

Sacramento City USD

Administrative Regulation

Charter Schools

AR 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

The following administrative rules and regulations have been developed to provide potential charter school petitioners with a thorough description of the process the Sacramento City Unified School District Governing Board will follow to meet its obligations under the Charter Schools Act.

General

Charter school petitions submitted to the district Board must meet all applicable requirements of the Charter Schools Act, including but not limited to the provisions of Education Code 47605. In addition, the district Board, district staff, and legal counsel will consult title 5, California Code of Regulations 11967.5.1 for guidance to determine whether reasonably comprehensive descriptions of all required elements have been provided by charter school petitioners.

The district Board shall not require any employee of the district to be employed in a charter school and shall not require any student enrolled in the district to attend a charter school.

While charter schools are exempt from most laws specifically applicable to school districts, they are not exempt from laws which generally apply to public agencies or from federal laws, including but not limited to, the Brown Act, conflict of interest provisions, Public Contract Code provisions, the Individuals with Disabilities Education Rights Act ("IDEA"), the Americans with Disabilities Act, the Civil Rights Act, the Family Educational Rights and Privacy Act ("FERPA") and the No Child Left Behind Act ("NCLB").

Charter schools shall be subject to state law prohibitions regarding the employment of any person, in either a certificated or classified position, who has been convicted of a violent or serious felony.

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

Private schools may not be converted to charter schools.

Charter School Petition Review Procedures

Pursuant to the Charter Schools Act, charter schools may only begin operations between July 1 and September 30. Prior to beginning operations, a charter school must request a charter school number from the State Board of Education at a State Board of Education Meeting. Pursuant to

information provided by the California Department of Education, a request for a charter school number from the State Board of Education must be submitted to the State Board at least six weeks prior to the date of the Board Meeting.

For conversion charter schools, there are additional time limitations related to employee rights and the ability of students to be informed of any changes to the status of their school so that they may make informed decisions with respect to where to attend school, and to register for classes in time for the next school year.

Because of these time limitations, the district will only accept charter school petitions that propose to begin operations for the following school year during certain designated time periods, depending on whether the petition is for a start-up charter school or for the conversion of an existing district school.

1. Start-up Charter Schools

To begin operations for the following school year, a charter school petition for the establishment of a start-up charter school may only be submitted between September 1 and March 1 of the prior school year.

If a petition for a start-up charter school is submitted after March 1 of the prior school year, the petition will not be considered unless the petition proposes to begin operations for the school year following the next school year.

Example: if a petition is submitted after March 1, 2004, the petition will not be considered unless the petition proposes to begin operations for the 2005-2006 school year.

2. Conversion Charter Schools

To begin operations for the following school year, a charter school petition for the conversion of an existing district school may only be submitted to the district between September 1 and December 15 of the prior school year.

If a petition for a conversion charter school is submitted after December 15 of the prior school year, the petition will not be considered unless the petition proposes to begin operations for the school year following the next school year.

Example: if a petition is submitted after December 15, 2003, the petition will not be considered unless the petition proposes to begin operations for the 2005-2006 school year.

Resubmission of petitions that have been denied by the district Board or withdrawn by the petitioners prior to a decision being made by the district Board are subject to the same time limitations pursuant to A and B, above. In addition, petitioners may not submit the same charter school petition more than two times during a school year. A charter school petition is considered to be "submitted" to the district when it is submitted to the district Charter Petition Review Committee for review.

If a charter school petition is submitted during the designated time periods, the district will forward the petition to the district Charter Petition Review Committee, which consists of district staff members and legal counsel. The district staff members will review the petition over the next 20 days, paying particular attention to those aspects of the petition that relate to the staff member's own district department or division. Legal counsel will review the petition for general compliance with the law. All district staff and legal counsel review documents are internal district memoranda to assist in making a recommendation to the district's Board. Such documents will not be released to charter school petitioner(s) or to the general public.

The district, through legal counsel, may indicate to charter school petitioners, deficiencies within the charter petition. However, the district will not advise charter petitioners on how to correct deficiencies and will not provide any specific language to be included in a charter petition.

The district will not accept any amendments to a charter school petition within the 20 day period prior to the date by which the district Board must grant or deny the petition.

Within 30 days of receipt of a charter school petition, the district Board shall hold a public hearing on the charter to determine the level of support for the petition by teachers, other employees, parents, students, and community members. Charter School petitioner(s) must appear at the hearing and provide testimony to the Board.

