Goals - General Objectives

BP 0410

Nondiscrimination In County Office Programs And Activities

The County Board of Education is committed to providing equal opportunity for all individuals in county office of education (COE) programs and activities. COE programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

All individuals shall be treated equitably in the receipt of services in COE programs and activities. Personally identifiable information collected in the implementation of any COE program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of that program, except when the County Board or, when applicable, the County Superintendent of Schools authorizes its use for another purpose in accordance with law.

COE programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames. (Education Code 221.2-221.3)

All allegations of unlawful discrimination in COE programs and activities shall be investigated and resolved in accordance with law, County Board policy on uniform complaint procedures, and related County Superintendent-approved procedures. (5 CCR 4600-4670)

Pursuant to 34 CFR 106.9, students, parents/guardians, applicants for admission, and the public shall be notified about the County Board's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the COE. The notification shall also be posted on the COE's web site and social media and in COE program sites and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Such information may be provided through any other cost-effective means determined by the County Superintendent or designee. (Education Code 234.7)

The County Board's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985)

Access for Individuals with Disabilities

COE programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. (28 CFR 35.150)

The County Superintendent has designated the following ADA Coordinator to receive requests for accommodation and to receive and investigate complaints regarding access to COE facilities, programs, services and activities: (28 CFR 35.107)

John Hild, Director II, General Services

(title or position)

77 Santa Barbara Rd., Pleasant Hill, CA 94523

(address)

925-942-3333

(telephone number)

jhild@cccoc.k12.ca.us

(email)

The COE shall ensure that it provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large-print materials. (28 CFR 35.130, 35.160, 36.303)

The COE shall develop and update transition plans when necessary to address structural changes that are needed to provide accessibility to COE facilities, activities, services, and programs. (28 CFR 35.150)

The COE shall develop a complaint procedure consistent with the Americans with Disabilities Act and with Section 504 of the Rehabilitation Act.

Individuals with disabilities shall notify the ADA Coordinator if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a county office and school-sponsored functions, programs, or meetings.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48980 Parental notifications

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

8310.3 California Religious Freedom Act

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
2301-2415 Carl D. Perkins Vocational and Applied Technology Act
6311 State plans
6312 Local education agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act, especially:
35.107 Designation of responsible employee and adoption of grievance procedures
35.136 Service animals
35.150-35.151 Program accessibility; facilities
35.160 Communications, general
36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy
Management Resources:
CSBA PUBLICATIONS
Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex
Discrimination, July 2016
CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist
California's K-12 Schools in Responding to Immigration Issues, April 2018
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter, May 26, 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Notice of Non-Discrimination, Fact Sheet, August 2010
Dear Colleague Letter: Electronic Book Readers, June 29, 2010
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
2010 ADA Standards for Accessible Design, September 2010
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
California Office of the Attorney General: <http://oag.ca.gov>
Pacific ADA Center: <http://www.adapacific.org>
Safe Schools Coalition: <http://www.casafeschools.org>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

Policy

Adopted: September 9, 2020

Equity

Philosophy - Goals - General Objectives

BP 0415

Equity

The County Board of Education believes that the diversity that exists among the county's community of students, staff, parents/guardians, and community members is integral to the county office of education's (COE) vision, mission, and goals. Addressing the needs of marginalized learners requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to all students and the resulting outcomes.

In order to eradicate institutional bias of any kind, including implicit or unintentional biases and prejudices that affect student achievement, and to eliminate disparities in educational outcomes for students from historically underserved and underrepresented populations, the County Board shall proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, and impede equal access to opportunities for all students.

The County Board shall make decisions with a deliberate awareness of impediments to learning faced by students of color and/or diverse cultural, linguistic, or socio-economic backgrounds. To ensure that equity is the intentional result of County Board decisions, the County Board shall consider whether its decisions address the needs of students from under-served communities and remedy the inequities that such communities experienced in the context of a history of exclusion, discrimination, and segregation. County Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

The County Board shall develop, and shall encourage the County Superintendent of Schools to develop and implement, policies and strategies to promote equity in COE programs and activities, through measures such as the following:

1. Routinely assessing student needs based on data disaggregated by race, ethnicity, and socio-economic and cultural backgrounds in order to enable equity-focused policy, planning, and resource development decisions
2. Analyzing expenditures and allocating resources in a manner that provides all students with equitable access to COE programs, support services, and opportunities for success and promotes equity and inclusion. Such resources include access to funding; technology, equipment, textbooks, and other instructional materials; facilities; and community resources or partnerships.
3. Enabling and encouraging students to enroll in, participate in, and complete curricular and extracurricular courses, advanced college preparation programs, and other student activities
4. Building a positive school climate that promotes student engagement, safety, and academic and other supports for students

5. Adopting curriculum and instructional materials that accurately reflect the diversity among student groups
6. Providing and/or collaborating with local agencies and community groups to ensure the availability of necessary support services for students in need
7. Conducting program evaluations that focus on equity and address the academic outcomes and performance of all students on all indicators

The County Board shall regularly monitor the intent and impact of its policies and decisions in order to safeguard against disproportionate or unintentional impact on access to COE programs and achievement goals for specific student populations in need of services.

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity

52066-52069 Local control and accountability plan

60040 Selection of instructional materials

60200 Adoption of instructional materials

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

Management Resources:

CSBA PUBLICATIONS

Meeting California's Challenge: Access, Opportunity, and Achievement: Key Ingredients for Student Success, 2017

The School Board Role in Creating the Conditions for Student Achievement, 2017

African-American Students in Focus: Closing Opportunity and Achievement Gaps for

African-American Students, 2016

African-American Students in Focus: Demographics and Achievement of California's

African-American Students, 2016

Latino Students in California's K-12 Public Schools, 2016

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, 2016

Climate for Achievement Governance Brief Series, 2015

Math Misplacement, 2015

CENTER FOR URBAN EDUCATION PUBLICATIONS

Protocol for Assessing Equity-Mindedness in State Policy, 2017

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Center for Urban Education: <https://cue.usc.edu>

Safe Schools Coalition: <http://www.casafeschools.org>

Policy

Adopted: September 9, 2020

Authorization of County Charter Schools

Philosophy, Goals, Objectives and Comprehensive Plans

The County Board of Education recognizes that charter schools are part of the California education system. In considering any petition to establish a charter school within its jurisdiction, the County Board shall give thoughtful consideration to the ability of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential. A petition to establish a charter school shall be submitted directly to the County Board in either of the following circumstances:

1. When the petition seeks to establish a charter program that will serve students who would otherwise receive direct education and related services from the county office of education (COE) (Education Code 47605.5)
2. When the petition seeks to establish a charter program that will serve as a countywide charter, to provide instructional services that are not generally provided by the COE (Education Code 47605.6)

The County Board may also consider a charter school petition that was previously denied by the governing board of a school district, in accordance with BP 0420.44 - Appeals of District Decisions Regarding Charter Schools.

(cf. 0420.44 - Appeals of District Decisions Regarding Charter Schools)

All meetings of the County Board at which the granting of a charter petition is to be discussed shall be subject to the state open meeting laws (the Brown Act). (Education Code 47608)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

The County Board shall request and consider recommendations of the County Superintendent of Schools or designee regarding the completeness of a charter petition, any concerns that should be addressed by petitioners, any proposed arrangement to provide COE services to the charter school, and the development of memoranda of understanding (MOUs) to clarify financial and operational arrangements.

Required Petition Signatures

To be considered by the County Board, a charter petition must be signed by either of the following: (Education Code 47605, 47605.5, 47605.6)

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

The petition shall include a prominent statement explaining that a parent/guardian's signature means 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, 47605.6)

A petition that calls for an existing public school to be converted to a COE charter school must also be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605, 47605.6)

Components of the Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605 or 47605.6, other state and federal laws, and County Board policies. A copy of the proposed charter shall be attached to the petition. (Education Code 47605, 47605.6)

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) or 47605.6(e) as applicable, as well as reasonably comprehensive descriptions of: (Education Code 47605, 47605.6)

1. The educational program of the 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.

The petition shall include a description of 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, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52066 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may include additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0460 - Local Control and Accountability Plan)

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.

2. 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 52066 that apply for the grade levels served by the charter school.

3. 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.

4. 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.

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

6. 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)-(J).

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

7. 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 COE's territorial jurisdiction.

8. Admission policies and procedures.

9. 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 County Board's satisfaction.

10. 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 requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.

11. 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.
12. The public-school attendance alternatives for students who choose to not attend the charter school.
13. A description of the rights of any COE employee upon leaving COE employment to work in the charter school and of any rights of return to the COE after employment at the charter school.
14. The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions.
15. A declaration as to whether or not 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.
16. 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 County Board, 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 (CDE), providing at least the following information:
 - (1) The effective date of the closure
 - (2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - (3) The students' districts of residence
 - (4) 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 #16a above
 - d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the responsible entity designated in accordance with item #16a 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 includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
- 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 #16a-h above

(cf. 0420.43 - Revocation of County Charter Schools)

Charter school petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605, 47605.6)

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 the COE
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

A charter petition submitted directly to the County Board may only establish charter school operations within the geographical boundaries of the County Board's jurisdiction. A charter school may propose to operate at multiple sites within those geographic boundaries as long as each location is identified in the petition. This requirement does not apply to charter schools that provide instruction exclusively to juvenile court school students or that provide instruction exclusively in partnership with certain other federal, state, or county programs exempted by Education Code 47605.1. (Education Code 47605, 47605.1)

Approval of Petition

Within 60 days of the receipt of the charter petition, the County Board shall hold a public hearing on the provisions of the charter, at which time the County Board shall consider the level of support for the petition by teachers, other COE employees, parents/guardians, and, for a proposed countywide charter school, the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to the COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

The County Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the County Board. (Education Code 47605, 47605.6)

At least 15 days before the public hearing at which the County Board will grant or deny the charter, the County Board shall publish all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and an opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

The hearing shall be audio or video recorded in order to maintain an accurate record of the proceedings and the findings upon which the County Board's decision is based.

