

CHARTER SCHOOLS

The Governing Board believes that charter schools provide an opportunity to implement school-level reform and to support innovations that improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws and general oversight of the Board.

As needed, the Superintendent or designees may work with charter school petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and appropriate supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the elements required by law, including those elements specified in Administrative Regulations and adopted guidelines and criteria. In reviewing petitions for the establishment of charter schools, the Board shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. The Board shall grant a charter if it is satisfied that granting the charter is consistent with sound educational practice. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the charter school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, compliance with all legal requirements, fiscal accountability systems, and multiple measures for evaluating the educational program. To assist the Board in its general oversight responsibility, charters shall provide for regular reports to the Board related to performance of the charter school, including, among other things, compliance with the terms of the charter, teacher qualifications, school finance, and student achievement.

(cf. 0500 - Accountability)

Legal Reference: (see next page)

CHARTER SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

17280-17317 *Field Act*

17365-17374 *Field Act, fitness for occupancy*

33054 *Waivers*

41365 *Charter school revolving loan fund*

42100 *Annual statement of receipts and expenditures*

42238.51-42238.53 *Funding for charter districts*

44237 *Criminal record summary*

44830.1 *Certificated employees, conviction of a violent or serious felony*

45122.1 *Classified employees, conviction of a violent or serious felony*

46201 *Instructional minutes*

47600-47616.7 *Charter Schools Act of 1992, as amended*

47640-47647 *Special education funding for charter schools*

47652 *Funding of first-year charter schools*

48000 *Minimum age of admission (kindergarten)*

48010 *Minimum age of admission (first grade)*

48011 *Minimum age of admission from kindergarten or other school*

51745-51749.3 *Independent study*

52052 *Alternative accountability system*

54032 *Limited English or low-achieving pupils*

56026 *Special education*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement, including:*

60605 *Academic content and performance standards; assessments*

60640-60649 *Standardized Testing and Reporting Program*

60850-60859 *High school exit examination*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

667.5 *Definition of violent felony*

1192.7 *Definition of serious felony*

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*

11960-11969 *Charter schools*

CODE OF REGULATIONS, TITLE 24

101 *et seq. California Building Code*

UNITED STATES CODE, TITLE 20

6311 *Adequate yearly progress*

6319 *Qualifications of teachers and paraprofessionals*

7223-7225 *Charter schools*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 *Accountability*

ATTORNEY GENERAL OPINIONS

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

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

Management Resources: (see next page)

CHARTER SCHOOLS (continued)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

CSBA: <http://www.csba.org>

California Building Standards Commission: <http://www.bsc.ca.gov>

California Charter Schools Association: <http://www.charterassociation.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

CHARTER SCHOOLS

Petition Signatures

To be considered by the Governing Board, a charter school petition must be signed by one of the following: (Education Code 47605)

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 charter school for its first year of operation
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation
3. At least 50 percent of the permanent status teachers currently employed at the public school to be converted if the charter petition calls for an existing public school to be converted to a charter school

(cf. 4116 - Permanent/Probationary Status)

In circulating a petition, the petitioners shall include a prominent statement explaining that a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

Charter Provisions

A charter petition shall include descriptions of all of the following: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent and lifelong learners. The charter petition shall also include a description of the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.

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2. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge and attitudes specified as goals in the school's educational program.
3. The method by which student progress in meeting those student outcomes is to be measured.
4. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. Admission requirements if applicable.
9. 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 satisfaction of the Board.
10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security.
12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.
13. A description of the rights of any district employee upon leaving district employment to work in a charter school, and of any rights of return to the district after employment at a charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

CHARTER SCHOOLS (continued)

15. By March 31, 2000, a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of the Educational Employment Relations Act.
16. A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

The petition also shall include affirmations that: (Education Code 47605)

1. The charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations; shall not charge tuition; and shall not discriminate against any student on the basis of ethnicity, national origin, gender or disability.
2. The charter school shall admit all students who wish to attend the school, according to the following criteria and procedures:
 - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area.
 - b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance, except for existing students of the charter school, shall be determined by a public random drawing. Preferences shall be extended to students currently attending the charter school and students who reside in the district except as provided for in Section 47614.5. In the event of a drawing, the Board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand.
 - c. Other admissions preferences permitted by the Board on an individual school basis and if consistent with law.

In addition to submitting the proposed charter and the affirmations described above, charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including but not limited to: (Education Code 47605)

1. The facilities to be used by the school

CHARTER SCHOOLS (continued)

2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. 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

Initial charter petitions and renewal requests shall address the required elements and affirmations described above, in conformance with the adopted guidelines and criteria as outlined in Exhibit (E) 0420.4, Charter Schools Guidelines.

Charter Approval/Denial

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district and parents/guardians. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

A charter review team, composed of knowledgeable district administrators and other consultants, as needed, shall review each petition and request for renewal and make a recommendation to the Governing Board. The recommendation shall take into account the criteria specified in Education Code 47605, Board Policy, Administrative Regulations and adopted Guidelines.

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605) In its discretion, the Board may grant a charter, subject to conditions precedent or subsequent required to cure deficiencies that would otherwise be grounds for denial of the charter petition.

The Board shall grant the charter if doing so is consistent with sound educational practice. A charter shall be denied only if the Board presents written specific factual findings that one or more of the following conditions exist: (Education Code 47605)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.

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4. The petition does not contain an affirmation of each of the conditions described above and in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the 14 provisions described above and in Education Code 47605(b).

In making any such findings, the Board shall consider the criteria specified in Education Code section 47605, Board Policy, Administrative Regulations and adopted Guidelines.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities. (Education Code 47605.7)

The Board also shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

In granting charter petitions, the Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education under Education Code 54032. (Education Code 47605)

The petitioners shall provide written notice of the Board's approval and a copy of the charter to the State Board of Education. (Education Code 47605)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

Revisions

Material revisions to a charter may be made only with Board approval and shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. (Education Code 47607)

Renewals

The Board may grant a charter pursuant to 47605, 47605.5, and 47606 for a period not to exceed five years. A charter may be granted one or more subsequent renewals. Each renewal shall be for a period of five years. Renewals shall be governed by the standards and criteria that apply to new charter petitions, as set forth in Education Code 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

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Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal:

1. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
2. Ranked in deciles four to 10, inclusive, on the API in the prior year or in two of the last three years.
3. Ranked in deciles four to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The district determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of the schools in district, taking into account the composition of the student population that is served at the charter school.

The determination made pursuant to this paragraph shall be based upon all of the following:

- a. Documented and clear and convincing data.
- b. Students achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Education Code 60640) for demographically similar student populations in the comparison schools.
- c. Information submitted by the charter school.

The district shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent of Public Instruction shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Education Code 47604.5.

A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

5. Has qualified for an alternative accountability system pursuant to subdivision (h) of 52052.

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A charter school seeking renewal of the charter should submit a written request and all supporting documentation to the Board at least 120 days before the term of the charter is due to expire.

Ninety days before the term of the charter is due to expire, or 30 days after receipt of the request for renewal, whichever occurs later, the Board should conduct a public hearing to receive input on whether or not to extend the charter. 60 days before the expiration date of the charter, or 30 days after the public hearing, whichever occurs later, the Board should grant or deny the request for renewal.

