

**CHARTER SCHOOLS**

It is the objective of the Board of Education that teachers, parents, pupils and community members may petition the Board to approve a charter school, and that the Board shall review such petitions in accordance with the letter and spirit of the law. It is the intent of this policy to minimize the cost and time commitment of staff so as not to harm or distract from the District's own mission and educational programs. In order to assist in the process of charter development, potential applicants should receive a copy of this Board Policy, as well as information regarding the general content of the Memorandum of Understanding which is normally considered at the same time as the charter proposal.

Accordingly, in order to implement state law fully and fairly, and to provide petitioners with a thorough description of how the district will meet its obligations under law, the Board adopts the following:

**A. Petition**

In order to control district financial obligations as a result of a petition, it is the petitioner's responsibility to submit this petition in final form and only minimal/non-substantive changes will be accepted during the application review process. A petition to the Board of Education to approve a charter school shall include the following information:

1. The name, address and phone number of each applicant, together with a statement signed by each of them, formally applying to the Board for approval of the charter school. If the proposed charter school includes one or more grade levels not served by the district, it must also propose to include all of the grade levels which are served by the district.
2. A thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school.
3. The By-laws, articles of incorporation and other management documents, as applicable, governing, or proposed to govern, the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions which also apply to members of the District Board of Education. With regard to the Brown Act, Charter School Governance meetings shall be held within the boundaries of the District. The Board of Education will give preference to proposals that specify that the charter school will be operated as, or be operated by, a nonprofit public benefit corporation.
4. A list of consultants whom the charter school has engaged, or proposed to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.

**BP 0420.4 (b)**

5. The names, addresses and phone numbers of those persons endorsing the proposal with original signatures of such petitioners and in the form provided in Section 47605 of the State Education Code. The petition form must also indicate that a copy of the charter school proposal was attached such that petitioners could review it prior to signing. Parents/guardians signing a petition form must have one or more children who are age appropriate for the proposed charter school and must specify the age of children on the petition endorsement. Teachers signing a petition form must be properly credentialed to teach one or more core academic classes in the proposed charter school and must specify their credential on the petition endorsement.
6. A Charter School Proposal including reasonably comprehensive descriptions of those elements of school philosophy, curriculum and practice as called for in Section 47605 of the Code.
7. A description of the proposed assessment program related to the school's measurable pupil outcomes. This description should include a discussion of how the charter school shall meet all statewide and national standards and conduct the pupil assessments required pursuant to Education Code Section 60605, as well as any other statewide or national pupil assessments applicable to pupils in noncharter public schools.
8. A signed statement affirming that the 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 person on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic as set forth in Section 220 and Section 47605(d)(1) of the Code.
9. The address and description of the charter school facility or facilities, located within the geographic boundaries of the district, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured or has reasonable assurance of securing the facility for use by the charter school. In accordance with the law, and to minimize impact on the District, the District will strictly implement location requirements.
10. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense shall be included in cases of renewal applications.
11. A detailed, complete, and fully annotated operational budget including fundraising and foundation budgets with estimates of charter school revenues and expenditures, cash-flows, and reserve positions, for the first three years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons or positions identified in paragraphs A(1), A(2), A(4), and A(13) of this policy. The

**BP 0420.4 (c)**

proposal shall also include a detailed review of the annual budget development implementation and review process. This detailed review shall include the process by which the charter school leadership and governance team will monitor and report regarding the continuing financial solvency of the school. The budget shall meet all Board Policy and Administrative Regulation requirements including the requirement of a 5% reserve for economic uncertainty. In addition, any additional costs beyond oversight will be charged to the charter school, including but not limited to credential review and renewal, curricular analysis required to meet specifications of "No Child Left Behind" or other requirements of this petition, and financial analysis for error correction or additional review required due to the failure to meet specified requirements.

Unless the Charter School becomes an LEA, the District will maintain revenues generated by special education students served by the charter school and the charter shall be expected to pay a pro-rated special education encroachment fee. Such costs will be detailed in the budget.

The petition shall specify that all public money of the charter school will be retained with the County treasurer and that private donations and grant money of the charter school will be subject to the Charter school's annual audit.

