

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 and existing charter schools with a thorough description of the process and procedures the Sacramento City Unified School District Board of Trustees ("Board") will follow to meet its obligations under the Charter Schools Act.

I. General

(A) Charter school petitions submitted to the Board must meet all applicable requirements of the Charter Schools Act, including but not limited to the provisions of Education Code section 47605.

(B) While charter schools are exempt from most state laws specifically applicable to school districts, they are not exempt from laws which generally apply to public agencies or from federal or state laws (which may be amended from time to time), including but not limited to the following:

The Brown Act (Government Code 54950), the Public Records Act (Government Code 6250), State conflict of interest laws (the Political Reform Act (Government Code 87100) and Government Code 1090), the Child Abuse and Neglect Reporting Act (Penal Code 11164), the Individuals with Disabilities Education Rights Act ("IDEA"; 20 USC. 1400), the Americans with Disabilities Acts (42 USC 12101), U.S. Civil Rights Acts, including Title VII of the 1964 Civil Rights Act, the California Fair Employment and Housing Act ("FEHA"; Government Code 12900), the Age Discrimination in Employment Act ("ADEA"; 29 USC 621), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Education Code 220., the Uniform Complaint Procedure (5 Code of Regulations. 4600), Family Educational Rights and Privacy Act ("FERPA"); 20 USC 1232g) and the No Child Left Behind Act ("NCLB"; 20 USC 6301).

In addition to the forgoing, 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)

II. Charter School Petition Review Procedures

(A) In order to ensure a comprehensive and timely review, 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.

(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.

(B) Resubmission of petitions that have been denied by the Board or withdrawn by the petitioners prior to a decision being made by the Board are subject to the same time limitations pursuant to 1 and 2, above. Additionally, a petition for the establishment of the same charter school may not be submitted to the District for one year from the date of denial or withdrawal.

(C) A charter school petition is considered, "submitted," for purposes of the Education Code and this Administrative Regulation when received by the office of the Superintendent.

(D) 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, 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. The District may be, but is not required to, indicate to charter school petitioners deficiencies within the charter petition.

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

(cf. 9320 - Meetings and Notices)

(G) Within 60 days of receipt of a charter school petition, or within 90 days with the consent of the petitioner(s) and the Board, the Board shall either grant or deny the petition.

(H) 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. According to 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 State Board Meeting.

III. Requirements for Charter Petitions

(A) The following criteria for a charter petition incorporate the requirements of the Charter Schools Act. Charter petitioners are responsible for ensuring that submitted charter petitions conform to the requirements of the Charter Schools Act, including any amendments thereto enacted after the effective date of this regulation. In addition to the requirements stated below, the District expects charter petitions to be accompanied by all charter school policies and regulations outlined in Section I (B) of this Administrative Regulation, as well as the articles of incorporation and bylaws of the nonprofit corporation that will operate the charter school, if applicable.

(B) Charter petitioners shall submit four (4) printed copies of the charter school petition, as well as twenty-three (23) electronic copies of the charter school petition on CDROM. 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 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.

(cf. 4116 - Probationary/Permanent Status)

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 actual or perceived disability, actual or perceived gender, nationality, race or ethnicity, religion, sexual orientation, or any other

perceived characteristic that is contained in the definition of hate crimes set forth in Penal Code 422.5; 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, except as allowed under Education Code 47605(d)(2).

(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/guardians 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 parent/guardian involvement.

(e) The qualifications to be met by individuals to be employed by the school. To ensure the appropriate evaluation of certificated employees, all charter school principals (or the equivalent position) shall hold at least a teaching credential (See Education Code 47605 (1).)

(f) The written procedures that the school will follow to ensure the health and safety of students and staff. The school's health and safety procedures shall be integrated as part of the charter petition and shall include:

(i) The requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237. If the charter school is operated by a nonprofit corporation, any officer, director or employee of the nonprofit corporation that will have contact with students in the course of his or her official duties shall also furnish the school with a criminal record summary as described in Education Code 44237;

(ii) The adoption of policies consistent with the Brown Act (Government Code 54950), the Public Records Act (Government Code 6250, State conflict of interest laws (the Political Reform Act (Government Code 87100) and Government Code 1090), the Child Abuse and Neglect Reporting Act (Penal Code 11164), the Individuals with Disabilities Education Rights Act ("IDEA"; (20 USC 1400), the Americans with Disabilities Acts (42 USC 12101), Civil Rights Acts, including Title VII of the 1964 Civil Rights Act, the California Fair Employment and Housing Act ("FEHA"; Government Code 12900), the Age Discrimination in Employment Act ("ADEA"; 29 USC 621), Section 504 of the Rehabilitation Act of 1973 (29 USC 794) , Education Code 220, the uniform complaint procedure (5 Code of Regulations 4600), Family Educational Rights and Privacy Act ("FERPA"; 20 USC 1232g) and the No Child Left Behind Act ("NCLB"; 20 USC 6301);

(iii) Annual training for staff provided by competent trainers on:

A. sexual harassment prevention, as required by Government Code 12950.1 (such training may be provided biannually if consistent with applicable law);

B. the mandated reporter requirements under the Child Abuse and Neglect Reporting Act;

C. anti-discrimination laws applicable to charter schools, including FEHA and Education Code 220; and

D. the uniform complaint procedure (UCP);

(iv) The adoption of the District's policy and regulation regarding the use of volunteers (see District Board Policy and Administrative Regulation 1240); and

(v) Policies that ensure that if the charter school's facilities are at any time under construction or remodeling, contractors engaged in such construction or remodeling comply with Education Code

45125.1.