Revocations

The Board may revoke a charter whenever it finds 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 provision of law

Prior to revocation, the Board shall notify the charter school of any violation and give the school a reasonable opportunity to correct the violation unless the Board determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

Requirements for Charter Schools

In order to generate state funding based on average daily attendance, a charter school student shall be a California resident and, if over 19 years of age, shall be continuously enrolled in a public school and making satisfactory progress toward a high school diploma. (Education Code 47612)

No student shall be required to attend a charter school. (Education Code 47605)

No district employee shall be required to work at a charter school. (Education Code 47605)

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Charter schools shall be exempt from the Education Code provisions governing school districts except the following:

1. Charter schools shall be subject to Education Code 47611 regarding the State Teachers' Retirement System. (Education Code 47610)
2. Charter schools shall be subject to Education Code 41365 regarding the revolving loan fund for charter schools. (Education Code 47610)
3. Charter schools shall be subject to all laws establishing minimum age for public school attendance. (Education Code 47610)

(cf. 5111 - Admission)

4. Charter schools shall meet all statewide standards and conduct the student assessments required by Education Code 60605 and any other statewide standards or student assessments applicable to noncharter public schools. They shall certify that their students have participated in the state testing programs specified in Education Code 60600-60652 in the same manner as other students attending public schools. (Education Code 47605, 47612.5)

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

5. Charter schools shall be subject to state law prohibitions regarding the employment of any person, in either a certificated or classified position, who has been convicted of a violent or serious felony. (Education Code 44830.1, 45122.1)

(cf. 4112.5 /4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

6. Charter schools shall offer, at a minimum, the same number of instructional minutes set forth in Education Code 46201 for the appropriate grade levels. (Education Code 47612.5)

(cf. 6111 - School Calendar)

7. Charter schools that provide independent study shall be subject to Education Code 51745-51749.3. (Education Code 47612.5, 51747.3)

However, for the purpose of Education Code 51745(e), a charter school that includes any of grades 9-12 shall be deemed to be an alternative school of the district. (Education Code 51745; 5 CCR 11705)

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(cf. 6158 - Independent Study)

8. Charter schools shall be subject to provisions in Government Code 3540-3549.3 related to collective bargaining in public education employment. If a charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees. (Education Code 47611.5)
9. Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the Board. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses. (Education Code 47605)

(cf. 4112.2 - Certification)

10. Students with disabilities shall be served by charter schools in the same manner as such students are served in other public schools. (Education Code 56145)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification of Individuals for Special Education)

11. Charter schools shall be subject to all other laws expressly made applicable to charter schools.

Charter schools shall, on a regular basis, consult with parents/guardians and teachers regarding the school's educational programs. (Education Code 47605)

Charter schools shall promptly respond to all reasonable inquiries from the Board or the Superintendent of Public Instruction, including but not limited to inquiries regarding its financial records. (Education Code 47604.3)

Charter schools shall maintain written contemporaneous records that document all student attendance and shall make these records available for audit and inspection. (Education Code 47612.5)

Waivers

If a charter school submits to the district an application for a waiver of any state Education Code provisions, the Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request. (Education Code 33054)

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The Superintendent or designee shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the State Board of Education. If the Board recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the State Board of Education. (Education Code 33054)

Financial Relationship

The district shall make available, to each charter school operating (as that term is defined in Education Code 47614) in the district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the district. The district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

The district may charge the charter school a pro rata share (based on the ratio of space allocated by the district to the charter school divided by the total space of the district) of those district facilities costs which the district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.

Each year each charter school operating within the district and desiring facilities from the district shall provide the district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.

Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the district. (Education Code 47614)

(cf. 1330 - Use of School Facilities)

(cf. 3280 - Sale, Lease, Rental of District-Owned Real Property)

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The district may charge any fees authorized by law or pursuant to agreement with the charter school, including the actual costs of supervisory oversight of a charter school not to exceed one percent of the revenue of the charter school. However, if the charter school is able to obtain substantially rent free facilities from the district, the district may charge for the actual costs of supervisory oversight of the charter school, not to exceed three percent of the revenue of the charter school. For purposes of this paragraph, "revenue of the charter school" means the general purpose entitlement and categorical block grant, as defined in subdivisions (a) and (b) of Education Code 47632

If the district is given the responsibility for supervisory oversight of a charter school, pursuant to Education Code 47605(k)(1), it may charge for the actual costs of supervisory oversight, and administrative costs necessary to secure charter school funding. A charter school that is charged for costs under this subdivision may not be charged pursuant to the above paragraph.

Nothing in this Regulation prevents a charter school from separately purchasing administrative or other services from, and by agreement with, the district or any other source. (Education Code 47613)

The district shall comply with regulations adopted by the State Board of Education related to charter schools, including but not limited to the provision of facilities by the district and the financial relationship between the district and charter schools.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

CHARTER SCHOOLS

Section 1: Guidelines for Charter Petition Submissions

Guideline 1 - Petition Signatures

As mandated by Education Code 47605, the Governing Board will only consider charter school petitions signed by one of the following:

For Start-up Charter Schools:

1. A number of parents/guardians equivalent to at least one-half of the number of students the charter school estimates will enroll in the charter school for its first year of operation; or
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

For Existing Public Schools Converting to Charter School Status:

At least 50 percent of the permanent status teachers currently employed at the public school to be converted.

Signatures will only be deemed valid if petitioners demonstrate that, while circulating the petition, they included a prominent statement explaining that a signature means the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, the teacher is meaningfully interested in teaching at the charter school. In addition, petitioners must show the proposed charter was attached to the petition at the time signatures were obtained. Revisions in the charter after the petition is submitted to the Board need not be resubmitted for signatures unless the changes materially alter the nature of the charter school proposal.

Additionally, the petitioners shall set forth:

1. The name, address and phone number of the lead petitioners, together with a statement signed by them formally applying to the Board for approval of the charter school.
2. A thorough description of the education, work experience, credentials, degrees and certifications of the individual persons circulating the petition and comprising, or proposing to comprise, the directors, administrators and managers of the proposed charter school.

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3. A list of the names, addresses and telephone numbers of consultants whom the charter has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the experience of such consultants.
4. The bylaws, articles of incorporation and other management documents, as applicable, governing or proposed to govern the charter school
5. A description of the number of students anticipated to attend the charter school and the grade levels to be included for these students.
6. An attorney's opinion providing a thorough description of the potential civil liability, if any, of the charter school and school district.
7. A statement setting forth the administrative structure of the school, including detailed job descriptions assigning executive, budget, disciplinary, school district liaison, parent/guardian contact, counseling, special education, maintenance, research, employee evaluative functions and other responsibilities.

Guideline 2 - Submission Deadlines

The Board is committed to creating a schedule for charter evaluation that allows both charter developers and the district to make thoughtful preparation for the adjustments to budgets, facility allocations and personnel assignments arising from the approval of new charter schools. Charter developers may submit their petitions at any time and, as stipulated in Education Code 47605, the Board shall either grant or deny the charter within 60 days of receipt of the petition. However, allocation of facilities shall be governed by the timelines set forth in the implementing regulations to Education Code 47614.

Guideline 3 - Required Affirmations

As mandated by Education Code 47604 and 47605, the Board will only consider charter school petitions containing the following affirmations:

1. "The charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations, shall not charge tuition, and shall not discriminate against a student on the basis of ethnicity, national origin, gender or disability."

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2. "Admission to the charter school shall not be determined according to the place of residence of the student, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to students who reside within the former attendance area of that public school."

Guideline 4 - Required Descriptions of the Sixteen Elements

Education Code 47605 mandates that petitioners must provide a "reasonably comprehensive description" of the 16 required elements. The following criteria shall be considered in determining whether the petition contains a "reasonably comprehensive description."

Element 1, Educational Program

"The educational program of the school, designed, among other things, to describe what the school intends to accomplish, 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."

