

SAN MATEO COUNTY BOARD OF EDUCATION

**CHARTER SCHOOL PETITION
HANDBOOK**

Board Regulation – BR 6590

Adopted 09/17/08; Revised 06/17/09; 09/07/11; 08/20/14; 2/3/16

**TO ASSIST PETITIONERS, STAFF, SCHOOL DISTRICTS
AND THE PUBLIC IN UNDERSTANDING THE
CHARTER SCHOOL PETITION PROCESS**

CHARTER SCHOOL PETITION HANDBOOK

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San Mateo County Board of Education Regulation

I. Introduction

The San Mateo County Board of Education (County Board) is committed to treating all charter petitions fairly and in accordance with the law. The Board cannot approve or deny a charter petition based on:

- Its philosophical belief about charter schools,
- Any perceptions about how well the school district is meeting the needs of its students,
- The potential impact a charter school would have on the other educational programs of the district or the district's facilities, or
- Whether the charter school will negatively affect school funding, etc.

Each charter petition submitted to the Board will be approved or denied based upon the criteria set forth in the law and the Board's regulations.

The Board has prepared this Handbook to implement state law fully and consistently, and to provide petitioners, staff, school districts and the public with a thorough description of the process and manner in which the Board will address charter school petitions.

This handbook constitutes the official procedures adopted by the Board.

II. Board Policy 6590 (Charter Schools)

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Charter Schools

Purpose and Scope

The San Mateo County Board of Education (County Board) adopts this policy in order to implement state law fully and consistently, and to provide petitioners, staff, school districts and the public with a thorough description of the process and manner in which the County Board will address charter school petitions. In determining whether to grant or deny a charter, the County Board will review the charter school petition as submitted by the petitioners and in accordance with Education Code, carefully consider public input and staff recommendations, and determine whether the charter petition adequately addresses all of the provisions required by law, regulations, and policies. In granting charter petitions, the County Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students. (Education Code §§ 47601(b), 47605(h).)

Legal Provisions Governing Petitions:

Petitions Previously Denied by a District

If a charter petition is denied by a local school district, the petitioner may subsequently apply to the County Board. If the charter is granted by the County Board, the sponsoring educational agency shall be the district which denied the petition, and the County Board shall be the chartering authority for purposes of operational oversight.

Petitioners are reminded that they may not modify the petition as it was submitted to the local school district, except as necessary to reflect the County Board as the chartering entity; the County Board reviews the petition as it was submitted to the local school district.

Petitions Submitted Directly to the County Board

A petition for either a “county office” type charter school (Education Code § 47605.5) or for a “countywide” type charter school (Education Code § 47605.6) may be submitted directly to the County Board. If the charter is granted by the County Board, the San Mateo County Office of Education (SMCOE) shall be both the chartering agency and the fiscally responsible educational agency. The County Board will approve a countywide charter only if it finds, in addition to the other requirements, that the educational services to be provided by the charter school will offer services to a student population that will benefit from those services and who cannot be served as well by a charter school that operates only in one school district in the county.

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Timelines:

Previously Denied Petitions

If the petition has been previously denied by a district governing board, the petition must be received by the County Board not later than 180 calendar days after the denial. Any petition received more than 180 calendar days after denial will not be acted upon by the County Board.

Public Hearing

Under normal circumstances, the County Board will hold a public hearing on the provisions of the charter within 30 calendar days of receipt of the petition and complete application, at which time it will consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. (Staff will verify the date when all required application materials are received). The hearing will be conducted as an open public hearing.

Board Decision

Under normal circumstances, the County Board's decision to approve or deny will be made within 60 calendar days of receipt. The deadline for the County Board's approval or denial may be extended by an additional 30 calendar days if both the County Board and the petitioner agree. The decision will be agendaized as an action item on the County Board's meeting agenda and decision to approve or deny shall be made by County Board resolution.

Submission Dates

While a charter school petition may be submitted at any time during the year, applicants are encouraged not to submit a petition during a period when a regular County Board meeting is not scheduled during the next two to four weeks. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year are encouraged to initiate the process not later than the prior December 15th. In the case of petitions received after that date, the County Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.

Review of Petitions:

When reviewing petitions, the County Board must address the following:

Compliance with Signature and Affirmation Requirements

The County Board must ensure that the petition complies with the required number of signatures and contains the required elements, including the affirmations required by Education Code § 47605(d).

Comprehensive Description of Elements of a Charter

The County Board must determine if the charter petition provides a reasonably comprehensive description of the required elements. According to California Code of Regulations, 5 CCR § 11967.5.1 (g):

A reasonably comprehensive description, within the meaning of subdivision (f) of this section and Education Code section 47605(b)(5) shall include, but not be limited to, information that:

1. Is substantive and is not, for example, a listing of topics with little elaboration
2. For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects
3. Is specific to the charter petition being proposed, not to charter schools, or charter petitions generally
4. Describes, as applicable among the different elements, how the charter school will:
 - A. Improve pupil learning
 - B. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving
 - C. Provide parents, guardians, and pupils with expanded educational opportunities
 - D. Hold itself accountable for measurable, performance-based pupil outcomes
 - E. Provide vigorous competition with other public school options available to parents, guardians, and students

The County Board and SMCOE staff view 5 CCR § 11967.5.1 (g) as a meaningful guideline for reviewing charter applications and have incorporated it into this policy.

