

SACRAMENTO COUNTY BOARD OF EDUCATION

P.O. Box 269003
Sacramento, CA 95826-9003 916.228.2410

****PLEASE POST****

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Sacramento County Board of Education (Board) to receive public comment and input from the community regarding the Capital College & Career Academy (CCCA) Sacramento Countywide Charter School petition. At the conclusion of the public hearing, the Board may take action on CCCA's charter petition.

The public hearing is scheduled for **Tuesday, September 28, 2021 at 6:30 p.m.** or thereafter.

In compliance with current California Executive Order N-08-21 allowing local legislative bodies to satisfy transparency requirements by holding meetings via teleconference, the County Committee will conduct this hearing via Zoom video and/or teleconference. Members of the public may access the meeting and provide public comment as follows:

Zoom Video Conference: To view the meeting from a computer, tablet, or smart phone, go to: <https://scoe.zoom.us/j/94507538412>

To listen by telephone: Primary Number: (669) 900-6833

Secondary Number: (253) 215-8782

Enter the Meeting ID: 945 0753 8412

Public Comment: Members of the public may submit public comment through a Google form at <http://bit.ly/scoe-board-9-28-21>. Written comments received by 6:00 p.m. on September 28, 2021 meeting will be read during the teleconferenced meeting at appropriate times.

Persons who require reasonable accommodation or modification to observe and/or offer public comment are asked to contact the Superintendent's Office at (916) 228-2410 or wwatson@scoe.net at least 48 hours before the meeting.

Materials subject to the public hearing are available at the Sacramento County Office of Education website at <https://www.scoe.net/board/schedule/>. For more information, please call (916) 228-2410.

**Sacramento County Office of Education
Recommended Findings of Fact – EXECUTIVE SUMMARY
Capital College & Career Academy Countywide Charter School Petition**

The Capital College & Career Academy (CCCA) countywide charter petition proposes a STEAM-focused, early college, countywide charter school with linked learning and project-based experiences. However, the petition does not provide sufficient justification for authorization as a countywide charter school, and does not present a realistic, sustainable plan to successfully implement its vision. While the petition contains adequate descriptions of certain elements, it is deficient in the most important areas needed to operate and sustain a school. It lacks a viable budget, a realistic staffing plan, evidence of a sound educational program, a sufficient plan to support ELs or students with disabilities, and reasonably comprehensive descriptions of all the legal required elements.

Background; Introduction and Standard of Review (Pages 4-6)

I. Preliminary Requirements (Pages 6-8)

CCCA's petition includes no substantive commitments, plans, or demonstrated need for operating learning centers throughout Sacramento County, and does not currently demonstrate why it could not provide its educational program or be established by a petition to a school district. Therefore, the petition does not support the findings needed to be authorized as a countywide charter.

II. Ability to Successfully Implement Intended Program (Pages 8-16)

CCCA lacks a sound fiscal and operational plan and, as a result, is demonstrably unlikely to successfully implement the program in its petition. CCCA is minimally capitalized and does not have the financial capacity to remain solvent in response to the financial uncertainties and stresses that accompany opening and sustaining a new charter school. The numerous deficiencies in the budget, including unsupported revenue estimates and assumptions, understated expenses, unrealistic enrollment projections, and other miscalculations, and an inadequate staffing plan further undermine CCCA's ability to successfully implement and sustain its intended program.

III. Program Analysis (Pages 16-27)

The petition does not demonstrate that CCCA will deliver a sound educational program or adequately serve students with special needs or English learners. While CCCA's petition contains satisfactory descriptions of a number of elements, it lacks reasonably comprehensive descriptions of all the legally required elements, including the educational program, measurable pupil outcomes, charter school facilities, staff qualifications, and retirement systems coverage.

CONCLUSION: Based on SCOE's analysis, the Superintendent recommends denial of the Capital College & Career Academy countywide charter petition.

Recommended Findings of Fact

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**Sacramento County Office of Education
Recommended Findings of Fact
Capital Career & College Academy
Sacramento Countywide Charter School Petition**

BACKGROUND

Following multiple meetings with Sacramento County Office of Education (SCOE) staff from February 2019 through June 2021, the Capital Career & College Academy (CCCA) submitted a petition for a countywide charter school on July 1, 2021. CCCA supplemented its petition with signed affirmations on July 9, 2021, and with updated bylaws and board member descriptions on August 15, 2021. SCOE met with CCCA on August 4 and 6, 2021 to express concerns with key elements of CCCA's petition, including the budget, description of the educational program, and CCCA's readiness to successfully implement its proposed program. CCCA elected to proceed with its petition and, on September 2, 2021, submitted a revised budget and information on newly appointed board members to update and complete its petition.

CCCA proposes a STEAM-focused, early college, countywide charter high school, with a plan to open with an initial 9th grade cohort of 70 students in August 2022 and grow to serve 370 students in grades 9-12 by 2025-2026, while providing students with the option to return for a fifth year of learning and support.

CCCA's mission is to prepare tomorrow's workforce today by empowering young people to be critical thinkers who are truly college and career ready by engaging in one-of-a-kind career technical education. CCCA cites to abysmal college attainment rates and a shortage of skilled workers in construction related trades. It notes that too many students are not excelling in our traditional public schools, leaving high school without a clear path to college or the skills needed to begin a profitable career. It proposes to address these issues through an early college high school model with a curriculum centered on linked learning and authentic project-based experiences. CCCA students would obtain their OSHA 10 workplace safety certification, CPR and first aid certifications, practical experience and pre-apprenticeship opportunities in their field of choice, eligibility for green energy and general construction certifications, and college credit. All students would receive foundational skills across the construction trades and may choose to commit to a business partner for their Junior and Senior years.

Following review of the CCCA petition and the public hearing, the Sacramento County Board of Education (County Board) must either approve or deny the petition. If the County Board denies the countywide charter petition, CCCA has no right of appeal. (Ed. Code, § 47605.6(k); Cal. Code Regs., tit. 5, § 11966.5(e).)

INTRODUCTION AND STANDARD OF REVIEW

CCCA proposes to prepare students for college and career by providing opportunities for early college, project-based learning, and practical workplace training, experience, and certifications.

Regretfully, neither CCCA's original or supplemented charter petition adequately address the major concerns raised by SCOE in its multiple meetings with CCCA before

and after the petition was submitted. CCCAs charter petition does not include sufficient justification for authorization as a countywide charter school, nor does it present a realistic, sustainable plan to successfully implement or accomplish its vision.