A "reasonably comprehensive description" would:

1. Identify the mission and goals of the proposed charter school.
2. Identify and demonstrate an understanding of the students the school plans to educate.
3. Describe how the proposed school uniquely provides for unmet needs of students in the district.
4. Clearly identify which students the charter is attempting to educate and why.
5. Describe how the charter school significantly differs from the current school configuration in terms of its ability to improve student achievement, student learning opportunities, and teacher competence and innovation.
6. Describe the specific types of staff training that will occur in order to institute your successful school. What proof is available to support that this training will result in improvement of student outcomes? Will all staff receive the same training or will it vary by department?
7. Describe the educational program, including how instructional resources will be provided.

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8. Describe the school's proposed curriculum and instructional program including:
 - a. The proposed teaching methodologies, demonstrating a deep understanding of them and clear rationale for their use with the intended student population.
 - b. The scope and sequence of skills to be taught across grade levels and the different subject areas the school intends to teach.
 - c. How the curriculum, methods and resources used are consistent with and support student progress toward meeting state standards.
 - d. The evidence (scholarly research) that the instructional methods to be employed will improve student outcomes or the theoretical basis for the program's approach to learning if evidence has yet to be generated.
 - e. The instructional resources to be used and means the school will use to obtain them.
 - f. How teachers and other employees will have the capacity to deliver the proposed instructional program, addressing specifically recruiting efforts the school will undertake and/or professional development the school will offer to ensure personnel have the skills needed to implement the program.
 - g. The school's academic calendar, explaining the allocation of instructional time between different educational objectives, and providing assurance the school will offer, at minimum, the number of minutes of instruction set forth in Education Code 46201 and equal to other schools in the district.
9. Describe the instructional methodology to be used for students at all levels.
10. Describe the support and intervention systems that will be available to assist struggling students.
11. Describe how the school will address the needs of all students including:
 - a. English language learners, specifically, describe the comprehensive plan for ensuring acceptable learning opportunities and support for EL students.

Describe the plan for providing translation services for students and parents/guardians.
 - b. Gifted students

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- c. Below grade level and other at-risk students
 - d. Homeless students
 - e. Students not attending school/School Attendance Review Board (SARB)
 - f. Students requiring a 504 accommodation plan
12. Describe in specific detail how non-college bound students and those interested in vocational careers will be supported and encouraged.
13. Describe how the ongoing monitoring of all student groups' progress will inform the staff about the success or challenges of the school's instructional program.
14. Describe:
- a. What it means to be an "educated person in the 21st century."
 - b. How "learning best occurs"
 - c. How the school will enable students to achieve the goal of becoming "self-motivated, competent and lifelong learners."
 - d. Provide assurance that, to the extent independent study is provided, the school will comply with state laws relating to independent study as set forth in Education Code 47612.5.
15. Describe the curriculum plan, including method of curriculum planning and process by which best practices can be exchanged (pursuant to charter law intent to create innovative programs).
16. Describe evidence that supports the program's objectives and how learning best occurs or, if such evidence is not available, an explanation for the theoretical basis supporting the program's approach to learning
17. Describe how the charter school will accomplish the goal that students become self-motivated, competent and lifelong learners.
18. Describe how any federal dollars will be utilized as a component of the charter's educational program.
19. Provide empirical evidence to support successes in the educational program.

CHARTER SCHOOLS (continued)

20. Describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.
21. Include, at minimum, a full curriculum for each course or grade level as an attachment.
22. Charter applicants are required to provide a charter petition with a "reasonably comprehensive description" of the special education services it intends to deliver. The following criteria will be used to evaluate the special education section of the charter petition.

A "reasonably comprehensive description" would:

1. Assure the charter school will be considered a public school of the district for purposes of special education.
2. Assure all special education services will be delivered in a manner consistent with all applicable state and federal laws and with the district's SELPA, addressing specifically:
 - a. That all legally required documentation shall be maintained.
 - b. That services will only be provided by legally qualified personnel.
3. Assure all special education services will be delivered in a manner consistent with the district's special education oversight requirements.
4. Describe the pre-referral search and serve activities the school will engage in to identify students with special needs or pre-existing Individualized Education Plans (IEPs), including:
 - a. The screening techniques the school will use to identify students.
 - b. The pre-referral intervention strategies the school will use to assist at-risk students.

CHARTER SCHOOLS (continued)

- c. The process by which school employees, students and parents/guardians will collaborate to determine what pre-referral intervention strategies should be employed.
5. Describe the referral process the school will follow to determine student eligibility for special education services, addressing specifically:
 - a. The information to be gathered and used to determine whether formal assessments should be given.
 - b. The criteria to be used to determine which assessments, if any, should be given.
 - c. The rights parents/guardians will have to make referral requests, to be included in all aspects of the referral process, and how the school will inform parents/guardians of their rights.
 - d. The timelines, consistent with all state and federal laws, the school will follow in order to complete the referral process.
6. Describe the assessment procedures the school will follow to determine student eligibility for special education services, addressing specifically:
 - a. The means by which assessment data will be generated such as, individual testing, observations, interviews, and reviews of school records, reports and work samples.
 - b. The means by which the school will ensure qualified individuals are administering assessments.
7. Describe the process for generating appropriate IEPs based upon the results of the data generated during the assessment process, addressing specifically:
 - a. The composition of the IEP team and the qualifications team members shall have.
 - b. The criteria the IEP team will use to determine whether assessment results determine eligibility for special education services as called for by all applicable state and federal laws.
 - c. The method by which the team will determine an individualized course of instruction that meets the needs of the identified student.

CHARTER SCHOOLS (continued)

- d. The process and timeline to be followed to monitor and update the IEP as the student's needs change.
 - e. The process by which students will be assessed in order to determine whether or not they have progressed sufficiently to warrant exit from the special education program.
8. Describe the strategies to be employed to deliver the school's special education instructional program, addressing specifically:
- a. Which segments of the continuum of program options (i.e. inclusion, resource specialist program, special day, etc.) the school will offer and whether or not the school will provide services to all students choosing to attend the school who have IEPs calling for placement within those options.

Note: Unless extensive justification to the contrary is provided, applicants will be expected to offer at the proposed charter school a range of services comparable to the range of services provided at similarly-sized district-managed schools.
 - b. How the school will ensure students receive special education services in "the least restrictive environment" possible.
 - c. The specific strategies the school will use to deliver instruction called for in student IEPs, identifying all practices that differ from the way the district typically provides those services.
 - d. The method by which the school will provide transportation to special education students.
9. Assure all 504 accommodations and special education services will be delivered in a manner consistent with all applicable state and federal laws and, as applicable, with the district's SELPA, addressing specifically:
- a. The division of responsibility between district and charter school staff for students included in charter school regular education programs (consistent with requirement of education in Least Restrictive Environment)
 - b. How all legally required documentation shall be maintained
 - c. That services will only be provided by legally qualified personnel

CHARTER SCHOOLS (continued)

10. Describe the due process the school will follow to ensure procedural safeguards protect all interested parties, addressing specifically:
 - a. The informal process the school will use to resolve parental concerns.
 - b. The procedures parents/guardians are to follow to file for a due process hearing.
11. Assure the school will adhere to the district's reporting requirements for special education, stating specifically:
 - a. The school will provide, following required timelines, CASEMIS information to the district.
 - b. The school will provide any special education related report requested of the district by any federal or state agency.
 - c. The school understands and accepts reporting requirement changes may be incorporated by reference into the school's charter when the school's MOU is renegotiated.
12. Describe your plan to provide a full range of educational alternatives for students with disabilities to ensure placement in the least restrictive environment.
13. Describe how and where you plan to educate a disabled student whose IEP you're unable to implement at the charter school?

