

REVIEW OF CHARTER SCHOOL PETITIONS

The Legislature established the Charter Schools Act of 1992 (Chapter 781, Statutes of 1992), as amended, to provide opportunities for students, teachers, parents, and community members to establish and maintain nonsectarian schools that operate independently from the existing school structure. Charter schools are considered part of the Public School System as defined in Article IX of the California Constitution and under the exclusive control of the officers of the public schools. [Education Code (E.C.) 47615 (a)(1)(2)]

The chartering authority for approving a charter school in a district is the governing board (the Board). In a county office of education, the chartering authority is the Monterey County Board of Education (County Board).

Accordingly, in order to implement state law fully and fairly, to comply with the Monterey County Office of Education's (MCOE) Board Policy [Board Policy (BP) 0420.4] and to provide petitioner(s) with a thorough description of how the county shall meet its obligations under the law, the following are procedures to establish or renew a charter school.

How Charters Are Originated and Funded

The law recognizes two "types" of charter school—***Conversion*** charter schools and ***Start-up*** charter schools. In the vernacular, charters are sometimes referred to as "**dependent**" and "**independent.**"

"**Dependent charters**" are typically created by **converting** an existing school (Conversion Charter). It usually remains closely affiliated with the authorizing school district or county office.

"**Independent charters**" are typically **start-up** charters that are formed by parents, teachers, community members or charter management organizations (Start-Up Charter). Most of these charters operate as non-profit corporations.

Locally funded charter schools receive their funds through the school district or county office that granted the charter. Most "**conversion**" charters receive their funding in this manner.

Direct funded charter schools elect to receive their funding directly from the County Superintendent of the county in which the authorizing board is located,

making them truly “**independent.**” [*Charter Schools: A Manual for Governance Teams*, CSBA 2009]

Sources of Charter School Petitions to the County Board

The County Board may receive charter school petitions in several ways:

1. On appeal, if a local district board denies a petition application that was submitted to it for original approval. [E.C. 47605(j)(1)]
2. On appeal, if the granting board denies a request for renewing the charter upon the termination of its contract period [E.C.47607.5]
3. On appeal, if the granting board revokes the charter before its scheduled termination date [E.C. 47607(f)(1)].
4. On a direct filing, if the intent is to establish a countywide charter: This charter school may operate at one or more sites within the geographical boundaries of the county to provide instructional services that are not generally provided by a county office of education. The County Board may only approve a countywide charter if it finds, in addition to other requirements to this section of Education Code, that the educational services provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter that operates in only one district in the county [E.C. 47605.6(a)(1)]
5. On a direct filing for a charter school that will serve pupils for whom the County Office would otherwise be responsible for providing direct education and related services. [E.C. 47605.5]
6. By assignment from the State Board of Education. The SBE may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the SBE to any local education agency in the county in which the charter school is located or to the governing board that first denied the petition. [E.C. 47605(k)(1)]

Submitting a Charter School Petition

Submission of Notice of Intent

Charter school petitioners who wish to submit a petition to create a charter school or appeal a denial or revocation by the school district should file a ***Notice of Intent*** (see *BP 0420.4 Exhibit 1*) to the County Superintendent at least 2 weeks prior to submitting the charter petition. The County Superintendent or designee shall respond to the petitioners that the Notice of Intent has been received.

Note: Prior to the submission of the petition, the Monterey County Superintendent of Schools (County Superintendent) may authorize a coordinator to work with the charter school petitioners in order to gather information about the proposal and suggest

components that would align the petition with student learning and existing education code requirements. The County Superintendent may also appoint a coordinator and staff advisory committee to evaluate the substance of the petition once it meets the minimum eligibility requirements listed below.

Submission of Charter and Petition

The proposed charter shall be attached to the petition [E.C. 47605 (a)(3)], and must set forth all of the elements of a charter and include or refer to such information as will enable the county office staff and County Board to complete the review process and affirmations [E.C. 47605 (a)-(h) and (l)]. Petitioners are required to submit 15 copies of the charter petition to the County Superintendent.