Within 60 days of receipt of a charter school petition, the Board shall either grant or deny the petition. This deadline may be extended, by mutual agreement between the petitioner(s) and the Board, another 30 days. Thus, if an extension is agreed upon, the Board must either grant or deny the petition within 90 days of receipt of the charter school petition.

The district Board shall not deny a petition for the establishment of a 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 students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the required number of signatures.
4. The petition does not contain an affirmation of the conditions set forth in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of all the required charter school petition elements prescribed in Education Code 47605(b)(5)(A) through (P).

The Board may grant a charter for a specified term not to exceed five years. Upon approval of

the Board, the petitioner(s) shall provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the State Department of Education, and the State Board of Education.

If a charter school petition is denied by the Board or withdrawn by the petitioners, then the petition for the establishment of the same charter school may not be resubmitted to the district for one year from the date of denial or withdrawal.

Requirements for Charter Petitions

A charter school petition submitted to the district Board shall include:

1. The name, address, and telephone number of the lead charter school petitioner(s).
2. The names, addresses, telephone numbers, original signatures, and dates of original signatures of those persons endorsing the charter school petition. The petition form must indicate that a copy of the charter school petition was attached to the form so that petitioners were able to review it prior to signing the petition. The petition must be signed by either:
 - a. A number of parents or guardians of students that is equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation. Parents/guardians signing the petition must have one or more children who are age appropriate for the proposed charter school and must indicate on the petition the number of children who are age appropriate for the proposed charter school and the ages of such children. The petition must include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his/her child, or ward, attend the charter school; or
 - b. A number of permanent teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. The petition must include a prominent statement that a signature on the petition means that the teacher is meaningfully interested in teaching at the charter school.

In the case of a petition for the establishment of a charter school through the conversion of an existing public school, the petition must be signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

If the district has notice of or otherwise finds any defect, flaw, error, fraud or some other irregularity regarding the signatures on a charter school petition, the district may investigate the validity of signatures submitted in support of the charter school petition.

3. An affirmation that the charter school:
 - a. Shall be nonsectarian in its programs, admission policies, employment practices, and all other operations;

- b. Shall not charge tuition;
- c. Shall not discriminate against any person on the basis of ethnicity, national origin, gender, or disability; and
- d. Shall not determine admission to the charter school based upon the place of residence of the student or his parent or guardian, within this state.

4. Reasonably comprehensive descriptions of all of the following:

a. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

If the proposed school will serve high school students, the petition must include a description of how 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.

b. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

c. The method by which student progress in meeting those student outcomes is to be measured.

d. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parental involvement.

e. The qualifications to be met by individuals to be employed by the school.

f. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.

g. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.

h. A charter school petition must state any admission requirements the school will implement. A charter school petition must state that it will admit all students who wish to attend the school. The petition must also include a description of the process to be used when the number of students who wish to attend the school exceeds the school's capacity and any preferences that

will be extended to students.

A petition for the establishment of a start-up charter school must include a statement providing that after its first year of operation, preference will be extended to students currently attending the charter school and to students who reside within the district.

A petition for the conversion of a public school to a charter school must include a statement providing that preference will be extended to students who reside within the former attendance area of that public school and that after its first year of operation, preference will also be extended to students currently attending the charter school.

i. The manner in which an annual audit of the financial and programmatic operations of the school is to be conducted. The financial audits shall be conducted using generally accepted accounting principles. The petition must describe the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

j. The procedures by which students can be suspended or expelled.

k. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

l. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.

m. A description of the rights of any district employee upon leaving district employment to work in a charter school, and of any rights of return to the district after employment at a charter school.

n. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

o. A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act.

p. 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 student records.

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

a. Is substantive and is not, for example, a listing of topics with little elaboration.

b. For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.

c. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.

d. Describes, as applicable among the different elements, how the charter school will:

(1) Improve student learning.

(2) Increase learning opportunities for its students, particularly students who have been identified as academically low achieving.

(3) Provide parents, guardians, and students with expanded educational opportunities.

(4) Hold itself accountable for measurable, performance-based student outcomes.

(5) Provide vigorous competition with other public school options available to parents, guardians, and students.