How will you fund the proper educational placement?
14. Describe your plan to provide transportation services to severely and non-severely handicapped students?
15. Describe your plan for providing the following DIS services including, but not limited to, language and speech, occupational therapy, adapted P.E., physical therapy, nursing, orientation and mobility, instruction in the home or hospital, audiological services, vision services, psychological services.
16. Describe your plan to collect and provide data to the California Special Education Management Information System?
17. Describe your plan to resolve an issue of noncompliance with special education law?

CHARTER SCHOOLS (continued)

18. State how you will respond to a request for a due process hearing? Who will provide you legal counsel in such a dispute?
19. What are your procedures for suspension and expulsion of special education and 504 eligible students?
20. How will students receiving special education services participate in statewide testing?
21. Describe your plan to meet the need for a surrogate parent/guardian when no one is available to exercise educational rights for students.
22. Describe your plan to provide specialized physical health care procedures to students requiring them.
23. Describe your plan to address the extended session.
24. Describe your plan to implement the Hughes Bill.
25. Who will serve as case manager for the students, i.e., who will schedule IEPs?
26. Describe your plan for completion of clerical duties related to IEPs, i.e., sending out IEP notices, distributing completed IEPs, maintaining student placement files, completing and distributing other required forms, etc.
27. Who will be responsible for the CCRs (Coordinated Compliance Reviews)? How will the reviews be completed?
28. Describe your plan for staffing ratios for the various categories of disabilities you'll be serving?
29. State the alternative(s) you have for students who are unable to complete the requirements for a high school diploma.
30. What is your plan to support students who have been unsuccessful in passing one or both sections of the CAHSEE?

Element 2. Student Outcomes

"The measurable student outcomes identified for use by the charter school. 'Student outcomes' means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program."

CHARTER SCHOOLS (continued)

A "reasonably comprehensive description" would:

1. Set student performance objectives, which are consistent with state accountability targets as defined by the Public School Accountability Act of 1999 federal accountability targets as defined in the No Child Left Behind Act (NCLB), and district accountability targets as identified in the "District Accountability Framework".
2. Identify the measurable student outcomes, including baseline goals that will be utilized.
3. Describe how the outcomes are consistent with the skills, knowledge, and attitudes expected of the students as described in the program's goals.
4. Identify any additional measurable outcomes that will be achieved by the school's students and describe how the additional outcomes to be measured are consistent with the school's proposed instructional program.
5. Provide evidence that the school's academic standards meet or exceed statewide standards, as required by Education Code 47605.

Element 3, Assessment

"The method by which student progress in meeting those student outcomes is to be measured."

A "reasonably comprehensive description" would:

1. Describe the method(s) for measuring stated student outcomes and clear, attainable goals and criteria for assessing whether student outcomes and baseline goals have been achieved.
2. Describe how the school will collect, analyze and report data on student performance, monitor and utilize that information to improve student academic achievement and the charter school's educational program generally.
3. Describe how often progress will be measured.
4. Assure state mandated assessments will be administered.
5. Describe assessment instruments (e.g. standardized tests, AP tests, portfolios, etc.) used by the charter school.

CHARTER SCHOOLS (continued)

6. Describe how the school will comply with testing requirements under the Academic Performance Index and the California High School Exit Exam and how students will be assessed to ensure that they are meeting state standards in required subject areas.

Element 4, Governance

"The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement."

A "reasonably comprehensive description" would:

1. Describe the charter school Board, including how many will sit on the Board, the selection process, the qualifications and education experience of individual Board members, the decision-making process, the length of the Board members' terms, and how they will be removed, if necessary. The authorizing Board's official duties in the governance structure of the charter school, if any, should be delineated. Methods for resolving issues of conflict of interest for members and the Board should also be addressed. (Note: Substantial evidence should be provided that the founding group demonstrates the capacity to establish and sustain a successful school and can manage public funds effectively and efficiently deal with the responsibility required, or will hire staff that can. The Board will want to take a close look at qualifications and background experience in education.)
2. State whether the proposed public charter school will operate as, or be operated by, a nonprofit public benefit corporation, or will operate as an arm-of-the-district public school.
3. Describe how the school will be run on a day-to-day basis, including descriptions of the decision-making processes, financial permissions and restraints, and parent/guardian involvement.
4. Provide assurance that there will be effective representation of interested parties, including, but not limited to parents/guardians of students of the charter school, and that the school will regularly consult with parents/guardians and teachers regarding the school's educational program, as required by Education Code 47605.
5. State the proposed charter's intention to be a part of the district SELPA, join another SELPA, or create its own SELPA for purposes of delivering special education programs.
6. Explain the process to be followed by the school to ensure parental involvement.

CHARTER SCHOOLS (continued)

7. Describe the proposed school's governance structure and demonstrate how it will maintain active and effective control of the school. Applicants are strongly encouraged to state:
 - a. The frequency with which the governance authority is expected to meet.
 - b. The process for ongoing selection of governance authority members, including a detailed description of the election and campaign procedures and any restrictions on holding office.
 - c. The manner for recording governance authority meetings and actions.
8. Provide the protocol for Board meetings, such as the Brown Act, and Robert's Rules of order (the CDE has determined that the Brown Act is required).
9. Provide the names and backgrounds of all individuals committed to serve on the school's initial governance authority (this may be done with an attached memorandum).
10. Describe the process that the Governing Charter Board will utilize in determining wages and salary, hiring, transfers, terminations, demotions, release of employment during probation, leave approvals (sick, personnel necessity, FMLA/CFRA, work accommodation in compliance with the ADA and Rehabilitation Act, Worker's Compensation, etc.).

Element 5, Employee Qualifications

"The qualifications to be met by individuals to be employed by the school, including the credentials held by the teachers of the school."

A "reasonably comprehensive description" would:

1. Describe how the necessary qualifications for school employees are determined by job title and classification.
2. Describe the types of credentials the teachers will be required to hold (i.e., professional clear, permits, waiver, etc.). Teachers in core subjects (those identified by the charter school) must hold a valid teacher credential, permit or other equivalent document required by public schools.
3. Describe the process to be used to provide inspection for the credentials (i.e., a description of the process for handling credential checking and other personnel matters).

CHARTER SCHOOLS (continued)

4. Describe the credentials/qualifications of other charter school staff (e.g., counselors, librarians, administrators, nurses and others).
5. Verification that teachers and paraprofessionals who are required to be certified as "highly qualified" as required by the federal No Child Left Behind Act.
6. Provide a statement of acknowledgement that all employees, even if not public, are subject to state and federal employment laws.
7. State how the charter school will conform to the legal requirement that all charter school teachers shall hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to what a teacher in other public schools is required to hold.
8. How will the charter assure they will maintain a current copy of teacher certificates on file and are available for inspection?
9. Identify the steps the charter school will take, if any, to minimize the use of emergency-credentialed teachers including consistent with the standards established by the California Commission on Teacher Credentialing.
10. Identify who will be the employer of record for hiring and termination.
11. Specify qualifications sufficient to ensure the health, and safety of the school's faculty, staff, and students (beyond Department of Justice background checks/fingerprinting requirements and tuberculosis testing), including training and experience required of athletic coaches, industrial arts teachers, etc., as well as education and training related to sexual harassment.
12. Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.

Element 6, Health and Safety

"The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237. The procedures shall also address safe housing and employee clearance for tuberculosis."