It is the responsibility of the Petitioners to cross check paginations and to assure that page numbers are legible and are printed in correct sequence prior to submitting the petition.

1. Preliminary Review

The MCOE Staff will conduct a preliminary review in preparation for the formal receipt of the petition by the County Board. The purpose of the Preliminary Review is to confirm receipt of all required documents to determine if the charter and the petition are complete and legally compliant. The preliminary review will verify the following items:

1. The number of required petition signatures as stated by E.C. 47605 (a).
(The signatures requirement set forth in E.C. 47605 (a) is not applicable to a charter petition renewal).
2. The charter is not a conversion of any private school to a charter school. [E.C. 47602 (b)]
3. Required Affirmations: Statement that school will be non-sectarian in its programs, admission policies, employment practices, and all other operations, will not charge tuition, and will not discriminate against any pupil on the basis of ethnicity, national origin, gender or disability.
4. Geographical and Site Limitations: Does the Petition propose to operate a single charter school within the county, a countywide charter, or in the case of a charter proposal initially denied by a local governing board, within the geographic jurisdiction of the school district to which the charter was originally submitted?
5. Effective Date: Does the Petition demonstrate that the charter school will commence operation by September 30 of its first year of operation?
6. Financial Reports: Does the Petition include all required financial reports per E.C. 47605 (g), namely: a proposed first-year operational budget including start-up

- costs; a cash flow statement; and financial projections for the first three years of operation?
7. Required Elements: Does the charter petition include information for all the required elements? [E.C. 47605 (b)(5)(A-P) or E.C. 47605.6 (b)(5) (A-Q) for countywide charters.]
 8. Required Supplementary Information: Does the petition include the required supplemental information as stated by E.C. 47605 (d)(1) and (g).
 9. If the charter is appealing a denial by a District, the preliminary review will include all the following requirements: [California Code of Regulations (CCR) Title 5 11967 (a) (1-4)]
 - A charter petition that has been previously denied by the governing board of a school district must be received by the County Board not later than 180 calendar days after the denial.
 - A complete copy of the charter petition as denied, including the signatures required by Education Code section 47605.
 - Evidence of the governing board's action to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in E.C. 47605(b).
 - A signed certification stating that petitioner(s) will comply with all applicable law.
 - A description of any changes to the petition necessary to reflect the County Board as the chartering entity.

When the preliminary review is complete, the Petitioner will be notified of the next regularly scheduled County Board meeting when the County Board will formally receive the Petition. A public hearing will be scheduled within 30 days of this formal receipt date of the petition, or within 60 days for a countywide charter school.

If the charter petition is incomplete, the Petitioner will be notified in writing with specifications and reason (s) for rejecting the charter and petition. The Petitioner will then have to make arrangements to resubmit the Petition at a later regular scheduled County Board Meeting date.

2. In-Depth Review of Charter Petition by MCOE Staff

After the Preliminary Review has been conducted and the petition is deemed complete the lead project coordinator/administrator and other MCOE Staff members appointed by the County Superintendent and representing the different operational specialties, will perform the following in-depth review of the charter's documents:

- a. Validate the petition signature requirements set forth in [E.C 47605 (a)(1)(A) & (B)]
- b. Validate Geographic and Site Limitations. A classroom based charter petition submitted directly to the County Board, as authorized by E.C 47605.5 or 47605.6 may operate only within the territorial jurisdiction of the County Board. [E.C. 47605.1 (f)] However, petitions for independent study charters, whether characterized as home study or otherwise, may include pupils of Monterey County and residents of immediately adjacent counties. [E.C. 51747.3]
- c. Validate required affirmations. [E.C. 47605 (d) (1) and (g)]
- d. Verify effective dates (start and ending dates of school and proposed school calendar).
- e. Verify 16 required elements [E.C. 47605(b)(5)(A-P)]. For countywide charters there are 17 required elements [E.C. 47605.6 (b)(5) (A-Q)].
- f. Verify required supplemental information per Ed Code 47605 (g):
 - A proposed first-year operational budget including start-up costs; a cash flow statement; financial projections for the first three years of operation; facilities to be used; administrative services to be provided. [E.C. 47605 (g)]
 - Proposed Operation and Potential Effects (Impact Statement).
- g. Verify required Special Education/ SELPA Services [E.C. 47640-47647]
- h. Verify that the charter school will provide the minimum number of minutes of instruction each fiscal year as required by E.C. 47612.5.

