

California Charter Authorizers Boot Camp

Interventions and Revocation

Learning Outcomes

- Identify approaches to address concerns with charter school performance
- Understand the process and standards for revoking a charter

Materials

- OUSD complaint procedures
- ACOE Notice of Concern sample
- CDE Notice of Violation sample

Interventions

Revocation is slow, complex and costly. Early interventions often work and, when they don't, strengthen case for revocation.

Options:

- What's in the law?
- What's in the charter?
- What's in the MOU?

Interventions

- Academic Intervention
 - Federal law (ESSA) in development
 - State law criteria for “technical assistance” or referral to CCEE (Ed. Code 47607.3)
- Information Requests and Investigations
 - “A charter school shall promptly respond to all reasonable inquiries, ...” (Ed. Code 47604.3)
 - “county superintendent ...may, based upon written complaints by parents or other information ..., monitor the operations of a charter school located within that county and conduct an investigation(Ed. Code 47604.4)

Interventions

- Charter
 - Plans for “continuous improvement” of educational program
 - Complaint procedures, including complaints to other agencies (Office of Civil Rights, Cal. Dept. of Industrial Relations, etc.)
 - Dispute resolution provisions
- MOU
 - Option for academic interventions or improvement plans
 - “Progressive discipline” process for addressing non-compliance
 - Initial communication
 - Notice of Concern

Purpose of Revocation

A Quality Authorizer revokes a charter school when necessary to protect student and public interests. When there is clear evidence of:

- Extreme underperformance
- Violation of law
- Violation of the public trust that imperils students
- Violation of the public trust that imperils public funds

Grounds for Revocation: *EC 47607(c)(1)*

A charter may be revoked...if the [chartering] authority finds, through a showing of **substantial evidence**, that the charter school did any of the following:

- (A) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter*.
- (B) Failed to meet or pursue any of the pupil outcomes identified in the charter.
- (C) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- (D) Violated any provision of law.

*May also include violations of the MOU

Substantial Evidence

“**Substantial Evidence**” is evidence that a reasoning mind would accept as sufficient to support a conclusion.

(Farrow v. Montgomery Ward Long Term Disability Plan, 176 Cal App. 3d 648, 658 (Cal. App. 1st Dist. 1986))

Pupil Academic Achievement

EC 47607(c)(2):

*The authority that granted the charter shall consider **increases** in academic achievement for **all groups of pupils** served by the charter school as the **most important** factor in determining whether to revoke a charter.*

Process & Timeline*

Step One:	Notice of Violation (NOV) Reasonable Opportunity to Remedy (clearly stated in NOV)
Step Two:	Notice of Intent to Revoke(NIR)/ Notice of Facts in Support of Revocation
Step Three:	Public Hearing held within 30 days of issuing NIR
Step Four:	Final Decision within 30 days of Public Hearing

EC 47607(c)-(e); 5 CCR 11968.5.2

*Does not apply to revocation for severe and imminent threat to pupils

Revocation Appeal Process – New Regulations

- Charter to submit Notice of Appeal to county board within 30 days of receipt of Final Decision, consisting of:
 - Notice of Violation, Notice of Intent to Revoke and Final Decision
 - Evidence of the final vote of the chartering authority board
 - All evidence relied upon by chartering authority in determining whether substantial evidence existed that charter failed to remedy

Revocation Appeal Process, cont.

- All evidence and correspondence submitted by charter in response to Notice of Violation and Notice of Intent to Revoke
- Minutes of the public meetings on revocation
- Written statement explaining why charter believes district factual findings are not supported by substantial evidence
- Identifies any procedural violations
- If county board does not issue a decision within 90 days of receipt of Notice of Appeal district factual findings stand pending further appeal

Revocation Appeal Process

- Basic standard on review:
 - Did the district violate the procedural requirements in a way that prejudiced the charter school
 - Was the district board's conclusions supported by substantial evidence
- County is to provide report to CDE and chartering authority within 10 days
- If COE reverses revocation, charter returns to district sponsorship.
- Charter School may appeal to SBE.

Expedited Procedure for Threat

Charter Revocation When There is a Severe and Imminent Threat to the Health or Safety of Pupils (5 CCR § 11968.5.3)

- Action by authorizer; notice to the school, county office and CDE
- Appeal within 30 days with expedited decision

Presumably the school closes; reopens if appeal is granted

A Quality Authorizer...

- **Clearly communicates to schools the criteria for charter revocation decisions that are consistent with the charter contract.**
- **Promptly notifies each school of its revocation decision, including written explanation of the reasons for the decision.**
- **Promptly communicates revocation decisions to the school community and public within a time frame that allows parents and students to exercise choices for the coming school year.**
- **Explains any available rights of appeal through which a school may challenge the authorizer's decision.**
- **In the event of a school closure, oversees and works with the school in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.**

Key Take Aways

- Options exist for intervention in law, charter and MOU
- Charter school has extensive due process rights
- Appeals process lengthens duration
- Likely to lead to litigation
- “What is right is not always what is popular”
- An authorizers role is to protect student **and** public interests
- You are **not** alone in this work!



Epicenter Intervention and Revocation Key Take Aways

- Locate support data for decision making
- Export data collections to share
- Proactively prepare for any appeal

Individual Submissions

Submission Collections

- Board Meeting - Budget
- Board Meeting - Initial Organizational Meeting
- Board Meeting - Initial Organizational Meeting Resolution Series
- Board Meeting - Regular
- Board Meeting - Special
- Michigan Transparency Report (Mitten Report)
- Monthly Financials
- New Petition
- Reauthorization Process
- Renewal
- School Closure Process**
- Vendors
- FAQ Guidance
- Establish Transition Team
- Action Team Meetings & Responsibilities
- Notification Letter
- Closure Notification Letter: State & Local
- Talking Points
- Press Release
- Continue Current Instruction

OK Cancel

Learn More

- California Charter Authorizing Professionals (CCAP)
<http://www.calauthorizers.org>
- FCMAT Reports on Charter Mismanagement
<http://fcmat.org/charter-school-reports/>
- LACOE Charter School Office Website:
<https://www.lacoe.edu/CharterSchoolServices/CharterSchoolOffice.aspx>
“Revocation Seminar”