(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 commencement of operation, preference will also be extended to students currently attending the charter school.

(i) The manner in which annual audits of the financial and programmatic operations of the school is to be conducted. The independent 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 collective bargaining under Government Code 3540-1549.3 (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.

(5) 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:
 - (i). Improve student learning.
 - (ii). Increase learning opportunities for its students, particularly students who have been identified as academically low achieving.
 - (iii). Provide parents, guardians, and students with expanded educational opportunities.
 - (iv). Hold itself accountable for measurable, performance-based student outcomes.
 - (v). Provide vigorous competition with other public school options available to parents, guardians, and students.
 - (6) Charter petitions must also include 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.
 - (7) Charter petitions must also include financial statements that include a proposed first-year operational budget, including start-up costs, and cash flow and financial projections for the first three years of operation
- (C) In addition to the above referenced 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.

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

(E) A charter petition must be accompanied by all policies and procedures (however described, including without limitation regulations, handbooks or guidelines) to be adopted and adhered to by the charter school and, if applicable, the bylaws and articles of incorporation for the organization that operates the charter school.

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)

IV. Proposition 39 Facilities Requests

(A) In processing requests for facilities submitted by charter schools pursuant to Proposition 39, the District will adhere to Education Code 47614 (Proposition 39) and applicable regulations adopted thereunder, as such are amended from time to time.

(B) Each 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-based ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available upon request by the district.

V. Charter Revisions

(A) Material revisions to a charter may be made only with the approval of the Board. Material revision shall be governed by the standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law or this Administrative Regulation after the charter was originally granted or last renewed.

(B) If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those proposed additional locations. The Board shall consider approval of the additional locations at an open meeting.

VI. Charter Renewals

(A) A charter school seeking renewal of its charter shall submit a written request to the Board at least 120 days before the term of the charter is due to expire, but not more than six months before the term of the charter is set to expire. 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. At least 30 days before the expiration

date, the Board shall either grant or deny the request for renewal.

(B) Charter renewals shall be governed by the standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and the District Administrative Regulation governing Charter Schools. Petition for renewal shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law or District Administrative Regulation after the charter was originally granted or last renewed.

(C) 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 and 47607. 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.

VII. Charter School Monitoring

(A) As required by law, the District has oversight responsibilities over each charter school that has been approved for operation by the Board.

(B) A charter school shall 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, compliance with and implementation of federal and state laws regarding health and safety, and complaints (as set forth in section VII(G) below). In most cases, an initial response shall be made within five business days of the inquiry, and depending on the nature of the inquiry, a complete response shall be made within a reasonable period of time thereafter.

(C) Each charter school shall annually prepare and submit the following reports to the District and the Sacramento County Superintendent of Schools:

(1) On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement. Preliminary budgets shall reflect appropriate financial reserves. Charter schools with a projected ADA of 300 or less shall maintain a monetary reserve in a restricted account equal to 5% of the charter school's total expenditures and other financing uses or \$55,000, whichever is greater. Charter schools with a projected ADA of between 301 and 1,000 shall maintain a monetary reserve in a restricted account equal to 4% of the Charter School's total expenditures and other financing uses or \$55,000, whichever is greater. Charter schools with a projected ADA of 1,001 or more shall maintain a monetary reserve in a restricted account equal to 3% of the Charter School's total expenditures and other financing uses. (5 Code of Regulations,15450.)

(2) On or before December 15, an interim financial report. The report shall reflect changes through October 31. With this report, the governing board of the charter school shall comply with Education Code 42131 and certify, in writing, whether the charter school is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent fiscal year.

(3) On or before March 15, a second interim financial report. This report shall reflect changes through January 31. With this report, the governing board of the charter school shall comply with Education Code 42131 and certify, in writing, whether the charter school is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent fiscal year.

(4) On or before September 15, a final unaudited report for the preceding fiscal year.

(5) On or before December 15, an annual independent, financial audit report for the preceding fiscal year.

(6) In order to monitor the fiscal condition of each charter school, the District may at any time require that a charter school provide back-up data or information with regard to any of above reports. The District may also, on a case by case basis, require that a charter school make financial reports more frequently (such as further interim reports or monthly reports).

(7) By June 30 each year the District will prepare and mail to each charter school its annual certification form. Each charter school shall complete the District's annual certification by August 1 each year or, if the certification is mailed after June 30, within thirty calendar days of the District's mailing of the annual certification form. Such annual certification form is attached as Appendix A.