While the petition contains adequate descriptions of a number of required elements, it is deficient in the most important areas needed to operate and sustain a school. It lacks a viable budget, a realistic staffing plan, evidence of a sound educational program, a sufficient plan to support students with special needs and English learners, and reasonably comprehensive descriptions of the educational program, measurable pupil outcomes, charter school facilities, staff qualifications, and retirement systems coverage.

Standard of Review for Countywide Charter School Petition

The law favors charter authorization by local school districts. Therefore, the standard for approving a countywide charter school is higher than for a district authorized charter.

The County Board may approve a countywide charter petition only if it is satisfied that approving the charter is consistent with sound educational practice, and that the charter school has reasonable justification for why it could not be established by a petition to a school district. The County Board must find that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. (Ed. Code, § 47605.6(a)(1),(b).)

In addition, the County Board must deny a countywide charter petition if it finds one or more of the following:

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 **required number of parent or teacher signatures**.
4. The petition does not contain an **affirmation of each of the conditions** described in Education Code section 47605.6(e) [e.g., nonsectarian, not charge tuition, not discriminate, admit all students who wish to attend, satisfy public random drawing requirements, etc.].
5. The petition does not contain **reasonably comprehensive descriptions of all the elements** listed in Education Code section 47605.6(b)(5)(A) through (P).
6. The petition does not include a **declaration of whether** or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (EERA).

The County Board may also deny the petition for a countywide charter on any other basis that it finds justifies denial. (Ed Code, § 47605.6(b)(7).) And the County Board may impose any additional requirements that it considers necessary for the sound operation of a countywide charter school. (Ed. Code, § 47605.6(b).)

SUMMARY OF ANALYSIS

Sacramento County Office of Education (SCOE) staff with expertise in each relevant area have reviewed the CCCA countywide charter petition and concluded:

- The petition includes sufficient teacher signatures and the required notice, affirmations and EERA declaration.
- The petition does not meet the legal requirements to be authorized as a countywide charter school.
- Due to an inadequate description of the educational program, it cannot be concluded that CCCA would provide a sound educational program that will benefit the pupils who attend.
- The petition lacks a realistic financial and operational plan and includes multiple budget deficiencies, inaccuracies, inconsistencies, miscalculations, significant variances between the budget pages and the narrative pages describing the same expenditures, and an unrealistic projected annual enrollment growth rate (52%) and corresponding state funding projections, and lacks the ability to withstand foreseeable fiscal stresses. Therefore, CCCA is demonstrably unlikely to successfully implement the program described in the petition.
- The petition does not contain reasonably comprehensive descriptions of all the legally required elements, including the educational program, measurable pupil outcomes, charter school facilities, staff qualifications, and retirement systems coverage.

Based upon analysis of the petition and the applicable law, SCOE staff recommend that the County Board deny the CCCA countywide charter petition.

ANALYSIS OF PETITION AND RECOMMENDED FINDINGS OF FACT

This analysis reviews each of the areas specified in Education Code section 47605.6, and Board Policy (BP) and Administrative Rules and Regulations (ARR) on Charter School Petitions (BP 2400 and ARR 2400). BP and ARR 2400 are posted on SCOE's website and are attached for convenient reference.

I. PRELIMINARY REQUIREMENTS

A. THE PETITION INCLUDES THE REQUIRED SIGNATURES, NOTICE, AND AFFIRMATIONS

CCCA has obtained the signatures of four teachers who have stated that they are meaningfully interested in teaching at CCCA, which is at least one-half of the number of teachers projected to be employed at the school during its first year of operation. (Ed. Code, § 47605.6(a)(1)(B).)

On May 13, 2021, CCCA sent written notice to all school districts in Sacramento County of CCCA's intention to operate a countywide charter school. (Ed. Code, § 47605.6(a)(1)(B).)

The petition includes the required legal affirmations and declaration that CCCA will be the exclusive public school employer of charter school employees under the Educational Employment Relations Act. (Ed. Code, § 47605.6(b)(6),(e).)

B. CCCA'S PETITION DOES NOT JUSTIFY COUNTYWIDE CHARTER STATUS

CCCA's model calls for students to attend classes and generate classroom-based apportionment for instruction provided at both a main school campus within the Twin Rivers Unified School District (TRUSD) at 501 Arden Way, Sacramento, CA 95815, and an unspecified number of satellite learning centers at yet to be determined locations at or near industry partners throughout Sacramento County.

Charter schools authorized by a school district are prohibited from operating classrooms outside the geographic boundaries of that district, while countywide charter schools may operate at locations throughout the county. (Ed. Code, §§ 47605.1; 47605.6.)

1. Findings Required to Authorize Countywide Charter School

A county board of education may only approve a countywide charter if it finds that the charter school will offer educational services to a pupil population that will benefit from those services, and that cannot be served as well by a charter school that operates in only one school district in the county. In addition, the County Board may only grant a countywide charter if it is satisfied that granting the charter is consistent with sound educational practice, and that the charter school has a reasonable justification for why it could not be established by petition to a school district. (Ed. Code, § 47605.6(a)(1),(b).)

Based on these standards, a countywide charter might be appropriate if CCCA had firm commitments from construction industry partners to provide dedicated learning centers with a substantive need and plan for CCCA students to both receive classroom instruction and curriculum required workplace experience, training, or certifications at locations already committed and distributed throughout the county. If such a case, a charter school that was limited to industry locations within one school district may not serve students as well as one that offered opportunities with industries throughout the county.

2. CCCA's Petition Does Not Demonstrate Substantive Countywide Commitments, Needs, or Plans

The petition includes numerous encouraging letters from companies, non-profits, and other entities supporting CCCA's vision and goal of blending college course and hands-on work-based learning to prepare young people for college and/or well-paying careers in the construction industry and to support our workforce with a new pipeline of skilled workers. These organizations look forward to working with CCCA and recruiting its graduates, but none provide substantive commitments for classroom space or specific plans for curriculum-related work experience, training, or certifications that need to be delivered at these sites. (Appendix A)

A letter from the Associated Builders and Contractors Northern California Chapter (ABC NorCal) states that it is "happy to consider allocating space for a CCCA resource center" at its North Highlands office and training facility at 4616 Roseville Road (within TRUSD). The Boys & Girls Club of Greater Sacramento and Girl Scouts/Heart of Central California (within Sacramento City Unified School District) also submitted letters that each is "happy to consider allocating space for a CCCA resource center." (Appendix A)

However, a general statement to “consider allocating space” without a specific commitment, or a commitment contingent upon charter approval, is insufficient. Moreover, even if each of these entities solidified commitments to provide classroom space, there is no description of a substantive need and plan for students to attend school at these sites to access curriculum-related construction industry experience, training, or certifications that cannot be provided at the main campus site in TRUSD.