The required elements will be reviewed using a Petition Review Checklist (Matrix). The petition needs to contain a reasonably comprehensive description of the elements, principally that define educational goals, measurable student outcomes, student selection process, and the governance structure of the charter school and other components.

Petitions are required to include charter assurances that contain a listing of all state and federal laws, local laws and regulations that pertain to the applicant or the operation of the charter school, statewide standards and assessments, non discriminatory clauses as stated by California Education Code and Exclusive Public School Employer Declarations [E.C. 47611.5(b)(c)], among other items.

Petitions should also include information regarding the proposed operation and potential effects of the school, including, but not limited to, plans for facilities, fiscal allocation plan, and how special education services shall be provided. [E.C. 42130 & 42131]

3. Public Hearing

No later than 30 days after receiving the complete charter school petition, or 60 days in the case of countywide charters, the County Board shall hold a public hearing on the provisions of the charter petition. The level of support for the petition by teachers employed by the county or district, other employees of the county or district, and parents shall be considered. Charter petitioners shall appear and provide testimony to the County Board. This hearing date, except for the countywide charters, may be extended 30 days if both parties agree to the extension. [E.C. 47605(b)]

4. County Board Decision Date

Within 60 calendar days of receiving a valid petition, or 90 days for countywide charters, the County Board shall either grant or deny the request to establish a charter school. The date may be extended an additional 30 calendar days in either case upon the approval of both parties. [E.C. 47605(b) and 47605.6(b)]

MCOE Staff shall continue to organize activities, complete the comprehensive analysis of the petition and present findings and recommendations to the County Board within the timeframes. The findings and recommendations should be submitted to the County Superintendent in sufficient time to be incorporated into the formal report that will be presented to the County Board.

5. County Board Approval/Denial

The County Board shall either grant or deny the petition at a duly noticed public meeting. The County Superintendent shall officially communicate in writing the decision of the County Board to the charter school petitioners. If approved, the initial term of the charter may be granted up to 5 years.

If the County Board denies the charter petition, the communication shall include factual findings, specific to the information and materials that were submitted, setting forth specific facts under E.C. sections 47605(b)(1 through 5). For countywide charters, the references are E.C. 47605.6(b)(1 through 6). The specific facts are shown below.

The governing board of a district or the County Board shall not deny a petition for the establishment of charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

1. The charter school presents an unsound educational program for the pupils to be enrolled in a charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by E.C. 47605(a), and E.C. 47605.6(a) for countywide schools.

4. The petition does not contain an affirmation of each of the conditions described in E.C. 47605(d), and E.C. 47605.6(d) for countywide schools.
5. The petition does not contain reasonably comprehensive descriptions of all of the elements described in E.C. 47605(b)(5)(A) through (P), and E.C. 47605.6(b)(5)(A) through (Q) for countywide schools.
6. **For countywide charter school petitions only:** Any other basis that the Board finds is justification of denial of the petition. [E.C. 47605.6(b)(6)]

Qualifying/Disqualifying Conditions

The MCOE staff will include any specific factual findings related to the following conditions:

1. The County Board shall not grant any charter that authorizes the conversion of a private school to a charter school. [E.C. 47602 (b)]
2. The County Board shall not approve any charter petition that proposes to serve students in a grade level that is not served by MCOE, (or district, if the Board is requested to hear an appeal of a charter school that was denied by a district) unless the charter petition proposes to serve pupils in all the grade levels served by MCOE or the school district (whichever is applicable) [E.C. 47605(a)(6)].
3. 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 MCOE (or the district) participates. [E.C.47605.7]
4. The County Board cannot deny granting the charter because (a) approval may cause financial hardship or (b) based on the actual or potential costs of serving "individuals with exceptional needs", ("Exceptional needs" is defined pursuant to E.C.56026).
5. In granting charter petitions, the County Board shall give preference to schools best able to provide comprehensive learning experiences of academically low-achieving students. [E.C.47605.6 (h)]
6. Each charter school shall adhere to all laws establishing minimum age for public school attendance.
7. The charter petition must specify that the charter school shall hold harmless and indemnify the County Board and its officers, and the County Superintendent and his/her officers and employees from any claim or demand of whatever nature, including those based upon the negligence of the County Board and its officers,

and the County Superintendent and his/her officers and employees brought by any person, institution, or organization.