(D) The principal or other officer of each charter school shall on at least an annual basis (and more often if requested by the District) provide to the District a declaration that, to the best of the officer's knowledge after due diligence and reasonable inquiry and under penalty of perjury, sets forth the number of employee criminal background

checks performed by the charter school during the prior year and states whether any employees with a criminal record were hired by the charter school during the year and if so, the circumstances. This declaration may be included with the charter school's annual certification to the District. If the District determines that any charter school may have hired an employee under circumstances that are contrary to applicable law or the interests of student safety, the District shall have the right to investigate and review the matter. (See Education Code 47605 (b)(5)(F), 44237, 47604.3 and 47604.32.)

(E) The principal or other officer of each charter school shall on at least an annual basis (and more often if requested by the District) provide to the District a report regarding all staff training carried out over the course of the year on sexual harassment prevention, the mandated reporter requirements of the Child Abuse and Neglect Reporting Act, antidiscrimination laws applicable to charter schools, and the uniform complaint procedure (UCP). Included with such report shall be a list of staff attending such

training (such as a sign-in sheet). This report may be included with the charter school's annual certification to the District. Records of all such training, including sign-in sheets, shall be maintained by the charter school for a minimum of three years and shall be available for inspection by the District upon request.

(F) Upon the hiring of any teacher, each charter school shall provide a copy of that teacher's credentials documentation to the District. Each charter school shall also maintain on file a copy of the credentials of each of its teachers, including the Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. These documents are subject to periodic inspection by the District and may be inspected without prior notice during any visit to the charter school by the District. (See Education Code 47605 (l), 47604.3, and 47604.32.)

(G) Each charter school must timely (as defined below) notify the District in writing, directed to the attention of the Superintendent, of any complaints received from parents, students or staff under the uniform complaint procedure (UCP), any complaints filed with the Department of Fair Employment and Housing (DFEH), complaints filed with the Equal Employment Opportunity Commission (EEOC), or other complaints received by the charter school or filed with the charter school or another public agency pursuant to state or federal law,

including any legal action filed against the charter school, its officers, or employees. Timely notification shall occur no later than thirty (30) calendar days following the charter school's receipt of such a complaint or service of legal process. Upon notification to the District of any such complaint, the charter school shall respond to all reasonable inquiries by the District (see Education Code 47604).

(H) Each charter school must timely notify the District of any changes in the leadership of the charter school and, if applicable, the nonprofit corporation that operates the charter school. Significant changes in leadership include the election or appointment of a new governing board member or members and the employment of a new principal or head of school or a new chief executive officer of the organization that operates the charter school.

Timely notification of such changes shall occur no later than 30 calendar days following such change.

(I) Each charter school must timely notify the District of any amendments to charter school policies and procedures (however described, including without limitation regulations, handbooks or guidelines) and, if applicable, bylaws or articles of incorporation for the nonprofit that operates the charter school. Timely notification of such amendments shall occur no later than 30 calendar days following adoption or implementation of such amendment.

(J) All information and any notices to be provided by a charter school under this Administrative Regulation, including without limitation this section VII, shall be mailed to the attention of the District's Superintendent at the Serna Center, 5735 47th Avenue, Sacramento, CA 95824.

VIII. Access to Placement on District Website

The District will consider placing a link to the official website of any charter school it has chartered on the District's website. The District will also consider placing a summary description of the charter school's program on the District's website. However, in order to be eligible to enter into an agreement with the District to have a website link or description on the District's website, the charter school must establish that it is in compliance with all relevant District policies and regulations, its own charter petition, as well as all state and federal laws listed in Section I(B) of this Administrative Regulation. The District will evaluate each request by a charter school

to be listed on the District's website on a case-by-case basis and the District has the sole discretion to determine whether or not to grant such a request by the charter school.

To attain the privilege of the placement of a description and a link on the District website, and upon establishing its good standing, the charter school must execute and comply with the "Agreement Regarding Placement on the District Website." The charter school will refer to itself uniformly in all materials and descriptions (both on and off the District website) by the name and mascot identified in its charter petition and authorized by the District. The District reserves the right to revoke the inclusion of the charter school on the District's website at any time.

IX. Charter Revocations

Approval or renewal of a charter petition does not constitute a contract between the District and the charter school, and the District retains at all times the power to revoke a charter petition in accordance with the terms of the Charter Schools Act (as amended from time to time). Notwithstanding any language to the contrary in a charter petition, the District is not obligated to follow the dispute resolution procedures of a charter prior to revoking that charter, and any language to the contrary in any charter petition is null and void and not binding on the District.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

X. Amendments to Charter Schools Act

In the event the Charter Schools Act or other applicable laws are amended or interpreted by appellate court decision binding on the District after the effective date of this Administrative Regulation so that this regulation is inconsistent with such applicable law, this regulation shall be deemed amended to accord with such amendment(s) or appellate decision(s).