CCCA’s petition states that a countywide charter is the only way for CCCA to provide learning opportunities at both a traditional main campus and satellite locations that may be closer to worksites, college classes, and students’ residences. However, the convenience or efficiency of operating outside the boundaries of a school district are not enough to justify approval of a countywide charter. CCCA must show why and how operating classrooms and offering educational services at its proposed learning center sites is necessary to the operation of its program and cannot be provided at school sites within one school district. CCCA’s current petition does not do so.

In multiple meetings with CCCA, SCOE staff emphasized the higher standard for countywide charter school authorization and the importance of demonstrating substantive commitments, needs, and plans for providing curriculum-related workplace experiences at sites outside a single school district. In its current form, CCCA’s petition does not show why it could not be established by a petition to TRUSD and, therefore, lacks the justification required to authorize a countywide charter.

CCCA refers to the College and Career Access Pathways Program (CCAP), which allows students the flexibility regarding instructional minutes attendance requirements (50% vs. the usual 80%) for charter schools offering a dual enrollment program with a community college. However, both traditional and charter schools can and do offer dual enrollment opportunities without needing countywide charter school status.

CCCA states that because its unique, specialized model may not be attractive to all students, being able to enroll students from across the county will support recruitment efforts and help CCCA remain financially sound. CCCA also believes that, by enrolling students from across the county, CCCA will spread the financial impact across multiple districts. While district authorized charters must give preference to students residing in the district, both district and countywide charters may recruit and enroll students from throughout the county. (Ed. Code, §§ 47605(e); 47605.6(e).)

CCCA’s petition does not demonstrate that students cannot be served as well by a charter that operates in only one school district or provide a reasonable justification for why it could not be established by petition to a school district. (Ed. Code, § 47605.6(b).) Furthermore, as set forth in the analysis of the educational program below, the petition does not provide sufficient description to enable SCOE staff to find that granting the charter is consistent with sound educational practice. (Ed. Code, § 47605.6(a)(1),(b).) Therefore, it does not meet the requirements to be approved as a countywide charter.

II. ABILITY TO SUCCESSFULLY IMPLEMENT THE INTENDED PROGRAM

Under Education Code section 47605.6(b), the County Board must deny a countywide charter petition when petitioners are “**demonstrably unlikely to successfully implement the program set forth in the petition.**”

A. FINANCIAL ANALYSIS

One of the most crucial elements in assuring that the charter school program can be successfully implemented, along with competent staff, is a realistic financial and operational plan. (ARR 2400, Appendix A, § C.3.)

CCCA's financial plan and budget, as of July 1, 2021, are set forth on pages 146-147 and Appendix R. On September 2, 2021, CCCA submitted a revised budget.

1. ADEQUACY OF FUNDING

The original petition shows a low level of initial capitalization and a minimal cash balance maintained throughout the first year of operations. The projected ending fund balance in Year 1 is only \$1,240 and the cash on hand at the end of the year is only \$35,318, which leaves no room for error to remain solvent. Even the slightest miscalculation of expenditures or revenues would cause the fund balance to become negative at or before the end of Year 1, raising concern of the charter's viability as a "going concern." In addition, as discussed below, the petition contains errors and miscalculations that are individually larger than the projected ending fund balance in Year 1 of operation.

The petition shows that CCCA is highly sensitive to the timing of its projected cash receipts and disbursements. CCCA is not financially prepared to withstand even minimal financial stresses or small percentage changes to CCCA's projected revenue or expenditures. For example, if CCCA receives 1% less revenues due to lower-than-expected enrollment, attendance, or other factors, and has 1% higher expenditures than it currently projects in Year 1, its ending fund balance would become negative by at least -\$19,736. (This estimate is based on CCCA's projections and does not take into account CCCA's various revenue and expenditure miscalculations discussed below.)

Further, while the petition budget shows inflows of cash from short and long-term debt, there is no evidence that any lender is ready to offer the amounts of credit that CCCA projects. Similarly, the interest rates on the prospective debts are not supported by any letter of credit, nor is any repayment schedule included in the budget appendix.

Overall, CCCA does not have the financial capacity to withstand the financial stresses that may accompany opening a new school and sustaining it through its early years of operation and unpredictable enrollment. Without the ability to remain financially solvent, CCCA cannot successfully implement the program set forth in its petition.

9-2-2021 Budget Update: *As indicated above, the petitioner submitted a revised budget on September 2, 2021. The most significant changes are an increase in revenue from donations from \$10,000 to \$100,000 and an increase in borrowing from \$150,000 to \$250,000 in the first year of operation. We note that these two adjustments increase the ending fund balance to \$80,213 and the cash on hand at the end of the year to \$215,245. The petitioner does not provide supporting evidence for the revenue from donations or letters of credit to substantiate the proposed borrowing. If these monies do not materialize as planned, the CCCA would be at risk of immediate insolvency.*

Even if the additional donations and borrowing do materialize, the donations are one-time and cannot be relied on as an ongoing revenue source. Furthermore, the increase in borrowing will result in significant additional ongoing debt service costs beginning in its second year of operation. To generate sufficient revenue to fund its ongoing operating costs as well as the debt service costs, the petitioner projects significant year over year increases in enrollment. Enrollment is projected to increase from 70 in the first year to 240 in its third year. If enrollment does not grow as quickly as projected, the CCCA could be at risk of insolvency in its first few years.

2. BUDGET

The petition's original and revised budget and budget narrative contain errors and deficiencies that materially affect the budget and could further lead to fiscal insolvency. The budget contains unsupported revenue estimates and assumptions, understated expenses, and unrealistic enrollment projections.

The collective effect of the various deficiencies, inaccuracies, inconsistencies, miscalculations, and inability to withstand potential stresses, cast doubt on CCCA's ability to operate its programs and demonstrate the lack of a sound fiscal and operational plan.