CHARTER SCHOOLS (continued)

A "reasonably comprehensive description" would:

1. Provide, if known, the charter school address and description of the facilities to be used.
2. Assure that the requirement will be met for a health check of all employees pursuant to state law and district personnel policies, where applicable, such as tuberculosis.
3. Assure the school's facilities will comply with state and local building codes, Federal American Disabilities Act (ADA) access requirements, and other applicable fire, health and structural safety requirements, and will maintain on file records documenting such compliance.
 - a. Assure compliance with ADA in terms of determining if an individual with a disability meets legitimate job-related requirements.
 - b. Describe the plan to determine if an employee with a disability is able to perform the "essential functions" of the job with or without reasonable accommodations.
4. Describe how the Charter School will assure the avoidance of under applicable state and federal anti-discrimination laws, including the California Fair Employment and Housing Act, California Family Rights Act and Pregnancy Disability Leave Act, and, under federal law, Title VII of the Civil Rights Act, the Americans with Disabilities Act, Age Discrimination in Employment Act and Family and Medical Leave Act, and Health Insurance Portability and Accountability Act, in terms of employment practices and decisions, including:
 - a. Hiring and firing people
 - b. Compensation, assignment or classification of employees
 - c. Transfer, promotion, layoff
 - d. Testing procedures
 - e. Use of facilities
 - f. Training programs
 - g. Pay, retirement plans and disability leave.

CHARTER SCHOOLS (continued)

5. Describe the plan for compliance with the Family Medical Leave Act (FMLA) the California Family Rights Act (CFRA), and the California Pregnancy Disability Leave (PDL) laws.
6. Assure that all pertinent aspects of the Health Insurance Portability and Accountability Act (HIPAA) are met.
7. Ensure an educational environment or workplace free of sexual harassment, including policies, complaint procedures and a plan for discipline of those who are found guilty of sexual harassment
8. Assure the school will maintain a copy of facility inspections on file and ready for inspection.
9. Description of the charter's exposure control plan, safety plan and disaster preparedness plan.
10. Description of efforts to comply with the state and federal laws regarding food safety and environmental protection.
11. Explain how support services such as nursing, student health screening and nutrition programs will be provided.
 - a. Specifically, explain the plan for ensuring the following occurs with respect to the student nutrition program:
 - (1) Compliance with all Federal State and County Health Code regulations
 - (2) Compliance with all child nutrition segments of Title 7 of the Code of Federal Regulations.
 - (3) Successful completion of the Coordinated Review Effort and School Meals Initiative audits conducted by United States Department of Agriculture and the State Office of Child Nutrition.
 - (4) Ensure all guidelines are followed regarding the competitive bid process.
 - (5) Ensure "Dietary Guidelines for Americans" are met.
 - (6) Process free/reduced price meal applications
 - (7) Conduct verification of free/reduced price meal applications

CHARTER SCHOOLS (continued)

- (8) Do all accounting connected with the food serve operation including Federal State "Claim for Reimbursement" and Profit and Loss Statements.
- (9) Conduct daily meal count edit checks
- (10) Ensure cash collection procedures are followed.
- (11) Ensure overt identification does not occur for students qualified for free/reduced price meals.
- (12) Conduct and monitor inventory management.
- (13) Conduct perpetual nutrient analysis.
- (14) Ensure civil rights/non-discrimination policies are followed.
- (15) Ensure meal pattern requirements are met
- (16) Coordinate processing/requisition/delivery of commodity foods with the Food Distribution and Processing Division of the California Department of Education.
- (17) Maintain all food service equipment.
- (18) Ensure leftovers are properly handled.
- (19) Ensure legislation pertaining to food services is monitored and adhered to.
- (20) Coordinate with vendors.
- (21) Ensure safety concerns are addressed.
- (22) Prepare menus
- (23) Determine appropriate ala carte pricing.
- (24) Coordinate Point-of-Sale System.
- (25) Ensure annual audits are successfully completed.
- (26) Develop, implement, and monitor Wellness Policy

CHARTER SCHOOLS (continued)

- (27) Gather customer input
 - (28) Order, receive, and process all food and beverage products.
 - (29) Ensure recipe conversion is complete and accurate.
 - (30) Maintain a preventive maintenance system.
 - (31) Ensure proper management of cafeteria fund that does not encroach on general fund.
 - (32) Cater events as necessary
 - (33) Measure food service productivity
 - (34) Conduct student taste testing
 - (35) Conform menus to student taste as costs allow
 - (36) Ensure food service chemicals are handled and stored to minimize exposure and injuries
 - (37) Conduct annual blood borne pathogens training
 - (38) Ensure a complete training/in-service program is constantly maintained
 - (39) Monitor competitive foods issues and sale of foods of minimal nutritional value and ensure compliance with law
 - (40) Ensure children with special needs have their dietary needs satisfied
 - (41) Handle all personnel issues
 - (42) Ensure annual renewal of the program is filed prior to the deadline.
12. Assure required criminal record background checks and initial and ongoing tuberculosis screenings of employee candidates will be conducted.
13. Describe the efforts to comply with state and federal law as designed to protect children, including, but not limited to, the proper administration of medication to students in schools and the reporting of child abuse. (Note that federal health and safety laws apply to charter schools and are not eligible for waivers.)

CHARTER SCHOOLS (continued)

14. Provide for the screening of students' vision and hearing and the screening of students for scoliosis to the same extent as would be required if the students attended a non-charter public school (despite broad reference to employment of a nurse to provide oversight of "health screenings").

Element 7, Racial and Ethnic Balance

"The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction."

A "reasonably comprehensive description" would:

1. Describe the measurable recruitment efforts and outreach programs the school will undertake to meet the above-identified goal. The described recruitment and outreach may address:
 - a. The nature, number and location of community presentations to be made in the district.
 - b. The community-based organization(s) the charter school will partner with in order to meet the above-identified goal.
 - c. The print and non-print media the school will advertise in and the frequency with which advertisements will appear.
 - d. The informational materials to be generated by the school and the languages in which they will be presented.
 - e. The methods by which the school will distribute informational materials.

Note: The district will review the proposed efforts to ensure they do not discriminate against or discourage any students from seeking admission to the school. Applicants proposing to join a SELPA other than the district's should assure that the school's recruiting procedures shall result in good faith efforts designed to encourage the enrollment of students with special needs who reside within the district.

2. Identify the length of the open enrollment period and, if choosing a length shorter than 90 days, justify why that period would satisfy the goal to achieve a racial and ethnic balance closely resembling the racial and ethnic balance of the district.

CHARTER SCHOOLS (continued)

3. Assure the school will maintain an accurate accounting of the ethnic and racial balance of students enrolled in the school.
4. Justify admission requirements and preferences in light of the goal to achieve a racial and ethnic balance.

Element 8, Admissions Requirements

"Admission requirements if applicable."

A "reasonably comprehensive description" would:

1. State the charter school will admit all students who wish to attend as called for in Education Code 47605.
2. Describe any specific admissions requirements of the proposed school.

Note: Applicants proposing to join a SELPA other than the district's should assure the school's admissions procedures shall result in good faith efforts to make the school accessible to students with special needs who reside within the district.

3. Describe admissions procedures or criteria, and certify they are consistent with nondiscrimination statutes. Applicants proposing the use of special admissions procedures (procedures that differ from the district's preferred procedure, which is described below) shall submit an opinion of counsel that the procedures and criteria to be employed comply with applicable laws.

Note: With regard to student recruitment, charter schools cannot recruit students in any way that discriminates against students on the basis of race, gender, color, national origin or disability. In advertising for students, charter schools are required by federal law to distribute materials in ways that effectively reach all segments of the parent/guardian community. Charter schools must also be sure to safeguard the rights of parents/guardians who are limited-English proficient, providing materials in languages other than English in order to communicate effectively with all parent/guardian groups. Similarly, in recruiting students of parents/guardians with disabilities, outreach materials should be available upon request in various alternative formats (such as Braille or large print, or in public meetings where interpreters are available).

