

CHARTER SCHOOL AUTHORIZATION

Criteria for Granting Charters

The following policy provisions shall pertain to all petitions received by the Yolo County Board of Education (“County Board”), except where noted.

It is the County Board’s intent that petitioners may request County Board approval of a charter school petition in accordance with the following procedures:

Petition

Charter petitioners shall submit the following:

1. Ten (10) printed copies (in notebooks or otherwise bound) of the entire charter (including a master copy with the original signatures for initial charter petitions). The entire submission (including any appendices, exhibits, or attachments) shall be sequentially numbered from the first through the last page, and also include a table of contents that includes references by page number to all appendices/exhibits/attachments.
2. An electronic (Word) version and electronic (pdf) version of the charter, all appendices, and an electronic (Excel) version of the budget and Local Control Funding Formula (“LCFF”) Calculator showing all calculations/formulas and including a budget narrative and budget assumptions.
3. Additionally, for material revisions or renewal requests, the submittal shall also include:
 - a. The petition shall be updated to include a reasonably comprehensive description of how the charter school is/will comply with any new legal requirements since the charter was most recently granted or renewed and as necessary to reflect the charter school’s current program.
 - b. The bound copy shall include a redline indicating all of the revisions from the currently approved version of the charter.
 - c. An electronic (Word) version of the currently approved and operating version of the charter.
 - d. An electronic (Word) version of the redline.
 - e. An executive summary of the changes requested or made from the currently approved charter.

- f. Renewal petitions must contain the California Dashboard data and state-wide testing data from the immediately preceding two years of the charter's operations, including the data from the penultimate year of the charter school's current term or the alternative verifiable data provided for in Education Code 47607(c)(6) for that period and any and all other data, plans, or information necessary to support renewal pursuant to Education Code 47607 and 47607.2.
4. When applicable, the petitioner shall include a copy of the district governing board's denial and supporting written factual findings.
5. In the case of an appeal, the petition should be the same as that acted upon by the denying school district, other than changes necessary to reflect the County Board as the authorizer or minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law. The petitioner shall include a redline version of the charter and a separate list of all revisions and/or additions, no matter the nature or extent of the change, including a description of any changes to the petition necessary to reflect the County Board as the authorizing entity.

It is the County Board's expectation that a charter petition submitted for any request for material revision or renewal shall include a reasonably comprehensive description of how the charter school will address, improve, and remediate any issues the charter school has experienced during the preceding term. This includes, but is not limited to, the charter school's academics, finances, and operations, specifically including decreases or failure to achieve increases in pupil academic achievement schoolwide and for all pupil subgroups in any or all academic areas and/or low performance on the state indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 for which the school receives performance levels and/or measurements of academic performance that are the same or lower than the statewide average schoolwide and/or for pupil subgroups, issues affecting fiscal solvency and stability (including low enrollment), failure to comply with generally accepted accounting principles and/or requirements of law, and/or any areas in which the County Office has issued a letter of concern or otherwise expressed concern to the charter school.

A petition to the County Board to approve any type of charter as outlined above shall include all information required by Education Code 47605 *et seq.* and shall include all of the following:

1. The name, address and phone number of each petitioner.
2. The names and the relevant qualifications, including a thorough description of the education, work experience, credentials, degrees and certifications of the individuals to comprise the directors, administrators and managers of the proposed charter school.
3. The applicable bylaws, articles of incorporation, conflict of interest code, policies, procedures, and other management documents proposed to govern the charter school. These governance documents and the charter shall be consistent with the requirements of Education Code 47604.1.

4. A list of consultants whom the petitioners propose to engage for the development, operation, and evaluation of the charter school, together with a thorough description of the qualifications of each consultant.
5. The required signature pages shall include, in legible format, the names, addresses, and telephone numbers of those persons submitting their signatures in support of the petition, with original signatures, and including the information required by the Charter Schools Act. The petition form must indicate that a copy of the charter school petition was attached such that petitioners were able to review it prior to signing. Parents/guardians signing the petition must have one or more children who are age appropriate for the proposed charter school in its first year of operation. Teachers signing the petition must be properly credentialed to teach in the proposed charter school in its first year of operation. The County Office may investigate the validity of signatures submitted in support of the charter school petition.
6. The descriptions for all charters submitted to the County Board shall include information on whether the program is classroom based or uses any distance-learning instructional strategies, and specify any limitations on the use of distance-learning to qualify the school as a classroom-based program.

A “reasonably comprehensive” description, within the meaning of Education Code 47605(c)(5) and Education Code 47605.6(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. Addresses essentially all aspects of the charter element, not just selected aspects.
 - c. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
7. A description of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code 60605 and any other statewide standards required by statute or pupil assessments as applicable to pupils in non-charter public schools. The description shall state whether the charter school intends to participate in the Alternative Schools Accountability Model (ASAM) or the main accountability system.
 8. The address and a description of the charter school facilities, located within the geographic boundaries of the county, and applicable district for charter appeals, together with documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, and well-suited for its educational purpose, and that the applicant has secured, or has reasonable assurance of securing, the facilities for use by the charter school.
 9. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, financial projections, and reserve positions for the first three years of operation, including startup costs and the salary and benefits paid and to be paid to charter school employees, and any charter management organization fees or similar.

10. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense, shall be included in cases of renewal or material revision applications.
11. A narrative from the charter school petitioner providing a thorough description of the potential civil liability, if any, on the charter school and the County Board/Yolo County Superintendent of Schools (“Superintendent”)/Yolo County Office of Education (“YCOE”), addressing indemnification, defense, and hold harmless obligations of the charter school.
12. A summary of the administrative structure and organization of the school, including special education and other basic elements of school operation. This section should detail the proposed academic calendar, including: days of instruction, hours of operation, and annual instructional minutes for each grade level to be served.
13. The manner, form and content by which the charter school proposes regularly to report to the County Board, Superintendent, or designee, concerning charter implementation, measurable student progress, current and projected financial viability of the school, and School Accountability Report Card (SARC) performance.
14. A comprehensive description of how the charter school will serve students with special needs, low-achieving, English learners, and other student groups.
15. The County Board and/or the Superintendent may impose any additional requirements it deems necessary for the sound operation of a Countywide Charter petition. (Education Code 47605.6(b).)

Location of Charter School

A County Program Charter or Countywide 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. A charter petition submitted on appeal may only establish operations within the geographical boundaries of the school district that denied the petition. (Education Code 47605, 47605.1, 47605.6.)

Process

1. The Charter Schools Act requires charter petitioners to provide signed certifications with charter petition submittals. The YCOE may maintain appropriate forms to be used by charter school petitioners/operators for such signed certifications, and the Superintendent or designee may update and revise these certification forms in a manner consistent with the law and policy. The signed certification submitted with a charter on appeal will also certify that the petitioner concurrently provided to the denying district a copy of all documents submitted to the County Board on appeal.

A charter school petition shall include all of the information referenced in the Charter Schools Act by which the County Board may evaluate the application. While a charter school petition may be submitted at any time during the year, applicants are encouraged to submit a petition during a period when a regular County Board meeting is scheduled to occur in the period between 14 and 30 days from the date of submission. In addition, petitioners seeking approval to commence charter school operations at the start of the next school year are encouraged to initiate the process at the County Board level not later than the prior January 1st. In the case of petitions received after that date, the Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation if the County Board deems such a delay necessary for approval of the charter to be consistent with sound educational practice.

The County Board discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the County Board's time period for action to include any significant holiday periods or non-work time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

The County Board recommends that a charter school submit its petition for renewal sufficiently early in the last year of the current term to allow the Board's deliberations and decision on the renewal petition to be completed in ample time to allow students and staff to plan appropriately for the following year(s) and to allow the County Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year. Renewal requests, including all required documents, may be submitted only during the last year of the charter's current term, and should be submitted only when the school's California Dashboard data and state-wide testing data from the immediately preceding two years of the charter's operations, including the data from the penultimate year of the charter's current term are available, and by no later than February 1st.

2. The County Board delegates to the Superintendent or designee authority to waive or extend the timelines in a charter, law, memorandum of understanding, applicable California regulation, or County Board/Superintendent policy or regulation related to charter schools, including but not limited to, for consideration or action on material revisions and/or renewals of charters.

The County Board's timelines for holding a public hearing and acting on requests for charter approval, material revision, or renewal (whether on appeal or direct submittal to the County Board), all run from receipt of the charter document by the County Board. A petition is deemed received on the day the petitioner submits a petition to the County Office, along with the signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6.)

The charter submittal shall comport with the requirements of the Charter Schools Act, including the prior notice to school district(s) where a Countywide Charter School proposes to operate a facility. The County Board will follow the timelines set forth in the Charter Schools Act, as they may change from time to time.

Within the required timelines, the County Board shall hold a public hearing on the provisions of the charter, at which time the County Board shall consider the level of support for the petition by teachers, other employees, parents and guardians, and, for a proposed Countywide Charter School, the school district(s) where the charter school petitioner proposes to place school facilities.

3. For Countywide Charter petitions, the County Board retains the option to reach a determination whether the charter meets the minimum criteria and findings for countywide status, rather than submission to a local school district, prior to or concurrently with the usual processing and procedures for evaluating and acting on the request for charter approval. The County Board may halt the processing of a Countywide Charter petition at any point that it determines that the charter does not meet the minimum criteria and findings for countywide status.
4. At least 15 days before the meeting 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 meeting, 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 at which the County Board will take action on a District Appeal charter petition will be audio or video recorded in order to maintain an accurate record of the proceedings and the findings upon which the County Board's decision is based, which can be transcribed if required by law. (Education Code 47605.)

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 California Department of Education standards. (Education Code 47605, 47605.6.)