8. The charter school, at its own cost, expense, and risk shall defend any legal proceedings that may be brought against the County Board and its officers, and the County Superintendent and his/her officers and employees, by any person, including any institution or organization, on any claim or demand of whatever nature arising out of the County Board granting a charter and shall satisfy any judgment that may be rendered against any of them. The County Board and the County Superintendent shall notify the charter school of the receipt of any such claims or demands.
9. If the County Board grants a charter for the establishment of a charter school to be operated by, or as, a nonprofit public benefit corporation, the County Board may exercise its option to appoint a single representative on the board of directors of the nonprofit public benefit corporation [E.C. 47604(b)]. It shall be the policy of the County Board that any school representative, who may sit on the charter school board of directors, be a non-voting member, avoiding any appearance of a conflict of interest or interfering with the authority of the charter school board.

Memorandum of Understanding

Upon the approval of a charter petition, a Memorandum of Understanding (MOU) is developed between the charter school and the authorizing board to clarify financial and operational issues. An MOU is not required by charter law but is strongly recommended. It is usually negotiated during the petition approval process and, if approved by the County Board shall become an addendum to the charter.

The MOU provides an opportunity for the County Board to spell out anything that was not included in the original charter petition. It shall be reviewed annually and adjusted

as necessary. The MCOE may request to expand on the legally required charter elements or other required parts of the petition, or may request to include some of the items discussed below. The MOU serves as a binding legal agreement between the County Board, the MCOE and the charter school to protect all parties. Therefore, it is important to identify any matters for which the county office wants to hold the petitioners accountable.

Authorizer's Responsibilities Once the Charter Has Been Granted

Once granted, the County Board, in addition to any other duties described in this Administrative Regulations (AR), is required to do all of the following with respect to each charter school under its authority:

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 State Department of Education if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - A renewal of the charter is granted or denied.
 - The charter is revoked.
 - The charter school will cease operation for any reason.

The cost of performing the duties described above shall be funded with supervisory oversight fees collected pursuant to E.C. 47613. If the County Board authorizes a countywide charter school, the Board may enter into an agreement with a third party, as a condition to charter approval, to oversee, monitor, and report to the Board on the operations of the charter school. The expense that may be incurred will be borne by the charter school. [E.C.47605.6(c)]

Reports to the County Board:**Budget / Financial Annual Reports** [E.C. 47604.33(a)]

Each charter school shall submit the following reports to the County Superintendent annually:

1. On or before July 1, a preliminary budget.
2. On or before December 15, an interim financial report reflecting changes through October 31.
3. On or before March 15, a second interim financial report reflecting changes through January 31.
4. On or before September 15, a final unaudited report for the full prior year.

The County Board shall use any financial information it obtains from the charter school, including, but not limited to, the reports required by this section, to assess the fiscal condition of the charter school.

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

Financial Audit Report

A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year to County Board, the Controller, and the California Department of Education by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of MCOE. [E.C. 47605(m)]

Annual Report to the Board

Every year in May, the Charter Director shall present a report to the Board regarding the charter's Academic Performance and Fiscal Accountability.

