

# Mt. Diablo USD

## Administrative Regulation

### Charter Schools Authorization

AR 0420.4

#### Philosophy, Goals, Objectives and Comprehensive Plans

#### Petition Signatures

A petition for the establishment of a start-up charter school ~~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

A petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

~~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)

Any petition circulated to collect signatures shall include ~~In circulating a petition, the petitioners~~ 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)

The Superintendent or designee may establish a staff advisory committee to evaluate the completeness of a charter petition based on the requirements in Education Code 47605 and to identify any concerns that should be addressed by the petitioners.

(cf. 2230 - Representative and Deliberative Groups)

#### Components of Charter Petition ~~revisions~~

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

47611.5)

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall also contain reasonably comprehensive descriptions of: (Education Code 47605)

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 petition shall include a description of the charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established for the proposed school, goals aligned with those priorities, and specific annual actions to achieve those goals.

(cf. 0420.41 - Charter School Oversight)  
(cf. 0460 - Local Control and Accountability Plan)

If the proposed charter school will serve high school students, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

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, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served by the charter school.

3. The method by which student progress in meeting those student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.

(cf. 0510 - School Accountability Report Card)

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 following requirements:
  - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.
  - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J).~~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 balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students,~~racial and ethnic balance among its students~~ that is reflective of the general population residing within the district's territorial jurisdiction.
8. The charter school's student admission policy. The petition shall, in accordance with Education Code 47605(e), specify procedures for determining enrollment when the number of applicants exceeds the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Governing Board approval.~~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 for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and a statement that the suspension procedures will include requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.~~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.

15. 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 collective bargaining under Government Code 3540-3549.3.

16. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:

a. Designation of a responsible entity to conduct closure-related activities

b. Notification to parents/guardians, the Board, the county office of education, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education, providing at least the following information:

(1) The effective date of the closure

(2) The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure

(3) The students' districts of residence

(4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements

c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above

d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity

e. Transfer and maintenance of personnel records in accordance with applicable law

f. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the

school

g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962

h. Completion and filing of any annual reports required pursuant to Education Code 47604.33

i. Identification of funding for the activities identified in item #16a-h above

~~The petition shall also 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. 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, eCharter 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 charter school, including where the school intends to locate

(cf. 7160 - Charter School Facilities)school

2. The manner in which administrative services of the school are to be provided

3. Potential civil liability effects, if any, upon the charter 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

5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school

#### Location of Charter School

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. (Education Code 47605, 47605.1)  
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)~~

~~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)~~

~~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 exists:—(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.~~
- ~~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 charter provisions described above and in Education Code 47605(b).~~

~~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 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 Board may initially grant a charter for a specified term not to exceed five years.—(Education Code 47607)~~

~~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

~~A charter school seeking renewal of the charter shall submit a written request to the Board at least 120 days before the term of the charter is due to expire.~~

~~At least 90 days before the term of the charter is due to expire, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Board shall either grant or deny the request for renewal.~~

~~Renewals 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)~~

~~Each renewal shall be for a period of five years.—(Education Code 47607)~~

#### 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 as defined in 5-CCR-11965.—(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)~~

~~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; 5 CCR 11705)~~

~~— However, for the purposes 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)~~

~~(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)~~

~~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. — (Education Code 47605)~~

~~(cf. 4112.2 — Certification)~~

~~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)~~

~~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)~~

~~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 permit a charter school to use, at no cost, facilities not currently being used by the district for instructional or administrative purposes or not historically being used for rental purposes provided that the charter school shall be responsible for reasonable maintenance of those facilities. (Education Code 47614)~~

~~(cf. 1330—Use of School Facilities)~~

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

~~The district may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of the charter school's revenue for supervisory oversight. (Education Code 47613)~~

~~The charter school may separately purchase administrative or other services from the district or any other source. (Education Code 47613)~~

~~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)~~

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

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