A petition for a COE charter school shall be granted only if the County Board is satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. (Education Code 47605)

In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. (Education Code 47605, 47605.6)

Prior to authorizing any charter, the County Board shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board, and inspections and observations of any part of the charter school.

Upon County Board approval of any charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction, the State Board of Education (SBE), and, if the petition is for a countywide charter school, the school districts in the county. (Education Code 47605, 47605.6)

Charter schools approved by the County Board shall operate under the provisions of their

respective charters, the relevant policies and procedures of the County Board, and applicable state and federal laws.

The County Board may approve an initial charter for a period of up to five years. (Education Code 47607)

(cf. 0420.42 - Renewal of County Charter Schools)

Denial of Petition

The County Board shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school. (Education Code 47602)
3. Proposes to offer nonclassroom-based instruction in accordance with the provisions of the Education Code (Education Code 47612.7)

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving COE students, if the County Board makes written factual findings setting forth specific facts to support one or more of the following: (Education Code 47605, 47605.6; 5 CCR 11967.5)

1. The charter school presents an unsound educational program.
2. The petitioners are unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the required signatures as described in the section "Required Petition Signatures" above.
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e) or 47605.6(e), as applicable, including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in the section "Components of the Charter Petition" above.
6. 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 for purposes of

Educational Employment Relations Act.

7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:

a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings

b. Whether the proposed charter school would duplicate a program currently offered within the COE, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

8. The COE is not positioned to absorb the fiscal impact of the proposed charter school. The COE meets this criterion if it has a negative interim certification pursuant to Education Code 1240 or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the COE having a negative interim certification.

A petition to establish a charter school serving COE students that is denied by the County Board may be appealed to the SBE within 180 days of the denial. (Education Code 47605; 5 CCR 11967)

Additional Requirements for Countywide Charters

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school.

2. An existing public school may not be converted to a countywide charter school.

3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county.

4. In addition to the components described in the section "Components of the Charter Petition" above, the County Board may require any elements that it considers necessary to the sound operation of a countywide charter school.

5. In addition to the reasons specified in the section "Denial of Petition" above, a countywide petition may be denied for any other basis that the County Board finds justifies the denial.

Memoranda of Understanding

The County Board shall collaborate with the County Superintendent or designee, to develop one or more MOUs with the charter school to clarify financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU may be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

Material Revisions to an Authorized Charter

Material revisions to a charter authorized by the County Board may only be made with County Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and 47605.6, as applicable, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations at one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605)

The County Board shall be notified of any requests for material revisions.

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

1042 County boards; authority

1240 Duties of the county superintendent of schools

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

41365 Charter school revolving loan fund

42238.51-42238.53 Funding for charter districts

44237 Criminal record summary

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

46201 Instructional minutes

47600-47616.7 Charter Schools Act of 1992

47640-47647 Special education funding for charter schools

47650-47652 Funding of charter schools

51745-51749.3 Independent study

52052 Numerically significant student subgroup, definition
52066-52069 Local control and accountability plan
53300-53303 Parent Empowerment Act
56026 Special education
56145-56146 Special education services in charter schools
CORPORATIONS CODE
5110-6910 Nonprofit public benefit corporations
GOVERNMENT CODE
1090-1099 Conflict of interest
3540-3549.3 Educational Employment Relations Act
6250-6270 California Public Records Act
54950-54963 Ralph M. Brown Act
81000-91014 Political Reform Act
CODE OF REGULATIONS, TITLE 5
4800-4808 Parent Empowerment Act
11700.1-11705 Independent study
11960-11969 Charter schools
CODE OF REGULATIONS, TITLE 24
101 et seq. California Building Standards Code
UNITED STATES CODE, TITLE 20
7223-7225 Charter schools
COURT DECISIONS
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
ATTORNEY GENERAL OPINIONS
89 Ops.Cal.Atty.Gen. 166 (2006)
80 Ops.Cal.Atty.Gen. 52 (1997)
78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016

Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

U.S. Department of Education: <http://www.ed.gov>

Approved: June 16, 2021

Oversight of County Charter Schools

Philosophy, Goals, Objectives and Comprehensive Plans

The County Board of Education recognizes its ongoing responsibility to oversee that any charter school authorized by the County Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school. (cf. 0420.4 - Authorization of County Charter Schools)

Designated Charter School Contact

The County Board shall identify the County Superintendent or Superintendent's designee as the contact person for each charter school authorized by the County Board. (Education Code 47604.32)

For a charter school electing to operate as, or be operated by, a non-profit public benefit corporation, the County Board or designee reserves the right to appoint a representative to serve on the board of directors of the corporation at any time. Any County Board representative shall be a full voting member of the corporate board of directors, shall have all rights and responsibilities exercised by any other director of the corporation. Any such representative of the County Board shall serve on the corporate board in the County Board or designee's discretion subject to applicable law and the non-profit public benefit corporation's bylaws and shall be removed or replaced only in the County Board or designee's sole discretion unless otherwise specified by law. In order to avoid any perceived or actual conflict of interest, neither members of the County Board nor CCCOE employees shall sit on the boards of charter schools the County Board has chartered. See Education Code 47604

The County Board or its designated representative may inspect or observe any part of the charter school at any time. At least once each year, the County Board's designated representative shall visit each charter school under the County Board's authority. (Education Code 47604.32, 47607)

Whenever the County Board's designated representative visits, inspects, or observes a charter school or any of its programs or facilities, the representative shall provide a report of the findings to the County Board as part of a regularly scheduled monthly Charter update for the Board.

Waivers

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the State Board of Education (SBE) on its behalf. If the County Board approves such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to

SBE on behalf of the charter school.

Provision of Services to a Charter School

The County Superintendent may charge for the actual costs of oversight of a charter school not to exceed any limits imposed in law. The County Board is not required to provide facilities for charter schools. (Education Code 47613)

A charter school may separately purchase administrative or other services from the COE or any other source, in accordance with law. (Education Code 47613)

Monitoring Charter School Performance

The County Board has the responsibility to monitor any charter school it has authorized to determine whether the charter school complies with all legal requirements applicable to charter schools, including the making of all reports required of charter schools in accordance with Education Code 47604.32.

The County Board has the responsibility to monitor charter school to determine whether the school, both schoolwide and for all groups of students served by the school, is achieving the measurable student outcomes set forth in its charter. This determination shall be based on the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP).

(cf. 0460 - Local Control and Accountability Plan)

The County Board has the responsibility to monitor the fiscal condition of each charter school based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

When any such monitoring is conducted by the County Board's designated representative, the representative shall report the findings to the County Board at the first available County Board meeting.

Technical Assistance/Intervention

Whenever a charter school authorized by the County Board is designated for technical assistance by the State of California through CDE, the charter school shall receive technical assistance from a COE identified as a geographic lead agency or its designee. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 45607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, COE, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.
3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and 2 or substantially similar activities, and ongoing communication with the County Board to assess the charter school's progress in improving student outcomes.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

In accordance with law and County Board policy, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. 0420.42 - Renewal of County Charter Schools)
(cf. 0420.43 - Revocation of County Charter Schools)

Complaints

To enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint, each charter school shall establish a complaint process in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision of the charter school resulting from the

uniform complaint procedures may appeal the decision to the SPI. If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the County Board revokes or denies renewal of a charter, and the charter has exhausted any appeals pursued, or the school ceases operation for any reason, the County Board's designated representative shall, in accordance with the charter and/or any applicable memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The County Board shall provide notification to the California Department of Education, within 10 calendar days of denying renewal of or revoking the charter, or if the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

Legal Reference:

EDUCATION CODE

215 Suicide prevention policy

215.5 Student identification cards, inclusion of safety hotlines

220 Nondiscrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

222.5 Pregnant and parenting students, notification of rights

231.5-231.6 Sexual harassment policy

234.4 Mandated policy on bullying prevention

234.6 Bullying and harassment prevention information

234.7 Student protections related to immigration and citizenship status

17070.10-17070.30 Leroy F. Greene School Facilities Act

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

32282 Comprehensive safety plan

32283.5 Online training on bullying prevention

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

35179.4-35179.6 Interscholastic athletic programs, safety

35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance

35330 Field trips and excursions; student fees
38080-38086 School meals
39831.3 Transportation safety plan
39843 Disciplinary action against bus driver; report to Department of Motor Vehicles
41024 Report of expenditure of state facility funds
42100 Annual statement of receipts and expenditures
44030.5 Reporting change in employment status due to alleged misconduct
44237 Criminal record summary
44691 Information on detection of child abuse
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
45125.1 Fingerprinting; employees of contracting entity
46015 Accommodations for pregnant and parenting students; parental leave
47600-47616.7 Charter Schools Act of 1992
47634.2 Nonclassroom-based instruction
47640-47647 Special education funding for charter schools
48000 Minimum age of admission for kindergarten; transitional kindergarten
48010-48011 Minimum age of admission (first grade)
48207.3 Students with temporary disabilities; individual instruction
48850-48859 Educational placement of foster youth and homeless students
48901.1 Suspension and expulsion, willful defiance
48907 Students' exercise of free expression; rules and regulations
48913.5 Suspended students, homework assignments
48950 Student speech and other communication
48985 Parental notifications
49005-49006.4 Seclusion and restraint
49011 Student fees
49014 Public School Fair Debt Collection Act
49061 Student records
49062.5 Student records, name or gender changes
49070 Challenging student records
49073.2 Privacy of student and parent/guardian personal information
49076.7 Student records; data privacy; Social Security numbers
49110 Authority of issue work permits
49381 Human trafficking prevention
49414 Epinephrine auto-injectors
49414.3 Administration of opioid antagonist
49428 Notification of mental health services
49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001
49475 Health and safety, concussions and head injuries
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
49564 Meals for needy students
51224.7 Mathematics placement policy
51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework

