



## PETITIONS FOR THE ESTABLISHMENT OF CHARTER SCHOOLS

### I. THE PROCESS

- A. Public Hearing Within 30 Days:** No later than 30 days after receiving the charter school petition, the governing board of the school district (“Board”) shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers, other employees, parents and guardians shall be considered. Charter school applicants shall be provided an opportunity to appear and provide testimony to the Board (Ed. Code, § 47605, subd. (b).)
- B. Decision within 60 or 90 Days:** Within 60 days of receipt of the petition, the Board shall either grant or deny the petition. This deadline maybe extended by 30 days (approval or denial within 90 days of receipt of the petition) if both the charter school applicant and the school district agree. (Ed. Code, § 47605, subd. (b).)

### II. DENIAL OF PETITION—FINDINGS REQUIRED (Ed. Code, § 47605, subd. (b).)

The Board shall not deny a petition unless the Board makes written factual findings, specific to the particular petition, setting forth specific facts to support on or more of the following findings:

- (1) The charter school presents an unsound education program for the pupils to be enrolled in the charter school.**
- *A charter petition shall be “an unsound educational program” if it is any of the following (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (b)).<sup>1</sup>*
    - *(1) A program that involves activities that the school district determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.*
    - *(2) A program that the school district determines not to be likely to be of educational benefit to the pupils who attend.*

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<sup>1</sup> The italicized text references the State Board of Education’s regulations for the evaluation of charter petitions. (Cal. Code Regs., tit. 5, § 11967.5.1 et seq.) Although these regulations apply to the State Board of Education’s review of charter petitions, they provide further guidance as to the meaning of the elements specified in Education Code section 47605. All references in the regulations to the “SBE” have been changed to “school district.”

**(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.**

- *If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the school district regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.*
- *The petitioners are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.*
- *The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:*
  - *In the area of administrative services, the charter or supporting documents do not adequately:*
    - *Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.*
    - *For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.*
  - *In the area of financial administration, the charter or supporting documents do not adequately:*
    - *Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.*
    - *Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.*

- *Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.*
    - *Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.*
    - *Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.*
  - *In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.*
  - *In the area of facilities, the charter and supporting documents do not adequately:*
    - *Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.*
    - *In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.*
    - *Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.*
- *The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas:*
  - *Curriculum, instruction, and assessment.*
  - *Finance and business management. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (c).)*

**(3) The petition does not contain the number of signatures required by Education Code section 47605, subdivision (b).**

**(4) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605, subdivision (d).**

- *A charter petition that “does not contain an affirmation of each of the conditions described” shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in Education Code section 47605, subdivision (d). (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (c).)*

**(5) The Petition does not contain reasonably comprehensive descriptions of the 16 elements required by Education Code section 47605, subdivision (b).**

- *A reasonably comprehensive description shall include, but not be limited to, information that:*
- *Is substantive and is not, for example, a listing of topics with little elaboration.*
- *For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.*
- *Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.*
- *Describes, as applicable among the different elements, how the charter school will:*
  - *Improve pupil learning.*
  - *Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.*
  - *Provide parents, guardians, and pupils with expanded educational opportunities.*
  - *Hold itself accountable for measurable, performance-based pupil outcomes.*
  - *Provide vigorous competition with other public school options available to parents, guardians, and students. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (g).)*

### III. APPROVAL OF PETITION

A charter may be granted for a period not to exceed 5 years. (Ed. Code, § 47607, subd. (a).)

### IV. REVIEW OF PETITION

#### A. **General Guidance Provided by Education Code section 47605**

- The Board shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice (Ed. Code, § 47605, subd. (b).)
  - *A charter petition shall be “consistent with sound educational practice” if it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (a).)*
- The Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically low achieving. (Ed. Code, § 47605, subd. (h).)

#### B. **Requirements:**

##### **(1) Signatures** (Ed. Code, § 47605, subd. (a).)

- **Start-Up Charter:** Signatures of 50% of parents or guardians who intend to enroll children in charter school OR signatures of 50% of teachers that will be employed at charter school.
- **Conversion Charter:** Signatures of 50% of permanent status teachers at the school to be converted.
- **Prominent Statement:** The petition shall include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her children, or ward, attend the charter school, or in the case of a teacher’s signature, that the teachers is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

**(2) Grade levels must be served by school district:** A petition may not be approved to serve students in grade levels not served by school district unless petition proposes to serve students in all grade levels served by school district. (Ed. Code, § 47605, subd. (a)(6).)

