

CHARTER SCHOOLS

Purpose and Scope

The County Board when considering charter petitions shall be guided by the intent of the Legislature: that quality charter schools are and should be an integral part of the California educational system. The County Board encourages charter schools in order to create an opportunity to implement accountability-based school-level reform, support innovations which improve student learning, and provide choice for parents. These schools shall operate under the provisions of their charters, applicable state and federal laws, and the general oversight of the County Board.

The County Board shall only grant a charter if it is satisfied that doing so is consistent with sound educational practice and the petition complies with the applicable requirements of Education Code.

The County Board supports this effort 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 any other publicly funded school and its demographic composition should reflect the school district in which it is located.

Chartering Authority – The agency that grants the charter for a charter school. Under most circumstances, the chartering authority has primary responsibility for monitoring and oversight of the charter school and the authority to reauthorize the charter as well as to revoke the charter if the school does not meet the conditions of its charter or of law. The County Board receives some types of charter petitions directly and receives others only on appeal after denial by a school district board. The County Board delegates the administrative functions of receiving, reviewing, and reporting on charter petitions to the County Superintendent. Petitioner is responsible for certifying that the petition is complete. The County Board may act as the chartering authority to the following:

Direct County Charter – A charter school that serves pupils for whom LACOE would otherwise be responsible for providing direct education and related services. Students must have been expelled and/or currently be on probation. A petition for this type of charter school is submitted directly to the County Board. (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 LACOE. 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)

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County Conversion Charter – An existing public school operated by LACOE that converts to a charter school. The petition must be supported by over 50% of the teachers employed at the school and 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 County Board shall review and may approve only the same petition that was denied by the school district board except for those changes necessary to reflect the County Board as the authorizer. To ensure the petition is the same one denied by the school district board, the petitioner shall submit or have the district submit, a certified copy of the petition acted upon by the local district board; receipt of this certified copy of the petition triggers the timeline for County Board action. If the petition submitted on appeal contains new or different material terms as defined by the Education Code, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. 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. If the County Board grants the charter, it shall be the chartering authority that has primary responsibility and oversight of the charter school. (Education Code 47605(j)(1)). If the County Board denies the petition, the petitioner may appeal to the State Board of Education (SBE).

Timelines

Public Hearing – No later than 60 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board shall hold a public hearing on the provisions of the charter. At the public hearing, the County Board shall consider the level of support for the petition by teachers, parents/guardians, and 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 LACOE's Charter School Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6).

County Board Decision – No later than 90 calendar days after receiving a petition that complies with all requirements set forth in law, the County Board shall either grant or deny the charter. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. (Education Code 47605, 47605.6) The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.

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

Appeal of Denied Petition to Establish a Charter School – The County Board must receive the petition for the establishment of a charter school that was denied by a school district board, not later than 30 calendar days after the denial action. Any appeal for the establishment of a charter school received more than 30 calendar days after denial will not be acted upon by the County Board. 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 shall review the petition pursuant to Education Code 47605(b) and (c). 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, which shall grant or deny the petition within 30 days. “Material terms” of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in Education Code 47605(a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the County Board of Education as the chartering authority.

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. The County Board shall review the appeal petition pursuant to Education Code 47605(c). If the denial of the petition was made pursuant to paragraph (8) of subdivision (c), the County Board shall also review the school district’s findings pursuant to paragraph (8) of subdivision (c).

If the County Board denies a petition, the petitioner may appeal that denial to the SBE.

The petitioner shall submit the petition to the SBE within 30 days of a denial by the County Board. The petitioner shall include the findings and documentary record from the governing board of the school district and the County Board and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the County Board, or both, abused their discretion. The governing board of the school district and County Board shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and County Board denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and County Board no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the SBE, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the County Board.

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If the appeal contains new or different material terms, the SBE shall immediately remand the petition to the governing board of the school district to which the petition was submitted for reconsideration. The governing board of the school district shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the SBE.

Within 30 days of receipt of the appeal submitted to the SBE, the governing board of the school district or County Board may submit a written opposition to the SBE detailing, with specific citations to the documentary record, how the governing board of the school district or the County Board did not abuse its discretion in denying the petition. The governing board of the school district or the County Board may submit supporting documentation or evidence from the documentary record that was considered by the governing board of the school district or the County Board.

The SBE's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the SBE whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the SBE, the SBE shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the SBE.

The SBE shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the SBE hears the appeal, the SBE may affirm the determination of the governing board of the school district or the County Board, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the SBE, the SBE shall designate, in consultation with the petitioner, either the governing board of the school district or the County Board in which the charter school is located as the chartering authority.

If either the County Board of Education or the SBE fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

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Renewal Petitions – If the petition for the renewal of a charter school, which at a minimum is comprised of all requirements in Education Code 47607 and the California Code of Regulations, Title 5 section 11966.5, was denied by a school district board, the County Board must receive the petition no later than 30 calendar days after the school district board makes written factual findings. A petition for renewal not submitted to the County Board within this time shall be considered denied with no further options for administrative appeal. The County Board and the charter petitioner may extend this date by an additional 30 calendar days only by written mutual agreement. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. If the school district board did not comply with the statutory and regulatory timelines for making written factual findings for denial of a renewal petition, the petition is deemed approved by the school district board and the County Board has no jurisdiction to hear an appeal.

The County Board must take action to approve the extension or may initiate the request for an extension. The County Board delegates the authority to receive the request for an extension to the County Superintendent of Schools. The County Superintendent must receive the request no later than 30 calendar days from the date the school district made its written findings of fact.

No later than 60 calendar days after receiving a renewal petition, whether submitted to the County Board as the authorizer or on appeal, the County Board shall hold a public hearing on the provisions of the charter. Within 90 days of the receipt of the petition, the County Board shall either grant or deny the charter. The date of the decision may be extended an additional 30 calendar days if both parties agree to the extension. The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.

If the County Board denies or takes no action, the charter school may submit the petition for renewal to the SBE. The renewal of a countywide charter is exempt from this provision.

The renewal petition for charter schools authorized by the County Board may be submitted no earlier than the date the California Department of Education (CDE) releases the schools' California Assessment of Student Performance and Progress (CAASPP) data for the school year prior to the last year of the term of the charter and no later than January 31st of the last year of the term of the charter. A charter school may apply for renewal prior to the release of the CAASPP data referenced above if it can demonstrate the school has met the statutory criteria for renewal without the information contained in this report.

