

Authorization of County Charter Schools**Petitions Submitted Directly to the Board of Education**

To be considered by the County Board of Education, an eligible charter school petition must be signed by one of the following:

1. A number of parents/guardians of pupils residing in the county equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation, or
2. A number of teachers 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. (Education Code 47605, 47605.5, 47605.6)

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. This paragraph only applies to petitions that propose to serve students who would otherwise receive direct education and related services from the COE. (Education Code 47605, 47605.6)

The petition shall include a prominent statement explaining that a parent/guardian's signature means the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605, 47605.6)

Parents/guardians signing a petition must reside in Humboldt County and must have one or more children who are age appropriate for the proposed charter school. Teachers signing a petition must be properly credentialed to teach in the proposed charter school. Each of the school districts where the charter school petitioner proposes to operate a facility must receive 30-day notice of the petitioner's intent to operate a charter school.

All charter petitions shall comply with the applicable requirements of Education Code 47605 or 47605.6, other state and federal laws, and County Board policies. A copy of the proposed charter shall be attached to the petition. (Education Code 47605, 47605.6) A petition to the Board of Education to approve a charter school shall include the following information:

1. The name, address and phone number of each applicant, together with a statement signed by each of them, formally applying to the Board of Education for approval of the charter school.
2. A thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators, and managers of the proposed charter school.
3. The bylaws, articles of incorporation and other management documents, as applicable, governing, or proposed to govern, the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of

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Interest provisions that also apply to members of the Board of Education.

4. A list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.

Charter school petitions shall also include descriptions and/or affirmations of all of the following:

1. 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 pupils to become self-motivated, competent, and lifelong learners.
2. The petition shall include a description of the charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52066 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may include additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.
3. How parents will be informed about course transferability to other public high schools and individual course eligibility for entrance into colleges/universities (e.g., WASC/UC, A-G requirements, etc.), for proposed charter schools serving high school pupils.
4. Admission policies and procedures, including any requirements, if applicable.
5. The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for this purpose, mean 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, including outcomes that address increases in student academic achievement both school wide and for each "numerically significant" subgroup of students served by the charter school, as defined in Education Code 52052. The student outcomes shall align with the state priorities identified in Education Code 52066 that apply for the grade levels served by the charter school.
6. The method by which pupil progress in meeting those pupil outcomes will be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
7. The location of each charter school facility that the petitioner/s propose/s to operate.

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8. The governance structure of the school, including, but not limited to: a) the process to be followed by the school to ensure parental involvement; and b) operation by or as a non-profit public benefit corporation; c) the board of directors which shall include a single representative to be selected by the Board of Education.
9. The qualifications to be met by individuals to be employed by the school.
10. 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 E.C. Section 44237 and that the charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J), which shall be reviewed and updated by March 1 each year.
11. The means by which the school will achieve a balance of racial and ethnic students, special education students, and English learner students, including predesignated fluent English proficient students that is reflective of the general population residing within the territorial jurisdiction of the COE.
12. The manner in which annual, independent, financial audits shall be conducted in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board of Education.
13. The procedures by which pupils can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.
14. The procedures to be followed by the charter school and the Board of Education to resolve disputes relating to provisions of the charter.
15. Public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.
16. The rights of employees who choose to work in the charter school and later choose to return to employment with the Office of Education.
17. 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.
18. A declaration whether the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purpose of the Educational Employment Relations Act (Charter 10.7 (commencing with Section 3540 of Division 4 of Title I of the Government Code).
19. The charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations; shall not charge tuition; and shall not discriminate against any student on the basis of race or ethnicity, national origin, gender, gender identity, gender

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expression, disability, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code.