CCCA's financial and operational plans:

- Do not include reasonable estimates of all anticipated revenues and expenditures necessary to operate the school;
- Do not include budget notes that clearly describe assumptions on revenue estimates;
- Do not present a budget that in its totality appears viable; and,
- Do not reflect reasonable costs for the acquisitions or leasing of facilities.

LCFF Calculation

State Aid revenues made up of Local Control Funding Formula (LCFF), Education Protection Account (EPA), and in-lieu property taxes comprise the majority of CCCA's stated revenue sources. Therefore, the calculation of these revenues is critically important. SCOE's analysis of CCCA's budget was more challenging because the Petitioner did not provide its LCFF calculator for review. Additionally, the version of the LCFF calculator it used is no longer available from FCMAT because it uses outdated assumptions.

For both the original and revised budgets, while the total State Aid revenue estimated seems reasonable in aggregate, the petition erroneously includes in-lieu property taxes. For countywide charters, the entity responsible for in-lieu of taxes is the district of residence if the district was considered a basic aid district in the prior year. Sacramento County has no districts considered basic aid; therefore, no in-lieu property taxes should be budgeted. The continued inclusion of in-lieu property tax revenues indicates a lack of familiarity or expertise in the calculation of LCFF.

Enrollment Growth

CCCA's budget is based on unsupported enrollment projections. Over five years, CCCA projects a compound annual enrollment growth rate of 52%. This is highly aggressive and inconsistent with SCOE's experience with other charters. The petition does not

include evidence to demonstrate that this steep growth rate is likely to be realized. Instead, the petition admits that CCCA's unique model may limit its ability to attract potential students, particularly in the early years of the charter. (pp. 7, 12-13)

9-2-2021 Budget Update: *The enrollment projections are unchanged from the original budget. The projected growth in the first three years is of greatest concern. From Year 1 to Year 2, CCCA projects 114% enrollment growth. From Year 2 to Year 3, the growth rate is 60%. Based on SCOE's experience with other charters, and the admissions in the petition regarding the potential difficulties attracting students, these precipitous growth rates are unlikely to be realized.*

Attendance Rate

The original petition reflects an unrealistic projected attendance rate of 98%. No school district in Sacramento County or County Board authorized charter achieves this attendance rate. The revised budget reduces the projected attendance rate from 98% to 95% for all years presented. A substantial portion of CCCA's budget (84% of total revenues on average) is based on CCCA's projected revenues from enrollment and attendance. Therefore, if CCCA's actual attendance rate is lower than estimated, CCCA's ending fund balance will be further negatively impacted.

Cash Management

CCCA's original petition provides three years of cash flow for review. As in other areas of the budget, the first year is the most problematic. On average during the first year, CCCA projects 15 days' worth of cash on hand. At its lowest point during December of Year 1, CCCA projects having only 2.7 days' cash on hand despite short-term factoring and taking on long-term debt. There is no clear indication that CCCA could avail itself of any lines of credit to cover cash shortfalls.

A standard recommendation is that charter schools should keep 30-60 days of cash on hand to cover any unexpected expenditures or delayed cash receipts. As per the cash flow from Year 1, CCCA's original budget projects 30 or more days' cash on hand only once in the first year, which is in its first month of operation. Further, the cash on hand in July of Year 1 is contingent upon a factoring arrangement that is not supported by any documentation or letter of credit.

9-2-2021 Budget Update: *The updated cash flow projections show improvements in days' cash on hand; however, this is mostly due to a 67% increase in long-term debt taken on as compared to the original budget. Therefore, the improvements are conditioned on CCCA's ability to access credit as they project. CCCA has not provided any letters of credit or documentation establishing that a lender will grant them credit in the amounts they project.*

Mandate Block Grant

Both the original and revised budget incorrectly calculate mandate block grant revenues. While the revenue impact is not material, these persistent miscalculations in both the original and revised budgets further undermine confidence in CCCA's understanding or proficiency with school finance.

Proceeds from Debt Issuance

The petition shows two different cash flows from financing activities: proceeds/payments on factoring and proceeds/payments on debt. Factoring is a short-term borrowing mechanism in which a lender provides cash up-front to fund operations in exchange for later repayment with interest; repayment is made to the lender when anticipated apportionments are received. CCCA has not provided letters of credit for either of these financing activities.

The factoring arrangement is minimally described in the petition, only indicating that factoring is used to cover cash shortfalls during initial growth. CCCA has included interest expenses in the budget equivalent to 5% of annual proceeds from factoring. The cash inflows and outflows related to factoring net to \$0 within each of the two years where such cash flows are projected; hence it is reasonable that the inflows and outflows are not recorded in the budget as revenues or expenditures. However, it would be clearer and more accurate to do so. The Petitioner did not provide any details in the budget narrative about the proposed factoring arrangement, and SCOE is unable to verify the terms of the financing arrangement.

The petition also shows cash inflows from debt issuance (\$150,000) and outflows for debt service payments, but neither the inflow or outflow are recorded in the budget. SCOE believes this understates revenue in Year 1 and understates expenditures in Years 2 through 5. As the debt repayment appears to span multiple years, CCCA should have recorded the inflow in Year 1 as revenue and the subsequent repayments in Years 2-5 as debt service expenditures.

Due to the lack of detail provided by CCCA, it is not clear what type of debt is represented or under what terms. Based on the cash flow projections, the \$150,000 debt appears to be repaid on a straight-line basis and free from interest expense over the repayment period. It seems unlikely that CCCA will secure a loan for \$150,000 that allows for repayment over four years with no interest charges.

Depending upon the particulars of the financing arrangements, the California School Accounting Manual indicates that proceeds from debt should be recorded under "All Other Financing Sources" in the budget. Corresponding debt service payments should be recorded under Debt Service Principal and Debt Service Interest.

The proceeds from debt and debt service payments presented in the cash flow projections are not explained sufficiently, and CCCA provided no backup documentation.

9-2-2021 Budget Update: *The updated budget does not resolve or address any of the issues raised above. In the new budget, CCCA shows that it plans to increase its long-term debt by 67% over the original budget to \$250,000, making the ability to access credit vital to CCCA's ability to begin and sustain operations. The credit arrangements indicated in the budget are still unsupported.*

No Salary Schedules Provided

The petition indicates that CCCA intends to participate in both CalPERS and CalSTRS depending upon employee eligibility. However, no salary schedule was provided with the petition. If not corrected, the absence of such a salary schedule could adversely affect or delay retirement benefits payable to employees.