12. An attorney's opinion or a narrative from the charter school applicant providing a thorough description of the potential civil liability, if any, of the charter school and the district.
13. A summary of the administrative structure and organization of the school. The summary should specifically include school district liaison, special education and other basic elements of school operation. This section should also detail the proposed academic calendar including: Days of Instruction, hours of operation, expectations for pupil attendance and annual instructional minutes for each grade level to be served.
14. The manner, format and content by which the charter school proposes to regularly report to the district concerning implementation of the approved charter, measurable student progress, as well as the current and projected financial viability of the school. The proposal shall specifically provide detail concerning the organization, scope and preparation of the following financial documents and reports:
  - a. A preliminary budget on or before July each year.
  - b. An interim financial report, reflecting changes through October 31, on or before December 15 each year.
  - c. A second interim financial report, reflecting changes through January 31, on or before March 15 each year.

**BP 0420.4 (d)**

- d. A final unaudited, financial report for the full prior year on or before September 15 each year.
15. The augmented plans to insure the health and safety of students and staff beyond those listed under Required Element F. This requirement is to address any plans regarding additional TB screening, student supervision, safety training for staff, immunizations screening, as well as other appropriate health and safety issues addressed in District Policy and Regulation including health assessments and screenings.
16. Education Code Section 47605(b)(5)(P) calls for a description of the procedures to be used if the charter school closes. The Board of Education expresses a preference for procedures which include a provision whereby residual assets of the charter school will accrue to the benefit of the district.
17. The petitioners shall provide detailed information on any proposals for foundations and/or local fundraisings.

**B. Process**

1. Upon receipt of a petition or preliminary application the district shall date stamp the cover page of the submitted materials. A complete charter school petition shall include all of the information referenced in the Charter Schools Act by which the Board of Education may evaluate the application. While a charter school petition may be submitted at any time during the year, petitioners are encouraged not to submit a petition during a period when a regular Board of Education meeting is not scheduled within the next 30 days. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year are encouraged to initiate the process not later than the prior December 15<sup>th</sup>. In the case of petitions received after that date, the Board of Education reserves the right to consider approval on the basis of a one year delay in the commencement of charter school operation.
2. Not later than 30 days after receiving the complete charter school petition, the Board shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers of the district, other employees of the district and parents, shall be considered. Charter applicants shall appear and provide testimony to the Board of Education. Notice of the hearing will be provided to each bargaining unit representing the employees of the district.
3. Within 60 days of receipt of the petition, or 90 days based upon agreement between the applicant and the school district, the Board shall either grant or deny the petition and Memorandum of Understanding. It is expected that the Memorandum of Understanding shall be completed and delivered to the Superintendent or designee at least seven days before the Board meeting at which a final decision regarding the petition needs to be made. The Board may also approve the petition while noting certain conditions that the Board deems reasonable and rationally related to increasing the likelihood of success for the charter school and/or compliance with law. In that

case, the Charter Schools Section of the State Department of Education, and other agencies as required by law, will be notified that the charter has been approved, but with conditions which may prevent the opening of the charter school. The conditions cited by the Board of Education will be addressed in the Memorandum of Understanding or Operating Agreement to be developed between the charter school applicant and the Superintendent or designee. In the event that an agreement cannot be developed and signed prior to receipt by the State Board of Education and the State Superintendent of Public Instruction, the Superintendent, or designee, will so inform the State Department of Education. Further, the District Superintendent and the Board of Education will consider whether failure to reach agreement with the charter school applicant regarding the conditions noted by the Board of Education constitutes cause for charter revocation.

C. Denial of Petition – Findings

It is the intent of the Board that charter schools with sound educational practice should be encouraged. The Board shall deny a petition only if the Board makes written factual findings, specific to the particular petition, setting forth specific facts to support one, or more, of the following findings:

1. The charter school presents an unsound educational program for the pupils 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 by the Code (paragraph 47605(b)(3) of the Code).
4. The petition does not contain an affirmation of each of the conditions set forth in Section 47605(d) of the Code.
5. The petition does not contain reasonably comprehensive descriptions of all the information required under paragraph A(6) of this policy (paragraph 47605(b)(5) of the Code).
6. The petition or proposed program is inconsistent with state law.
7. Failure to locate the charter school within the set boundaries of this District shall be considered grounds for denial under Ed Code 47605.

D. Monitoring and Supervision

District oversight of, and supervisorial assistance provided to the charter school shall be limited to that required by law. However, additional services may be provided by the district the subject to mutual agreement. The Superintendent shall designate a staff member as the contact person for the charter school.