51225.6 Instruction in cardiopulmonary resuscitation
51413 Diplomas
51745-51749.6 Independent study
51930-51939 California Healthy Youth Act
52051.5-52052 Academic performance index, applicability to charter schools
52060-52077 Local control and accountability plans
52075 Uniform complaint procedures
56026 Special education
56040.3 Availability of assistive technology devices
56145-56146 Special education services in charter schools
56365-56366.12 Nonpublic, nonsectarian schools
60600-60649 Assessment of academic achievement
60850-60859 High school exit examination
64000 Categorical programs included in consolidated application
64001 School plan for student achievement, consolidated application programs
65000-65001 School site councils
69432.9-69432.92 Cal Grant program; notification of grade point average and high school graduation
CORPORATIONS CODE
5110-6910 Nonprofit public benefit corporations
GOVERNMENT CODE
1090-1099 Prohibitions applicable to specified officers
3540-3549.3 Educational Employment Relations Act
6250-6270 California Public Records Act
54950-54963 Ralph M. Brown Act
81000-91014 Political Reform Act of 1974
HEALTH AND SAFETY CODE
104420 Tobacco Use Prevention Education grant program
104559 Tobacco-free schools
LABOR CODE
1198.5 Personnel records related to performance and grievance
PENAL CODE
667.5 Definition of violent felony
1192.7 Definition of serious felony
VEHICLE CODE
28160 Child safety alert system
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
Article 16, Section 8.5 Public finance; school accountability report card
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
11700.1-11705 Independent study
11960-11969 Charter schools
15497.5 Local control and accountability plan template

CODE OF REGULATIONS, TITLE 24

101.1 et seq. Part 2 California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 State plan

7221-7221j Charter schools

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Guide for Governance Teams, rev. 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>

Renewal of County Charter Schools

Philosophy, Goals, Objectives and Comprehensive Plans

The County Board of Education 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 County Board shall review the petition thoroughly and in a timely manner, consistent with the timelines set out in the Education Code. The County Board shall only consider renewal petitions of charters originally authorized by the County Board or renewal petitions that have been denied by a district board and for which the charter school has submitted an appeal to the County Board.

(cf. 0420.4 - Authorization of County Charter Schools)

(cf. 0420.41 - Oversight of County Charter Schools)

(cf. 0420.43 - Revocation of County Charter Schools)

(cf. 0420.44 - Appeals of District Decisions Regarding Charter Schools)

No charter school that submits a renewal petition shall be operated as, or be operated 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 County Board and in accordance with the standards and criteria in Education Code 47605 for material revisions.

(Education Code 47607)

The County Board recommends that a charter school submit its petition for renewal to the County Board sufficiently early before the expiration of the term of the charter to allow the County 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.

A 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. (Education Code 47607; 5 CCR 11966.5)

Criteria for Granting or Denying Renewal

Renewals of all County Board-approved charters shall generally be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, charter renewal shall not be denied based on the fiscal impact of the charter school on the county office of education 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 47607)

The signature requirement for new petitions is not applicable to petitions for renewal. (Education Code 47607)

The County Board shall consider both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the County Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress or any successor system, for the most recent academic year. The County Board shall only consider data, which may include alternative metrics, as identified in this policy and the Charter Schools Act (Education Code 47607, 47607.2)

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

a. A charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 shall be granted renewal for a period of five to seven years when, for two consecutive years immediately preceding the renewal decision, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2021-22 school year, the charter school achieved either of the following: (Education Code 47607)

(1) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years

(2) 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, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups

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)

2. Renewal of Five Years

a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated

by verified data, shows either of the following: (Education Code 47607.2)

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

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

b. For any such charter school, the County Board may deny a charter renewal petition upon making written factual 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 the closure of the charter school is in the best interest of students, and that the County Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

3. Denial/Two-Year Renewal

a. The County Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the three years immediately preceding the renewal for any renewal submitted in the 2021-22 school year, either of the following applies: (Education Code 47607.2)

(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, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years.

(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, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups.

b. However, a charter school that meets one of these criteria may be granted a two-year renewal if the County Board makes written factual findings, setting forth specific facts to support the findings, for both of the following: (Education Code 47607.2)

(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.

(2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above.

In addition to all the grounds stated above for denial of a charter renewal, the County 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 a finding that the school is not serving all students who wish to attend. The County Board may deny renewal of a charter school for such reasons 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 County Board may deny the renewal for these reasons only upon a finding that either 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. (Education Code 47607)

A charter school that qualifies for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County 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 County 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 County 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)

Timelines for County Board Action

Within 60 days of the receipt of the renewal petition, the County Board shall hold a public hearing to review documentation submitted by the charter school, determine the level of support for the petition, and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

The County Board shall either grant or deny the petition within 90 days of receiving the petition. The date may be extended by an additional 30 days if both the petitioner and the County Board agree to the extension. (Education Code 47605, 47605.6)

At least 15 days before the public hearing at which the County Board will grant or deny the charter petition, the County Board shall publish all staff recommendations, including the recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and an opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

The County Board shall notify CDE within 10 calendar days of granting or denying the renewal of the charter. (Education Code 47604.32; 5 CCR 11962.1)

If the County Board denies the petition for the renewal, the charter school may appeal to SBE,

except that the County Board's denial of the renewal of a countywide charter is final and may not be appealed to SBE. (Education Code 47607, 47607.5; 5 CCR 11966.5)

If the petitioner appeals to SBE and requests a documentary record, including transcripts of the public hearing at which the County Board denied the renewal, the documentary record shall be provided no later than 10 business days after the request. (Education Code 47605)

School Closure

If a charter is not renewed and the charter school ceases operation, the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962 shall be implemented. (Education Code 47604.32, 47605)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

52052 Definition of numerically significant student subgroup

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

CODE OF REGULATIONS, TITLE 5

11962-11962.1 Definitions

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

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016

WEB SITES

CSBA: <http://www.csba.org>

California Charter Authorizing Professionals: <https://calauthorizers.org>

California Charter Schools Association: <https://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/ch>

National Association of Charter School Authorizers: <https://www.qualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>

Approved: June 16, 2021

Revocation of County Charter Schools

Philosophy, Goals, Objectives and Comprehensive Plans

The County Board of Education requires any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

(cf. 0420.4 - Authorization of County Charter Schools)

(cf. 0420.41 - Oversight of County Charter Schools)

The County Board may immediately revoke a charter when the County Board determines, in writing, that a charter school has committed a violation under Education Code 47607 that constitutes a severe and imminent threat to the health or safety of students. In such a case, the County Board shall approve and deliver to the charter school's governing body and the California Department of Education (CDE) a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (Education Code 47607; 5 CCR 11968.5.3)

In addition, the County Board may, using the procedures described below, revoke a charter if it makes a written factual finding specific to that charter school and supported by substantial evidence that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any law

The County Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance pursuant to Education Code 47607.3 if CCEE has issued either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of CCEE
2. That the inadequate performance of the charter school, as based on California School Dashboard, is so persistent or acute as to require revocation of the charter

In determining whether to revoke a charter, the County Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052. (Education Code 47607.3)

Revocation Procedures

If the County Board is considering a revocation of a charter school, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s).
2. All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the County Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the County Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

At least 72 hours prior to any meeting at which the County Board will consider issuing a Notice of Violation, the County Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the County Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

At the conclusion of the remedy period specified in the Notice of Violation, the County Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body
2. Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the County Board's satisfaction. All evidence relied upon by the County Board for the decision shall be included in the Notice of Intent to Revoke.

If the County Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the County Board and the charter school, the County Board shall issue a final decision on the revocation of the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the County Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the final decision, the County Board shall provide a copy of the decision to CDE. (Education Code 47604.32; 5 CCR 11968.5.2)

Appeals

If the County Board revokes a charter, the charter school may appeal the revocation to the State Board of Education within 30 days of the County Board's final decision. However, a revocation based upon the findings of CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

School Closure

If a charter school ceases operation due to revocation, the County Board and/or 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)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992, especially:

47607 Charter renewals and revocations

52052 Numerically significant student subgroups; definition

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools, especially:

11968.5.1-11968.5.5 Charter revocations

COURT DECISIONS

Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>

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Appeals of District Decisions Regarding Charter Schools

Philosophy, Goals, Objectives and Comprehensive Plans

The County Board of Education shall consider any appeal of a decision made by the governing board of a school district within the County Board's jurisdiction to deny a petition for the establishment of a charter school, deny the renewal of a charter, or revoke a charter that was originally authorized by the district, provided that the request for the appeal meets the requirements described below. (Education Code 47605, 47607; 5 CCR 11967)

(cf. 0420.4 - Authorization of County Charter Schools)

(cf. 0420.42 - Renewal of County Charter Schools)

(cf. 0420.43 - Revocation of County Charter Schools)

The County Board shall request that the County Superintendent of Schools or Superintendent's designee communicate with charter petitioners and perform a review of the petition on behalf of the County Board and report any findings to the County Board at a public meeting.

