

Book	PCOE Policies
Section	Community Relations/Philosophy-Goals-Objectives & Comprehensive Plans
Title	Authorization of County Charter Schools
Code	0420.4 Board Policy
Status	Active
Adopted	August 8, 2024

The Placer County Board of Education (County Board) is guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of quality charter schools in Placer County should be encouraged. The Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning and enable students to become motivated, competent lifelong learners. In considering any petition to establish a charter school within its jurisdiction, the County Board shall give thoughtful consideration to the ability of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

A petition to establish a charter school shall be submitted directly to the County Board in either of the following circumstances:

1. When the petition seeks to establish a charter program that will serve students who would otherwise receive direct education and related services from the county office of education (COE) (Education Code 47605.5)
2. When the petition seeks to establish a charter program that will serve as a countywide charter school, to provide instructional services that are not generally provided by the COE (Education Code 47605.6)

The County Board may also consider granting a charter school petition that was previously denied by the governing board of a school district within the County Board's jurisdiction, in accordance with BP 0420.44 - Appeals of District Decisions Regarding Charter Schools.

The County Board may consider the County Superintendent's analysis and recommendations regarding the completeness of a charter petition, any concerns that should be addressed by petitioners, any proposed arrangement to provide COE services to the charter school, and the potential development of memoranda of understanding (MOUs) to clarify financial and operational arrangements.

Required Petition Signatures

To be considered by the County Board, a charter petition must be signed by either of the following: (Education Code 47605, 47605.5, 47605.6)

1. A number of parents/guardians 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

2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation

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)

A petition that calls for an existing public school to be converted to a County Office charter school must also be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605, 47605.6)

Components of the Charter Petition

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)

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) or 47605.6(e) as applicable, as well as reasonably comprehensive descriptions of: (Education Code 47605, 47605.6)

1. The educational program of the proposed 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.
2. 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 52060 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.

If the proposed charter school will serve high school students, the petition shall describe the manner in which the 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-G" admissions criteria may be considered to meet college entrance requirements.

3. The measurable student outcomes identified for use by the charter school.

Student outcomes mean 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, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. 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.

4. The method by which student progress in meeting the identified student outcomes is to 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.

5. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
6. The qualifications to be met by individuals to be employed by the charter school.
7. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:
 - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.
 - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(K) and when serving any students in grades 7-12, the protocol required in 32282(a)(2)(L)...
 - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.
8. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the COE's territorial jurisdiction.
9. Admission policies and procedures in accordance with Education Code 47605(e) and 47605.6(e), including procedures for determining enrollment when the number of applicants exceeds the school's capacity.
10. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the County Board's satisfaction.
11. The procedures by which students 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.

Such procedures shall contain a clear statement that no student shall be involuntarily removed by the charter school for any reason unless written notice of the intent to remove the student is given to the student's parent/guardian at least five school days before the effective date of the removal. In the case of a homeless student or foster youth, the notice shall be given to the student's educational rights holder. Additionally, a foster youth's attorney and county social worker, and an Indian child's tribal social worker, and if applicable, the county social worker shall be given such notice.

The notice shall inform the student, the student's parent/guardian, and any other specified individual, as applicable, of the right to initiate a hearing as described in Education Code 47605, before the effective date of the removal. The notice shall be provided in the student's, parent/guardian's, or other applicable person's language, and if such hearing is initiated, shall include the student's right to remain enrolled in the charter school until a final decision is made by the charter school.

In addition, the procedures shall contain a statement pertaining to the provision of homework assignments to

suspended students as specified in Education Code 47606.2.

Such procedures shall also include processes by which the charter school will notify the County Superintendent of the student's last known address and, upon request, provide the student's cumulative record when a student is expelled or leaves the charter school without graduating or completing the school year for any reason. In addition, the procedures shall describe the means by which the County Office can contact the charter school if the student is subsequently expelled or leaves without graduating or completing the school year for any reason.