Approval or Denial of Petitions

All meetings of the County Board at which the granting, revocation, appeal, or renewal of a charter petition is to be discussed shall be subject to the State open meeting laws. (Education Code 46708)

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The County Board shall grant a charter for the operation of a direct county charter, county conversion charter, or previously denied charter petition appeal only if it is satisfied that granting the charter 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. 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. Prior to authorizing any charter, the County Board shall verify that the charter includes adequate procedures 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.

The County Board may grant a charter for the operation of a countywide charter 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. 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 any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, and 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. (Education Code 47612.7)

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving LACOE students, if the County Board makes written factual findings setting forth specific facts to support one or more of the following:

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

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3. The petition does not contain the required number and type of signatures.
4. The petition does not contain an affirmation that the charter school shall be nonsectarian, shall not charge tuition, and shall not discriminate on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person or group with one or more of these actual or perceived characteristics.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(c) or Education Code 47605.6 in the case of a countywide charter.

Under Education Code 47605(c)(5)(G) and 47605.6(c)(5)(H), which described the plan to achieve a Racial and Ethnic balance reflective of the general population residing within the geographic boundaries of the school district in which the charter proposes to locate (or in the case of a countywide charter, the geographic boundaries of LACOE), the plan should strive to achieve the racial and ethnic balance of the students enrolled in the school district (or in the case of a countywide charter, all school districts in Los Angeles county) as reported by CDE. In the case of a direct county charter, the plan should be based on the Racial and Ethnic balance of adjudicated and expelled youth served by LACOE and any of its charter schools that are authorized to serve this student population.

6. 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 LACOE or in the case of a Previously Denied Charter Petition Appeal, the district that denied the petition participates. (Education Code 47605.7, 47647)
7. 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)
8. 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))
9. The County Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

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10. The County Board may approve a petition for the establishment of a countywide charter only if it finds that it meets the conditions as specified (Education Code 47605.6(a)). The criteria for the establishment of a countywide charter are further clarified as set forth in the Superintendent's Administrative Regulations 0420.4, which are incorporated by reference.
11. 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.
12. 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
13. LACOE is not positioned to absorb the fiscal impact of the proposed charter school. LACOE 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 LACOE having a negative interim certification.

A petition to establish a charter school serving LACOE 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.

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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. The County Board may require any elements that it considers necessary to the sound operation of a countywide charter school.
5. A countywide petition may be denied for any other basis that the County Board finds justifies the denial.

Additional Requirements

In addition to the foregoing, the County Board must consider the additional requirements of Education Code 47605(d) through (m) for all charters except where the Education Code refers to the State Board. 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.

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 to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition.

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.

Charter schools shall comply with all conflict of interest laws that pertain to public agencies including Government Code 1090 and the Political Reform Act. (Government Code 87100 et seq.) The County Board's conflict of interest code includes the filing of the Form 700 Statement of Economic Interests with LACOE.

Charter schools are responsible for complying with the Ralph M. Brown Act and the California Public Records Act.

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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 maintain policies with regard to student fees and provide a complaint process under the uniform complaint procedures. (Education Code 49010; Government Code Sec. 905)

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)

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 standard conditions of authorization, which may include, but are not limited to, making changes to the petition necessary to reflect the County Board as the authorizer; signing the LACOE Monitoring and Oversight Memorandum of Understanding (MOU) which includes adherence to all requirements established therein; correcting technical deficiencies in the petition as identified in the LACOE staff report; submitting a school safety/student discipline plan which finalizes the reasons a student may and must be suspended or expelled and the policies, procedures, and process for suspending and expelling students; finalizing the curriculum to be used and the scope and sequence of all subjects to be offered; providing evidence of applying to or membership in a SELPA; providing evidence of insurance; and submitting to a facilities inspection. 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. Failure of the charter school to fulfill the standard conditions of authorization is grounds for termination or revocation of the charter.

Where provisions of the MOU differ from provisions of the charter, and the difference would not require a material revision to the charter, the provisions of the MOU prevail.

In the case of a countywide charter, the County Board may impose additional conditions of authorization. (Education Code 47605.6 (b))

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

Special Education

The charter shall comply with all applicable requirements of state and federal law regarding the provision of special education services. (Education Code 56000 et. seq., Individual with Disabilities Education Act 20 U.S.C. Chapter 33)

CHARTER SCHOOLS (continued)**Material Revisions to an Authorized Charter**

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. A material revision does not include minor administrative updates to the petition or related documents due to changes to reflect the County Board of Education as the chartering authority, or other changes of a technical nature. 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. Requests for material revision must be submitted at least 90 days prior to intended implementation or 60 days with a showing of good cause. Material revisions to an authorized charter may be made only with County Board approval. (Education Code 47605(a)(4), 47607(a)(1))

Material revisions are 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. Revisions shall include, but are 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. (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, in its sole discretion, determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Waivers

If the governing board of a charter school authorized by the County Board wishes to submit to the SBE an application for a waiver of any Education Code provision, the application must first be presented to the County Board. The County Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request and prepare a summary of the public hearing to be forwarded with the waiver request to the SBE. If the County Board recommends against approval of the waiver request, it shall set forth written reasons for its disapproval and forward those reasons to the SBE. (Education Code 33050)

Accountability, Monitoring, and Oversight

Charter schools are governed at the school level in accordance with the provisions of the charter and all applicable laws.

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The County Board supports this effort by approving a defined accountability system for monitoring the educational effectiveness, statutory compliance, governance and operational structures, and fiscal condition of the charter schools it authorizes. The County Board 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. 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 and the MOU. The County Board and LACOE staff may inspect or observe any part of the charter school at any time. (Education Code 47607(a)(5))

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 provisions of law and as established in the MOU. The report shall be submitted no later than the first Friday in February in a format satisfactory to the County Board. Fiscal reporting shall be during the sixth month following the close of the fiscal year. The content and format shall be satisfactory to the County Board.

Charter Renewal

The County Board shall deny a renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

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

The 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 11966.4)

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Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the County or a finding that the charter school is demonstrably 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 charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607; 5 CCR 11966.4)

In determining whether to grant a charter renewal, the County Board shall review 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. (Education Code 47607)

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

1. **Renewal of Five to Seven Years**

A renewal shall be granted for a period of five to seven years 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, or for two of the most recent years for which state data is available preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, 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, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years
- b. For all measurements of academic performance, received status 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 status levels that are higher than the state average, provided the charter school has performance levels on at least two measurements of academic performance for at least two subgroups

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- c. 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 the renewal petition only 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)
- 3. Denial with Option for 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 most recent years for which state data is available immediately preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 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.