All meetings of the County Board at which the appeal of a charter petition is to be discussed shall be subject to the state open meeting laws (the Brown Act). (Education Code 47608)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Appeal of District Denial of Charter Authorization or Renewal

If the governing board of a school district denies a petition for the establishment or renewal of a charter school, the petitioners may submit an appeal to the County Board within 30 calendar days of the denial. Any petition submitted to the County Board after this time frame shall be considered denied with no further options for administrative appeal. (Education Code 47605)

A petition to the County Board to establish or renew a charter school that has been denied by a school district governing board shall include: (Education Code 47605; 5 CCR 11966.5, 11967)

1. A complete copy of the charter petition as denied, including, but not limited to, the signatures required by Education Code 47605 and the identification of the proposed site(s) where the charter school will operate.
2. **Evidence of the school district governing board's action to deny the petition, such as meeting minutes, if available at the time the petition is submitted.**
3. Any written factual findings from the school district governing board setting forth specific facts to support the grounds for denial.
4. A signed certification stating that the petitioner(s) will comply with all applicable law.
5. A description of any changes to the petition necessary to reflect the County Board as the chartering entity.

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. (Education Code 47605)

Within 60 days of the receipt of the petition, the County Board shall hold a public hearing to review documentation and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the county office of education, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

In considering the charter petition, the County Board is not limited to a review based solely on the reasons for denial stated by the school district. The County Board shall review and approve or deny a petition based on the criteria specified in Education Code 47605. (Education Code 47605; 5 CCR 11967)

When considering a petition for renewal, the County Board shall also consider the charter school's past performance on academics, finances, and operations, along with any future plans for improvement, in evaluating the school's likelihood of future success. (5 CCR 11966.5)

Following review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 days of receipt of the petition, or within 120 days if the petitioner and County Board agree to the extension. (Education Code 47605)

A charter school authorized by the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. (Education Code 47605, 47605.1)

A charter school authorized by the County Board on an appeal shall operate under the provisions of its charter, applicable policies and regulations adopted by the County Board, any memorandum of understanding (MOU) between the County Board and the charter school, and applicable state and federal laws. The County Board may approve one or more MOUs with the charter school to clarify the financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU may be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

(cf. 0420.42 - Oversight of County Charter Schools)

Any charter petition appealed to and denied by the County Board may be submitted to the State Board of Education (SBE) within 30 days of the denial. Upon request by the petitioner, the County Board shall prepare a documentary record, including transcripts of the public hearing at which the petition was denied, no later than 10 business days of the request. Within 30 days of receipt of the appeal submitted to SBE, the County Board may submit a written opposition and supporting documentation or evidence that was considered by the County Board in reviewing and denying the petition. (Education Code 47605)

Appeal of District Charter School Revocations

If a school district governing board revokes the charter of a school it authorized, the charter school may appeal the revocation by delivering a written Notice of Appeal to the County Board within 30 days of the district's final decision. (Education Code 47607; 5 CCR 11968.5.4)

The Notice of Appeal shall include all of the following: (5 CCR 11968.5.4)

1. A copy of the district's Notice of Violation, Notice of Intent to Revoke, and the Final Decision, unless the school district did not provide them to the charter school as required pursuant to 5 CCR 11968.5.2.
2. Evidence of the final vote of the school district governing board, if available.
3. All evidence relied upon by the school district in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation.
4. All evidence and correspondence submitted by the charter school's governing body in response to the school district's Notice of Violation and Notice of Intent to Revoke.
5. Minutes of any public meeting at which the school district governing board considered or made its decision to revoke the charter, if available.
6. A written statement from the charter school explaining why it does not believe that the school district's factual findings are supported by substantial evidence.
7. Identification of any procedural omissions or errors the charter school alleges to have occurred in the revocation process.

The County Board shall consider the following when determining whether school district's factual findings are supported by substantial evidence: (5 CCR 11968.5.4)

1. Whether the district provided the charter school a Notice of Violation and a reasonable opportunity to remedy the identified violation(s).
2. If the charter school submitted a response to the Notice of Violation, whether the charter school complied with the procedures set forth for that response.
3. Whether the district provided the charter school a Notice of Intent to Revoke, a public hearing, and Final Decision.
4. Whether the school district provided the charter school a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, if applicable.
5. Whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation(s) or the school district's ability to comply with its procedural obligations or authorizing duties.

The County Board shall provide the California Department of Education and the school district a copy of its written decision within 10 calendar days of its action. (5 CCR 11968.5.4)

The County Board may reverse the district's decision if it determines the district's findings are not supported by substantial evidence. If the district's decision is reversed on appeal, the district shall continue to be regarded as the chartering authority. The school district may appeal the reversal to SBE. (Education Code 47607)

If the County Board does not issue a decision within 90 days of receiving the Notice of Appeal, or if the County Board upholds the district's decision to revoke the charter, the charter school may appeal to SBE. (Education Code 47607)

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

33054 Waivers

47600-47616.7 Charter Schools Act of 1992, as amended

60600-60649 Assessment of academic achievement, including:

60605 Academic content and performance standards; assessments

60640-60649 Assessment of academic achievement

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

54950-54963 The Ralph M. Brown Act

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Guide for Governance Teams, 2016

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov/sp/cs>

Education Commission of the States: <http://www.ecs.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

Approved: June 16, 2021

Charter Schools

Definitions

Direct County Charter— a charter school that serves students for whom the County Office of Education would otherwise be responsible for providing direct education and related services. A petition for this type of charter school is submitted directly to the County Board. A denial of a petition shall be subject to the same process as a previously denied charter petition on appeal. (Education Code 47605.5)

Countywide Charter— a charter school that operates at one or more sites within the geographic boundaries of the county and provides instructional services not generally provided by the County Office of Education. There must be reasonable justification for why the charter could not be established by petition to a local school district. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.6)

County Conversion Charter – An existing public school operated by a County Office of Education that converts to a charter school. The petition must be signed by at least 50% of the permanent status teachers employed at the school. A petition for this type of charter school is submitted directly to the County Board. (Education Code 47605.5)

Previously Denied Charter Petition on Appeal - The County Board considers petitions for the establishment of a charter school if a school district board denied the petition based on written factual findings, and the petitioner wishes to appeal that decision. The County Board may receive petitions on appeal for new and non-renewed charter schools. The charter submitted on appeal must be the charter as denied or non-renewed by the school district, and the charter petitioner must also submit all of the other information and documentation specified in law and regulation. If the County Board grants the charter, the County Board shall be the chartering authority and shall have primary responsibility and oversight of the charter school, and subsequent requests for material revision and renewal shall be submitted directly to the County Board. (Education Code 47605(k)(1)). If the County Board denies the petition, the petitioner may appeal to the SBE.

Direct-funded charter: A charter school that elects to receive funding directly from the state and can apply for and receive funding directly for state or federal programs. (Education Code 47651(a))

Locally funded charter: A charter school that elects to receive funding through its authorizing LEA or the LEA designated by the SBE. The following terms are not defined in Education Code, but are commonly used to describe charter schools with different relationships with their authorizer/oversight agency:

Dependent Charter School – Generally connotes a closer relationship between the charter school and its authorizer in various areas, such as the origin of the school’s formation, the governance structure, the extent to which the charter school depends on the authorizer for administrative services, and the funding relationship. It is frequently, though not exclusively, used to describe a charter school created by the authorizing agency itself.

Independent Charter School – Generally connotes the more common relationship in which the charter school is established and operated with more of an independent, “arm’s length” relationship to its authorizing and oversight agency.

Signed Certification- The Charter Schools Act and this policy require charter petitioners to provide signed certifications with charter petition submittals. The County office Charter Schools staff shall maintain appropriate forms to be used by charter school petitioners/operators for such signed certifications. The COE staff may update and revise these certification forms in a manner consistent with the law and this policy.

Legal Provisions Governing Petitions:

Petitions Previously Denied by a District

The County Board shall grant a charter if it is satisfied that doing so is consistent with sound educational practice and the petition comply with the applicable requirements of Education Code. A petition is deemed received for purposes of the statutory timelines on the day the petitioner submits a petition to the County Office of Education, along with a signed certification that the petitioner deems the petition to be complete. The signed certification will also certify that the petition submitted on appeal is the same as that denied by the district, with no new or different material terms, and that the petitioner concurrently provided to the denying district a copy of all documents submitted to the County Board on appeal.

The COE staff will also request that the denying district (1) confirm that it received from the petitioner a copy of the charter appeal documents concurrently with their submission to the County Board and (2) that the district promptly inform the COE staff should the district note any new or different material terms in the charter submitted on appeal compared to that denied by the district governing board.

If a local governing board of a school district denies a petition, the petitioner may submit the petition for the establishment of a charter school to the County Board. The County Board shall review the petition pursuant to Education Code 47605. At the same time the petition is submitted to the County Board, the petitioner shall also provide a copy of the petition to the school district.

The County Board supports this process by establishing a clearly defined system for reviewing petitions and determining the effectiveness of the charter schools it authorizes. Charter schools are public schools; as such, their performance is subject to review and

comparison with other publicly funded schools and its demographic composition should reflect the school district in which it is located.

If the charter is granted by the County Board, the “sponsoring educational agency” as defined in Education Code 47632 shall be the district which denied the petition, and the County Board shall be the chartering authority for purposes of operational oversight. (Education Code 47632(i)(2))

Petitions Submitted Directly to the County Board

A petition for either a direct county charter or for a countywide charter school may be submitted directly to the County Board. A petition is deemed received for purposes of the statutory timelines on the day the petitioner submits a petition to the County Office of Education, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605.5, 47605.6)

The County Board may approve a countywide charter only if it finds that approval is consistent with sound educational practice and, in addition to the other requirements, that the educational services to be provided by the charter school will offer services to a student population that will benefit from those services and that cannot be served as well by a charter school that operates only in one school district in the county and the charter school has a reasonable justification for why it could not be established by petition to a school district pursuant to Education Code 47605. (Education Code 47605.6)

Timelines:

Timelines for the following processes begin upon submission to the County Office of the complete petition and all required information and documentation along with a signed certification that the petitioner deems the petition to be complete.