4. Describe the efforts the school plans to undertake to make the school accessible to academically low achieving and economically disadvantaged students and to encourage the enrollment of such students.

CHARTER SCHOOLS (continued)

5. When students must transfer from your charter program to either other district or outside district schools, describe the potential impacts for each grade level and program and the optimal transition point in order for these students to successfully transfer credits and continue on track for graduation in non-charter programs. Describe the converse of students moving into your area by grade level and program for district and outside district students.
6. Contain a description of the procedure for fair, random and public charter school lotteries should the charter school receive a number of applications from potential students exceeding the number of spaces available within the school.

Element 9, Financial Audits

"The manner in which annual, independent financial audits shall be conducted. These audits shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the GUHSD Board."

A "reasonably comprehensive description" would:

1. Assure annual, independent financial audits employing generally accepted accounting principals will be conducted by auditors experienced in education finance.
2. Describe the manner in which audit exceptions and deficiencies will be resolved to the satisfaction of the authorizing Board.
3. Describe the plans and systems to be used to provide information for an independent audit, including the manner in which the charter school will track financial data and compile information in the format needed for the annual statement of receipts and expenditures.
4. State the school will adhere to financial reporting requirements described in Guideline 5, Additional Requirement 4 of this policy.
5. Describe the manner in which the audit would be made public.
6. Describe the manner in which the charter school will keep track of financial data and compile information in the prescribed format needed for the annual statement of receipts and expenditures for the prior fiscal year that is due to the authorizing Board by September 15 of each year.
7. Provide proof of knowledge of the requirement and the process by which charter school will submit quarterly financial reports to its chartering authority and the county superintendent of schools.

CHARTER SCHOOLS (continued)

8. Describe the services the charter intends to contract out to the district or another provider (if not provided in the memorandum of understanding).
9. Specify who is responsible for contracting for the independent audit.

Element 10, Student Expulsions

"The procedures by which students can be suspended or expelled and a description of any appeal process."

A "reasonably comprehensive description" would:

1. Assure the school will adhere to the suspension and expulsion policy established by the GUHSD Board.

OR
2. Establish rules and procedures for suspension and expulsion consistent with state and federal law, addressing specifically:
 - a. The grounds for expulsion.
 - b. The step-by-step deliberative process to be followed by the school.
 - c. The due process rights students shall maintain during disciplinary actions including the right to counsel, the right to present evidence, and the right to confront and cross-examine adverse witnesses.
 - d. The appeals process to be used by parents/guardians who dispute the school's expulsion decisions.
3. Provide the student code of conduct and the process by which this information is given to students and parents/guardians.
4. Describe the disciplinary steps to be taken prior to suspension or expulsion
5. Provide the grounds for suspension and expulsion and how these are consistent with federal law.
6. Describe the suspension and expulsion policies for special education students and how these are consistent with federal law.

CHARTER SCHOOLS (continued)

7. Identify the process by which parents/guardians and student will be informed about the reasons for any such actions and their due process.
8. Describe the appeal process.
9. Describe the educational alternative, if any, to be provided for students who are suspended/expelled.
10. Identify the process by which the charter school will notify the superintendent of the school district of the expelled student's last known address and send a copy of the student's cumulative record to the school district.

Element 11, Retirement Programs Offered to Employees

"The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security."

A "reasonably comprehensive description" would:

1. Describe which staff will be covered by which retirement system.
2. Provide an account of the costs related to these benefits.

Element 12, Attendance Alternatives

"The public school attendance alternatives for students residing within the district who choose not to attend charter schools."

A "reasonably comprehensive description" would:

1. Provide information about attendance alternatives consistent with district policy relative to intra-district attendance.
2. Specify whether or how the parents or guardians of students enrolled in the charter school shall be informed that the student has no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.

CHARTER SCHOOLS (continued)

Element 13, Employee Rights

"A description of the rights of any district employee upon leaving district employment to work in a charter school, and any rights of return to the district after employment at a charter school."

A "reasonably comprehensive description" would:

1. Take into consideration district collective bargaining agreements, procedures and policies relating to the terms and conditions under which district employees may be employed at charter schools.
2. Provide relevant provisions of applicable statutes, district policy and/or the district collective bargaining agreement relative to separation of employment from the district and return to the district, if any.

Describe how these rights will be communicated to prospective employees.

3. Describe your plan for the following:
 - a. Regarding loss of tenure of employees moving from a district to an independent 501c3 Charter?
 - b. What will be tenure rights of employees originally hired by Charter?
 - c. What is the means of separation when an employee goes from being a district employee and becomes an independent Charter employee?
 - d. If layoffs occur, what procedures will be followed?
3. Describe your plan to ensure compliance with State and Federal laws on the hiring, leave rights, discipline and termination of employees?
4. Describe the plan to provide for workers' compensation benefits? If a person goes out on workers' compensation, what mechanism will the Charter School utilize to provide them with modified light duty job when they return?

Element 14, Dispute Procedures

"The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions."

CHARTER SCHOOLS (continued)

A "reasonably comprehensive description" would:

Contain the following statement describing the district's preferred procedure for resolving disputes between charter schools and the district:

"In the event of a dispute between the (insert name) Charter School and GUHSD regarding the terms of this charter or any other issue regarding the school and district relationship, both parties agree to apprise the other, in writing, of the specific disputed issue(s). In the event the initiating party believes the dispute relates to an issue that could potentially lead to revocation of the charter, this shall be specifically noted in the written dispute statement. Within 30 days of sending written correspondence, or longer if both parties agree, a charter school representative, a district representative, or their designees, shall meet and confer in an attempt to resolve the dispute. If this joint meeting fails to resolve the dispute, the charter representative and the district representative shall meet again within 15 days, or longer if both parties agree, to identify a neutral, third-party mediator to assist in dispute resolution. However, the district is not required to follow the pursue mediation or arbitration, if charter revocation is authorized under the Charter School Act. The format of the third-party mediation process shall be developed jointly by the representatives and shall incorporate informal rules of evidence and procedure unless both parties agree otherwise. If the parties fail to resolve the dispute through mediation, the parties may mutually agree to submit the dispute to arbitration with an arbitrator agreed upon by the parties. The finding or recommendation of any mediator or arbitrator shall be non-binding, unless the governing authorities of the school and district jointly agree to bind themselves. Unless jointly agreed, the process involving the assistance of a third-party mediator shall conclude within 45 days. All mediation and/or arbitration costs and all other costs associated with dispute resolution shall be shared equally by the charter school and the district.

In the event the third-party mediation process does not result in resolution of the dispute, both parties agree to continue good faith negotiations. If the matter cannot be mutually resolved, the charter school shall be given a reasonable period of time to correct the violation, unless the district indicates in writing the violation constitutes a severe and imminent threat to the health and safety of the school's students. GUHSD reserves the right to take any action it deems appropriate and the school reserves the right to seek legal redress for any such actions under the law. In addition, the district is not required to follow the dispute resolution procedure in those cases where the district determines the violation constitutes a severe and imminent threat to the health and safety of the school's students."

Applicants are also strongly encouraged to describe the procedures to be followed by the charter school to resolve disputes internal to the school.

CHARTER SCHOOLS (continued)

Element 15, Employer Status and Collective Bargaining

"A declaration as to whether or not the charter school shall be deemed the exclusive public school employer for collective bargaining purposes."