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- (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 the charter school has performance levels on at least two measurements of academic performance for at least two subgroups.
- b. 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.
 - (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, 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. When denying a charter renewal for either of these reasons, the County Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the County Board finds either 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)

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 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)

CHARTER SCHOOLS (continued)

Within 60 days of receiving the renewal petition, 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, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The County Board shall either grant or deny the charter renewal 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)

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 and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

The County Superintendent or designee shall provide notification to the CDE, within 10 calendar days of the County Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

School Closure

If a charter is not renewed and the charter school ceases operation, 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 47604.32)

Founding Parents/Founders Preference

The County Board has discretion to permit admission preferences in addition to those established in Education Code 47605(e)(2)(B) on an individual school basis and only if consistent with the law. Admission preferences are entitled to additional weight in a lottery, but are not exempt from a lottery. Exemptions shall only be allowed if permitted by law. Pupils currently attending the charter school are one example of a permissible exemption. Founding Parents/Founders are one example of an enrollment lottery preference that may be granted.

The founders' admission preference, if such a preference is to be offered, must be included in the petition to establish the charter. The petition must provide a reasonably comprehensive description that addresses and complies with the following:

CHARTER SCHOOLS (continued)

Founding Period – The specific time period during which the charter petition team is developing the charter school through the school’s first day of instruction. A school may not add to the founding group after the first day of instruction.

Founding Parents/Founders – Parents, legal guardians, or individuals who contribute substantial personal time and effort to develop the new charter school during the established Founding Period noted above. There shall be no requirement that Founding Parents/Founders contribute funds as a part of their commitment. Petitioners must prescribe in the charter petition the eligibility criteria for Founding Parents/Founders, including defining the appropriate minimum number of required volunteer hours. Founding Parent status cannot be delegated or transferred to other individuals.

Preference for Children of Founding Parents/Founders – The preference may apply during the life of the charter as long as the number of pupils who qualify for this preference does not constitute more than ten (10) percent of the school's enrollment. The admissions preference is applicable to all children of the charter school's Founding Parents/Founders even if the children do not begin attending the charter school until after the school's first year of operation.

Dispute Resolution Procedure

The County Board shall only approve a dispute resolution procedure if it is equitable to both parties. The County Board may condition its approval of a charter petition subject to the petitioner(s) making changes to the dispute resolution procedure that is equitable to both parties. Such changes must be made prior to the first day of the charter term.

Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute.

Charter Revocation

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 in accordance with law.

When the County Board determines, in writing, that any violation under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students, the County Board may immediately revoke the school's charter. When such a determination is made, 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)

CHARTER SCHOOLS (continued)

In all other circumstances, the County Board may revoke a charter after providing due process and using the procedures described below. The County Board may 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 the CCEE.
2. That the inadequate performance of the charter school, as based on the 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, 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:

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.

CHARTER SCHOOLS (continued)

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. ((Education Code 47607; 5 CCR 11965, 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)

CHARTER SCHOOLS (continued)

Within 10 calendar days of the County Board's final decision, the County Superintendent or designee shall provide a copy of the final decision to CDE. (Education Code 47604.32; 5 CCR 11968.5.2) The County Board's decision may subsequently be appealed to the State Board of Education ("SBE") by the charter school. Pursuant to Education Code 47607, if the SBE reverses the revocation, the County Board remains the chartering authority.

Appeals to the County Board of a District Revocation

If a school district revokes a charter, the charter school may, within 30 days of the final decision, appeal the revocation to the County Board. The County Board's decision may subsequently be appealed to the SBE by either the charter school or the district.

The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to SBE. If the County Board upholds the revocation or does not issue a decision within 90 days of its receipt of the appeal, the charter school may appeal to SBE. Pursuant to Education Code 47607, if either the County Board or SBE reverses the revocation, the district remains the chartering authority.

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 47604.32)

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, and will not do so. The County Superintendent shall not place upon the County Office any additional financial liability for the operation of charter schools.

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, or report to the County Board and County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

CHARTER SCHOOLS (continued)

Fiscal Accountability

The County Board and LACOE will require evidence that the charter school demonstrates effective fiscal accountability. The charter school must demonstrate that:

1. 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. LACOE will not provide funds to meet on-going fiscal operations or obligations to a 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.

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AR 0420.4(a)

CHARTER SCHOOLS

The Los Angeles County Board of Education (County Board) delegates the following administrative functions related to charter schools to the County Superintendent:

1. Accepting, reviewing, and reporting the findings of fact on charter petitions submitted to the County Board;
2. Accepting petitioner requests for extensions to timelines as permitted by statute and regulation;
3. Monitoring and overseeing charter schools authorized by the County Board, which includes developing and signing the LACOE Monitoring and Oversight Memorandum of Understanding (MOU), the administrative contract for this function, receiving and responding to requests from other agencies regarding the performance and standing of charter schools, accepting requests for Material Revisions to the Charter, and accepting waivers that are submitted to the State Board of Education (SBE);
4. Accepting the *Notice of Appeal* of a revocation, evaluating and reporting on the revocation process at the school district level, and providing required notifications subsequent to the County Board's action; and
5. Accepting a charter school's response to a Notice of Violation issued by the County Board.

Procedures for submitting petitions, requesting an extension to timelines, submitting a *Notice of Appeal* of a revocation, a sample of the petition review protocol on which findings of fact on petitions are based, and a sample MOU are maintained on the LACOE website at www.lacoe.edu. Upon notification, LACOE will schedule an appointment with the charter school to receive petition documents. Petitioner is responsible for certifying that the petition is complete.

Definitions

Charter Petition – A charter petition is a proposal for the implementation of a charter school. It offers the petitioner's efforts at providing a reasonably comprehensive description of the essential components of a charter school as defined by law. The proposal does not provide all of the essential elements of a comprehensive plan to implement a public school, nor does it provide for the manner in which the authorizer shall monitor the school. The minimum components of a charter petition are specified in Education Code (EC) and the California Code of Regulations, Title 5 (5 CCR).