Appeal of Denied Petitions

If the petition has been previously denied by a district governing board, the petition must be received by the County Board not later than 30 calendar days after the denial. Any petition received more than 30 calendar days after denial will not be acted upon by the County Board. If the charter submitted on appeal includes new or different material terms from that denied by the school district, the petition will be immediately returned to the district for reconsideration. The district would have 30 days in which to take action. If the district again denies the charter, the petition may be resubmitted to the County Board on appeal.

The County Board delegates to the County Superintendent or designee the authority to determine whether a charter submitted on appeal (whether an initial or renewal petition) includes new or different material terms and to remand such a charter to the denying school district. For these purposes, “material terms” means the petition signatures, affirmations, disclosures, documents, and descriptions described in Education Code

47605(a), (b), (c) and (h), but does not include minor administrative update to the petition or related document because of changes in circumstances based on the passage of time, related to fiscal affairs, facilities arrangements, or state law, or to reflect the County Board as the chartering authority. The County Superintendent shall inform the County Board in writing in any case in which s/he determines that the submitted charter includes new or different material terms and remands an appeal charter to the denying school district.

If the County Board denies the charter on appeal, the petitioner may appeal that denial to the SBE. If the County Board fails to act on the appeal of a petition for the establishment of a charter school within 60 calendar days (or 90 days by mutual written agreement), the petitioner may elect to appeal to the SBE. If either the County Board or the SBE fails to act on the appeal within 180 calendar days of receipt, the decision of the school district board to deny a petition shall, thereafter, be subject to judicial review. (Education Code 47605 and 5 CCR 11967)

Public Hearing

Within 60 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board will hold a public hearing on the provisions of the charter. (Education Code 47605 and 47605.6)

County Board Decision

Within 90 calendar days of receipt of the petition, or as extended by mutual agreement, the decision to approve or deny the charter will be agendaized as an action item on the County Board's meeting agenda. All county office staff's recommendations, including the recommended findings, and if applicable, the certification from the County Superintendent pursuant to Education Code 47605(c)(8), shall be published at least 15 calendar days before the public meeting at which the County Board is scheduled to act on the charter petition. At the meeting at which the County Board is scheduled to take action, the petitioners will be provided equivalent time and procedures to present evidence and testimony to respond to the County Office staff recommendation and findings. (Education Code 47605 and 47605.6)

Upon approval by the County Board of an initial charter petition, the charter petitioner(s) shall provide written notice of the approval to the California Department of Education, the State Superintendent of Public Instruction, the State Board of Education, and for countywide charter, to the school districts within Contra Costa Clara County. (Education Code 47605(j), 47605.6(j))

Submission Dates and Documents

The County Board encourages petitioners seeking approval to commence charter school operations at the start of the next school year to initiate the process at the County Board level not later than the prior December 15th. In the case of petitions received after that date, the County Board reserves the right to consider approval on the basis of a one-year

delay in the commencement of the charter school operation if the County Board deems such a delay necessary for approval of the charter to be consistent with sound educational practice.

The County Board discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the County Board's time period for action to include any significant holiday periods during which all or most of the county office staff has vacation or non-work time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

In order to expedite the County Board's consideration of and action on charter requests, the County Board requests that all charter petition submissions, whether initial, renewal, or material revision, include all of the following:

1. At least 6 hard copy (in notebooks or otherwise bound) of the entire charter (including the original signatures for an initial charter request), with the entire submission (including any appendices, exhibits, or attachments) sequentially numbered from the first through the last page, and also including a table of contents that includes references to all appendices/exhibits/attachments.
2. An electronic (Word) version and electronic (pdf) version of the charter, all appendices, and an electronic (Excel) version of the budget and Local Control Funding Formula (LCFF) Calculator showing all calculations/formulas and including a budget narrative and budget assumptions.
3. Additionally, for material revisions or renewal requests, the submittal shall also include:
 1. The petition shall be updated to include a reasonably comprehensive description of how the charter school is/will comply with any new legal requirements since the charter was most recently granted or renewed and as necessary to reflect the charter school's current program.
 2. The bound copy shall include a redline indicating all of the revisions from the currently approved version of the charter.
 3. An electronic (Word) version of the currently approved and operating version of the charter.
 4. An electronic (Word) version of the redline.
 5. An executive summary of the changes requested or made from the currently approved charter.
 6. Renewal petitions must contain the California Dashboard data and state-wide testing data from the immediately preceding two years of the charter's operations, including the data from the penultimate year of the charter school's current term or the alternative verifiable data provided for in Education Code

47607(c)(6) for that period and any and all other data, plans, or information necessary to support renewal pursuant to Education Code 47607 and 47607.2.

It is the County Board’s expectation that a charter petition submitted for any request for material revision or renewal shall include a reasonably comprehensive description of how the charter school will address, improve, and remediate any issues the charter school has experienced during the preceding term. This includes, but is not limited to the charter school’s academics, finances, and operations, specifically including decreases or failure to achieve increases in pupil academic achievement schoolwide and for all pupil subgroups in any or all academic areas and/or low performance on the state indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 for which the school receives performance levels and/or measurements of academic performance that are the same or lower than the statewide average schoolwide and/or for pupil subgroups, inadequate student enrollment, issues affecting fiscal solvency and stability, failure to comply with generally accepted accounting principles and/or requirements of law, and/or any areas in which the County Office has issued a letter of concern or otherwise expressed concern to the charter school.

Withdrawal of Charter Petition

A decision by a petitioner to withdraw a petition from County Board consideration requires a written request submitted to the COE staff. Upon receipt of the request to withdraw the petition, the County Board shall be notified in writing. CCCOE staff will not remove an item from a posted County Board agenda; any modification of the agenda to remove an item related to a charter shall be made only by County Board action.

If a petition is withdrawn before the public hearing is agendized, the County Superintendent shall accept the request to withdraw, and shall provide written notification to the County Board. If a request to withdraw a petition is made after the public hearing has been held and prior to the County Board decision on the petition, the County Board will make the decision to accept or deny the withdrawal at the next regularly scheduled Board meeting. If a request to withdraw the petition is made after the charter petition has been agendized for action, the County Board shall make the decision to accept the withdrawal or proceed with the decision action. If a petition is withdrawn and then resubmitted, the process must be started from the beginning and the timeline is reset.

Review of Petitions:

When reviewing initial petitions or requests for material revision, the County Board will consider the following:

Compliance with Signature and Affirmation Requirements

The County Board will determine whether the petition complies with the required number of signatures and contains the various affirmations required to be included in the charter.

Comprehensive Description of Required Elements of a Charter

The County Board will determine if the charter proposal provides a reasonably comprehensive description of the required elements.

Evaluation of the Soundness and Potential Success of the Proposed Program

The County Board will determine if the charter school presents an unsound educational program for the students enrolled or if petitioners are demonstrably unlikely to successfully implement the program. For new charters and/or requests for material revision to expand the charter, the County Board may also consider whether the school is demonstrably unlikely to serve the interests of the entire community in which it is proposed to locate and/or whether the school district is not positioned to absorb the charter school's fiscal impact, in accordance with Education Code 47605(c)(7) and (8).

Educational Employment Relations Act Statement

The County Board will determine whether the charter includes a statement of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

Additional Considerations

The County Board will consider information provided by the petitioners regarding the school's proposed operation and effects, including, but not limited to, facilities to be used, the manner administrative services are to be provided for the charter school, potential civil liability effects on the charter school, any district(s) where it may operate, and on the County Board and County Office; the names and relevant qualifications of all persons the charter school nominates to serve on its governing board if it is to be operated by or as a nonprofit public benefit corporation; and the charter school's financial statements.

Approval or Denial of Petitions:

CCCOE staff will evaluate the completeness of a petition including, but not limited to, the merits of a proposed educational program, the likelihood of success, including fiscal viability, and the requirements under state and federal law. CCCOE staff may consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements. Based on this evaluation, CCCOE staff will make a recommendation to the County Board regarding approval or denial of the charter or charter renewal prior to the County Board's final action on the petition.

The County Board shall consider whether any charter seeking County Board approval contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the County Superintendent or designee and the County Board.

The County Board shall grant a charter for the operation of a direct county charter, county conversion charter, or previously denied charter petition appeal if it is satisfied that granting the charter is consistent with sound educational practice and the charter complies with the requirements of the Charter Schools Act, including the items identified in the “Review of Petitions” section above.

The County Board may deny those petitions previously denied by a school district board, direct county charters and/or county conversion charters if it makes written factual findings, specific to the petition, in support of one or more of the “Criteria for Denial” 1 through 8, below. (Education Code 47605)

The County Board may grant a charter for the operation of a countywide charter only if the County Board is satisfied that granting the charter is consistent with sound educational practice and the charter school has reasonable justification for why it could not be established by petition to a school district under Education Code 47605, and if the County Board finds that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from the services and that cannot be served as well by a charter school operating in only one school district. The County Board may impose any additional requirements beyond those of Education Code 47605.6 that it considers necessary for the sound operation of a countywide charter. The County Board shall deny a petition for the establishment of a countywide charter if it finds any of the “Criteria for Denial” 1 through 6 and 9, below, including any basis that the County Board justifies denial (Education Code 47605.6).

Criteria for Denial

The County Board may not deny a petition for a charter school previously denied by a school district board, a direct county charter and/or county conversion charter unless it makes one or more findings 1-8, following, in writing and specific to the particular charter petition. The County Board shall deny a countywide charter if it finds one or more of findings 1-6 or 9, following.