A reasonably comprehensive description would:

1. State whether the school will or will not be the employer for collective bargaining purposes.
2. State that the charter school employees who are part of the sponsoring districts or county's employee union will be employed under the terms of the district or county collective bargaining agreement.
3. If the petitioners elect not to have charter school employees join the sponsoring district's or county's employee union, a declaration as to whether petitioners intend to organize and bargain as a separate unit. Note that charter employees are not required to engage in collective bargaining, but they have the right if they choose as a group to do so.

Element 16, Procedures to be Used If the Charter School Closes

A reasonably comprehensive description would:

1. State the procedures to be used if the charter school closes.
2. State the procedures to be used which shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets.
3. State the procedures to be used for the maintenance and transfer of student records.

Guideline 5 - Additional Requirements

In addition to providing reasonably comprehensive descriptions of the sixteen elements, charter statutes also require petitioners to provide other information about their proposed school. The district has established the following criteria for evaluating the additional information provided.

CHARTER SCHOOLS (continued)

Additional Requirement 1, Operation and Effects of School

As mandated by Education Code 47605, charter petitioners, "shall be required to provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided and the potential civil liability effects, if any, upon the school and upon the district."

Applicants who have identified a site will:

1. Describe the demographics of the surrounding neighborhood, including nearest district school, neighborhood characteristics, etc.
2. Describe how the school anticipates securing the site and whether or not the district will be asked to exercise the extent of its authority granted in Government Code 53094 to declare zoning inapplicable to property used by the district for instructional purposes.

Note: The district retains the sole right to determine whether or not to exercise its discretionary authority under this statute.

Applicants who have not identified a site will:

1. Describe the community or communities in which the school plans to locate its facilities, including the area or areas, if any, in which the school requests or anticipates requesting an allocation of district facilities pursuant to Proposition 39 or otherwise.
2. Assure the petitioners understand that future identification of a site that would limit the school's ability to reach its intended student population as identified in Element 1 of the charter petition would constitute a material amendment of the charter requiring submission and approval of the amendment by the GUHSD Board.
3. Assure the school will notify the district 30 days in advance of occupancy of every site to be leased, purchased, or controlled by the school for instructional purposes.

All applicants will:

1. Describe the manner in which administrative services are to be provided. Applicants are strongly encouraged to:

CHARTER SCHOOLS (continued)

- a. Describe the plans and systems the school will use to manage its business affairs efficiently and effectively, including, but not limited to, payroll, purchasing, grants, categorical funding, contributions, inventory and employee retirement and health plan contributions.
 - b. Describe how payroll will be administered.
 - c. Determine what salary schedule will be utilized and what rules will govern the placement and movement of employees on the salary schedule?
 - d. Describe the plan to ensure that nonexempt workers are paid time-and-one-half of their regular hourly pay for every hour they work over 40 hours in a work week and all work related and pay issues will comply with the Fair Labor Standards Act (FSLA)?
 - e. Describe how the school will handle employee discipline in terms of progressive discipline; documentation; preparing charges for employee suspension; preparing charges for employee dismissal; conducting Skelly hearings; etc.?
 - f. Describe the systems of internal control the charter school will employ to achieve sound fiscal practices and clear delineations of responsibility for business affairs.
2. Describe the manner in which transportation services will be provided:
- a. What transportation services will the charter school utilize for Regular Ed, Special Ed, and Activity Trip transportation? What is the annual dollar amount budgeted for those purposes?
 - b. Do you plan to keep the current walking distance requirements that GUHSD uses? If not, what do you propose for them to be and how will you inform students and parents/guardians?
 - c. Do you propose to keep the current bell schedule? If not, how do you propose to develop a new schedule? Do you plan to incorporate the Transportation department in your development?
 - d. Do you propose to keep the current district policy of not allowing students out of class early to depart for Activity Trips? If not, what will your policy be?

CHARTER SCHOOLS (continued)

- e. If you plan to continue using GUHSD buses for Regular Ed transportation, do you propose a rider-fee increase? If so, how would you go about developing the new price?
 - f. Do you propose to continue using GUHSD to service your vehicles? If not, how would you go about finding a new vendor?
 - g. If you plan on continuing to use GUHSD buses and Service department, how would you respond to possible fee increases due to higher material and fuel costs?
 - h. Would you agree to abide by the terms of the district Activity Trip Manual with regards to requesting trips, reserving buses and using non-district drivers?
 - i. Would you agree to reimburse the district for transportation expenses on a monthly basis?
3. Identify who will be the respondent of record in complaints of violations of any employment provision established in the charter, discrimination complaints and litigation.
4. Indicate how class size will be established?
- On what basis will the composition and number of classified employees needed be established?
5. Describe your specific technology plans as they relate to the following:
- a. Current OC3 Internet Access; what is the plan for the school to address the Internet and network connection currently provided by GUHSD.
 - b. Does the charter plan to have GUHSD serve as the LEA for E-Rate and California Teleconnect discounts?
 - c. The network connecting equipment attached to all the application services, WAN connection and phone connection are GUHSD-owned CISCO-branded switches and routers. What is the plan to deal with this equipment?
 - d. Novell GroupWise provides e-mail services to the staff at all GUHSD schools. It is integrated with GUHSD Wan services. What is your plan to deal with this service?

CHARTER SCHOOLS (continued)

- e. Does the charter plan to utilize the district's phone, voice mail, and cell phone services and contracts?
 - f. Does the charter plan to utilize district-provided application servers, computers, printers, fax machines, scanners, projection equipment, carts, TVs/VCRs, sound systems, television student, etc.: this equipment is included in district-maintained master software license agreements.
 - g. Does the charter wish to have GUHSD maintain the existing network infrastructure which connects all classrooms and offices to the school network?
6. Assure any charter school operating as a nonprofit public benefit corporation, will make provisions for the liabilities, debts and financial obligations of the school and will indemnify, defend and hold harmless the district for damages resulting from the acts of the school.

Note: If the charter school is not eligible to purchase or chooses not to purchase Liability and Workers' Compensation coverage through the district, the following amount of coverage is required: General Liability and Auto Liability in the amount of \$1,000,000 per occurrence naming GUHSD as an additional insured, and Workers' Compensation insurance within statutory limits.

Additional Requirement 2, Provision of Financial Statements

"The petitioners shall be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation."

Additional Requirement 3, Responding to Inquiries

The petitioners shall provide assurance that "the charter school will promptly respond to all reasonable inquiries, including inquiries regarding its financial records."

Additional Requirement 4, Reporting Requirements

The petitioners shall assure the charter school will adhere to the district's reporting requirements

- 1. Provide the following reports as required by law:
 - a. CBEDS (California Basic Educational Data System)

CHARTER SCHOOLS (continued)

- b. ADA (Average Daily Attendance) reports J18/19
- c. SARC (School Accountability Report Card - charter schools may use their own formats)
- d. SNOR
- e. CASEMIS
- f. Language Census
- g. STAR
- h. Bi-annual Office of Civil Rights Survey
- i. Copies of annual, independent financial audits employing generally accepted accounting principles shall be presented to the district utilizing the district's "Charter School Audit Guidelines" no later than December 15 following the close of the school year. The charter school audited financial statements should include reconciliation to the district J210 financial report for the charter school's fund.
- j. In accord with Education Code 47604.33, each charter school shall annually prepare and submit the following reports to the district and the county superintendent of schools
 - (1) On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.
 - (2) On or before December 15, an interim financial report. This report shall reflect changes through October 31.
 - (3) On or before March 15, a second interim financial report. This report shall reflect changes through January 31.
 - (4) On or before September 15, a final unaudited report for the full prior year.