CHARTER SCHOOLS (continued)

Authorized Charter – An authorized charter is the performance contract for operating a publicly funded charter school under the conditions and provisions approved by the authorizing entity, the County Board. It provides the governing board of the charter school with substantial autonomy over the implementation and operation of the school. In return for autonomy, the charter school commits to being accountable to high academic and organizational performance, applicable provisions of law, and to monitoring and oversight by the County Board and the County Superintendent as specified in the MOU.

Timelines

Upon receipt of a charter petition and prior to reviewing the petition for the purpose of reporting on the findings of fact, LACOE verifies that the petition has been submitted to the County Board within the following timelines:

1. The appeal of a petition to establish a charter school must be received within 30 calendar days of the date of denial by the school district board.
2. The appeal of a renewal petition that was denied by a school district board must be submitted within 30 calendar days of the board action to deny.
3. A petition to establish a Direct County Charter, Countywide Charter, or County Conversion Charter may be submitted at any time.
4. A petition to renew a charter authorized by the County Board may be submitted after the California Department of Education (CDE) releases the California Assessment of Student Performance and Progress (CAASPP) results for the year prior to the last year of the charter term but no later than January 31st of the last year of the charter term.

LACOE provides a petitioner with written confirmation of receipt of a petition within ten (10) business days.

LACOE shall inform the petitioner of the applicable statutory and regulatory timelines and permissible extensions of those timelines to support the petitioner in making an informed decision. LACOE shall forward requests for extensions of timelines to the County Board for action.

After receiving a petition for a charter school, LACOE calendars a Public Hearing at which the County Board determines the level of support for the charter by teachers, other employees of the district, and parents/guardians. The Public Hearing is held at a regularly scheduled meeting of the County Board within 60 calendar days of receipt of the petition.

CHARTER SCHOOLS (continued)

LACOE calendars the date for the County Board to take action to approve or deny a petition within 90 calendar days of receipt of a petition for the establishment of a charter school or within 120 calendar days with the written consent of both parties. (EC 47605)

Criteria for Determining Receipt of Petitions

Upon notification that a charter school intends to file a petition, LACOE will schedule an appointment with the charter school to receive petition documents. Petitioner is responsible for certifying that the petition is complete. Upon review, LACOE staff will either provide the petitioner with a receipt for a complete submission or provide the petitioner with alternative options.

Previously Denied Charter Petition on Appeal (5 CCR 11967)

LACOE considers a previously denied petition to establish or renew a charter to have a complete submission when the petitioner has submitted all of the following:

1. A complete copy of the charter petition *as denied* by the school district board including, if applicable, signatures required and evidence of meeting renewal criteria. All documents considered by the school district board must be submitted to LACOE for review without change or omission. The petitioner is responsible to provide district verification that the petition (including budgets and supporting documents) submitted to the County Board are the same documents upon which the school district board based its denial action. The timeline for County Board action is triggered by receipt of that verified copy.
2. Evidence of the school district board's action to deny the petition (e.g., meeting minutes) and its written factual findings specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial as specified in Education Code 47605(b).
3. A separate narrative describing any necessary changes to the petition to reflect the County Board as the chartering entity.

While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

LACOE may request the petitioner to provide additional information not required by the school district board that denied the charter.

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AR 0420.4(d)

CHARTER SCHOOLS (continued)

Direct County Charter

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a Direct County Charter as specified in Education Code 47605.5. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

County Conversion Charter

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a County Conversion Charter as specified in Education Code 47605. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

Countywide Charter

LACOE considers a petition to have a complete submission when the petitioner has submitted all of the requirements for a petition applicable to a Countywide Charter as specified in Education Code 47605.6. While the County Board may consider an incomplete petition, staff will include findings regarding the missing elements.

A petition to establish a countywide charter school pursuant to Education Code section 47605.6 shall:

- (1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See Education Code section 47605.6).
- (2) If applicable, comply with all requirements of law relative to the provision of independent study.
 - (A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.
 - (B) If the independent study (non-classroom-based instruction) exceeds the percentage specified in Education Code section 47612.5, it shall be funded only in keeping with a determination of funding approved pursuant to Education Code section 47634.2.

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CHARTER SCHOOLS (continued)

- (3) Describe how an annual independent audit of the countywide charter school will be conducted in keeping with applicable statute and regulation and indicate how the countywide charter school's individual schools will be appropriately included in the audit process.
- (4) Incorporate a plan that provides for initial commencement of instruction in at least two schools, which shall be in at least two different school districts within the authorizing county. The plan for instruction shall describe how the instructional services will provide a countywide benefit, as specified in section (b) that cannot be provided by a charter school operating in only one school district. Existing charter schools previously approved by a charter authorizer may not be included in a petition to establish a countywide charter school
- (5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each school and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.
- (6) Describe how the countywide charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with individualized education programs (IEPs).
- (7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic performance and annual financial audits with no audit findings or exceptions. Data that shall be considered in determining the likelihood of a charter operator to successfully operate a countywide benefit charter school include, but are not limited to, a CA Dashboard report without red or orange performance indicators for any student group in two or more state priorities, evidence of having met growth targets over time, and other alternative indicators of success as defined in Education Code section 47607.2.
- (8) Describe how local community input for each school included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each school, with a summary of the input received at the meeting(s) being provided to the Los Angeles County Board of Education (County Board).
- (9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with Education Code section 47605.6(a) for each school proposed in the first year.

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CHARTER SCHOOLS (continued)

- (10) Address all charter elements specified in Education Code section 47605.6 adapted appropriately for application at the countywide level.
- (11) Contain or address any provisions or conditions specified by the County Board at the time of charter approval.
- (12) Contain a plan for operations of the countywide charter school that describes the distinction between centralized and individual school level responsibilities and includes a staffing plan to implement the activities at the designated level. This plan shall be a part of the petition as initially approved by the County Board. If amendments to the plan are proposed, these amendments must be submitted to the County Board for approval. The plan shall address countywide charter school operations including, but not limited to:
 - (A) Academic program;
 - (B) Facilities and school operations;
 - (C) Legal and programmatic compliance;
 - (D) Financial administration;
 - (E) Governance; and
 - (F) Decision-making authority.
- (13) Provide a list that includes each school the countywide charter school proposes to operate. This list shall be a part of the petition as initially approved by the County Board. This list shall include:
 - (A) A timeline for the commencement of instruction at each school. Commencement of instruction must begin during the term of the charter.
 - (B) The general location of each school and the school district in which each school is to be located.
 - (C) A description of the potential facilities to be used at each school.
 - (D) The approximate number of pupils that can safely be accommodated by each school facility.