Prior to authorizing any charter, the County Board shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board/Superintendent, and inspections and observations of any part of the charter school.

5. Upon County Board approval of any initial charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the State Superintendent of Public Instruction, the State Board of Education (SBE), and, if the petition is for a countywide charter school, the school districts in the county. (Education Code 47605, 47605.6) When any charter petition/appeal is renewed, revoked, or will cease operation for any reason, the YCOE shall notify the Charter Schools Division of the California Department of Education, and all other legally required agencies.

Denial of Petition

The County Board shall consider the academic needs of the pupils the school proposes to serve and shall grant a charter for the operation of a County Program Charter or district denied charter petition appeal if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school proposes to locate and the charter complies with the requirements of the Charter Schools Act, including the information described in County Board/Superintendent policy and this regulation. The County Board may deny any such charter if it makes written factual findings, specific to the petition, in support of one or more of the statutory causes for denial.

The County Board may grant a charter for the operation of a Countywide Charter only if the Board is satisfied that granting the charter is consistent with sound educational practice and the charter school has reasonable justification for why it could not be established by petition to a school district under Education Code 47605, and only if the County Board finds that the charter will offer services to a pupil population that will benefit therefrom and that cannot be served as well be a charter school that operates in only one district in the county. The Board may impose any additional requirements beyond those specified in Education Code 47605.6 that it considers necessary for the sound operation of a Countywide Charter. The County Board shall deny a petition for the establishment of a Countywide Charter if it finds one or more of the statutory findings set forth in Education Code Section 47605.6(b), including any reason that the Board finds justifies denial.

The County Board shall deny any petition to authorize the conversion of a private school to a charter school or that proposes to establish a charter school to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. The County Board shall deny any petition to convert an existing public school to a Countywide Charter School.

The County Board shall not deny a petition for the establishment of a charter school based on actual or potential costs of serving students with disabilities.

If the County Board denies the charter or renewal, the petitioner may appeal to the SBE except in the case of a Countywide Charter.

Conditions of Approval

If the County Board approves the establishment or renewal of a charter, the governing board of the charter school shall, prior to commencing operations under the term of that charter, fulfill all the conditions of approval imposed by the County Board, which may include, but are not limited to the following:

1. Making changes to the petition, including but not limited to, changes necessary to reflect the County Board as the chartering authority;
2. Signing a memorandum of understanding (MOU) and/or other agreement(s) with the YCOE that includes adherence to all requirements established therein;
3. Finalizing the curriculum to be used and the scope and sequence of all subjects to be offered;

4. Providing verifiable written evidence of membership in a SELPA if the charter school will serve as a local educational agency for purposes of compliance with the Individuals with Disabilities Education Act;
5. Providing evidence of insurance that meets the YCOE's standards and requirements;
6. Agreeing to indemnification, defense, and hold harmless provisions for the protection of the County Board, Superintendent, and YCOE, as well as the charter school's students, employees, and stakeholders, that meet the YCOE's standards and requirements;
7. Completion of a site visit; and/or
8. Providing the appropriate facilities documentation to operate the school, including but not limited to, certificate of occupancy, facility or conditional use permit, fire inspection, CDS code, documentation from State, etc.

Additionally, the charter school shall commence operations within the timeframe specified in the approval action and commence instruction by September 30 of the first year of operation.

The County Board may require a charter petitioner, either upon consideration of an initial petition or at the time of renewal, to make technical amendments and/or clarifications to the charter, which technical amendments may be made in the charter itself or set forth in an MOU or other agreement. Should the charter school and County Board and/or YCOE enter into an MOU or other agreement, the MOU/agreement's provisions shall necessarily prevail over any conflicting provisions of the charter.

The charter school's failure to fulfill the conditions of authorization is grounds for withdrawal or termination of the approval and/or revocation of the charter.

Miscellaneous

1. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the County Board or designee may appoint a representative to serve on the board of directors of that corporation. The County Board reserves its right pursuant to Education Code Section 47604(c) to have a representative serve as a voting member of the corporation's board of directors and may exercise such right at any time. It will be within the County Board or designee's sole discretion whether or not to appoint such a representative at any time. Any County Board representative shall serve solely at the County Board or designee's discretion and shall have no limit on the number of consecutive or total terms they may serve. Any County Board representative shall be excepted from any provisions of bylaws or other governing documents for appointment, removal, term limits, and/or any additional requirements or restrictions on the appointment and services on the board applicable to other directors, and in no circumstances will the provisions for selection of other directors, including but not limited to any type of approval from the current board of directors, apply to the County Board's designee.
2. A charter school shall promptly respond to all reasonable inquiries and/or requests for information of any kind or sort from the YCOE, without charge.

3. Nothing contained in this regulation shall be interpreted to mean that any charter school is not otherwise required to meet all legal and regulatory standards and requirements, as well as comply with all generally accepted accounting principles and practices of sound accounting, management, and education.

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Legal References:

Education Code, 47604.1, 47605-47608, 60605

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