The district shall use any financial information it obtains from the charter school, including, but not limited to the reports required by this section, to assess the fiscal condition of the charter school pursuant to subdivision (d) of 47604.32.

CHARTER SCHOOLS (continued)

- k. Describe the plan for managing student information, i.e., will you retain the district's Student Information System software or is the charter considering alternatives? Are any significant changes being considered by the charger that may require special programming?
 - l. As the district is required to audit charter school attendance, describe in detail the attendance process that will be established under the charter. Use the standard CDE template as a starting point.
2. Provide the following data and reports as required by the district:
- a. If placed on the "Financial Watch List", monthly statements of accounts
 - b. Test results for all state mandated assessments, which are:
 - (1) STAR (Standardized Testing and Reporting)
 - (2) CELDT (California English Language Development Test)
 - (3) SABE/2 (Spanish Assessment of Basic Education)
 - (4) California High School Exit Examination.

Changes in reporting requirements may be incorporated by reference into the school's charter when the school and district update their MOU.

Additional Requirement 5, Term of the Charter

The petitioners will state, within legal limits, a term for the charter requested and will justify why that length of time is appropriate.

Section 2: Evaluating Applications

The district will thoroughly, fairly and consistently evaluate charter applications within the time constraints mandated by Education Code 47605. To that end, charter applications will be reviewed using the following three-step process:

Step 1: Procedural Compliance

The district charter review team shall examine the application in order to verify the application contains:

1. The required number of valid signatures.

CHARTER SCHOOLS (continued)

2. The required affirmations stating the school will be non-sectarian and nondiscriminatory and admissions shall be determined in accordance with the law.
3. Provisions purporting to describe the 16 elements and the additional requirements outlined in Education Code § 47605.

Conduct Legal Review

Legal counsel should be consulted to ensure compliance with the petition with relevant Education Code provisions and relative laws outside the Education Code.

1. Charter schools are subject to federal civil rights and disability laws, including the Civil Rights Act of 1964 and the Individuals with Disabilities Education Act.
2. The authorizing Board/staff should verify that the petitioner has filed a certified copy of the Articles of Incorporation with the California Secretary of State, if necessary, and has included a copy in the petition. If the articles are listed as a "for profit on behalf of a nonprofit," the authorizing Board should request the petitioner to correct his language (the agency must be listed as a nonprofit.)
3. The conflict of interest statute and the Articles of Incorporation may prohibit noncompetition clauses in a petition or allowing a charter Board member to personally benefit from dealing in their capacity as a charter Board representative (i.e., self-dealing). The authorizing Board should request a list of names of the Board of directors of the petitioning nonprofit, as well as a list of Board members for any proposed contractor. The authorizing Board may also want to review the nonprofit petitioner's bylaws to ensure that conflict of interest laws are followed.
4. Since the authorizing Board must comply with the Public Records Act, the petition should reference the laws for authorizing Board oversight purposes.

Final Board Consideration

Within the timelines mandated in Education Code 47605, the Board will render a final decision regarding the full granting, the conditional granting, or the denial of the charter petition. Conditional granting involves the approval of the charter on such conditions as may be prescribed by the Board. Denied petitioners shall receive in writing the grounds used to reject the application.

CHARTER SCHOOLS (continued)

Appeals for Denied Charter Petitions

Denied applicants may appeal by submitting their petition to the San Diego County Board of Education and, if denied again, to the State Board of Education as outlined in Education Code 47605.

Section 3: Performing Oversight Responsibilities

Oversight Activities

Regarding the performance of its oversight responsibilities, the fundamental interest of the district is, on an ongoing basis, to be reasonably assured all charter schools are:

1. Providing a sound education to all of its students
2. Implementing their charters
3. Complying with all applicable laws
4. Engaging in sound fiscal management

In accord with Education Code 47604.32, the district shall do all of the following with respect to each charter school under its authority:

1. Identify at least one staff member as a contact person for the charter school.
2. Visit each charter school at least annually.
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitor the fiscal condition of each charter school under its authority.
5. Provide timely notification to the California Department of Education if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - a. A renewal of the charter is granted or denied
 - b. The charter is revoked
 - c. The charter school will cease operation for any reason

CHARTER SCHOOLS (continued)

The cost of performing the duties required by this section shall be funded with supervisory oversight fees collected pursuant to 47613.

To receive assurance that charter schools are performing these functions, the district will be responsible for conducting the oversight activities of the district. The district shall:

1. Serve as the principal point of contact between the district and its charter schools. The district will handle both routine and formal communications, answer questions, and respond to concerns regarding services and other issues.
2. Be reasonably familiar with the operations of all of the charter schools in the district. The district will remain knowledgeable about the programs offered at all district charter schools. A representative of the office will physically visit all district charter schools at least once during each school year and may visit more frequently if the representative of the office has reason to believe that the fundamental interest of the district has been materially compromised or may be at significant risk. The district shall have unrestricted access to charter school facilities and records but shall not unnecessarily disrupt educational activities at the charter school or request any document to which the district is denied access by law.
3. Monitor ongoing charter school compliance with reporting requirements. The district shall coordinate district departments to ensure charter schools provide in a timely fashion the documents required under Additional Requirement 4 of the charter petition.
4. Verify charter schools are adhering to all aspects of the district Accountability Framework. The district will annually review performance audits and will maintain an archive of past audits. The district will pay for performance audits using oversight funds received from charter schools.
5. Accept complaints regarding the charter school. The district will accept complaints regarding charter schools and investigate those complaints it determines reasonably necessary. The district recognizes complaints may range from matters having a clear, significant, material implication regarding the district's fundamental interest to matters having little or no implication regarding the district's fundamental interest. Complaints pertaining to the daily operation of the school that do not bear upon the district's fundamental interest (e.g. grading policies or decisions, beginning time for the school day, scheduling of school events, or assignments of teachers to classes) will typically be referred by the district to the charter school's administration and governing authority. Complaints regarding an allegation of financial impropriety or other serious offense will typically cause the district to initiate an investigation. Before commencing an investigation, the office will take into consideration whether the complaint is supported with documentation or comes from an individual in a position likely to have authoritative information. The district will inform the charter school in writing when an investigation has been initiated.

CHARTER SCHOOLS (continued)

Oversight Fees

Consistent with Education Code 47613, the district will cover the cost of oversight activities by charging charter schools using district facilities three percent of their total revenue and schools not using district facilities one percent of their total revenue. "Revenue" shall be defined as identified in Education Code 47632 (a) and (b).

Section 4: Charter Amendments, Renewals and Revocations

Amending Charters

As mandated by Education Code 47607, a material revision of a charter petition may be made only with the approval of the authority that granted the charter. Many changes constitute a "material revision" of a charter including but not limited to:

1. A significant alteration of the school's instructional program.
2. A changing of the grade levels to be taught from those specified in the charter.
3. A change in the location of the charter school that limits the school's ability to reach its target student population as identified in the charter.
4. A change of options for delivering special education services as described in Section 7 of this policy.

Proposed charter amendments are to be submitted to the district and shall be acted upon within 60 days. Upon recommendation of the superintendent, a charter amendment may be forwarded directly to the Board for final consideration. Amendments creating a substantial impact on the district's budget, facilities use, or personnel, should be submitted to the Board by November 15 of the school year prior to the implementation of the proposed amendment.

Renewing Charters

The district is committed to holding charter schools seeking renewal to a level of full inquiry and to a full and complete rejustification process. Ongoing monitoring of the Accountability Framework will provide information to the district which will help to determine a charter school's renewal.