**(3) Affirmations of Specific Conditions:** (Ed. Code, § 47605, subds. (b)(4), (d).) A statement that:

- The school shall be non-sectarian in its programs, admission policies, employment practices and all other operations.
- The School shall not charge tuition.
- The School shall not discriminate against any student on the basis of ethnicity, national origin, gender or physical or mental disability, (religion, race, color, medical condition or sexual orientation).
- Admission to the charter school shall not be determined according to the place of residence of the pupil or parent or guardian, except that an existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.
- The school shall admit all pupils who wish to attend the school.
  - If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided in Education code section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.
  - In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.
- If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the

cumulative record of the pupil, including a transcript of grades or report card, and health information.

**(4) The Sixteen Charter Elements** (Ed. Code, § 47605, subds. (b)(5)(A)-(P).)

**Element (A) Description of Educational Program:**

- Identification of those whom the school is attempting to educate;
- Description of what it means to be an “educated person” in the 21st century;
- Description how learning best occurs.
- Description of how the goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
- A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils, including ethnic subgroups, socioeconomically disadvantaged pupils, English learners, pupils with disabilities, and foster youth, to be achieved in the state priorities that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals.
- A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
- If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.
- *The petition must indicate the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.*
- *The petition must specify a clear, concise school mission statement with which all elements and programs of the school are in alignment*

*and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.*

- *The petition must include a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.*
- *The petition must indicate the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).*
- *The petition must indicate the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.*
- *The petition must indicate how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.*
- *The petition must indicate how the charter 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.*
- *The petition must specify the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(1).)*

**Element (B) Measurable Pupil Outcomes:**

- The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained



the skills, knowledge, and attitudes specified as goals in the school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both school-wide and for all numerically significant groups of pupils served by the charter school. The pupil outcomes shall align with the state priorities, as described Education Code Section 52060, subdivision (d), that apply for the grade levels served, or the nature of the program operated, by the charter school.

- *The Petition must specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.*
- *The petition must include the school's Academic Performance Index growth target, if applicable. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(2).)*

**Element (C) Method for Measuring Pupil Progress:**

- The method by which pupil progress in meeting those pupil outcomes is to be measured.
- To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
- *The charter school must utilize a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment.*
- *The charter school must include the annual assessment results from the Statewide Testing and Reporting (STAR) program.*
- *The charter school must outline a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils'*

*parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(3).)*

**Element (D) Governance Structure:**

- The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.
- *The petition should include evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.*
- *The petition should include evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:*
  - *The charter school will become and remain a viable enterprise.*
  - *There will be active and effective representation of interested parties, including, but not limited to parents (guardians).*
- *The educational program will be successful. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(4).)*

**Element (E) Employee Qualifications:**

- The qualifications to be met by individuals to be employed by the school.
- *The petition should identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.*
- *The petition should identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.*
- *The petition should specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(5).)*

**Element (F) Health and Safety Procedures:**

- The procedures that the school will follow to ensure the health and safety of pupils and staff.

- These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Education Code Section 44237.
- *The procedures should include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.*
- *The procedures should require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.*
- *The procedures should provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(6).)*

**Element (G) Racial and Ethnic Balance:**

- The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

**Element (H) Admission Requirements (If any)**

- *The requirements should be in keeping with the affirmations of specified conditions required under Education Code section 47605, subdivision (d). (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(8).)*

**Element (I) Annual Independent Financial Audits:**

- The manner in which annual, independent financial audits shall be conducted
- The manner in which the audits shall employ generally accepted accounting principles
- The manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.
- *The petition should specify who is responsible for contracting and overseeing the independent audit.*
- *The petition should specify that the auditor will have experience in education finance.*

- *The petition should outline the process of providing audit reports to the school district, SBE, California Department of Education, or other agency.*
- *The petition should indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(9).)*

**Element (J) Suspension and Expulsion Procedures:**

- The procedures by which pupils can be suspended or expelled.
- *The petition should identify a preliminary list, subject to later revision, of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.*
- *The petition should identify the procedures by which pupils can be suspended or expelled.*
- *The petition should identify the procedures by which parents, guardians, and pupils will be informed about the reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.*
- *The petition should provide evidence that in preparing the lists of offenses and the procedures specified, the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).*
- *If not otherwise covered, the suspension and expulsion procedures should:*
  - *Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.*
- *Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including,*

*but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(10).)*

**Element (K): STRS, PERS, and Social Security Coverage:**

- The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- *The petition should at a minimum, specify the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(11).)*

**Element (L) Public School Attendance Alternatives:**

- The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- *The petition should at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(12).)*

**Element (M) Post-Employment Rights of Employees:**

- A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- *At minimum the petition should specify that an employee of the charter school shall have the following rights:*
  - *Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.*
  - *Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.*
  - *Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to*

*be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(13).)*

**Element (N) Dispute Resolution Procedures:**

- The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

**Element (O) Exclusive Public School Employer:**

- A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7, commencing with Section 3540, of Division 4 of Title 1 of the Government Code.
- *The petition should recognize that the school district is not the exclusive public school employer. Therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act. (Cal. Code. Regs., tit. 5, § 11967.5.1, subd. (f)(15).)*

**Element (P) Closure Procedures:**

- A description of the procedures to be used if the charter school closes.
- The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets; and
- for the maintenance and transfer of pupil records.