Incorrect State Unemployment Insurance Rate

CCCA uses incorrect state unemployment insurance rates. In Years 2 through 5, CCCA budgeted unemployment costs at more than double the rates projected by SSC.

Health and Welfare Costs

CCCA's petition provides no information about how it estimated health and welfare costs. Further, no information is provided about what health and welfare benefits will be offered to employees. Due to the lack of any detail, SCOE cannot determine the reasonableness of these costs or the basis of their calculation.

Insurance Costs

The budget shows expenditures for insurance costs, but the petition does not describe the amounts or nature of coverages. Due to the lack of detail, it cannot be determined whether the estimated costs are reasonable or whether the insurance coverage purchased would be sufficient.

Food Service Costs

The food services costs presented in the budget seem quite low, especially given the mention on page 69 of the appendices (architect's conceptual floorplan) that the school intends to serve only pre-packaged food. Further, the budget does not include costs for a food services employee whose duties would include feeding the students or cleaning up after meal service, nor does the facility space for CCCA's projected food service seem adequate.

Rental Costs

The Year 1 budget projects \$108,000 for annual rent. Based on data provided in Appendix C, the facility CCCA intends to lease may be leased at \$1.25 per square foot, which appears reasonable for the geographic area. However, the rates and square footages used in Years 2 through 5 are not specified or easily inferred.

According to Appendix C, the facility in question can include up to about 29,000 square feet. It is not clear how much of this space the Petitioner intends to lease in out years, nor their estimations of cost per square foot. The petition does not supply any clarifying assumptions.

Due to the lack of data provided in the budget and narratives, SCOE cannot determine that the rental costs presented are reasonable.

Tenant Improvement Costs

The proposed school site has not been used as a school facility in the past. Therefore, significant tenant improvements will be necessary to bring the facility from its current state to the state reflected in the architect's floorplans in Appendix C. SCOE conservatively estimates these costs at \$1 million, although the actual costs could be much higher.

The budget does not identify any tenant improvement or facility retrofitting costs, representing substantial un-budgeted expenditures. The addition of these costs, even as conservatively estimated, would have a dramatically detrimental effect on the budget. Further, these costs would have to be incurred long before any students could begin attending the school, meaning many of the revenue streams represented in the budget would not be available to fund the costs.

Due to the absence a revenue stream to support the improvement costs, it seems unlikely that the proposed school could even begin operations without first generating substantial additional funds via fundraising or other non-attendance-based pre-operational revenue streams.

Interest Expenses

CCCA's projected interest expenses are inconsistent throughout the original budget. The revised budget corrects the discrepancy between the various pages. It also updates interest expenses to \$11,725 and \$8,911 which are based on a reduction in the assumed interest rate from 5% to 4%. However, neither interest rate is supported by any documentation.

Website

CCCA's petition repeatedly mentions a website, without any related expenditure included in the budget. Similarly, there are no staff positions whose duties include creating or maintaining a website. This represents an additional unbudgeted expenditure.

Overall Inconsistencies

The budgets presented in Appendix R are inconsistent. On pages 168-169, one budget version is presented, while on pages 171-172, another version of the same budget is presented. Most parts of the budgets represented in these two sets of pages are the same. However, there are substantial variances between the two versions in Other State Revenues and Services and Other Operating Expenditures. The variances are significant enough to be considered material, with the smallest variance being \$10,000.

As discussed above, there are also significant variances between the budget pages and the narrative pages describing the same expenditures.

Summary

CCCA's original and revised budgets present a multitude of issues that raise serious concerns about the viability of the charter. Among these, the substantial un-budgeted tenant improvement costs necessary to retrofit the proposed site for school operation loom large. There is no indication that CCCA has the financial means to fund these improvements and without doing so CCCA would be unable to initiate operations.

Tenant improvement costs notwithstanding, CCCA lacks sufficient cash to start operations without heavy reliance on unsupported debt financing arrangements. In the budget updated on September 2, 2021, CCCA shows that it intends to increase its reliance on debt financing by 67% above the amounts indicated on the original budget. No documentation has been provided to indicate that these debt financing arrangements are available to CCCA. The increased debt load raises the level of risk over a longer term and makes realization of enrollment and attendance figures as projected even more important.

As a new charter school, CCCA projects a high attendance rate and sizeable enrollment growth, both of which will be difficult to achieve. These two optimistic figures tie directly to the primary source of revenue for the school (LCFF) and either or both estimates failing to be realized will significantly reduce revenues available to fund operations.

In several areas of the petition, CCCA uses incorrect rates for calculations or fails to provide adequate detail. It also fails to include certain positions necessary to perform duties listed in the petition such as website creation/maintenance and food service/cleanup. These represent additional un-budgeted expenditures.

The combination of substantial un-budgeted expenditures, various unsupported revenue and expenditure estimates, lack of documentation around matters critical to the ability to operate, heavy reliance on debt financing to start operations, and other deficiencies in the petition make CCCA demonstrably unlikely to successfully implement the program set forth in the petition.

B. ADMINISTRATIVE AND OPERATIONAL PLAN

1. Staffing Plan

Along with a sound financial plan, having sufficient, qualified staff is critical for ensuring that the charter school program can be successfully implemented. CCCA's petition does not demonstrate the ability to deliver the promised educational programming and services at multiple school sites with the limited number of staff included in its budget.

The petition proposes an array of educational programming and services, including A-G, early college, and CTE courses, electives, schoolwide competitions, community service projects, social and emotional curriculum, support for students with disabilities, English learners, low achieving students, socio-economically disadvantaged students, and gifted students, as well as counseling, food services, and office support, all while operating at a main campus and multiple learning center sites throughout the county.

The petition promises a comprehensive program and that students at the main and satellite school locations will be "engaged in educational activities under the immediate supervision and control of a certificated CCCA employee." (p. 12) However, the staffing plan is not adequate to realistically deliver this program. For example, in its first year of operation, CCCA has only budgeted for five teachers, an office manager, and site director to provide all its promised programming across multiple school sites. Also, as detailed further in the special education, English learner, and staff qualifications sections below, CCCA has not budgeted for sufficient staff or contracted services to provide special education services, it is unclear how the small number of teachers spread out across multiple sites will be appropriately authorized to serve all students attending school at these sites, and CCCA has not adequately budgeted services promised in the petition such as counseling and food services.