CHARTER SCHOOLS (continued)

“Instructional services that are not generally provided by a county office of education” and “that cannot be served as well by a charter school that operates in only one school district in the county,” as referenced in Education Code 47605.6(a)(1), shall include, but not be limited to, the following factors:

- (1) Unique factors and circumstances related to the countywide charter school’s educational program that can only be accomplished as a countywide charter and not as a single district- or single county-authorized charter, including specific benefits to each of the following:
 - (A) The pupils who would attend the countywide charter school;
 - (B) The communities (including the school districts) in which the individual schools would be located (e.g., in terms of pupil demographics and performance);
 - (C) The county, to the extent applicable; and
 - (D) The countywide charter school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).

- (2) Neither an administrative benefit to a charter operator, nor a desire by a charter operator to provide services in more than one district, shall be considered sufficient in and of itself to constitute a rationale for a countywide charter.
 - (A) A countywide charter school, regardless of the number of individual schools, is treated as a school district for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. For purposes of compliance monitoring and oversight, the County Board, in its review, will look at each individual school’s independent progress in meeting federal and state growth targets, in addition to the Local Education Agency (LEA) as a whole.
 - (B) Following its submission, a petition to establish a countywide charter school may be modified or new schools added that were not included in the original petition only with the approval of the County Board through the material revision process described in EC 47607(a)(2).
 - (C) Each countywide charter school shall provide an annual report to the County Board reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

CHARTER SCHOOLS (continued)

Direct County and County Conversion Charter

For a Direct County Charter, County Conversion Charter, LACOE requires that the affirmations, assurances, and required elements be presented in the order specified in Education Code 47605 or 47605.6 and that each element be clearly identified by code section. LACOE also requires specific supporting evidence or documentation aligned with the statutory requirements. The details regarding these supporting documents, which are considered as part of the review process, are published on the LACOE website. The timeline for County Board action is triggered by the receipt of the petition as defined in statute and all supporting documents required by County Board Policy and these Regulations.

Once a petition is submitted and LACOE determines it contains all required documents, LACOE will not consider additional documents from the petitioner for the purpose of writing the findings of fact unless the information is requested by LACOE.

For a petition to establish any type of charter school, LACOE may request that the petitioner provide additional information.

Criteria for the Renewal

Whether a renewal petition is submitted to the County Board on appeal after denial by a local school district board or submitted to the County Board as the current authorizer, LACOE reviews the petition to determine if the petitioner has fulfilled the requirements of a petition to renew a charter. In addition to the requirements specified in Education Code 47605 or 47605.6, LACOE determines whether the following have been received as applicable:

1. Documentation that the charter school meets at least one (1) of the academic performance criteria specified in Education Code 47607(b).
2. A copy of the renewal charter petition, including 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. For the appeal of a denied renewal petition, the petition must be as certified as the one denied by the local board. (County Board Policy 0420.4)
3. For the appeal of a denied renewal petition, a copy of the school district board's denial and supporting written factual findings; if the school district board did not make written findings, the County Board will hear the appeal based on the action taken by the school district board.
4. For the appeal of a denied renewal petition, a description of any changes to the renewal petition necessary to reflect the County Board as the authorizer.
5. Evidence regarding the past performance of the school's academics, finances, and operation along with future plans for improvement, if any.

CHARTER SCHOOLS (continued)

Petition Review Protocol

LACOE uses a standardized protocol to evaluate whether a charter petition complies with all statutory requirements, the petitioners are demonstrably likely to successfully implement the educational program stated in the charter, the required elements are reasonably comprehensive, affirmations are stated, and assurance conditions are met. The review protocol is based on applicable statutory and regulatory requirements as well as County Board Policy and these Regulations.

For a petition to establish a County Direct, County Conversion, or Countywide Charter, and for a petition to renew a charter authorized by the County Board, the criteria of review protocol is used to determine whether the petition meets the statutory requirements and the elements are reasonably comprehensive.

A petition to establish or renew a Countywide Charter is reviewed pursuant to Education Code 47605.6. The additional criteria specified in Education Code 47605.6(a)(3) and 47605.6(b) are addressed in the findings reported to the County Board.

A Previously Denied Charter Petition Appeal that does not comply with LACOE submission criteria due to conflicting submission requirements of the school district board, may be asked to submit additional materials (e.g., handbooks, bylaws, articles of incorporation, audits) to facilitate a complete and thorough review. The petitioner should address discrepant criteria through its description of changes to the petition necessary to reflect the County Board as the authorizer.

LACOE has adopted and incorporated applicable regulatory criteria of the California Code of Regulations, Title 5 section 11967.5.1 for its review protocol except where LACOE determined the regulations provide insufficient direction, or where the structure or responsibilities of the County Board and LACOE differ from those of the SBE and the CDE.

In these instances, LACOE has developed its own (local) review criteria or added criteria to those developed by CDE to reflect the needs of the County Board as the authorizer and LACOE as the monitoring and oversight agency. These local and additional criteria are as follows:

- 1. Demonstrably Unlikely to Successfully Implement the Program** (EC 47605(c)(2), 47605.6(b)(2); 5 CCR 11967.5.1(c)) In addition to review of the petition and supporting documents, LACOE may conduct a Capacity Interview of the governing board to determine whether it has the capacity to govern the school and/or the leadership team to determine whether it has the necessary experience and knowledge to implement the charter. The findings from the Capacity Interview are used to evaluate whether the petitioners can successfully implement the program.

CHARTER SCHOOLS (continued)

2. **Required Signatures** (EC 47605(c)(3), 47605.6(a); 5 CCR 11967.5.1(d)) A petition “contains the requisite number of signatures” if a representative sample of the appropriate signatories verify their interest in the charter at the time they signed the petition. If a representative sample of signatories indicates signatures were not authentic, that they were not meaningfully interested in the school, or the signature process did not comply with the requirements of law including that the charter petition was attached to the signature page, the petition does not contain the requisite number of signatures. (EC 47605, 47605.5, 47605.6)

A parent/guardian can be meaningfully interested in having his/her child attend the school if the child is of an age or in a grade that could now or in the first charter term be served by the school; a teacher can be meaningfully interested in teaching at the school if he/she holds a valid California teaching credential appropriate to the grade levels or subjects offered by the school. Total teacher signatures should represent one-half the FTE of teachers in year one.