Involuntarily removed means disenrolled, dismissed, transferred, or terminated, but does not include suspensions. (Education Code 47605, 47605.6)

12. 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.
13. The public school attendance alternatives for students who choose to not attend the charter school.
14. A description of the rights of any employee upon leaving County Office employment to work in the charter school and of any rights of return to the County Office after employment at the charter school.
15. The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions.
16. A declaration as to whether the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
17. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:
 - a. Designation of a responsible entity to conduct closure-related activities including a communication plan
 - b. Notification to parents/guardians, employees, the County Board, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education (CDE), providing at least the following information:
 - i. The effective date of the closure
 - ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - iii. The students' districts of residence
 - iv. 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 their districts of residence to the responsible entity designated in accordance with Item #17a above
- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the responsible entity designated in accordance with Item #17a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
- 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 charter school that may function as the annual audit, which includes an assessment of the disposition of any restricted funds received by or due to the school and an accounting of all financial assets and liabilities pursuant to 5 CCR 11962
- g. Disposal of any net assets remaining after all liabilities of the charter 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
- a. Identification of funding for the activities identified in Item #17a-h above

Charter school petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605, 47605.6)

1. The facilities to be used by the charter school, including where the school intends to locate
2. The manner in which administrative services of the charter school are to be provided
3. Potential civil liability effects, if any, upon the charter school and the County Office

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. 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 Authorization of County Charters of all persons whom the petitioner nominates to serve on the governing body of the charter school and all other information as required in Superintendent Regulation 0420.4, Authorization of County Charter Schools

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 such as Workforce Innovation and Opportunity Act (WOIA) and California Conservation Corps (CCC). (Education Code 47605, 47605.1)

Approval of Petition

Within 60 days of the receipt of the charter petition, 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 County Office teachers or its other employees, parents/guardians, and, for a proposed countywide charter school, the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to the County Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

The County Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of 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.

A petition for a County Office charter school shall be granted only if the County Board is satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. (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 CDE standards. (Education Code 47605, 47605.6)

Prior to authorizing any charter, the County Board shall determine if the charter includes adequate processes and measures for monitoring the terms of its charter and for complying with applicable laws, including the public transparency laws listed in Education Code 47604.1. Such processes and measures shall include the reports submitted to the charter board, the County Board, and the County Superintendent required in Education Code 47604.33, and annual reports submitted to the charter board, County Board, and the County Superintendent, on the achievement and progress of students in its educational program.

Upon County Board approval of any charter petition, it is the responsibility of the petitioners to provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction (SPI), 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)

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

Denial of Petition

The County Board shall deny any charter petition that proposes to:

1. 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. Convert a private school to a charter school (Education Code 47602)

3. Offer nonclassroom-based instruction unless permitted by law. (Education Code 47612.7)

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving County Office students or a petition on appeal, if the County Board makes written factual findings specific to the petition to support one or more of the following: (Education Code 47605, 47605.6; 5 CCR 11967.5)

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school.

2. The petitioners are unlikely to successfully implement the program set forth in the petition.

3. The petition does not contain the required signatures as described in the section "Required Petition Signatures" above.

4. 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.

5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in the section "Components of the Charter Petition" above.

6. The petition does not contain a declaration of whether the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of the Educational Employment Relations Act.

7. The non-countywide 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 non-countywide 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 by the County Office, 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

The County Office is not positioned to absorb the fiscal impact of the proposed non-countywide charter school. The County Board shall only make this finding if the COE has a qualified interim certification and the County Superintendent, in consultation with the County Office Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the charter would result in the COE having a negative interim certification, or if the COE has a negative certification, or is under state receivership.

8. Unlike the denial of a countywide charter school petition, a petition to establish a charter school serving County Office students that is denied by the County Board may be appealed to 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 the section "Components of the Charter Petition" above, 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.

Memoranda of Understanding

The County Board may 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 reviewed by the County Board and the charter school governing body and be amended as necessary.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal	Description
20 USC 7221-7221j	Charter schools
Management Resources	Description
Attorney General Opinion	72 Ops.Cal.Atty.Gen. 25 (1989)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
California Charter Authorizing Professionals Pub	Memorandum of Understanding (MOU) Resource, September 2022
Court Decision	Napa Unified School District v. California State Board of Education, Case No. 34-2022-80004051