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
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 required signatures.
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code Section 47605(e) or 47605.6(e). These affirmations include, but are not necessarily limited to, the following. The charter school shall:

- a. Be nonsectarian in all practices and operations.
- b. Not charge tuition,
- c. Not discriminate against pupils on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code 422.55, including immigration status,
- d. Except as specified by law, that admission to the school shall not be determined according to the place of residence of the pupil or his or her parent or guardian within California,
- e. Admit all pupils who wish to attend and if applicants exceed spaces, admission shall be done through a public random drawing in accordance with law and the charter,
- f. If the charter school proposes to extend voluntary preferences, each preference is approved by the County Board at a public hearing, is consistent with federal law, the California Constitution, and Education Code Section 200, shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation,
- g. Not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
- h. Provide specified information to the school district of residence if a pupil subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason,
- i. Not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code 47605(e)(2)(B)(iii) or, in the case of a countywide charter, Education Code 47605.6(e)(2)(B)(iii),
- j. Not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.
- k. Not encourage a pupil who currently attends the charter school to disenroll or transfer to another school for any reason, including, but not limited to, academic performance or because the pupil exhibits any of the characteristics described in Education Code 47605(e)(2)(B)(iii) or, in the case of a countywide charter, Education Code 47605.6(e)(2)(B)(iii);

Post on the charter school's website a copy of the notice prepared by the California Department of Education pursuant to Education Code Section 47605(e)(2)(D)/47605.6(e)(2)(D) and provide a copy to a parent/guardian or pupil who is 18 or older (i) when they inquire about enrollment; (ii) before conducting an enrollment lottery; and (iii) before disenrolling the pupil.

5. The petition does not contain a reasonably comprehensive description of all of the required elements as specified by Education Code 47605(c)(5) or Education Code 47605.6(b)(5) in the case of a countywide charter.
6. 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 for purposes of the EERA.
7. *The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. This includes consideration of the fiscal impact of the charter school. A finding under this criterion requires documentation of specific facts and consideration of the following factors:
 - a. The extent to which the charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
 - b. Whether the proposed charter school duplicates an existing program in the district which has sufficient capacity for the pupils the charter school proposes to serve.
8. *The school district is not positioned to absorb the fiscal impact of the charter school.
9. In the case of a countywide charter, any other basis that the County Board finds justifies the denial of the petition.

* (New charters or expansion of charters through material revisions ONLY).

Additionally, no charter may be granted if it authorizes the conversion of any private school to a charter school. (Education Code 47602(b))

Additional Considerations

The following paragraphs set forth some additional rules and requirements that apply to charter school petitions and charter school operations and/or describe standards that the County Board finds necessary in order for a charter school to present a sound educational program and governance structure. However, neither this section nor this policy as a whole is intended to describe each provision of law or statute that applies to charter schools.

Charter schools and charter school operators are cautioned not to rely on the information in this policy as a summary of all laws and legal standards to which they are subject.

1. The approval or denial of a charter petition shall not be controlled by collective bargaining agreements or subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)
2. The County Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the Special Education Local Plan Area (SELPA) in which the CCCOE or in the case of a Previously Denied Charter Petition Appeal, the district that denied the petition participates. (Education Code 47605.7, 47647)
3. In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for academically low-achieving students according to standards established by the CDE. (Education Code 47605(i) and 47605.6(i))
4. The County Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)
5. In addition to the considerations set forth above, the County Board will consider the additional requirements of Education Code 47605(d) through (m), or Education Code 47605.6(c) through (m) for countywide charters, for all charters except where the Education Code refers to the SBE. These additional requirements include, but are not limited to, submission of a first year operational budget including startup costs, cash flow and financial projections for the first three (3) years of operation; submission of the annual audit report; teacher credentialing requirements, and the description and location of the proposed charter school facilities.
6. A charter school that receives approval of its petition from the County Board on appeal shall be subject to the same requirements concerning geographic location and grade levels to be served to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition.
7. The initial term of an approved charter may be one (1) to five (5) years at the discretion of the County Board. The term of all charters shall expire on June 30 of the final year of the charter term, unless otherwise specifically stated in the approval action of the County Board.
8. Charter schools under the County Board's oversight shall comply with all conflict of interest laws that pertain to public agencies including as specified in Education Code 47604.1, Government Code 1090 et seq., and the Political Reform Act, including the adopting of a conflict of interest code and requirements for filing Form 700 Statements of Economic Interests.

9. Charter schools under the County Board's oversight shall comply with Education Code 47604.1, the Ralph M. Brown Act, the California Public Records Act, and all applicable provisions of law. Charter schools under the County Board's oversight shall provide or make available to the public the backup materials for their agenda items, including by posting those materials with the agendas/minutes.
10. Board meetings for charter schools shall be held and located as follows:
 - (A)
 - (i) The governing body of one charter school shall meet within the physical boundaries of the county in which the charter school is located.
 - (ii) A two-way teleconference location shall be established at each school site.
 - (B)
 - (i) The governing body of one non-classroom-based charter school that does not have a facility or operates one or more resource centers shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside.
 - (ii) A two-way teleconference location shall be established at each resource center.
 - (C)
 - (i) For a governing body of an entity managing one or more charter schools located within the same county, the governing body of the entity managing a charter school shall meet within the physical boundaries of the county in which that charter school or schools are located.
 - (ii) A two-way teleconference location shall be established at each school site and at each resource center.
 - (D)
 - (i) For a governing body of an entity that manages two or more charter schools that are not located in the same county, the governing body of the entity managing the charter schools shall meet within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside.
 - (ii) A two-way teleconference location shall be established at each school site and at each resource center.
 - (iii) The governing body of the entity managing the charter schools shall audio record, video record, or both, all the governing board meetings and post the recordings on each charter school's internet website.

11. Charter schools shall at all times comply with the terms and requirements of the free schools guarantee of the California Constitution, Article IX, Section 5, Education Code Section 49010-49013, Government Code Section 905, and California Code of Regulations, Title 5, Section 350, in all aspects of the Charter School program. Under no circumstances shall any student be adversely impacted, in any manner, in admission, registration, offers of course credit or educational activities for financial reasons, including without limitation a failure to make a financial contribution of any kind or for failure to make donations of goods or services, including in-kind or volunteer services, to the Charter School, nor shall any course credit or privileges related to Charter School educational activities be provided in exchange for money or donations of goods or services, including in-kind and/or volunteer services. Charter schools shall not charge students fees, deposits, or other charges for participation in educational activities offered by the charter school, including curricular and extracurricular activities. Charter schools shall not require parents to volunteer or donate to the school. Charter schools shall maintain policies with regard to student fees and provide a complaint process under the uniform complaint procedures. (Education Code 49010; Government Code 905)
12. Charter schools shall not deny a pupil enrollment or readmission solely on the basis that the student has had contact with the juvenile justice system. (Education Code 48645.5)

Charter Renewals

The County Board may approve an initial charter for a period of up to five years. Subsequent renewals, if approved, shall be for a period of two to seven years based on a variety of criteria. The County Board recommends that a charter school submit its petition for renewal to the County Board sufficiently early in the last year of the current term to allow the County Board's deliberations and decision on the renewal petition to be completed in ample time to allow students and staff to plan appropriately for the following year(s). The form and number of copies of the renewal submission shall comply with the Submission Dates and Documents section of this policy.

Charter renewals are governed by the standards and criteria described in Education Code Section 47605/47605.6. A 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 as well as updates to reflect the current program offered by the charter school. (Education Code 47607).

As noted above, the County Board expects that any renewal charter petition shall include a reasonably comprehensive description of how the charter school will address, improve, and remediate any issues the charter school has experienced during the preceding term, including specific plans for improvement.

Charter schools that have been authorized by a school district that have had their renewal request denied by the school district may appeal the renewal request to the County Board. The County Board must receive the petition and all information and documentation required by Education Code 47605, 47607, and their implementing regulations, or the provisions of law that may supersede, modify, amend, or succeed those provisions, no later than 30 calendar days after the school district board makes its written factual findings. The County Board and the charter petitioner may extend this date by an additional 30 calendar days only by written mutual agreement. An appeal of a petition for renewal not submitted to the County Board within this time shall be considered denied with no further options for administrative appeal.

At the same time the petition is submitted to the County Board, the petitioner shall also provide a copy of the petition to the school district.

If the County Board is the authorizing agency (whether on appeal from a district denial, through a petition submitted directly to the County Board, or by delegation from SBE), the charter operator may submit a request for renewal only during the last year of its current term, or during such other time period agreed to between the County Board and the charter operator, by submitting the petition for renewal and all of the information and documentation specified in Education Code 47605, 47607, and their implementing regulations or the provisions of law that may supersede, modify, amend, or succeed those provisions. All renewal charter terms shall commence on the July 1 immediately following the submittal of the renewal request.

Criteria for Granting or Denying Renewal

Renewals of all charters shall be governed by the same standards and criteria that apply to initial charter petitions as set forth in Education Code 47605 and 47605.6, respectively, as well as the statutory requirements specifically applicable to charter renewals and any implementing regulations.

A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall also request a material revision to its charter, which may be made only with the approval of the County Board in accordance with the standards and criteria in Education Code 47605 or 47605.6. (Education Code 47607)

Charter renewal shall not be denied based on the fiscal impact of the charter school on the County Office of Education or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as defined in Education Code 47605(c)(7) and (8). However, the County Board may use either of these bases to deny a proposed expansion constituting a material revision. (Education Code 47607)
The signature requirement is not applicable to petitions for renewal. (Education Code 47607)

The County Board shall consider the performance of the charter school on the state and local indicators included in the California School Dashboard. If the Dashboard indicators

are not yet available for the most recently completed academic year before renewal, the County Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)

Following the County Board's review, a renewal of a charter petition may be granted in accordance with a three-tiered system based on school performance, as specified in Education Code 47607 and 47607.2 and generally summarized below:

1. Renewal of Five to Seven Years

A renewal for a period of five to seven years may be granted 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, achieved either of the following: (Education Code 47607)

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels; or
- b. 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.