**BP 0420.4 (f)**

1. The relationship between the charter school and the district, as well as any services to be provided by the district, will be described in a Memorandum of Understanding or Operating Agreement. The provisions of this written agreement will be discussed concurrently with consideration of charter approval.
2. The Superintendent or designee shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold a certificate, permit or other document equivalent to that which teachers in other public schools would be required to hold, and that those teachers at the school instructing students in core academic subject areas including, but not limited to mathematics, science, social science and language arts meet the same requirements imposed under state law on teachers in other public schools instructing such core academic subjects.
3. The Superintendent or designee shall receive and review all financial reports required by the charter or by law. A report shall be prepared and submitted to the Board of Education following the review of each report as part of the responsibility to monitor the fiscal condition of the charter school and in accordance with timelines for adequate review by the District Board. The Charter shall maintain financial records in accordance with District standards and in the same format using the standard Sonoma County Office of Education financial planning and accounting systems.

The Superintendent or designee shall receive and review, not less than annually, the financial audit of the charter school. A report shall be prepared and submitted to the Board of Education following the review of the financial audit as part of the responsibility to monitor the fiscal condition of the charter school. Any errors or omissions noted in the financial audit shall be resolved to the satisfaction of the Board of Education. In addition costs for the analysis of errors or omissions shall be born by the charter school.

The Superintendent or designee shall, not less than annually, visit and examine the general operation of the charter school.

The Superintendent or designee shall monitor that each charter school complies with all reports required of charter schools by law, as determined by the Superintendent or designee.

The Superintendent will promptly report to the Board any instance in which the continued fiscal solvency of the charter school is in question or when required reports have not been submitted in a timely manner.

The Superintendent will promptly report to the Board any instance in which the charter school has committed any of the violations listed in the Education Code section 47607(b) below:

**BP 0420.4 (g)**

A charter may be revoked by the authority that granted the charter under this chapter if the authority finds that the charter school did any of the following:

- (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.
  - (2) Failed to meet or pursue any of the pupil outcomes identified in the charter petition.
  - (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
  - (4) Violated any provision law.
4. Upon written finding by the Board that the charter school committed any of the violations at paragraph 47607(b)(1) through (4) of the Code inclusive, the Board shall notify the charter school accordingly, providing notice that the Board may revoke the charter, and give the school reasonable opportunity to cure the violation (unless the Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils). Upon evidence satisfactory to the Board that the violation has been cured, the Board shall rescind the written findings. After a reasonable period, if satisfactory evidence is not presented to the Board that the violation has been cured, the Board may revoke the charter effective at such date as the Board determines appropriate. Upon revocation, the Superintendent or designee shall provide timely notification to the State Department of Education.
5. The district shall charge, and the charter school shall pay the district, for the actual costs of monitoring and supervision not to exceed 1% of the applicable revenue of the charter school except as otherwise provided by law.

**E. Charter Approval**

An initial approval of a charter petition by the Board shall normally be for a period not to exceed three years. The expiration date of a charter shall normally be set for June 30 of a particular year.

**F. Charter Renewal or Material Modification of an Approved Charter**

1. Renewing or materially modifying a charter are each subject to the approval of the Board.
2. Applications to renew or materially modify the charter shall include all the same information, be processed in the same way, be subject to approval or denial on the same basis, as proposals for new charter schools, except that any renewal approval shall be for a period of five years from the expiration date of the charter and a material modification when approved shall not affect the expiration date of the charter

**BP 0420.4 (h)**

as originally approved. Charter renewal shall also be conditioned upon the academic performance criteria specified in law. The Superintendent or designee shall provide timely notification to the State Department of Education of the decision by the Board of Education to either grant or deny the charter renewal application.

3. Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine (9) months and no later than five (5) months prior to the date of charter expiration in order to provide sufficient time to appeal to the County Board or State Board a Denial of Petition by the District Board.
4. A material modification of an approved charter is any change in the representations made to the district under sections A(3), A(6) through (16) inclusive, of this policy.

**G. Miscellaneous**

1. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Board of Education may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the board's appointee all rights and responsibilities exercised by any other director of the corporation.
2. A charter school shall promptly respond within 5 work days to all reasonable inquiries from the district and shall be open for inspection by the Superintendent or his/her designee at all times.
3. The superintendent is charged with developing administrative regulations to implement this policy.

*Legal Reference*  
*EDUCATION CODE 47601 et. seq.*

Approved: May 11, 1999  
Revised: March 9, 2000, February 11, 2003,  
Feb. 25, 2004

**West Sonoma County UHSD**  
Sebastopol, CA