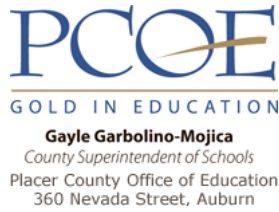
Court Decision	CSBA's Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016
U.S. Department of Education Publication	Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	U.S. Department of Education
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association
Website	California Charter Authorizing Professionals
State	Description
5 CCR 11700.1-11705	Independent study
5 CCR 11960-11968.5.5	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.02-42238.52	Funding for charter districts
Ed. Code 44237	Criminal record summary

Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47655	Funding of charter schools
Ed. Code 49011	Student fees
Ed. Code 51744-51749.6	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.170	California Public Records Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
W&I Code 224.1	Indian child; definition

Cross References

Code	Description
0420.41	Oversight Of County Charter Schools
0420.41-E(1)	Oversight Of County Charter Schools
0420.42	Renewal Of County Charter Schools
0420.43	Revocation Of County Charter Schools
0420.44	Appeals Of District Decisions Regarding Charter Schools

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The County Board recognizes its ongoing responsibility to oversee any charter school authorized by the County Board, to ensure that the charter school is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

Designated Charter School Contact

The County Board shall identify a contact person for each charter school authorized by the County Board. The contact may be the County Superintendent or designee or another person employed or contracted by the County Board pursuant to Education Code 1042. (Education Code 47604.32)

The County Board may appoint a representative to serve as a director on any charter school board authorized to operate as a nonprofit, public benefit corporation.

The County Board or its designated representative may inspect or observe any part of the charter school at any time. At least once each year, the County Board's designated representative shall visit each charter school under its authority. (Education Code 47604.32, 47607)

Waivers

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the State Board of Education (SBE) on its behalf. If the County Board approves such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to SBE on behalf of the charter school.

Charges for Provision of Services to a Charter School

The County Board may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the charter school is able to obtain substantially rent-free facilities from the county office of education (COE), the County Board may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight. (Education Code 47613)

A charter school may separately purchase administrative or other services from the COE or any other source, in accordance with law. (Education Code 47613)

Material Revisions to Charter

Material revisions to a charter may only be made with County Board approval. Considerations of approval of material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but are not 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)

The County Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional seat-based sites, nonclassroom-based satellite facilities, or grade levels, whether concurrently with or unrelated to a renewal, 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, public meeting. (Education Code 47605, 47605.6, 47607)

Other examples of changes that may be considered by the Board to be material revisions to a charter petition include, but are not limited to:

1. Changes in admission preferences and/or targeted student populations
2. Significant Changes in the content of the educational program such as switching from an art-focused program to a STEM focused program
3. Significant Changes in the delivery of the educational program such as from nonclassroom-based instruction to seat-based instruction
4. Changes in the legal status of the charter school
5. Changes in the governance structure of the charter organization such as by moving in or out of a Charter Management Organization (CMO)
6. Changes in the number of sites or grade levels served
7. Significant changes in enrollment as projected in the charter petition
8. Significant changes in revenue or expenditures as projected in the charter petition

Pursuant to Education Code 47605, the County Board may deny a request to expand operations if it finds that the proposed expansion would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the County Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the COE
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings

3. Whether the expansion would duplicate a program currently offered within the COE that has sufficient capacity for the students proposed to be served

Additionally, pursuant to Education Code 47605, the County Board may deny a request to expand operations if it finds that the COE is not positioned to absorb the fiscal impact of the proposed charter school expansion. The County Board shall only make this finding if the COE has a qualified interim certification and the County Superintendent, in consultation with the County Office Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the charter would result in the COE having a negative interim certification, or if the COE has a negative certification, or is under state receivership. Charter schools proposing a material revision in a county office that satisfies any one of these three conditions above shall be subject to a rebuttable presumption of denial.

Material revisions to a petition for reasons other than adding additional sites or grades levels may not be denied for not serving the interest of the entire community where the school proposes to operate or because of a fiscal impact that the County Office could not absorb.

Monitoring Charter School Performance

The County Board has the responsibility to ensure that the charter school complies with producing and providing the Board with all the reports required of charter schools in accordance with Education Code 47604.32.

The County Board shall annually receive information from the charter to determine whether each school, both schoolwide and for all numerically significant student subgroups of students served by the school as defined in Education Code 52052, is achieving the measurable student outcomes set forth in its charter. This determination shall be based on the measures specified in the approved charter and any applicable memorandum of understanding (MOU), and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP). The County Board will support each charter school through the provision of a reporting template which shall document each school's progress towards achieving measurable student outcomes, and the school's progress towards renewal.