2. Administration and Operations

The supporting documents provided by CCCA minimally describe Charter Impact's engagement to provide administrative support. It is difficult to determine if the administrative support will be adequate, as the petition lacks specific details about what services will be provided.

The petition describes background check processes and procedures for prospective contractors but does not describe any criteria for selecting contractors. There is no evidence that any staff in the organization have background or expertise in public contracting, purchasing, or procurement best practices.

As whole, the staffing plan is not realistic to deliver all the educational program and services promised in CCCA's petition. Furthermore, the administrative and operational plan lack sufficient detail to determine that it will adequately serve and support the proposed program.

III. PROGRAM ANALYSIS

A charter petition must include a reasonably comprehensive description of all of the required statutory elements. (Ed. Code, § 47605.6(b).) Each of these elements is discussed below.

Review of the required elements is important because the County Board's future oversight of the charter school will be based on the charter petition itself, and the petition's description of the services promised to prospective students.

To be "reasonably comprehensive," staff considered whether each statutory element contained a description that includes information that is substantive; that includes elaboration; that addresses all aspects of the required charter petition elements; that is specific to the charter petition being proposed; that describes the program to a sufficient degree; that improves pupil learning; that increases learning opportunities; and for which accountability and legal compliance can be reasonably foreseen and assured. Therefore, mere quoting of the law or general statements of educational practices without detailed information of how it will be accomplished by petitioner do not suffice.

A. ELEMENT A – DESCRIPTION OF A SOUND EDUCATIONAL PROGRAM

The County Board may approve a countywide charter petition only if it is satisfied that granting the charter is consistent with sound educational practice. (Ed. Code, § 47605.6(b).) CCCA's petition includes insufficient information for SCOE to conclude that CCCA would deliver a sound educational program for the students it proposes to serve.

1. Description of the educational program.

CCCA's petition describes three pathways for students to move through the program – a baseline pathway for students to obtain engineering and design fundamentals with opportunities for college courses, and two pathways for students to obtain an Associate's Degree transferable to any UC or CSU. (pp. 21-30)

The petition lacks a reasonably comprehensive description of the educational program. The petition has insufficient details regarding course content, curriculum, connection to standards, plans for intervention, or a clear partnership for dual enrollment. As a result, the petition does not provide assurance that a sound educational program would be successfully implemented and does not satisfactorily demonstrate that granting the charter is consistent with sound educational practice.

The petition states that all courses are A-G approved, but information about the courses is limited to course titles. (Petition p. 30; Appendix E, p. 73) The petition mentions that support will be provided for students who are failing courses but lacks any details regarding the curriculum to be used or how that support will be implemented to ensure a sound educational program. (p. 32)

The petition mentions dual enrollment with American River College (ARC). However, the letter from ARC does not demonstrate a formal commitment. “We look forward to the Capital College and Career Academy establishing itself in our service area and having accurate projected enrollment. Once we have that, then we will work with them to examine how best to set up a CCAP agreement for dual enrollment opportunities to assist.” (Appendix F)

For SCOE to adequately evaluate the soundness of the educational program, it would need evidence of course alignment to the California State Standards, a sample course outline or syllabi, a sample unit of instruction, a sample showing how instruction will meet the needs of students at different proficiency levels, and/or a more detailed description of the proposed intervention plan for students not making adequate progress.

2. English Learners

The petition does not adequately demonstrate the ability to meet the needs of English Learners (EL). For example, an EL authorization is required for any teacher who provides instruction to ELs. However, the petition does not demonstrate how it would ensure appropriately authorized teachers or instruction for ELs across CCCA’s multiple proposed school sites. In addition, among other concerns, the inclusion of both integrated and designated English language development (ELD) in the educational program is limited, course offerings for ELD are not described, placement pathways and progression for the level or type of EL is not differentiated, and the process for monitoring reclassified students is lacking.

3. Special Education

CCCA’s petition states it will comply with applicable special education laws, but does not demonstrate an adequate understanding of special education requirements or the ability to fulfill its responsibilities to provide the full continuum of special education services. The petition does not adequately budget for special education services, includes inaccurate special education identification rates, and does not include a viable plan for providing appropriate services and staffing.

CCCA has not applied for SELPA membership and states that it will be a “school of the county” if it does not gain membership in a SELPA for its first year of operation. Board Policy requires charter schools to be accepted as a SELPA member before opening and operating. (BP 2400, § V.A.2, p. 6-7) The petition states that it will collaborate with the SELPA on both staffing and policies and procedures, however, if it is not accepted as a SELPA member, it will be unable to rely on that strategy.

In Year 1, the petition’s staffing plan does not allow for hiring special education staff, so CCCA would need to contract out for all special education services. The budget shows CCCA does not anticipate making payments toward special education sub-agreements until March. Waiting so late in the school year to create contracts and provide special education services will not allow CCCA to meet the legal requirements of the IDEA.

The petition does not demonstrate how CCCA will provide all required services or how it will make all aspects of its program accessible for students with special needs. For example, it is unclear how CCCA will make accommodations and modifications so

students with disabilities (or ELs) have access to CTE, project-based learning, and/or dual enrollment in early college courses.

The petition also shows a lack of understanding of special education staff and their roles. Among other things, CCCA proposes to use an Education Specialist to ensure the proper implementation of IEPs and 504 plans, however, the petition does not demonstrate that this specialist will be properly credentialed. The petition lacks clarity on teacher qualifications and timing for ensuring all teachers have a certificate of clearance and satisfy the requirements for professional fitness pursuant to Education Code sections 44339, 44340, and 44341. The petition states that teachers employed by charter schools during the 2019-20 school year have until July 1, 2025, to obtain the certificate required, but the school was not open during 2019-20.

As a whole, the petition does not demonstrate an adequate understanding of special education requirements or the ability to fulfill its responsibilities to students with special needs.

The petition does not present a reasonably comprehensive description of the educational program, including the ability to adequately serve English Learners and students with disabilities, and does not include sufficient information to conclude that it is consistent with sound educational practice.

B. ELEMENT B – MEASURABLE PUPIL OUTCOMES

At a minimum, measurable pupil outcomes specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. (ARR 2400, Appendix A, § F.2.)