2. Denial with Option for Two-Year Renewal

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

- 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; or
- 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.

However, the County Board may grant a two-year renewal to any such charter school if the County Board makes written factual findings, setting forth specific

facts to support the findings, that:

- 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 showing either of the following:
 - a. Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
 - b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

3. Renewal of Five Years

A renewal for five years may be granted to charters for which the criteria in sections 1 and 2 above do not apply.

- a. The County 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 County Board shall provide greater weight to performance of measurements of academic performance in determining whether to grant renewal.
- b. The County Board shall also consider if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
 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 County 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 County Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County 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 County Superintendent or designee 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 County Board may deny a charter renewal pursuant to this paragraph 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)

In addition to all grounds for denial of a charter petition stated above, the County 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 a finding that the school is not serving all students who wish to attend.

Such findings shall be based on a review of aggregate data reflecting student enrollment patterns at the charter school, any data provided by the California Department of Education (CDE), and any substantiated complaints that the charter school has not complied with the suspension and expulsion procedures contained in the charter, memorandum of understanding, and/or addendum to the memorandum of understanding and mandated by Education Code Section 47605(c)(5)(J) or 47605.6(b)(5)(J), as applicable.

The County Board may deny renewal of a charter school for such reasons 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 submission of a corrective action plan proposed by the charter school. The County Board may deny renewal only by finding 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. (Education Code 47607)

Timelines for County Board Action on Renewal

The County Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the County Office of Education office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

For charters previously authorized by a school district that are appealing the school district's denial of their renewal request, the signed certification will also certify that the

petition submitted on appeal is the same as that denied by the district, with no new or different material terms, and that the petitioner concurrently provided to the denying district a copy of all documents submitted to the County Board on appeal. The COE staff will also request that the denying district (1) confirm that it received from the petitioner a copy of the charter appeal documents concurrently with their submission to the County Board and (2) that the district promptly inform the COE staff should the district note any new or different material terms in the charter submitted on appeal compared to that denied by the district governing board.

At least 15 days before the meeting at which the County Board will grant or deny the charter renewal, the County Board shall publish all staff recommendations, including the recommended findings, regarding the renewal petition. During the meeting at which the County Board is scheduled to take action, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the County Office staff recommendations and findings. (Education Code 47605, 47605.6)

The County Board shall notify CDE within 10 calendar days of granting or denying the renewal of the charter. (Education Code 47604.32; 5 CCR 11962.1)

If the County Board does not grant or deny the petition for the renewal, the charter school may submit the renewal petition to SBE, except that the County Board's denial of the renewal of a countywide charter is final and may not be appealed to SBE. (Education Code 47607, 47607.5)

If the petitioner appeals to SBE and requests a documentary record, including transcripts of the public hearing at which the County Board denied the charter, the documentary record shall be provided no later than 10 business days after the request. (Education Code 47605)

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 47604.32)

Standard Conditions of Authorization

If the County Board approves the establishment or renewal of a charter, the governing board of the charter school shall, prior to commencing operations under the term of that charter, fulfill all the conditions of authorization, which may include, but are not limited to the following:

1. Making changes to the petition necessary to reflect the County Board as the authorizer.
2. Signing a Memorandum of Understanding (MOU) and/or an addendum to the MOU with CCCOE which includes adherence to all requirements established therein.

3. Finalizing the curriculum to be used and the scope and sequence of all subjects to be offered,
4. Providing verifiable written evidence of membership in a SELPA if the charter school will serve as a local educational agency for purposes of compliance with the Individuals with Disabilities Education Act,
5. Providing evidence of insurance that meets the County Office's standards and requirements,
6. Agreeing to indemnification, defense, and hold harmless provisions for the protection of the County Board, County Superintendent, and County Office that meet the County Office's standards and requirements,
7. Completion of a site visit; and
8. Providing the appropriate facilities documentation to operate the school, including but not limited to, certificate of occupancy, facility or conditional use permit, fire inspection, CDS code, documentation from State, etc.

Additionally, the charter school shall commence operations within the timeframe specified in the approval action and commence instruction by September 30 of the first year of operation. In the case of a countywide charter, the County Board may impose any additional requirements for authorization it deems necessary. (Education Code 47605.6 (b))

The County Board may require a charter petitioner, either upon consideration of an initial petition or at the time of renewal, to make technical amendments to the charter, which technical amendments may be set forth in the MOU or in the addendum to the MOU. Should the charter school and County Office enter into an MOU and/or addendum, the MOU provisions shall necessarily prevail over any conflicting provisions of the charter and the addendum to the MOU provisions shall necessarily prevail over any conflicting provisions of the MOU and the charter.

The charter school's failure to fulfill the conditions of authorization is grounds for withdrawal of the approval, termination, or revocation of the charter.

If the County Board denies the charter or renewal, the petitioner may appeal to the SBE except in the case of a countywide charter.

Students with Special Needs

The charter school shall comply with all applicable requirements of state and federal law regarding the provision of services to students with special needs, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the

Americans with Disabilities Act. (Education Code 56000 et seq., Individual with Disabilities Education Act 20 U.S.C. Chapter 33, Americans with Disabilities Act)

Material Revisions

A material revision is a change to the content of an authorized charter that affects substantively the process or manner in which the charter school operates. Some examples of material revisions include changes to the vision, mission, instructional design, accountability plan, location of facilities, governance or operational structure, grade levels or number of pupils to be served, admissions requirements or procedures, and changes that affect the charter school's fiscal status. Material revisions to a charter also include additions or changes to “material terms” of the charter, as defined in Education Code 47605(k)(1)(A)(iii). The County Board hereby delegates authority to the County Superintendent or his/her designee(s) to determine whether a proposed change in charter school operations or documents (including governance documents such as articles of incorporation and bylaws) constitutes a material revision of the approved charter. Material revisions to an authorized charter may be made only with County Board approval. (Education Code 47605(a)(4), 47607(a)(1)) Requests for material revisions are governed by the same standards, timelines, and criteria in Education Code 47605.

At the time a charter operator submits a petition seeking material revisions, the petition shall include, but is not limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and updates to reflect the current program offered by the charter school. (Education Code 47607)

For other than countywide charters, if an approved charter school proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels as material revisions at an open meeting. If an approved countywide charter school proposes to establish operation at additional sites within the geographical boundaries of the County Board, the charter school shall notify the school districts where that site(s) will be located and request a material revision of its charter. The County Board shall consider whether to approve the additional location(s) as a material revision to the charter at an open meeting no sooner than 30 days after the charter school notifies the school districts. These requests shall be subject to all requirements and procedures for the submittal, consideration of, and action on any request for material revision to a charter. (Education Code 47605, 47605.6, 47607)

Accountability, Monitoring, and Oversight

Charter schools are governed in accordance with the provisions of the approved charter, MOU, addendum, corporate governance documents, and all applicable laws. The County Office implements an accountability system for monitoring the educational effectiveness, statutory compliance, governance and operational structures, and fiscal condition of the

charter schools it authorizes. The County Office also monitors whether the charter school implements the terms of the charter as authorized.

Charter schools granted by the County Board shall be held accountable for pupil performance, including meeting measurable pupil outcomes and making satisfactory yearly progress on state and federal accountability measures.

The County Board delegates the administrative function of monitoring and oversight of its charter schools to the County Superintendent or designee. In fulfilling this statutory responsibility, the County Board is guided by the intent of the Legislature that charter schools shall provide innovative, accountability-based reform that improves student learning and provides choice for parents. Monitoring shall be on an ongoing basis in accordance with applicable laws, the MOU, and the addendum to the MOU, as applicable. The County Board and CCCOE staff may inspect or observe any part of the charter school at any time with or without prior notice. (Education Code 47607(a)(5))

The CCCOE may inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel, attendance accounting, and pupil records, and records of any corporations or entities that operate or govern the charter school. Charter schools and the entities managing charter schools are subject to the California Public Records Act (CPRA); however, the CCCOE's right to inspect and receive records is not based on the CPRA, but rather on the CCCOE's oversight role. A County Board-authorized charter school shall promptly comply with all reasonable inquiries from the CCCOE in accordance with Education Code 47604.3. In conducting its oversight, the CCCOE shall use financial or other information it obtains from the charter school to perform all oversight duties specified in Education Code 47604.32(a).

The County Board sets forth as a standing request for information from all charter schools it has authorized a requirement that if a pupil is expelled or leave the charter school without graduating or completing the school year for any reason, the charter school shall provide notice to the County Superintendent or designee, concurrently with the notice to the student's school district of last known address, as required by Education Code 47605(e)(3)/47605.6(e)(3). (Education Code 47604.3)

An annual written report to the County Board regarding fiscal accountabilities, pupil performance, governance, and charter school-specific accountabilities shall be made in accordance with the MOU.

County Board-authorized charter schools shall, on or before June 1 of each year, submit to the CCCOE an approved school calendar for the following year establishing that the charter school is complying with the required minimum number of school days and an approved bell schedule establishing that the charter school is complying with the minimum number of instructional minutes. At least one month prior to the commencement of each new semester, the charter school shall provide the CCCOE with a list of classes evidencing the class offerings for the semester.

Monitoring Charter School Performance

The County Office monitors County Board-authorized charter schools to determine whether the school, both schoolwide and for all groups of students served by the school, is achieving the measurable student outcomes set forth in its charter. This assessment may include consideration of the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP). (cf. 0460 - Local Control and Accountability Plan)

The County Office monitors the fiscal condition of County Board-authorized charter schools based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

As specified above, the County Board has delegated the administrative function of monitoring and oversight of its charter schools to the County Superintendent or designee, who may make reports to the County Board meeting regarding such monitoring and oversight.