The County Board has the responsibility to monitor the fiscal condition of each charter school based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

When monitoring related to the fiscal condition of the charter school is conducted by the County Board's designated representative, the representative shall report to the County Board at the first available County Board meeting.

Technical Assistance/Intervention

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from a COE identified as a geographic lead agency or its designee. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance

in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, COE, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the County Board to assess the charter school's progress in improving student outcomes.

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

In accordance with law, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

To enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint, each charter school shall establish policies and procedures in accordance with the uniform complaint procedures specified in 5 CCR 4600-4670. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the County Board revokes or denies renewal of a charter or the school ceases operation for any reason, the County Board's charter school representative shall, in accordance with the charter and/or any applicable MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The County Board shall provide notification to the California Department of Education, within 10 calendar days of denying renewal of or revoking the charter, or if the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

If a charter is not renewed or revoked, the school closure procedures specified in the charter petition as required by law and included in County Board Policy 0420.4, Authorization of County Schools, shall be implemented. (Education Code 47605; 5 CCR 11962)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6311	State plan
20 USC 7221-7221j	Charter schools
34 CFR 200.1-200.79	Accountability
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
Management Resources	Description
Attorney General Opinion	79 Ops.Cal.Atty.Gen. 155 (1996)
Attorney General Opinion	72 Ops.Cal.Atty.Gen 25 (1989)
Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	104 Ops.Cal.Atty.Gen. 66 (2021)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
California Charter Authorizing Professionals Pub	Memorandum of Understanding (MOU) Resource, September 2022
California Department of Education Publication	Model Youth Suicide Prevention Policy
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Department of Education Publication	California School Accounting Manual
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2016

U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	CSBA District and County Office of Education Legal Services
Website	National Suicide Prevention Lifeline
Website	National Domestic Violence Hotline
Website	California State Teachers Retirement System
Website	California State Controller
Website	California Public Employees Retirement System
Website	California Department of General Services, Office of Administrative Hearings
Website	California Commission on Teacher Credentialing
Website	California Commission on Peace Officer Standards and Training
Website	California Bureau of Security and Investigative Services
Website	U.S. Department of Education
Website	U.S. Department of Agriculture
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Student Aid Commission
Website	California Office of the Attorney General
Website	California Interscholastic Federation
Website	California Department of Pesticide Regulation
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association
State	Description
5 CCR 11700.1-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 15497.5	Local control and accountability plan template
5 CCR 4600-4670	Uniform complaint procedures
Business and Professions Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations

Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on web site
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; Lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections related to immigration and citizenship status
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct

Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45125.1	Criminal records summary; employees of contracting entity
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47634.2	Nonclassroom-based instruction
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47651	Apportionment of funds; charter schools
Ed. Code 48000	Minimum age of admission for kindergarten; transitional kindergarten
Ed. Code 48010-48011	Minimum age of admission; first grade
Ed. Code 48206.3-48208	Students with temporary disabilities; individual instruction
Ed. Code 48850-48859	Education of foster youth and homeless students
Ed. Code 48901.1	Suspension and expulsion; willful defiance
Ed. Code 48907	Students' exercise of free expression; rules and regulations
Ed. Code 48913.5	Suspended students; homework assignments
Ed. Code 48950	Freedom of speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49005-49006.4	Seclusion and restraint
Ed. Code 49011	Student fees
Ed. Code 49014	Public School Fair Debt Collection Act
Ed. Code 49061	Student records; definitions
Ed. Code 49062.5	Student records; name or gender change
Ed. Code 49070	Challenging student records
Ed. Code 49073.2	Privacy of student and parent/guardian personal information; minutes of board meeting
Ed. Code 49076.7	Student records; data privacy; social security numbers
Ed. Code 49110	Authority to issue work permits
Ed. Code 49381	Human trafficking prevention