20. The charter school shall admit all pupils who wish to attend the school based upon the criteria and procedures noted below:
 - A. Admission to the charter school shall not be determined according to the pupil's place of residence, or that of any of his/her parents/guardians, within this state.
 - B. 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. Preferences shall be extended to pupils currently attending the charter school and to pupils who reside within the county except as provided in Education Code Section 47614.5. In the event of a drawing, the board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.
 - C. Other admissions preferences permitted by the Board on an individual school basis and if consistent with law.
21. The procedures to be used if the charter school closes. These procedures shall include, but not be limited to:
 - A. Designation of a responsible entity to conduct closure-related activities.
 - B. Notification of the closure to parents/guardians, the Board, the County Office of Education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the CDE, providing at least the following information:
 - 1) The effective date of closure.
 - 2) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure.
 - 3) The students' districts of residence.
 - 4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.
 - C. Provision of a list of students at each grade level, the classes they have completed, and the students' district of residence to the responsible entity designated in accordance with items 21(A) above.
 - D. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with items 21(A) above, except for records and/or assessment results that the charter may require to be transferred to a different entity.

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- E. Transfer and maintenance of personnel records in accordance with applicable law.
- F. Completion of an independent final audit within six months after the closure of the school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school.
- G. Disposal of any assets remaining after all liabilities of the school have been paid or otherwise addressed pursuant to 5 CCR 11962.
- H. Completion and filing of any annual reports required pursuant to Education Code 47604.33.
- I. Identification of funding for the activities identified in item #21A-H above.

Minor revisions to the charter, after the petition has been submitted to the Board of Education, need not be resubmitted for signatures unless the changes substantially and materially alter the nature of the charter school proposal.

To be considered for approval and to determine what potential effects, if any, a proposed charter school operation may have on the school district in which it will operate or the County Office of Education, the Board of Education shall require the petitioner/s to provide the Board with the following information for the proposed charter school:

1. The facilities to be utilized by the school/s location/s and whether the facilities conform to Field Act or applicable Uniform Building Code ordinances and whether the facilities have adequate road accessibility, sewer or septic capacity, lighting, heating and are otherwise habitable by students and employees.
2. The manner in which school's administrative services will be provided. This shall include a summary of the administrative structure and organization of the school. The summary should specifically include County Office of Education liaison, special education and other basic elements of school operation. This section should also detail the proposed academic calendar including: days of instruction, hours of operation, expectations for pupil attendance, and annual instructional minutes for each grade level to be served
3. The identification of potential civil liability, if any, upon the school, any school district where the charter school may operate, and upon the Superintendent of Schools, Office of Education employees, and the Board of Education.
4. Financial statements, including a proposed first year operational budget, including start-up costs, cash flow, and financial projections for the first three years of operation. Assurances must also be provided that any property or equipment acquired with public funds will be held in trust for the benefit of public education in California. It is recognized that the ownership of property or equipment obtained through gifts from private sources may be subject to terms and/or restrictions imposed by the donor/s.
5. The manner, format and content by which the charter school proposes

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to regularly report to the Board of Education, or designee, concerning implementation of the approved charter, measurable student progress, as well as the current and projected financial viability of the school.

6. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

As needed and/or requested, the Superintendent of Schools or designee may work with charter school petitioner/s to establish workable plans for technical assistance or contracted services which the Office of Education may provide to the proposed charter school.

Location of Charter School

A charter petition submitted directly to the County Board may only establish charter school operations within the geographical boundaries of the County Board's jurisdiction. A charter school may propose to operate at multiple sites within those geographic boundaries as long as each location is identified in the petition. This requirement does not apply to charter schools that provide instruction exclusively to juvenile court school students or that provide instruction exclusively in partnership with certain other federal, state, or county programs exempted by Education Code 47605.1. (Education Code 47605, 47605.1)

Review of Petition

Within 60 days of receiving the charter petition, the Board of Education shall hold a public hearing to review the provisions of the charter and to consider the level of support for the petition by teachers, parents or guardians, COE employees, and the school districts where the charter petitioner/s propose/s to place school facilities, for countywide charter schools. A petition is deemed received on the day the petitioner submits a petition to the COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

Following a review of the above petition and the results of the public hearing, the Board of Education shall either grant or deny the charter school petition within 90 days. This timeframe may be extended by 30 days if agreed to by both the petitioner and the County Board. (Education Code 47605, 47605.6)

At least 15 days before the public hearing at which the County Board will grant or deny the charter, the County Board shall publish all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

The hearing shall be audio or video recorded and transcribed in order to maintain an accurate record of the proceedings and the findings upon which the County Board's decision is based.