Charter Renewal and Material Modification of an Approved Charter

Charter School Renewals:

1. Applications to renew or materially modify the charter shall include all the same information, be processed in the same way, and be subject to approval or denial on the same basis as proposals for new charter schools. Any renewal approval shall be for a period of five years from the expiration date of the charter. A material modification, when approved, shall not affect the expiration date of the charter as originally approved.
2. The Petitioner shall file a ***Notice of Intent*** (see ***BP 0420.4 Exhibit 1***) to the County Superintendent at least 2 weeks prior to submitting the charter petition renewal.
3. Following submission of the *Notice of Intent*, the petitioner may submit the charter petition for renewal to the County Superintendent no later than six months prior to the date of charter expiration. The County Superintendent or designee shall respond to the petitioners that the *Notice of Intent* has been received.
4. Legal Requirements: Charter school renewals must comply with the standards and criteria in E.C. 47605 and 47607. A petition for renewal must include the following:
 - Documentation that the charter school meets at least one of the Renewal Criteria specified in E.C. 47607(b), (see below- Renewal Criteria per E.C. 47607 (b))
 - 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.

- The signature requirement set forth in E.C. 47605(a) is not applicable to a petition for renewal.
- Any material revisions of the provisions of the previously approved charter.

Renewal Criteria per E.C. 47607(b)

The Charter school must meet at least one of the following five criteria:

1. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years or in the aggregate for the prior three years.
2. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
3. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
4. (A) The school district or county office of education that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
(B) The determination made pursuant to this paragraph shall be based on all of the following:
 - (1) Documented clear and convincing data
 - (2) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting (STAR) program for demographically similar pupil populations in the comparison schools
 - (3) Other information submitted by the charter school
(C) A chartering authority shall submit to the State Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The State Superintendent of Public Instruction shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to E.C. 47604.5.
(D) A charter renewal may not be granted to a charter school prior to 30 days after the charter school submits materials pursuant to this paragraph. Renewals and material revisions of charters are governed by the standards and criteria in E.C. 47605 and 47607. Whenever a charter is renewed or a material revision is granted, the charter petition must be revised to reflect any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

5. Has qualified for the Alternative Accountability System (ASAM) pursuant to subdivision (h) of E.C. 52052.

Note: In rendering a decision for renewal, the county board shall consider the past performance of the school’s academics, finances, and operations in evaluating the likelihood of the future success, along with future plan for improvement if any.

Countywide Charter Renewals/ Material Revisions

Countywide Charter Renewals are governed by the standards and criteria of E.C. 47605.6 and apply to charters granted under E.C.47605.6.

If a County Board denies a petition for renewal of a countywide charter school established under E.C. 47605.6, the petitioner may not elect to submit the petition for renewal of the countywide charter school to the State Board of Education.

An approved Countywide Charter School that proposes to establish operations at additional sites within the county must apply to the County Board for a material revision. The charter school must notify the school districts where those additional sites will be located. The Board will consider whether to approve the additional locations at a public meeting held no sooner than 30 days after notification has been made to those school districts.

Renewal Timeline/ Requirements

1. Any petition submitted to MCOE shall start with the ***Notice of Intent*** (see BP 0420.4 Exhibit1)
2. In the spring of the 4th year of operation, the charter school will notify MCOE Staff regarding the upcoming renewal of their charter.
3. The charter school shall submit its revised charter no sooner than October 1, of the 4th year.
4. Once a petition for renewal is received, the same timeline as the petition review process for a petition on an appeal from a district will be followed. A public hearing shall take place no later than 30 days of submission and a final decision shall be made within 60 days (or can be extended an additional 30 days with written mutual agreement by the charter school and chartering authority.) For a *countywide charter*, no later than 60 days after receiving a petition the County Board shall hold a public hearing and render a decision within 90 days of receipt of the petition (or can be extended an additional 30 days with written mutual agreement by the charter school and chartering authority).
5. There is no appeal from non-renewal of a countywide charter to the State Board of Education.