5. Information regarding the proposed operation and potential effects of the school, including, but not limited to:

a. The facilities to be utilized by the school. The description of the facilities shall specify where the school intends to locate.

b. The manner in which administrative services of the school are to be provided.

c. Potential liability effects, if any, upon the school and upon the district.

6. Financial statements that include cashflow, financial projections for the first three years of operation, and a proposed first-year operational budget, including start-up costs.

In addition to the above reference requirements, a charter school petition must demonstrate that the charter school shall meet all statewide performance standards authorized in statute and will conduct the student assessments required by Education Code 60605 and 60640 and any other student assessments applicable to students in noncharter schools.

A charter school petition must also demonstrate that the charter school shall meet all applicable requirements of the federal No Child Left Behind Act.

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

Proposition 39 Facilities Requests

Before a charter school may submit a written request for facilities pursuant to Proposition 39, it must be open, operating, and actively providing instructional services. (Education Code 47614.) It must be currently providing services to at least 80 in-district students or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year. In addition, the district will not consider a facilities request from a charter school that does not meet all geographic and site limitations provided in Education Code 47605.1.

To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the district by October 1 of the preceding fiscal year.

A new or proposed new charter school is eligible to request facilities for a particular fiscal year if:

1. The charter petition has been submitted to the district prior to November 15 of the fiscal year preceding the year for which facilities are requested;
2. The charter petition has received approval prior to March 1 of the fiscal year preceding the year for which facilities are requested; and
3. The petitioners have submitted its written facilities request prior to January 1 of the fiscal year preceding the year for which facilities are requested.

A "new" charter school is a charter school that did not receive funds pursuant to Education Code Section 47633 (general-purpose entitlement) in the fiscal year preceding the fiscal year for which facilities are requested.

All written facilities requests must include:

1. Reasonable projections of in-district and total ADA and in-district and total classroom ADA. Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the school in the district that the student would otherwise attend;
2. A description of the methodology used for reaching the projections;
3. Documentation of the number of in-district students currently attending the charter school or, in the case of a new or proposed new charter school, meaningfully interested in attending the charter school, including the names, addresses, and telephone numbers of the students;
4. The charter school's instructional calendar;
5. Information regarding the general geographic area in which the charter school wishes to locate; and
6. Information on the charter school's educational program that is relevant to assignment of

facilities.

The district shall review the projections and provide the charter school a reasonable opportunity to respond to any concerns raised by the district regarding the projections.

The district may deny a request for district facilities if the charter school does not meet the geographic and site limitations provided in Education Code 47605.1, including but not necessarily limited to:

1. The charter school does not operate only within the geographic jurisdiction of the school district that authorized it.
2. The charter school is establishing an additional site without the approval of its authorizing entity.

The district may also deny a request for district facilities if:

1. The district must use unrestricted general fund revenues to rent, buy, or lease facilities to grant the charter school's request.
2. The charter school's facilities request is based upon projections of fewer than 80 units of average daily classroom attendance for the year.

After all district concerns have been resolved, the district shall prepare a preliminary proposal regarding the space to be allocated to the charter school and the associated pro rata share amount. The charter school shall have a reasonable opportunity to review and comment on the proposal.

The district shall provide a final notification of space offered to the charter school by April 1 of the fiscal year preceding the fiscal year for which facilities are identified. The notification will identify:

1. The teaching station and non-teaching station space offered for the exclusive use of the charter school and the teaching station and non-teaching station space to be shared with district-operated programs;
2. For shared space, the arrangements for sharing;
3. The in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school, a written explanation of the reasons for the differences;
4. The pro rata share amount; and
5. The payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.

If more than one charter school requests the use of the same district facility, then the district shall follow the procedures provided in the Charter School Facility Request Review Procedure and Criteria to evaluate which charter school, if any, should be granted use of the facility.

The charter school must provide written notification to the district regarding whether or not it intends to occupy the offered space by May 1 or 30 days after the district's final notification, whichever is later. The charter school's notification may be withdrawn or modified before the deadline. After the deadline, if the charter school has notified the school district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share that is identified in the district's final notification. If the charter school does not notify the district by the deadline that it intends to occupy the offered space, then the space shall remain available for district programs, and the charter school shall not be entitled to use district facilities in the following fiscal year.

The district and the charter school shall negotiate an agreement regarding the use of and payment for the space. The agreement shall provide:

1. The information included in the final notification provided by the district to the charter school;
2. That the charter school shall maintain liability insurance naming the district as an additional insured to indemnify the district for damage and losses for which the charter school is liable; and
3. That the charter school shall comply with district policies regarding the operations and maintenance of the district facility, furnishings, and equipment.