The signature requirement set forth in Education Code 47605(a) is not applicable to a petition for the renewal of a charter.

3. **Description of the Educational Program** (EC 47605(c)(5)(A), 47605.6(b)(5)(A); 5 CCR 11967.5.1(f)(1)) The needs and challenges of identified subgroups the school intends to serve must be clearly identified and the petition must describe how the instructional design meets these needs and challenges. The instructional design must be research or evidence-based and present a likelihood of success for the student populations the school states it will serve. The description of how the school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations must address all of the requirements of Education Code 47605(c)(5)(A)(i-iii) or 47605.6(b)(5)(A)(i-iii), the corresponding guidance of the California Code of Regulations, Title 5 section 11967.5.1(f)(1)(A)-(F), and comply with applicable requirements of law.

The petition must indicate whether for the purposes of special education, the school will be a school of the district or its own Local Education Agency (LEA). The description should include a bell schedule, proposed school calendar, the instructional minutes by grade level which meets minimum standards required by law, and a staff development plan that is tailored to meet the school’s mission and instructional design.

4. **Measurable Outcomes** (EC 47605(c)(5)(B), 47605.6(b)(5)(B); 5 CCR 11967.5.1(f)(2)) The measurable outcomes must be based on data that can be verified by LACOE.

CHARTER SCHOOLS (continued)

5. **Governance Structure** (EC 47605(c)(5)(D), 47605.6(b)(5)(E); 5 CCR 11967.5.1(f)(4)) The petition must provide evidence the school has established a governing board or other entity as described in its charter that is effectively engaged in policy making and fiscal and administrative oversight and compliance with specific laws applicable to charter school governance including the Brown Act, the Political Reform Act, Government Code 1090; applicable sections of the Corporations Code including the Nonprofit Integrity Act. The petition should include a copy of the articles of incorporation and bylaws, an organizational chart, board resumes with contact information, and evidence that the school’s governing board has adopted internal controls policies to prevent fraud, embezzlement, and conflict of interest and ensures the implementation and monitoring of those policies.

6. **Health and Safety** (EC 47605(c)(5)(F), 47605.6(b)(5)(G); 5 CCR 11967.5.1(f)(6)) A renewal petition should include a copy of the student/parent handbook, the school safety plan, the employee handbook, and the procedures that the school will follow to ensure the health and safety of students and staff.

7. **Racial and Ethnic Balance** (EC 47605(c)(5)(G), 47605.6(b)(5)(H); 5 CCR 11967.5.1(f)(7)) The petition must include a demographic description of the general population residing in the school district in which the school proposes to locate (or in the case of a countywide charter, the demographics of the county); benchmarks that measure whether the applicant pool is reflective of the district, including a balance of racial and ethnic pupils, special education pupils, English learner pupils, including redesignated English fluent proficient pupils; specific outreach strategies including locations and times, specific media outlets, conducting outreach in appropriate languages and to appropriate socioeconomic groups. The petition should not provide evidence that the plan may establish barriers to access based on race or ethnicity.

8. **Admission Requirements** (EC 47605(c)(5)(H), 47605.6(b)(5)(M); 5 CCR 11967.5.1(f)(8)) Admission preferences, if any, must be clearly defined (siblings, employee’s children, founding parent/founders, etc.) and must not be likely to negatively impact the racial balance the school strives to achieve. The admissions process must not be discriminatory with respect to protected classes and groups. The process for conducting the lottery must be clearly defined and observable. The petition should describe information to be collected through the interest form, application form, and/or enrollment form or a copy of these forms if a renewal petition. If the petition or budget indicates the school will apply for the federally funded Public Charter School (PCS) grant, the admissions criteria should match those criteria or there should be a notation that if the charter is awarded the grant, the school will request a material revision to the charter to align their admission criteria with the grant during the time they receive grant funds.

CHARTER SCHOOLS (continued)

- 9. Annual Independent Financial Audits** (EC 47605(c)(5)(I), 47605.6(b)(5)(I); 5 CCR, 11967.5.1(f)(9)) The petition must specify that the independent audit is conducted annually; the auditor must be on the State controller’s list of educational auditors; the auditor will be hired by the Board of Directors of the charter school; and financial reporting to charter agency will be carried out pursuant to Education Code 47604.33. A renewal petition received on appeal must include the two (2) most recent audits, if applicable. A renewal petition for a charter school authorized by the County Board must include the most recent audit, if applicable.

- 10. Retirement Systems** (EC 47605(c)(5)(K), 47605.6(b)(5)(K); 5 CCR 11967.5.1(f)(11)) The petition must clearly comply with the language that is acceptable to the respective retirement systems, as both systems retain the right to reject charter language that does not clearly specify the school’s choices with regard to CalSTRS and CalPERS. The charter may offer one, both, or neither of the public retirement systems, however language must clearly reflect one of the following choices for each retirement system: *(1) Coverage will be offered to eligible employees; (2) The school retains the option to elect the coverage at a future date, or (3) The school will not offer the coverage.* To be considered reasonably comprehensive, the petition must meet both criteria, clearly identify the retirement systems for each type of position, and identify the responsible staff position for ensuring appropriate arrangements for coverage have been made.

- 11. Dispute Resolution Procedures** (EC 47605(c)(5)(N), 47605.6(b)(5)(L); 5 CCR 11967.5.1(f)(14)) To be reasonably comprehensive, the petition must state the following: That in the event that any dispute arises between the charter school and LACOE, both parties agree to use the procedure as stated herein, except for any dispute that is any way related to revocation of the charter school. The party who claims there is a dispute shall first identify the issue in writing with specificity and with supporting facts. The other party shall provide a written response to the identification of the issue within 20 business days. Both parties will attempt to settle such dispute by meeting and conferring in a good faith attempt to resolve the dispute within 15 business days of the date of the written response. At any time that LACOE believes the dispute relates to an issue that could lead to revocation of the charter school, both parties will no longer be subject to this process. LACOE may proceed immediately with the revocation procedures as set forth in law and stated below if LACOE believes the charter school:

 - A. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

 - B. Failed to meet or pursue any of the pupil outcomes identified in the charter.