**(5) Additional Requirements Under Education Code section 47605**

- **Standards and Assessments:** The school shall meet all statewide standards and conduct the pupils assessments required pursuant to Education Code section 60605 and 60851 and any other statewide

standards authorized in statute or pupil assessment applicable to non-charter public schools. (Ed. Code, § 47605, subd. (c)(1).)

- **Parent Consultation:** The charter school shall, on a regular basis, consult with parents, guardians, and teachers regarding the school's educational programs. (Ed. Code, § 47605, subd. (c)(2).)
- **Employment is Voluntary:** The governing board of a school district shall not require any employee of the school district to be employed in a charter school. (Ed. Code, § 47605, subd. (e).)
- **Pupil Attendance is Voluntary:** The governing board of a school district shall not require any pupil enrolled in the school district to attend a charter school. (Ed. Code, § 47605, subd. (f).)
- **Effect on authorizer and financial projections** (Ed. Code, § 47605, subd. (g).): The Petitioner shall provide information regarding the proposed operation and potential effects of the school, including, but not limited to:
  - The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate.
  - The manner in which administrative services of the school are to be provided.
  - Potential civil liability effects, if any upon the school and the school district.
  - The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation.
- **Teacher Credentialing:** Teachers in charter school shall hold a Commission on Teacher Credentialing Certificate, permit or other document equivalent to what which a teacher in other public schools would be required to hold. (Ed. Code, § 47605, subd. (l).)
- **Transmission of Audit Report:** A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year to its chartering entity, the Controller, the county superintendent of schools and the Department of Education by December 15 of each year. (Ed. Code, § 47605, subd. (m).)

## V. AFTER DENIAL OR APPROVAL

**Approval:** Upon approval of the petition by the Board, the petitioners will provide written notice of the approval, including a copy of the petition, to the applicable county superintendent of schools, the Department of Education and the State Board of Education. (Ed. Code, § 47605, subd. (m).)

**Denial:** If the Board denies the petition, the petitioner may submit the petition to the county board of education. If the county board of education denies the petition, the petitioner may file a petition with the State Board of Education. If either the county board of education or the State Board of Education fails to act on a petition within 120 days of receipt, the decision of the Board of the school district to deny a petition shall be subject to judicial review.

## VI. CHARTER RENEWAL (When School District is Charter Authorizer)

### A. Minimum Criteria for Renewal

A petition for renewal must contain documentation that the charter school meets at least one of the criteria specified in Education Code section 47607. Pursuant to Education Code section 47607, after a charter school has been in operation for four years, a charter school must meet at least one of the following criteria before receiving a charter renewal (Ed. Code, § 47607, subds. (b)(1) – (5); Cal. Code. Regs., tit. 5, § 11966.4, subd.(a)(1.):

- **Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, both school-wide and for all groups of pupils served by the charter school.**
- **Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.**
- **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.**
- **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. This determination must be based upon all of the following:**
  - Documented and clear and convincing data.



- Pupil achievement data from assessments, including but not limited to, the Standardized Testing and Report Program (“STAR Program”) for demographically similar pupil populations in the comparison schools.
- Information submitted by the charter school (A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph)
- A chartering authority (the school district) shall submit to the Superintendent of Schools copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority (school district) based on that review.
- **Qualified for an alternative accountability system pursuant to subdivision Education Code Section 52052, subdivision (h).**

**B. New Charter School Requirements**

A petition for renewal must include a copy of the renewal 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. (Ed. Code, § 47607, subd. (a)(2); Cal. Code. Regs., tit. 5, § 11966.4, subd.(a)(2).)

**C. Renewal Governed by Standards Set Forth in Education Code section 47605**

Other than the additional minimum requirements for renewal petitions, renewals are governed by the standards and criteria in Education Code section 47605. (Ed. Code, § 47607, subd. (a)(2).)