**Charter Petitions That Have Not Been Renewed By The School District-
Submission to County Board of Education**

1. When the governing board of a school district denies a charter school's petition for renewal, the charter school may submit a petition for renewal to the County Board not later than 30 calendar days after the district governing board makes its written factual findings.
 - The County Board and the charter petitioner may extend this date by an additional 30 days only by written mutual agreement. A petition for renewal not submitted to the county board within this time shall be considered denied with no further options for administrative appeal.
2. A petition for renewal, whether submitted to the County Board as the chartering authority or on appeal from denial of the renewal petition by the local governing board, shall be considered by the county office of education upon receipt of the petition with all the requirements set forth in this subdivision.
 - Documentation that the charter school meets at least one criteria specified in E.C. 47607(b).
 - A copy of the renewal charter petition as denied by the local board, 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.
 - The signature requirement set forth in E.C. 47605 (a) is not applicable for petition renewal.
 - When applicable, a copy of the governing board's denial and supporting written factual findings, if available.
 - A description of any changes to the renewal petition necessary to reflect the County Board as the chartering agency.
 - When considering a petition for renewal, the County Board shall consider the past performance of the school's academics, finances, and operations in evaluating the likelihood of the future success, along with future plans for improvement if any.
 - The County Board may deny a petition for renewal of a charter school only if the County Board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth, as applicable, in E.C. 47605(b) and 47605.6(b), or failure to meet one of the criteria in E.C. 47607(b).
 - If within 60 days of a County Board's receipt of a petition for renewal, the County Board does not grant or deny the petition for the renewal of a charter school, the charter school may submit a petition for renewal to the State Board of Education (SBE).

- The County Board and charter petitioner may extend this date by an additional 30 days only by *written* mutual agreement.

Charter Petitions That Have Not Been Renewed Locally-Submission to the State Board of Education

When the County Board denies or takes no action on a charter school's petition for renewal, the charter school may submit a petition for renewal to the State Board of Education. However, if the County Board denies a countywide charter's request for renewal, the petitioner may not appeal to the State Board of Education.

Failing to Act on Charter Renewal by a District Governing Board

If within 60 days of its receipt of a petition for renewal, a district governing board has not made a written factual finding as mandated by E.C. 47605(b), the absence of written factual findings shall be deemed an approval of the petition renewal.

The district governing board and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

Other Charter Procedures**Material Revisions to an Approved Charter:**

A material revision is any revision made to the charter that has an impact on budget, change in program or facility, and was not specified in the original charter.

A material revision of the provisions of a charter petition may be made only with the approval of the County Board. The County Board may inspect or observe any part of the charter school at any time. (E.C. 47607 [a][1]).

All material amendments/revisions must contain a reasonably comprehensive description of any new requirements of charter schools enacted into law after the charter was originally granted or last renewed (E.C. 47607 [a][2]).

1. The charter school shall submit a written request to the County Board specifying the revised charter language. The County Board has the power to approve the revision, and consideration of the revision is governed by the standards and criteria in E.C. 47605 or 47605.6 for countywide charters.
2. The County Board shall agenda the request for consideration of approval, per usual procedures.
3. MCOE Staff shall review the requested material revision and shall evaluate it

pursuant to E.C. 47605 or 47605.6 for Countywide charters.

MCOE Staff shall determine if the material revision would be an unsound educational program, if the revision would make the charter school demonstrably unlikely to succeed, if a reasonably comprehensive description of the revision is provided, if budget implications are adequate to the revision request, and if the material change is otherwise lawful.

Appeals of Charter Petitions That Have Been Previously Denied By A District

In considering a charter petition previously denied by a school district, the County Board shall not limit the review to the reasons for denial stated by the school district, but shall conduct a new review and findings and report said findings as stipulated in this regulation.

1. A charter school whose petition has been denied by the governing board of a school district must be received by the County Board no later than 180 calendar days after the denial. Any petition received more than 180 days after denial shall not be acted upon by the County Board. [5 CCR 11967(a)]

2. When filing an appeal with the County Board for the establishment of a charter school, petitioners shall be required to provide the following:
 - A complete copy of the charter petition as denied, including the signatures required by E.C. 47605.
 - A copy of the school district’s governing board’s action of denial of the petition (e.g. meeting minutes) and the governing board’s written factual findings specific to the particular petition, as required by E.C. 47605(b).
 - A signed certification of compliance with applicable law.
 - An original charter petition and 15 copies of the charter petition with appropriate changes making MCOE the authorizing entity. The petition shall include a description of any necessary changes to the petition to reflect the County Board as the chartering entity. It is the responsibility of the Petitioners to cross check paginations and to assure that page numbers are legible and are printed in correct sequence.
 - Grade Level Limitations Statement: The petition shall include a statement in reference to the grade levels that are served by the district that originally denied it.