CHARTER SCHOOLS (continued)

- C. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - D. Violated any provision of law.
- 12. Closure Procedures** (EC 47605(c)(5)(O), 47605.6(b)(5)(P)) The petition must reflect the definition of procedures for charter school closure pursuant to the California Code of Regulations, Title 5 section 11962.
- 13. Effect on the Authorizer and Financial Projections** (EC 47605(h))
- A. Location and Facilities – Each charter school is required to notify LACOE of all locations, including resource centers, meeting spaces, and satellite facilities. The petition must include copies of lease agreements, Certificates of Occupancy, MOUs, or like agreement/compliance documents for any facility identified in the petition.
 - B. Administrative Services – The petition must include copies of any contracts or MOU for administrative services, if applicable.
 - C. Financial Statements – In the case of a Countywide Charter, the budget shall include an amount sufficient to cover an agreement with a third-party selected by the County Board to oversee, monitor, or report to the County Board and the County Superintendent on the operations of the charter school pursuant to Education Code 47605.6(c).

Report on Findings

LACOE will provide a written report on the findings of fact specific to the petition to establish or renew a charter school to the County Board.

If any component of the petition was written to comply with school district requirements and, as a result of that requirement, an element or other component cannot be determined to be reasonably comprehensive, LACOE will report the findings and the reason for the findings, and recommend that, as a condition of authorization, a technical (non-material) amendment be made to the charter if authorized.

The findings shall comply with the statutory criteria of Education Code, California Code of Regulations, Title 5, County Board Policy and these Regulations.

CHARTER SCHOOLS (continued)

Approval Term

LACOE will specify the term of the charter (starting and ending dates) and the date by which instruction shall begin in the MOU. The term of a charter to establish a charter school may be from one (1) to five (5) years as determined by the County Board. The term of a renewal charter shall be from two (2) to seven (7) years as determined by the County Board. (EC 47605)

Conditions of Authorization

LACOE completes the MOU template with all information pertinent to the specific charter school prior to providing the school's governing board with a copy. LACOE monitors whether the charter school fulfills the standard conditions of authorization, which may include, but are not limited to, making changes to the petition necessary to reflect the County Board as the authorizer; signing the MOU, which includes adherence to all requirements established therein; submitting a school safety/student discipline plan that finalizes the reasons a student may and must be suspended or expelled and the policies, procedures, and process for suspending and expelling students; finalizing the curriculum to be used and the scope and sequence of all subjects to be offered; providing evidence of applying to or having membership in a Special Education Local Plan Area (SELPA); providing evidence of insurance; and submitting to a facilities inspection. LACOE also monitors whether the charter school commences operations within the timeframe specified in the approval action and commences instruction by September 30 of the first year of operation. LACOE informs the County Board if the school does not meet the standard conditions of authorization as failure to do so is grounds for termination or revocation of the charter.

The County Board may impose additional conditions when authorizing a charter school. LACOE informs the County Board as to whether the school has fulfilled those conditions.

Notification of Approval or Denial

LACOE notifies the petitioner in writing of the County Board's decision to grant or deny the charter. Notification includes a stamped copy of the action taken by the board and a copy of the findings of fact. A copy of the minutes is posted on the LACOE website or can be sent to the petitioner on request after final County Board approval.

If the County Board's action was to approve the petition, any conditions of approval and a copy of the MOU are provided to the petitioner in a timely manner. The petitioner is also notified of the requirement to submit a copy of the petition to the CDE and LACOE (Division of School Financial Services, Business Charter Schools Unit); the petition to be sent shall reflect all conditions of authorization and any necessary changes to reflect the County Board as the authorizer identified in the approval action or the MOU.

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CHARTER SCHOOLS (continued)

In the case of a Countywide Charter, LACOE also notifies the petitioner of the school's responsibility to submit a copy of the approval letter, board minutes, and the approved petition to the school districts within Los Angeles County, the State Superintendent of Public Instruction, and the SBE. (EC 47605.6(j))

LACOE notifies the local school district of the County Board's decision on any action taken pertaining to an appeal.

Monitoring and Reporting

The MOU addresses matters not covered in the charter to provide guidance on the oversight policies and procedures of the County Board as carried out by LACOE and outlines the parties' agreement governing their respective fiscal and administrative responsibilities and their legal relationships. The provisions of the MOU, including material revisions, are incorporated into these Regulations by reference.

At a minimum, the monitoring and oversight responsibilities of the County Board and LACOE shall include the following: (EC 47604.32)

1. Identify at least one staff member as a contact person for the charter school.
2. Visit each charter school at least annually.
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitor the fiscal condition of each charter school under its authority.
5. Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - A. A renewal of the charter is granted or denied.
 - B. The charter is revoked.
 - C. The charter school will cease operation for any reason.

The cost of performing the duties required by this section shall be funded with supervisory oversight fees collected pursuant to section 47613.

CHARTER SCHOOLS (continued)

LACOE shall fulfill its monitoring and oversight responsibility by conducting annually a site visit for one or more of the following purposes: (1) to monitor the school's finances and operations; (2) to inspect the facility or facilities; and/or (3) to monitor implementation of the educational program described in the charter.

Additional scheduled and/or unscheduled visits may be conducted when deemed necessary. (Education Code 47607(a)(1) *The authority that granted the charter may inspect or observe any part of the charter school at any time.*)

Material Revisions – LACOE accepts, evaluates, and makes a written report to the County Board on the findings of fact on a request for a Material Revision to a charter. After receiving a request for a Material Revision, LACOE evaluates whether the Material Revision complies with the requirements of Education Code 47605, including that the description of the revision be reasonably comprehensive, and any new law enacted after the charter was originally granted or last renewed. LACOE schedules a Public Hearing to determine the level of support for the revision. The Public Hearing is held at a regular scheduled meeting of the County Board within 60 calendar days of receipt of the petition.

LACOE schedules the County Board to take action to approve or deny a Material Revision petition within 90 calendar days of receipt. This timeline may be extended up to 30 calendar days with the written consent of both parties. (EC 47607) The request for an extension must be received prior to the County Board taking a vote to approve or deny the material revision.