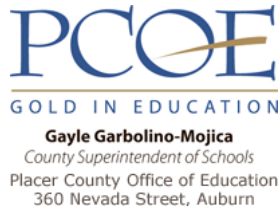
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Ed. Code 49428	Notification of mental health services
Ed. Code 49430-49434	The Pupil Nutrition, Health, and Achievement Act of 2001
Ed. Code 49431.9	Prohibition of advertisement of non-nutritious foods
Ed. Code 49475	Health and safety; concussions and head injuries
Ed. Code 49501.5	Free breakfast and lunch to all students
Ed. Code 49557.5	Child Hunger Prevention and Fair Treatment Act of 2017
Ed. Code 49564	Meals for needy students
Ed. Code 49564.3	Provision of federal universal meal service
Ed. Code 49700-49701	Education of children of military families
Ed. Code 51224.7	Mathematics placement policy
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation
Ed. Code 51225.7-51225.8	Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
Ed. Code 51413	Diploma of graduation without passage of high school exit examination
Ed. Code 51744-51749.6	Independent study
Ed. Code 51925-51929	Mandatory mental health education
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Uniform complaint procedures
Ed. Code 56026	Special education
Ed. Code 56040.3	Availability of assistive technology devices
Ed. Code 56145-56146	Special education services in charter schools
Ed. Code 56365-56366.12	Nonpublic, nonsectarian schools
Ed. Code 60600-606489	Assessment of academic achievement
Ed. Code 64000	Categorical programs included in consolidated application
Ed. Code 64001	School plan for student achievement; consolidated application programs
Ed. Code 65000-65001	School site councils

Ed. Code 69432.9-69432.92	Cal Grant program; notification of grade point average and high school graduation
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.170	California Public Records Act
Gov. Code 7920.000-7930.215	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974
H&S Code 104420	Tobacco Use Prevention Education grant program
H&S Code 104559	Tobacco-free schools
Lab. Code 1198.5	Personnel records related to performance and grievance
Pen. Code 1192.7	Definition of serious felony
Pen. Code 667.5	Definition of violent felony
Veh. Code 28160	Child safety alert system

Cross References

Code	Description
0420.4	Authorization Of County Charter Schools
0420.43	Revocation Of County Charter Schools
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
1431	Waivers

Adopted: August 8, 2024



Book	PCOE Policies
Section	Community Relations/Philosophy-Goals-Objectives & Comprehensive Plans
Title	Revocation of County Charter Schools
Code	0420.43 Board Policy
Status	Active
Adopted	August 8, 2024

The County Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

The County Board may immediately revoke a charter when it determines, in writing, that a charter school has committed a violation under Education Code 47607 that constitutes a severe and imminent threat to the health or safety of students as defined in 5 CCR 11965. In such a case, the County Board shall approve and deliver to the charter school's governing body and the California Department of Education (CDE) a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, which shall include the location of the facility and a description of the emergency or urgent conditions that resulted in the violation. (Education Code 47607; 5 CCR 11968.5.3)

In addition, the County Board may use the procedures described below to revoke a charter if it makes a written factual finding supported by substantial evidence that the charter school has done any of the following: (Education Code 47607)

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

The County Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance pursuant to Education Code 47607.3 if CCEE has issued either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of CCEE
2. That the inadequate performance of the charter school, as based on California School Dashboard, is so persistent or acute as to require revocation of the charter

In determining whether to revoke a charter, the County Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052. (Education Code 47607.3)

Revocation Procedures

If the County Board is considering a revocation of a charter school when a severe and imminent threat to the health or safety to students does not exist, it shall first take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s) supporting the proposed revocation.
2. All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the County Board has concluded is a reasonable period of time to provide the charter school with the opportunity to remedy or refute the identified violation(s). In identifying this time period, the County Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

At least 72 hours prior to any meeting at which the County Board will consider issuing a Notice of Violation, the County Board shall provide the charter school with notice and all relevant documents related to the proposed revocation. (5 CCR 11968.5.2)

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the County Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

After the conclusion of the remedy period specified in the Notice of Violation, the County Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body
2. Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the remedy period, but only if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the County Board's satisfaction. All evidence relied upon by the County Board for its decision to continue with revocation shall be included in the Notice of Intent to Revoke.