Evaluation of the Soundness and Potential Success of the Proposed Program

The County Board must determine if the charter school presents an unsound educational program for the students enrolled or if petitioners are demonstrably unlikely to successfully implement the program.

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Optional Request for Additional Information

In reviewing a charter petition, the County Board may request additional information before issuing a final decision; including, but not limited to:

- School calendar, along with class schedule
- A representative sample of curriculum and materials
- Staff development procedures and materials
- Names, addresses and biographical information regarding founding members, board members and corporate officers of the school (including historical background information of corporation's formation and decision to manage public schools if managed by a private firm)
- Assurance that the charter school is prepared to comply with the Individuals with Disabilities Education Act, Section 504, Americans with Disabilities Act, Title VI, IX, and other federal requirements, including written acknowledgement that federal laws are not eligible for waivers
- Records of claims or lawsuits against the charter school
- Whether the charter school will participate in the National School Lunch Program
- Other petitions the petitioners or nonprofit public benefit corporation have submitted to other districts and the disposition of those petitions
- Explanation of how the charter school will encourage the use of different and innovative teaching methods

Such additional information may be used to clarify and answer questions regarding the petition. However, additional information that contradicts the charter petition will be disregarded.

Approval or Denial:

Criteria for Denial

The County Board may not deny a petition unless one or more of the following findings are made and documented in writing:

1. The charter school presents an unsound educational program for the students enrolled in the charter school
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition
3. The petition does not contain the number of required signatures
4. The petition does not contain the necessary affirmations of the conditions described in Education Code section 47605(d)
5. The petition does not contain a reasonably comprehensive description of the required charter elements

Duration of Charter and Renewals

The County Board may approve a charter for a period of up to five years. Subsequent renewals, if approved, shall be for a period of five years.

Directions to the San Mateo County Superintendent of Schools

Upon approval of a charter, the County Board shall direct the County Superintendent to negotiate a memorandum of understanding (MOU) with the petitioner for the operation of the charter school. Charter petitions may be approved with conditions, including but not limited to the following:

- For a classroom-based program, that a site be secured with an appropriate Certificate of Occupancy at least 45 days prior to the opening of school
- That a qualified principal be hired at least 45 days prior to the opening of the school
- That the charter school and the SMCOE ensure that all required elements of Memoranda of Understanding (MOUs) have been addressed
- That the County Board of Education serve as the appellate body for a pupil and pupil's parent, guardian or representative in the matter of expulsions

If the charter school fails to satisfy the conditions imposed by the County Board at the time of approval, the petition will be deemed denied.

Adopted SMCBE 12/17/03
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III. If the County Board of Education Approves a Charter, How Will the Charter School be Monitored and Supervised?

SMCOE/Superintendent of Schools' oversight of the charter school shall conform to the provisions required and/or authorized by law.

1. The Superintendent or designee shall inspect, not less than annually, documents on file at the charter school which shall verify that all teachers at the school hold a certificate, permit or other document as required by law.
2. The Superintendent or designee shall examine, not less than annually, the audit report of the charter school, and shall, not less than annually, examine the general operation of the charter school. The Superintendent will promptly report to the County Board any instance in which the charter school has committed any of the violations listed in the Education Code, section 47607(e) below:
“A charter may be revoked by the authority that granted the charter under this chapter if the authority finds that the charter school did any of the following:
 - (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition
 - (2) Failed to meet or pursue any of the pupil outcomes identified in the charter petition
 - (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement
 - (4) Violated any provision of law”
3. Upon written finding by the County Board that the charter school committed any of these violations the County Board shall notify the charter school accordingly, providing notice that the County Board may revoke the charter, and give the school reasonable opportunity to cure the violation (unless the County Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils.) After a reasonable period, if satisfactory evidence is not presented to the County Board that the violation has been cured, the County Board may revoke the charter effective at such date as the County Board determines appropriate. Upon evidence satisfactory to the County Board that the violation has been cured, the County Board shall rescind the notice of intent to revoke.
4. The SMCOE shall charge, and the charter school shall pay, for actual costs of monitoring and supervision not to exceed limits provided by law. Additional SMCOE services may be provided to the charter school, subject to mutual agreement.

III. If the County Board of Education Approves a Charter, How Will the Charter School be Monitored and Supervised? (continued)

5. Should the charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the County Board may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the county board's appointee all rights and responsibilities exercised by any other director of the corporation.
6. The charter school shall promptly respond to all reasonable inquiries from the County Board, the Superintendent or designee.

IV. How May a Charter be Renewed or Modified?

Renewing or materially modifying a charter are each subject to the approval of the County Board. Charter schools approved by the County Board may submit an application for renewal between July and October 1 of the final year of their charter. The Superintendent shall provide the charter school with the process and format for renewal application no later than October 1 of the year prior to the final year of the charter. If an application for renewal is not submitted within the time and in the format prescribed, the County Board may allow the charter to expire.

Charter schools approved by the County Board may submit an application for material modifications to their charter at any time prior to July 1 of the final year of their charter. The Superintendent shall provide the charter school with the process and format for material modification upon request of the charter school. A material modification is any change in the basic charter document initially approved by the County Board, not a change in the MOU.