Technical Assistance/Intervention

Whenever one or more numerically significant student subgroups at a charter school within Contra Clara County meets SBE-established performance criteria used in identifying charter schools in need of technical assistance in two or more years, the charter school shall receive technical assistance. The technical assistance shall be from the County Superintendent for charter schools not authorized by the County Board and from a COE identified as a geographic lead agency or its designee for County Board-authorized charters. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, COE, or charter

school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and 2 or substantially similar activities, and ongoing communication with the County Board to assess the charter school's progress in improving student outcomes.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

In accordance with law and County Board policy, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

Complaints

To enable any person alleging the school's noncompliance with Education Code 47606.5, 47607.3, or Article 4.5 of Chapter 6.1 of Part 28 of Division 4 of the Education Code (commencing with Section 52059,5) to file a complaint, each charter school shall establish a complaint process in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. (Education Code 52075) (cf. 1312.3 - Uniform Complaint Procedures)

A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the State Superintendent of Public Instruction (SPI). If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

Waivers

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the SBE on its behalf. If the County Board approves approval such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to SBE on behalf of the charter school.

Provision of Services to a Charter School

A charter school may separately purchase administrative or other services from the County Office or any other source, in accordance with law. (Education Code 47613)

Charter Documents

Any charter school approved by the County Board shall at all times maintain clean, electronic (Word) copies of each version of its charter that is approved by the County Board and shall maintain such prior approved versions in clean, electronic (Word) format even after submitting a request that a revised version of the charter be approved on renewal or as a material revision, including after such time as the County Board may approve any such revised version. In no event shall a charter school make revisions to the approved version of its charter without maintaining a clean, electronic (Word) version of all forms of the charter that have previously been approved by the County Board.

Charter Revocation & Revocation Appeals

County Board-authorized charter schools shall be governed in accordance with the approved charter, MOU, addendum, corporate governance documents, and the law. The County Board shall hold charter schools under its jurisdiction accountable for fulfilling the terms of their charters and may revoke a charter for the reasons specified in Education Code 47607.

The County Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter. The County Board may revoke a charter for any of the causes authorized by law by following the procedures and standards set forth in Education Code 47607 and its implementing regulations.

If a revocation decision by a school district is appealed to the County Board and the County Board does not issue a decision within 90 days of receipt or if the County Board upholds the district's revocation decision, the charter school may appeal the decision to the SBE. If the County Board is the chartering authority and it revokes a charter, the charter school may appeal the revocation to the SBE within 30 days following the County Board's revocation decision.

If the revocation decision is reversed on appeal, the agency that granted the charter shall continue to be the chartering authority.

The County Board shall also consider revocation of a charter whenever the California Collaborative for Educational Excellence (CCEE), after providing advice and assistance to the charter school pursuant to Education Code 47607.3, submits to the County Board either of the following findings:

1. That the charter school has failed or is unable to implement the recommendations of the CCEE: or
2. That the inadequate performance of the charter school, as based on an evaluation rubric adopted by the SBE, is so persistent or acute as to require revocation of the charter.

Should a school's charter be revoked, or should the charter school cease operating for any reason, the CCCOE shall notify the California Department of Education within 10 calendar days of the official action closing the charter school and the charter school must implement the school closure procedures specified in the charter in accordance with Education Code 47605, 47605.6, and 5 CCR 11962. (Education Code 47604.32 and 5 CCR 11962.1).

Finance

The County Superintendent may charge for the actual costs of oversight of a charter school not to exceed any limits imposed in law. The County Board is not required to provide facilities for charter schools. (Education Code 47613)

In the case of a countywide charter, the County Board may, at the expense of the charter school, engage a third-party, selected by the County Board, to oversee, monitor, and report to the County Board and County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

Fiscal Accountability

The County Board and the CCCOE will require evidence that the charter school demonstrates effective fiscal accountability. In addition to the reports required by law and the information and reports required by the MOU:

1. The charter school must demonstrate that it has established and maintains positive fund and cash balances to ensure solvency. Failure to remain solvent is grounds for revocation of the charter.
2. The CCCOE will not provide funds to meet on-going fiscal operations or obligations to an independently funded charter school authorized by the County Board,
3. A charter school authorized by the County Board must provide written notification prior to accepting public, private, or commercial loans or other debt instruments. Loan requests must be consistent with sound fiscal practices and repayment schedules included in budget proposal and other appropriate financial reports.

Non-Profit Board of Directors

A petitioner that submits a request for approval of a charter petition, or a charter school that submits a charter renewal or a material revision on and after July 1, 2019, shall not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. For a charter school electing to operate as, or be operated by, a non-profit public benefit corporation, the County Board or designee reserves the right to appoint a representative to serve on the board of directors of the corporation at any time. Any County Board representative shall be a full voting member of the corporate board of directors, shall have all rights and responsibilities exercised by any other director of the corporation. Any such representative of the County Board shall serve on the corporate board in the County Board or designee's discretion and shall be removed or replaced only in the County Board or designee's sole discretion. In order to avoid any perceived or actual conflict of interest, members of the County Board shall not sit on the boards of charter schools it has chartered.

Memorandum of Understanding

Prior to approval of a charter, material revision, or renewal, the County Superintendent or designee shall enter into a standard memorandum of understanding (MOU) with the petitioner reflecting and implementing best practices for the operation of the charter school. The MOU shall address the role of the charter authorizer as required for oversight, monitoring, and operational issues and includes, but are not limited to, indemnification, insurance, financial timelines, dispute resolution, and closure procedures to the satisfaction of the County Office. Before or after approval of a charter by the County Board, the County Superintendent or designee shall enter into an addendum to the MOU. Together the MOU and this addendum shall address any deficiencies in the petition, clarify charter provisions and operations, and remediate any missing, incomplete, or unacceptable charter provisions as noted by the County Board, County Office staff, and/or consultants as the County Board determines necessary to make approval of the charter consistent with sound educational practice and compliant with the standards for charter approval. It will also address any conditions or requirements imposed by the County Board.

The standard MOU will be presented to petitioners at the time a petition is submitted. The MOU is an agreement to terms and conditions that supplement or replace items in the charter and is binding only upon approval of the charter by the County Board and execution of the MOU by the County Superintendent.

If the petitioner fails to enter into an MOU or addendum to the MOU, satisfactory to the CCCOE, by a date designated by the Board action, the County Board may determine whether such failure to do so constitutes cause for withdrawal or denial of the approval of the charter or, alternatively, cause for charter revocation.

*Legal Reference:***EDUCATION CODE**

215 Suicide prevention policy
215.5 Student identification cards, inclusion of safety hotlines
220 Nondiscrimination
221.61 Posting of Title IX information on web site
221.9 Sex equity in competitive athletics
222 Lactation accommodations for students
222.5 Pregnant and parenting students, notification of rights
231.5-231.6 Sexual harassment policy
234.4 Mandated policy on bullying prevention
234.6 Bullying and harassment prevention information
234.7 Student protections related to immigration and citizenship status
17070.10-17070.30 Leroy F. Greene School Facilities Act
17078.52-17078.66 Charter schools facility funding; state bond proceeds
17280-17317 Field Act
17365-17374 Field Act, fitness for occupancy
32282 Comprehensive safety plan
32283.5 Online training on bullying prevention
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act
35179.4-35179.6 Interscholastic athletic programs, safety
35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
35330 Field trips and excursions; student fees
38080-38086 School meals
39831.3 Transportation safety plan
39843 Disciplinary action against bus driver; report to Department of Motor Vehicles
41024 Report of expenditure of state facility funds
41365 Charter school revolving loan fund
42100 Annual statement of receipts and expenditures
42238.51-42238.53 Funding for charter districts
44030.5 Reporting change in employment status due to alleged misconduct
44237 Criminal record summary
44691 Information on detection of child abuse
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
45125.1 Fingerprinting; employees of contracting entity
46015 Accommodations for pregnant and parenting students; parental leave
46201 Instructional minutes
47600-47616.7 Charter Schools Act of 1992, as amended
47640-47647 Special education funding for charter schools
47650-47652 Funding of charter schools
48207.3 Students with temporary disabilities; individual instruction

48850-48859 Educational placement of foster youth and homeless students
48913.5 Suspended students, homework assignments
48950 Student speech and other communication
48985 Parental notifications
49005-49006.4 Seclusion and restraint
49011 Student fees
49014 Public School Fair Debt Collection Act
49061 Student records
49062.5 Student records, name or gender changes
49070 Challenging student records
49073.2 Privacy of student and parent/guardian personal information
49076.7 Student records; data privacy; Social Security numbers
49110 Authority of issue work permits
49381 Human trafficking prevention
49414 Epinephrine auto-injectors
49414.3 Administration of opioid antagonist
49428 Notification of mental health services
49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001
49475 Health and safety, concussions and head injuries
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
49564 Meals for needy students
51745-51749.3 Independent study
52060-52077 Local control and accountability plans
52075 Uniform complaint procedures
52052 Numerically significant student subgroup, definition
53300-53303 Parent Empowerment Act
56026 Special education
56145-56146 Special education services in charter schools
60600-60649 Assessment of academic achievement
CORPORATIONS CODE
5110-6910 Nonprofit public benefit corporations
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act

PENAL CODE

667.5 Definition of violent felony
1192.7 Definition of serious felony

CODE OF REGULATIONS, TITLE 5

4800-4808 Parent Empowerment Act
11700.1-11705 Independent study
11960-11969 Charter schools

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2016

Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools:

<http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers:

<http://www.charterauthorizers.org>

U.S. Department of Education: <http://www.ed.gov>