If the County Board issues a Notice of Intent to Revoke, it shall hold a public hearing on the issue of whether evidence exists to revoke the charter no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the County Board and the charter school, the County Board shall issue a final decision on the revocation of the charter. A final decision to revoke the charter shall include in writing the factual findings, supported by substantial evidence made by the Board. (Education Code 47607; 5 CCR 11968.5.2)

If the County Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the final decision, the County Board shall provide a copy of the decision to CDE. (Education Code

47604.32; 5 CCR 11968.5.2)

Appeals

If the County Board revokes a charter, the charter school may appeal the revocation to the State Board of Education within 30 days of the County Board's final decision. However, a revocation based upon the findings made by CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

School Closure

If a charter school ceases operation due to revocation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962, and with County Board Policy 0420.4, Authorization of County Charter Schools. (Education Code 47603.32)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

	Description
Court Decision	Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197
CSBA Publication	The Role of the Charter School Authorizer, Online Course
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2016
Website	U.S. Department of Education
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association

State

	Description
5 CCR 11960-11969.10	Charter schools
5 CCR 11968.5.1-11968.5.5	Charter revocations
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47607	Charter renewals and revocations
Ed. Code 52052	Accountability; numerically significant student subgroups

Cross References

Code	Description
0420.4	Authorization Of County Charter Schools

0420.41

[Oversight Of County Charter Schools](#)

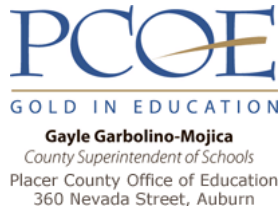
0420.41-E(1)

[Oversight Of County Charter Schools](#)

0420.44

[Appeals Of District Decisions Regarding Charter Schools](#)

Adopted: August 8, 2024



Book	PCOE Policies
Section	Community Relations/Philosophy-Goals-Objectives & Comprehensive Plans
Title	Appeals of District Decisions Regarding Charter Schools
Code	0420.44 Board Policy
Status	Active
Adopted	August 8, 2024

The County Board of Education shall consider any appeal of a decision made by the governing board of a school district within the County Board's jurisdiction to deny a petition for the establishment of a charter school, deny the renewal of a charter, or revoke a charter that was originally authorized by the district, provided that the request for the appeal meets the requirements described below. (Education Code 47605, 47607; 5 CCR 11967)

The County Board may request that the County Superintendent perform a review of the petition on behalf of the County Board and report any findings to the County Board at a public meeting.

Appeal of District Denial of Charter Authorization or Renewal

If the governing board of a school district denies a petition for the establishment or renewal of a charter school, the petitioners may submit an appeal to the County Board within 30 calendar days of the denial. Any petition submitted to the County Board after this time frame shall be considered denied with no further options for administrative appeal. (Education Code 47605)

A petition to the County Board to establish or renew a charter school that has been denied by a school district governing board shall include: (Education Code 47605; 5 CCR 11966.5, 11967)

1. A complete copy of the charter petition as denied, including, but not limited to, the signatures required by Education Code 47605 and the identification of the proposed site(s) where the charter school will operate
2. Evidence of the school district governing board's action to deny the petition, such as meeting minutes
3. Any written factual findings from the school district governing board setting forth specific facts to support the grounds for denial
4. A signed certification stating that the petitioner(s) will comply with all applicable law
5. A description of any changes to the petition necessary to reflect the County Board as the chartering entity

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board. (Education Code 47605)

Within 60 days of the receipt of the petition, the County Board shall hold a public hearing to review documentation and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the county office of education, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

In considering the charter petition on appeal, the County Board shall consider the petition “de novo” and is not limited to a review based solely on the reasons for denial stated by school district. The County Board shall review and approve or deny a petition based on the criteria specified in Education Code 47605. (Education Code 47605, 47607, 47607.2; 5 CCR 11967) A description of the specified criteria is included in BP 0420.4, Authorization of County Charter Schools.

When considering a petition for renewal, the County Board shall also consider the charter school's past performance on academics, finances, and operations, along with any future plans for improvement, in evaluating the school's likelihood of future success. (5 CCR 11966.5)

Following review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 days of receipt of the petition, or within 120 days if the petitioner and County Board agree to the extension. (Education Code 47605)

A charter school authorized by the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition. (Education Code 47605, 47605.1)

A charter school authorized by the County Board on an appeal shall operate under the provisions of its charter, relevant policies and regulations adopted by the County Board, any memorandum of understanding (MOU) between the County Board and the charter school, and applicable state and federal laws. The County Board may approve one or more MOUs with the charter school to clarify the financial and operational arrangements, such as the delivery of special education services and 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 may be amended as necessary.