The charter school must report actual ADA to the district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available upon request by the district.

A charter school must notify the district when it anticipates that it will have over-allocated space that could be used by the district. Space is over-allocated if:

1. The charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based; and
2. The difference is greater than or equal to a threshold ADA amount of 15 ADA or 10 percent of projected in-district classroom ADA, whichever is greater.

Upon notification by a charter school that the charter school anticipates having over-allocated space, the district may use the space for district programs. The district shall notify the charter school whether or not it intends to use the over-allocated space within 30 days of the notification by the charter school. If the district notifies the charter school that it intends to use all or a portion of the over-allocated space, payments for over-allocated space and pro rata share payments shall be reduced accordingly beginning at the time of the district notification to use the

space. If the district notifies the charter school that it does not intend to use the space, the charter school must continue to make payments for over-allocated space and pro rata share payments.

If the charter school has over-allocated space the charter school shall reimburse the district for the over-allocated space. The per-student rate for over-allocated space shall be equal to the statewide average cost avoided per student set pursuant to Education Code 42263. The reimbursement amount owed by the charter school for over-allocated space shall be equal to:

1. The per-student rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based; less
2. The per-student rate times one-half the threshold ADA.

Actual in-district classroom ADA shall be determined using the report submitted pursuant to Title 5, California Code of Regulations 11969.9(i) in conjunction with the second principal apportionment under Education Code 41601.

Charter Revisions

Material revisions to a charter may be made only with the approval of the district Board. Material revision of charters shall be governed by the standards and criteria in Education Code 47605.

Charter Renewals

Upon receipt of notice that a charter school wants to renew its charter and at least 90 days before the expiration date of the charter, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. The district encourages charter schools to initiate the renewal process prior to the 90 day deadline. At least 30 days before the expiration date, the Board shall either grant or deny the request for renewal. Charter renewals shall be governed by the standards and criteria in Education Code 47605.

Charter schools must submit written information to the district regarding the charter school's compliance with all of the required elements prescribed by Education Code 47605. Renewal shall be subject to the school's ability to demonstrate reasonable progress toward the goals specified in its charter, including but not limited to: evidence of student achievement and other student outcomes; compliance with legal requirements; fiscal management; parent/guardian, student and staff satisfaction with the program; and the ability of the school's governance structure to provide access and accountability to the public. The Board may require that the school amend its charter to address any new issues before granting renewal.

Each renewal shall be for a period not to exceed five years. (Education Code 47607)

Charter School Monitoring

The district has supervisory and oversight responsibilities over charter schools that have been approved by the district Board. In order to carry out such responsibilities, the district can inspect or observe any part of a charter school at any time.

A charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualifications, student progress towards charter school goals and objectives, student progress on state mandated assessments, school safety and compliance with No Child Left Behind requirements. The charter school shall also consult with the district regarding any inquiries.

Each charter school operating within the district must present an oral report to the district Board regarding the charter school's progress towards the goals and objectives provided in the school's charter at a public meeting of the district Board. Such report shall be given at least once every school year. If a charter school has not provided a report to the district Board by May 1 of the school year, then the district shall schedule a time for the charter school to provide the oral report to the Board.

A charter school shall transmit a copy of its annual independent, financial audit report for the preceding fiscal year to the district by December 15 of each year. Charter school teacher credentialing documents shall be subject to periodic inspection by the district.

In addition, charter schools shall complete the district's annual certification document by May 1 of every school year. Such annual certification document is attached as Appendix A.

Charter Revocations

The Board may revoke a charter whenever it finds that the charter school has done any of the following: (Education Code 47607)

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

Prior to revocation, the district or the Board shall notify the charter school of any violation and shall give the charter school a reasonable opportunity to cure the violation. Such notice shall be given to the charter school in writing and in the form of the letter attached to this board policy and administrative rules and regulations as Appendix B. If the charter school that the violation constitutes a severe and imminent threat to the health or safety of students, then no written notice or opportunity to cure will be provided to the charter school prior to revocation.

District Governing Board Meetings

All Board meetings related to the granting, appeal, renewal or revocation of a charter petition shall comply with state open meeting laws specified in Government Code 54950-54963. (Education Code 47608)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

Regulation SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
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