CCCA's petition describes Pupil Academic Achievement as an area of focus, as it will provide for dual enrollment in ARC courses, including those relevant to Career Technical Education (CTE). This effort is supported by the proposed regular collaboration time with the community college (p. 55) and the Industry Advisory Committee (p. 56). Enrollment and performance is monitored by school advisors/counselors, with the student success team (SST) meetings for students falling below a 2.0. CCCA also proposes an annual family survey to gauge student engagement in the program to help inform its program to better suit students' interests and needs (pp. 56, 86).

CCCA's petition includes the following measurable pupil outcomes:

- An iReady diagnostic and (if in grade 9) end-of-year test
- 70% of students will earn a minimum of 15 college units
- 100% of students complete a capstone project
- 100% of students earn an industry certification
- 85% of students reach "Standard Met" or "Standard Exceeded" on SBAC ELA and Math, as well as CAST
- Eligible students grow at least 1 performance band annually on the ELPAC
- 70% of students score at or above the national norm on the PSAT (grade 10), SAT (grade 11, 12)
- Student interests and aptitudes are revealed in annual ASVAB administration.

The outcomes regarding college credit, industry certification and completion of a capstone project appear realistic given the structure of the proposed program and the stated mission and vision of the school. However, the SBAC and CAST outcomes do not appear realistic based upon the achievement at neighboring high schools. According to caaspp-elpac.cde.ca.gov, at neighboring Encina High School only 9.6% of students met or exceeded the standard for ELA, and 2.7% met or exceeded the standard for math. The petition should either propose more plausible pupil outcomes on statewide assessments or provide a substantial explanation of why and how the proposed outcomes can be attained.

Although iReady is provided to students at the beginning and end of grade 9, it is unclear why it is not continued in subsequent years to provide evidence of continued student growth on a common interim assessment.

The annual administration of the Armed Services Vocational Aptitude Battery (ASVAB) is a pupil outcome somewhat unique to CCCA. Unlike the PSAT or SAT, the definition and benefit of a high score may not be readily obvious to students or parents. The petition would be strengthened with a more substantial explanation of the benefit to students of participating in ASVAB testing each year of high school.

The petition does not contain a reasonably comprehensive description of measurable pupil outcomes.

C. ELEMENT C – MEASUREMENT OF PUPIL PROGRESS

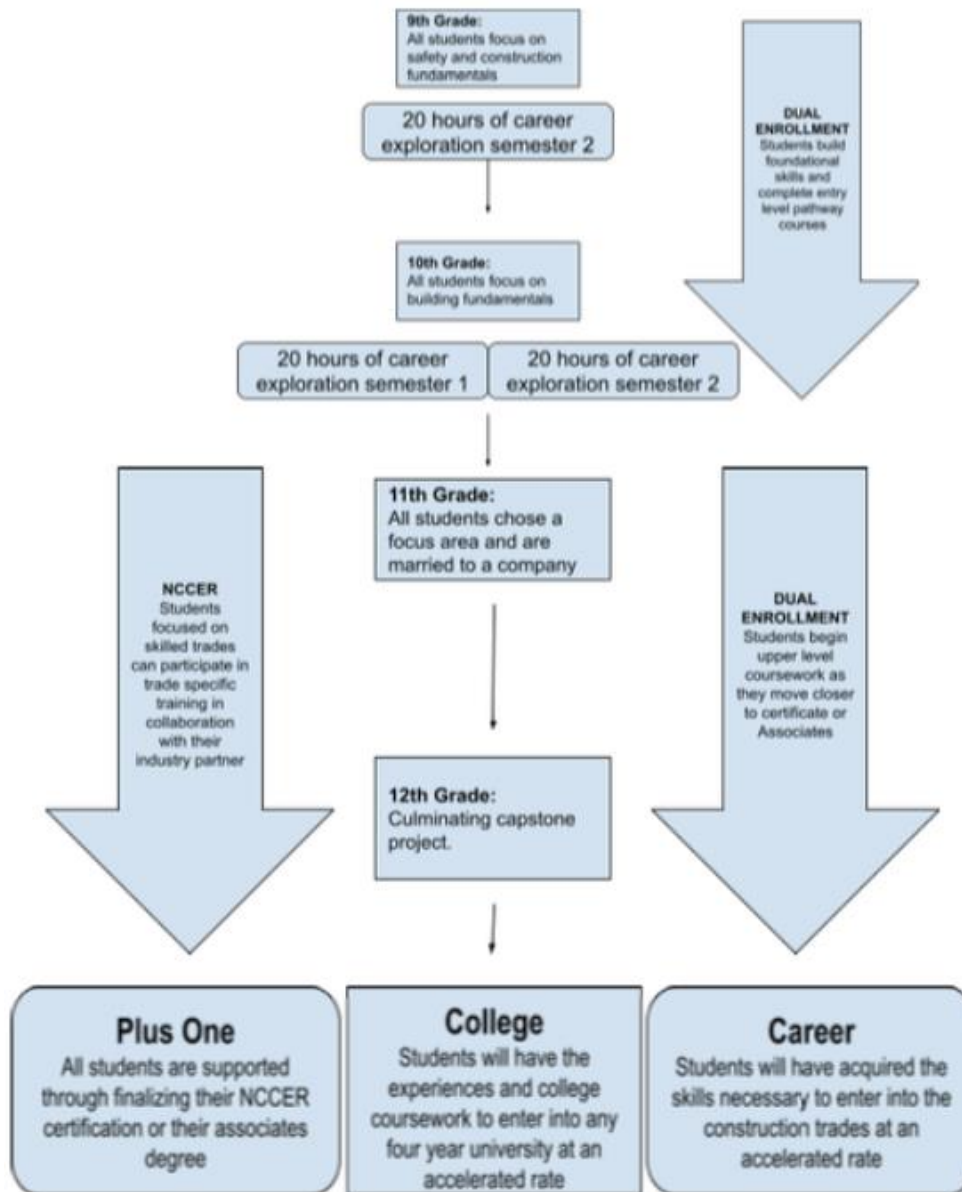
The school must utilize a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment. This must also include the annual assessment results from any state-mandated test program; a plan for collecting, analyzing, and reporting data on student achievement to school staff, parents, and others; and a plan for utilizing the data for continuous monitoring and program improvement. (ARR 2400, Appendix A, § F.3.)