Any charter petition appealed to and denied by the County Board may be submitted to the State Board of Education (SBE) within 30 days of the denial. Upon request by the petitioner, the County Board shall prepare a documentary record, including transcripts of the public hearing at which the petition was denied, no later than 10 business days of the request. Within 30 days of receipt of the appeal submitted to SBE, the County Board may submit a written opposition and supporting documentation or evidence that was considered by the County Board in reviewing and denying the petition. (Education Code 47605)

Appeal of District Charter School Revocations

If a school district governing board revokes the charter of school it authorized, the charter school may appeal the revocation by delivering a written Notice of Appeal to the County Board within 30 days the district's final decision. (Education Code 47607; 5 CCR 11968.5.4)

The Notice of Appeal shall include all of the following: (5 CCR 11968.5.4)

1. A copy of the district's Notice of Violation, Notice of Intent to Revoke, and the Final Decision, unless the school district did not provide them to the charter school as required pursuant to 5 CCR 11968.5.2

2. Evidence of the final vote of the school district governing board, if available
3. All evidence relied upon by the school district in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation
4. All evidence and correspondence submitted by the charter school's governing body in response to the school district's Notice of Violation and Notice of Intent to Revoke
5. Minutes of any public meeting at which the school district governing board considered or made its decision to revoke the charter, if available
6. A written statement from the charter school explaining why it does not believe that the school district's factual findings are supported by substantial evidence
7. Identification of any procedural omissions or errors the charter school alleges to have occurred in the revocation process

The County Board shall consider the following when determining whether school district's factual findings are supported by substantial evidence: (5 CCR 11968.5.4)

1. Whether the district provided the charter school a Notice of Violation and a reasonable opportunity to remedy the identified violation(s)
2. If the charter school submitted a response to the Notice of Violation, whether the charter school complied with the procedures set forth for that response
3. Whether the district provided the charter school a Notice of Intent to Revoke, a public hearing, and Final Decision
4. Whether the school district provided the charter school a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, if applicable
5. Whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation(s) or the school district's ability to comply with its procedural obligations or authorizing duties

The County Board may reverse the district's decision if it determines the district's findings are not supported by substantial evidence. If the district's decision is reversed on appeal, the district shall continue to be regarded as the chartering authority. The school district may appeal the reversal to SBE. (Education Code 47607)

The County Board shall provide the California Department of Education and the school district a copy of its written decision within 10 calendar days of its action. (5 CCR 11968.5.4)

If the County Board does not issue a decision within 90 days of receiving the Notice of Appeal, or if the County Board upholds the district's decision to revoke the charter, the charter school may appeal to SBE. (Education Code 47607)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 7223-7225

Description

Charter schools

34 CFR 200.1-200.79

Accountability

Management Resources

Attorney General Opinion

Description

80 Ops.Cal.Atty.Gen. 52 (1997)

Attorney General Opinion

78 Ops.Cal.Atty.Gen. 297 (1995)

CSBA Publication

Charter Schools: A Guide for Governance Teams, 2016

Website

[Education Commission of the States](#)

Website

[U.S. Department of Education](#)

Website

[National School Boards Association](#)

Website

[CSBA](#)

Website

[California Department of Education](#)

State

5 CCR 11960-11969.10

Description

Charter schools

Ed. Code 220

Prohibition of discrimination

Ed. Code 33054

Waivers

Ed. Code 47600-47616.7

Charter Schools Act of 1992

Ed. Code 60600-606489

Assessment of academic achievement

Ed. Code 60605

Academic content and performance standards; assessments

Ed. Code 60640-60649

California Assessment of Student Performance and Progress

Gov. Code 3540-3549.3

Educational Employment Relations Act

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Cross References

Code

0420.4

Description

[Authorization Of County Charter Schools](#)

0420.42

[Renewal Of County Charter Schools](#)

0420.43

[Revocation Of County Charter Schools](#)

9320

[Meetings And Notices](#)

9322

[Agenda/Meeting Materials](#)

Adopted: August 8, 2024