Grant of Petition

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The Board of Education may grant an eligible petition under the above terms and conditions only if the Board is satisfied that the charter is consistent with sound educational practice and that the petitioner has offered reasonable justification why the petition could not be approved by a local school district pursuant to EC 47605. The County Board shall consider the academic needs of the students the school proposes to serve. Additionally, the Board of Education may only approve a countywide charter if it finds that the pupils will benefit from the charter school's services and that the services provided by the charter school cannot be provided as well within the boundaries of a single school district within the county.

In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. (Education Code 47605, 47605.6)

Upon approval of a charter school petition, the charter school must notify in writing the school districts within the county (if the petition is for a countywide charter), the State Superintendent of Public Instruction, and the State Board of Education.

Charter schools approved by the County Board shall operate under the provisions of their respective charters, the relevant policies and procedures of the County Board, and applicable state and federal laws.

All charters approved by the County Board shall be for a specified term of no more than five years. (Education Code 47607)

In addition to the above terms and conditions, the Board of Education may impose any additional requirements that it deems necessary for the sound operation of a single site or a countywide charter school.

In order to operate additional sites, beyond those approved in an initial petition, the charter school petitioner/s must request a material revision of its original petition by the Board of Education.

If a material revision in the original charter school petition is requested for the purpose of operating additional sites, the Board of Education shall hold a public hearing for this purpose no sooner than 30 days after the school districts within which the additional sites will be operated have been notified. If approved, the location/s of the approved site/s shall constitute a material revision of the charter school's original school petition.

Because corporate status tends to insulate both the charter school officers and employees and the Board of Education and Superintendent of Schools from liability for the conduct of a charter school, the Board expects charter schools to be operated as or by a non-profit public benefit corporation as specified in E.C. Section 47604.

Once a petition has been approved by the Board of Education, the charter school/s shall:

1. Meet all statewide standards and conduct pupil assessments required

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pursuant to E.C. 60605 and E.C. 60815 and all other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

2. Consult with parents and teachers regarding the school's educational programs.
3. Be nonsectarian in its programs, admission policies and employment practices.
4. Not charge tuition, nor discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability.
5. Admit all pupils who wish to attend the school, subject to available space and applicable state-prescribed admission procedures and procedures consistent with law delineated in the charter.

If a pupil subject to compulsory full-time education pursuant to Education Code Section 48200 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.

The Board of Education shall not require any employee of the County Office of Education or a school district to be employed in a charter school, nor shall the Board require any pupil enrolled in a County Office of Education program to attend a charter school.

The Board of Education shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems as well as multiple measures for evaluating the educational program. To assist the Board in its general oversight responsibility, charters shall provide for regular reports to the Board of Education and the Superintendent of Schools, when requested, related to the charter provisions.

Denial of Petition

The Board of Education may only approve eligible petitions for charter schools that intend to operate within the geographical boundaries that the Board has jurisdiction, unless otherwise permitted by law.

A countywide charter petition may only be approved if the Board of Education finds 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 cannot be served as well by a charter school that operates in only one school district in the county.

Board shall grant the charter, if in doing so, the proposed charter is consistent with sound educational practice and no written factual findings are made pursuant to law.

The Board of Education may grant a charter school petition, pursuant to the

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terms and conditions within its policies, only if the Board is satisfied that granting the charter is consistent with sound educational practice and the petitioner/s have offered reasonable justification, acceptable to the Board, why the charter school could not be established by petition to a local school district.