- **No signatures**: Except that, the signature requirement of Education Code section 47605, is not applicable to renewal petitions (where the school district is the charter authorizer.) (Cal. Code. Regs., tit. 5, § 11966.4, subd.(a)(2)(A).)
- **Past Performance**: When considering a petition for renewal, the district governing board shall consider the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any. (Cal. Code. Regs., tit. 5, § 11966.4, subd.(b)(1).)
- **Increases in Pupil Achievement**: The School District shall consider increases in pupil achievement for all numerically significant subgroups of pupils served by the charter school, including ethnic subgroups,

socioeconomically disadvantaged pupils, English learners, pupils with disabilities, and foster youth, as the most important factor in determining whether to grant a charter renewal. (Ed. Code, § 47607, subd. (a)(3)(A).)

**D. Denial of Petition for Renewal**

**Written Factual Findings Required:** The school district governing board may deny a petition for renewal of a charter school only if the district governing board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds of denial for a new charter petition (Cal. Code. Regs., tit. 5, § 11966.4, subd.(b)(2)):

- (1) The charter school presents an unsound education program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain an affirmation of each of the conditions described in Education Code section 47605, subdivision (d).
- (4) The Petition does not contain reasonably comprehensive descriptions of the 16 elements required by Education Code section 47605, subdivision (b).

And/Or facts to support a failure to meet one of the minimum criteria for denial listed above.

**E. Timeline for Review of Renewal Petition**

**60 or 90 Days:** If within 60 days of its receipt of a petition for renewal (or 90 days if the school district and charter school have mutually agreed to a 30 day extension), the district governing board has not made a written factual finding, as stated above, **the absence of written factual findings shall be deemed an approval of the petition for renewal.** (Cal. Code. Regs., tit. 5, § 11966.4, subd.(c).)

**F. Renewal of Petition Granted by State Board on Appeal**

A charter school that is granted its charter through an appeal to the State Board of Education and elects to seek renewal of its charter shall, *before expiration* of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of school district denied the school's petition for renewal, the school may petition the State Board of Education for renewal of its charter. (Ed. Code, § 47605, subd. (k)(3).)

## VII. REVOCATION

### A. Grounds for Revocation

A charter may be revoked by the school district that granted the charter if the school district finds, *through a showing of substantial evidence*, that the charter school did any of the following (Ed. Code, § 47607, subd. (c)(1)):

- 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.
  - The school district shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter. (Ed. Code, § 47607, subd. (c)(2).)
- Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- Violated any provision of law.

### B. Procedure for Revocation

Before revocation, the authority that granted the charter shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, **unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.** (Ed. Code, § 47607, subd. (d).)

**For violations not constituting a severe and imminent threat to the health or safety of the pupils, the following procedure governs (Cal. Code. Regs., tit. 5, § 11968.5.2):**

1. At least 72 hours prior to any board meeting in which the school district will consider issuing a Notice of Violation, the school district shall provide the charter school with notice and all relevant documents related to the proposed action.
2. The school district shall deliver a Notice of Violation to the charter school's governing body as described in the school's charter.
3. Upon receipt of a Notice of Violation, the charter school's governing body as described in the school's charter, if it chooses to respond, shall take the following actions:
  - a. Submit to the school district a detailed, written response addressing each identified violation which shall include the refutation, remedial

- action taken, or proposed remedial action by the charter school specific to each alleged violation. The written response shall be due by the end of the remedy period identified in the Notice of Violation.
- b. Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.
4. After conclusion of the reasonable opportunity to remedy, the school district shall evaluate the response of the charter school's governing body as described in the school's charter response to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:
    - a. If the school district has substantial evidence that the charter school has failed to refute, to the school district's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's governing body as described in the school's charter; or
    - b. Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's governing body as described in the school's charter.
  5. If the school district does not take one of two actions stated above, within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, the revocation process is terminated and the Notice of Violation is void.
  6. On the date and time specified in the Notice of Intent to Revoke, the school district shall hold a public hearing concerning revocation. No more than 30 calendar days after the public hearing (or 60 calendar days by written mutual agreement with the charter school) the school district shall issue a Final Decision.
  7. The school district shall provide a copy of the Final Decision to the CDE and its county board of education within 10 calendar days of issuing the Final Decision.
  8. If the school district does not act to issue a Final Decision within the timeframe specified, the revocation process is terminated and the Notice of Intent to Revoke is void.

**For Violations Constituting a Severe and Imminent Threat** (Cal. Code. Regs., tit. 5, § 11968.5.3, subd.(a)): If there is a severe and imminent threat to pupil health or safety, the school district is exempt from the procedure stated above 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: (1) the charter school's governing body as described in the school's charter; (2) the county board of education; and (3) the CDE.

**C. Appeal After Revocation**

If a school district revokes a charter, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority. (Ed. Code, § 47607, subd. (f)(1).)