3. The County Board is required to hold a public hearing within 30 calendar days, after officially receiving the petition during a regularly scheduled Board meeting. The petition shall satisfy the signature requirements as required by E.C. 47605. The purpose of the hearing is to determine the level of support for the proposed charter school from the petitioners, teachers, other employees,

parents/guardians, and the public. The Board is not required to ask questions or make comments at this time.

4. The County Board shall grant or deny the charter petition no later than 60 days after receiving the complete charter petition. These dates may be extended 30 days if the petitioner(s) and the County Board agree to the extension.

The initial charter may be granted for a period not to exceed 5 years, and renewed one or more times. Each renewal shall be for a period of 5 years. [E.C. 47607(a)(1)]

If the petition is denied, the petitioners may file an appeal for the establishment or renewal of a charter school to the State Board of Education. [E.C. 47605(j)(1)] If the County Board upholds a revocation of a charter school, the appeal reference is E.C. 47607(f)(3). Denial of countywide school petitions cannot be appealed to the State Board. [E.C. 47605.6(k)]

If either the County Board or the State Board fails to act on a petition within 120 days of receipt, the decision shall, thereafter, be subject to judicial review. [E.C. 47605(j)(4)]

Appeals of Charter Schools Whose Charters Have Been Revoked

A school district charter whose charter has been revoked may appeal the revocation decision within 30 days to the County Board. [E.C. 47607(f)(1)]

1. A charter may be revoked by the granting authority if the authority shows substantial evidence that the charter did any of the following: [E.C. 47607(c)]
 - Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
 - Failed to meet or pursue any of the pupil outcomes identified in the charter.
 - Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - Violated any provision of law.
2. Prior to revoking a charter, the chartering authority shall notify the charter school of any violation listed above and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. [E.C. 47607(d)]
3. The chartering authority shall provide a written notice of intent to revoke the charter if, after the expiration of a reasonable time, the charter school failed to remedy the violation. No later than 30 days after providing the written notice of

intent to revoke, the chartering authority shall hold a public hearing during a regular board meeting on the issue of whether evidence exists to revoke the charter. [E.C. 47607(e)]

4. No later than 30 days after the public hearing, or 60 days in the case of a countywide charter school, unless both parties agree to a 30 day extension, the chartering authority shall issue a final decision to revoke or decline to revoke. A revocation notice shall include a written statement of the factual findings, supported by substantial evidence specific to the charter school. [E.C. 47607(e)]
5. The County Board may reverse the revocation decision if the County Board determines that the findings made by the chartering authority are not supported by substantial evidence. The County Board may also review the process followed by the district board to determine if the appropriate procedures were followed.

If the County Board does not issue a decision within 90 days of receipt or upholds the revocation, the school district may appeal the reversal to the State Board of Education. [E.C. 47607(f)(3)]

If the County Board revokes a charter for which it is the chartering authority, the charter school may appeal the revocation decision within 30 days, to the State Board. [E.C. 47607(g)] The exception is that a countywide charter school revocation cannot be appealed to the State Board of Education. [E.C. 47605.6(k)]

6. If the State Board reverses the revocation on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority. [E.C. 47607(h)]

Legal Reference:

EDUCATION CODE

- 11967(a)(1-4)
- 42130
- 42131
- 47602(b)
- 47604(b)
- 47604.5
- 47604.33(a)
- 47605
- 47605(a-p)
- 47605.1(f)
- 47605.5
- 47605.6
- 47605.6(a)
- 47605.6(b)
- 47605.6(c)

47605.6(d)
47605.6(h)
47605.6(k)
47605.7
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47607(a-h)
47607.5
47611.5(b-c)
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51747.3
52026
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CALIFORNIA CODE OF REGULATIONS
5 CCR 11967(a)(1-4)

STATUTES
Charter 781
Statutes of 1992

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