Waivers – The County Board on behalf of one or more of its charter schools, after a Public Hearing on the matter, may request the SBE to waive all or part of any section of Education Code or any regulation adopted by the SBE that implements a provision of the code that may be waived. (EC 33050)

LACOE accepts, evaluates, and makes a written report to the County Board on the findings of fact on a Waiver. LACOE schedules a Public Hearing on the Waiver request. The Public Hearing is held at a regular scheduled meeting of the County Board within 90 calendar days of receipt of the Waiver. LACOE schedules the County Board to take action to approve or deny a Waiver. If the Waiver request is approved, the Superintendent or designee shall subsequently prepare a summary of the Public Hearing to be forwarded with the waiver request to the SBE or the appropriate administrative agency at the CDE.

A charter school may apply directly to the SBE for a waiver of the following sections of code: (1) Carl D. Perkins Career and Technical Improvement Act of 2006 (PL 109-270 section 131(c)(2)); and (2) Waiver of Audit Penalties (EC 46200, 46201, 46202).

CHARTER SCHOOLS (continued)

Revocation of a Charter Authorized by the County Board

As part of its administrative responsibility to monitor and oversee the charter schools authorized by the County Board, LACOE, at a minimum, informs the charter school and the County Board in writing when a charter school commits a material violation of any of the standards, procedures, or procedures of its charter, fails to meet or pursue any of the pupil outcomes identified in the charter, fails to meet generally accepted accounting principles or engages in fiscal mismanagement, violates any provision of law, there is a severe and imminent threat to pupil health or safety, or fails to comply with any conditions of authorization or operation established by the County Board.

LACOE strives to support a charter school's efforts to comply with its charter, applicable laws and implementing Regulations. When a charter school is out of compliance, LACOE attempts to help it correct violations by identifying and documenting concerns and providing technical assistance. If violations relate to the requirements of Education Code 47606.5, LACOE will follow the requirements of Education Code 47607.3 as established by AB 97 (2013). If this support does not lead to a remedy, LACOE will provide the County Board with written notice and the evidence used to determine that the alleged violation(s) occurred.

Where the County Superintendent determines there is substantial evidence of a violation, he or she may recommend the County Board issue a *Notice of Violation* to the charter school at a regular meeting of the County Board; this initiates the revocation process. LACOE shall provide at least 72 hours notice to the charter school of any meeting at which the County Board will consider issuing a *Notice of Violation*.

LACOE will provide the County Board with a draft *Notice of Violation* which shall include the specific alleged violation(s), the evidence used to determine the violations, including the date and duration of the alleged violation(s), that the violation(s) are material and uncured, that the alleged violations occurred within a reasonable period of time before the notice is issued, the reasonable period by which the charter shall refute, remedy, or propose a remedy, to whom the written response shall be submitted, and the date by which the County Board will take action on whether to terminate or proceed with revocation; this date shall be within 60 days of the end of the remedy period.

If the charter school submits a written response by the end of the remedy period, LACOE will evaluate the response in writing and provide the evaluation to the County Board at a regular meeting to be held within 60 calendar days of the end of the remedy period. If the County Superintendent determines the response, remedy, or proposed remedy is insufficient to cure, he or she may recommend that the County Board issue a *Notice of Intent to Revoke* at a regular meeting of the County Board.

LACOE will provide the County Board with a draft *Notice of Intent to Revoke* which shall specify the date, time, and location for a Public Hearing concerning revocation.

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CHARTER SCHOOLS (continued)

Education Code 47605 provides that, while an appeal is pending, a charter school that is being revoked for the reasons specified in Education Code 47607(c)(1)(A) or (B) will continue to qualify as a charter school for funding and all other purposes of the Charter School Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

If the County Board determines there is a violation of Education Code 47607(c) that constitutes a severe and imminent threat to the health or safety of pupils, the County Board is exempt from the requirements of the California Code of Regulations, Title 5 section 11968.5.2 and may immediately revoke the school's charter by approving and delivering a *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* to the charter school's governing board and the CDE. Due to the urgent nature of a severe and imminent threat to the health and safety of pupils, the County Superintendent under his or her delegated authority from the County Board may suspend operation of the school until such time as the Board may hold a meeting to take action to immediately revoke the school under this section.

Following approval and delivery of the *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* by the County Board, the charter school's governing board may appeal to the SBE pursuant to Education Code 47607(i) and (j).

Public Hearing on Revocation

On the date and time specified in the *Notice of Intent to Revoke*, and no later than 30 days after providing the *Notice of Intent to Revoke* a charter, the County Board will hold a Public Hearing on the issue of whether evidence exists to revoke the charter.

Final Decision on Revocation

No more than 30 calendar days after the Public Hearing, or no later than 60 calendar days with the written consent of both parties, the County Board shall issue a *Final Decision* on the revocation.

LACOE will provide a copy of the *Final Decision* of the action taken by the County Board at the Public Hearing to the CDE within ten (10) calendar days of issuing the *Final Decision*.

Appeal of a Revocation by a School District Board of Education

If a school district is the chartering authority and revokes a charter pursuant Education Code 47607 and the California Code of Regulations, Title 5 section 11968.5.2, the charter school may appeal the revocation to the County Board within 30 days following the final decision of the school district board.

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CHARTER SCHOOLS (continued)

Upon receipt of a *Notice of Appeal* of revocation from a charter school, LACOE determines whether the notice was submitted within 30 calendar days of the receipt of the Final Decision revoking the school's charter and that the *Notice of Appeal* complies with the requirements of the California Code of Regulations, Title 5 section 11968.5.4 (a).

The County Board may reverse the revocation based on the California Code of Regulations, Title 5 section 11968.5.4 (b) (1) – (3). LACOE reviews the *Notice of Appeal* for compliance with the regulatory requirements and reports findings on the review to the County Board.

If the County Board reverses the revocation decision, the school board that granted the charter shall continue to be considered the chartering authority. The school district may appeal the reversal to the State Board.

If the County Board does not issue a written decision on the revocation within 90 days of receipt of the *Notice of Appeal* and required supporting documents, the decision of the authorizer is upheld pending any further appeal. If the County Board upholds the revocation, the charter school may appeal the revocation to the State Board.

LACOE shall provide the CDE and the school district board with a copy of the County Board's written decision within ten (10) calendar days of the action.

An appeal of a *Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety* is considered in much the same manner as any other appeal of a revocation; the specific differences are outlined in the California Code of Regulations, Title 5 section 11968.5.3(c) – (e). LACOE shall act to ensure the health and safety of the students as its primary concern in addition to fulfilling the administrative responsibilities delegated to the County Superintendent.