The Board of Education shall deny a petition for the establishment of a charter school if the Board finds and memorializes in written factual findings one or more of the following:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school (Education Code 47602)
3. Proposes to offer nonclassroom-based instruction, through January 1, 2022 (Education Code 47612.7)
4. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school. An educational program may be found unsound by a governing board for any one or more of the following reasons:
 - A. The proposed curriculum and assessments together with the measurable pupil outcomes identified by the charter school have not been designed either to provide reliable evidence that students have achieved, or that students will achieve, content and performance standards in mathematics, language arts, science, and social sciences established by a) the State Board of Education, b) the Humboldt County Office of Education, or c) the charter school. In the latter case, the standards must be clear, detailed, usable by classroom teachers, assessable, and at least as rigorous as the content and performance standards adopted by the State Board of Education.
 - B. That the proposed program is vague, ambiguous, misleading, or lacks sufficient details for the Board and public to understand the school's curriculum and objectives.
 - C. That the proposed program is based on theories or practices which sound educational research has shown to be ineffective.
 - D. That the proposed curriculum and assessment are not designed to ensure that when pupils matriculate from the school, they possess the academic skills and knowledge necessary for a) the succeeding grade level, b) entrance to a college, university, career program, or c) outing into the world or work.
 - E. The educational program presents a likelihood of physical, educational, or psychological harm to students.
5. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. Petitioners may be found to be demonstrably unlikely to be successful by the Superintendent for the following reasons:

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- A. There is evidence of a lack of successful curricular, administrative, financial, or classroom knowledge or experience on the part of the proposed staff of the charter school.
 - B. There is reasonable evidence that there is a serious likelihood that the finances or facilities of the charter school will prove inadequate to carry out the program set forth in the petition.
 - C. Any other appropriate, nondiscriminatory reason.
6. The petition does not contain the number of required signatures as described in this Policy.
 7. The petition does not contain an affirmation of each of the conditions pertaining to site and geographic location as described in this Policy.
 8. The petition does not contain reasonably comprehensive and acceptable descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in this policy.
 9. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e) or 47605.6(e), as applicable, including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
 10. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Educational Employment Relations Act.
 11. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:
 - A. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
 - B. Whether the proposed charter school would duplicate a program currently offered within the COE, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate
 12. The COE is not positioned to absorb the fiscal impact of the proposed charter school. The COE meets this criterion if it has a negative interim certification pursuant to Education Code 1240, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the COE having a negative interim certification.

A petition to establish a charter school serving COE students that is denied by the County Board may be appealed to the SBE within 180 days of the denial. (Education Code 47605; 5 CCR 11967)

Additional Requirements for Countywide Charters

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school.
2. An existing public school may not be converted to a countywide charter school.
3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county.
4. In addition to the components described in this Policy the County Board may require any elements that it considers necessary to the sound operation of a countywide charter school.
5. In addition to the reasons specified in the section "Denial of Petition" above, a countywide petition may be denied for any other basis that the County Board finds justifies the denial.

Financial Relationships with Charter Schools Approved by the Board of Education

The Board of Education may permit a charter school to use facilities not currently being used by the Board for instructional or administrative purposes or not historically being used for rental purposes provided that the charter school shall be responsible for reasonable maintenance of those facilities.

The Board of Education may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the Board is able to provide substantially rent-free facilities to the charter school, the Board may charge actual costs up to three percent of the charter school's revenue for supervisory oversight.

A charter school may separately purchase administrative or other services from the Superintendent of Schools and/or Office of Education or from any other source.

The County Board shall collaborate with the County Superintendent or designee, and/or with the County Board's designated representative contracted or employed pursuant to Education Code 1042, to develop one or more MOUs with the charter school to clarify financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU shall be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

Revisions to Charter School Petitions

Material revisions to a charter authorized by the County Board may only be made with County Board approval. The Board of Education may approve material revisions to petitions originally approved by the Board through the application of the same standards and criteria contained within these board policies that apply to new charter petitions as set forth in EC 47605 and 47605.6. Such revisions can only be made with Board approval. Material revisions shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations at one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605)

The County Board shall, in its sole discretion, determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Regulation

Reviewed: April 21, 2021

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HUMBOLDT COUNTY OFFICE OF EDUCATION

Eureka, California