CCCA proposes to monitor pupil progress in 9th grade with bi-annual administration of iReady assessments, with the results used to help identify areas for remedial instruction and measurement of student progress from the prior year and over the course of the initial year at the school. These assessments, however, are only available to students in grade 9 or who are new to the school. It is unclear as to whether these are correlated to other standardized tests or why iReady assessments are not used in later grade levels to provide a continuous, common measure of student progress.

The petition states that students will be administered practice tests for PSAT, SAT, and CAASPP assessments, providing some evidence of student growth.

Throughout high school, students will be identified as needing support by their grades and progress reports, with students slipping below a 2.0 identified for a student success team (SST). To support students needing additional help, CCCA proposes “bridge” classes for ELA and Math co-taught by the teacher of record and the school’s educational specialist.

An illustration of intended pupil progress through the program is provided below. If established and sustained, partnerships with ARC and industry would support the progress of students towards graduating career and college ready.



The petition contains a reasonably comprehensive description of the methods by which pupil progress in meeting the identified pupil outcomes will be measured.

D. ELEMENT D – THE LOCATION OF EACH CHARTER SCHOOL FACILITY

Education Code section 47605.6(b)(5)(D) requires a reasonably comprehensive description of the location of each charter school facility that the petitioner proposes to operate. If a specific facility has not been secured for the charter school, at a minimum, petitioners must:

- Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter, including number of rooms and amount of space (by square foot) needed to reasonable operate the proposed program.
- Provide a list of potential facilities under consideration.
- Provide evidence of the type and projected cost of the facilities and tenant improvements that may be available in the location of the proposed charter school.
- Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school. (ARR 2400, Appendix A, §C.3.d)

CCCA's Charter petition provides a potential location for its main school site at 501 Arden Way, Sacramento, CA 95815, but does not include the number of rooms or the square footage needed to reasonably operate the proposed program. The petition also proposes "learning centers" proximate to its industry partners across Sacramento County but does not include substantive commitments or information about the amount of space needed to operate CCCA's intended program at such sites, or how these sites will be made safe and appropriate for student learning.

It can be inferred based on the budget and the per-square-foot price indicated in Appendix C that CCCA intends to pay for 7,200 square feet of space in Year 1 at a rate of \$1.25 per square foot per month. However, in Years 2-5 no detail is supplied about how many square feet will be rented or at what rate per square foot. By year five, CCCA projects that rent will be \$28,651 per month, without a clear explanation of the reason for this large increase. In addition, CCCA's budget does not include any funds for tenant improvements (TI). The proposed site at 501 Arden Way is currently an empty shell. To improve the site to support CCCA's proposed program, TI costs could be over \$1M.

The petition does not contain a reasonably comprehensive description or reasonable costs for each charter school facility that the petitioner proposes to operate.

E. ELEMENT E – GOVERNANCE STRUCTURE OF THE SCHOOL

After submitting its original petition on July 1, 2021, CCCA updated its Board Bylaws and Board members on August 15, 2021 and submitted additional Board member information on September 2, 2021. CCCA's Board includes a diverse and impressive group of individuals with experience in education, non-profits, and the construction industry and reflect CCCA's intended mission. The petition includes evidence that CCCA is incorporated as a 501(c)(3) nonprofit public benefit corporation, and the Board Bylaws establish appropriate governance standards, structures, and procedures.

CCCA's petition includes commitments to involve parents and to comply with the Brown Act, California Public Records Act, Conflict of Interest requirements (Political Reform Act and applicable sections of Government Code section 1090), and public meeting location and governance requirements.

The petition contains a reasonably comprehensive description of the governance structure of the school.

F. ELEMENT F – STAFF QUALIFICATIONS

The petition identifies general qualifications for several categories of employees and lists additional qualifications and responsibilities for those assigned to the key positions listed under each category. CCCA affirms all employment requirements and applicable provisions of law will be met.

The petition contains detailed resumes for those who will comprise the Board of Directors but does not include a thorough description of the education, work experience, credentials, degrees, and certifications of the individuals comprising, or proposed to comprise, CCCA's directors, administrators, and managers. The only position contained in the petition that fulfills any of these roles is the Executive Director. (Appendix B)

The Executive Director is the only administrative position in the "start-up phase" of CCCA, and will perform all administrative and supervisory functions, including serving as principal. The duties of this position are extensive, and possibly more than a single individual could successfully perform. The petition states that a principal will eventually be added to the leadership team, but this is not reflected in the Budget Plan, which does show an Assistant Site Director in year 3.

The petition states that teachers shall hold a Commission on Teacher Credentialing certificate, permit, or other documents equivalent to that which a teacher in other public schools would be required to hold. However, other parts of the petition raise doubt as to whether CCCA would successfully ensure that teachers hold required credentials and authorizations, including:

- A credential is not included in the list of qualifications for the Education Specialist to support students with special needs. The petition does not demonstrate that the charter understands credential requirements for special education instruction and related services. (p. 44)
- Under the teacher qualifications section, "Bilingual and/or CLAD credential or valid English Learner authorization preferred."
 - An English Learner authorization is required for any teacher who provides instruction to students who require English Learner services. Based on the types of teaching positions noted in the petition, teachers will deliver departmentalized instruction, with a single teacher instructing all students in their assigned subject: Math, English, Science, World Language and CTE. If a single student is enrolled who requires EL services, then every teacher would be required to hold an EL authorization.
- The petition states in more than one place, "Teachers employed by charter schools during the 2019-20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment."
 - Since CCCA was not operational in 2019/20, none of its teachers would qualify for this credential/assignment flexibility.
 - Even if it were applicable, this flexibility provision applies only to teachers previously exempt from credentialing requirements - teachers of non-core/non-college prep subjects in a district charter. CCCA's petition is for a countywide charter, for which teachers have always been required to hold credentials appropriate to their assignment.

- The Budget Planning document indicates a single teacher would teach both PE and Health. Health and PE require different credential authorizations. The only exception would be if the teacher holds a PE credential issued prior to 1981 or if CCCA split the 1.0 FTE position into two part-time positions with credential requirements specific to each assignment.

CCCA's petition also raises the following staffing concerns:

- The petition indicates that Physical Education is included, as applicable, in the "broad course of study." (p. 66) However, the budget planning document indicates 6 teaching positions in year 1, with PE noted as a possible cut. (Appendix R, p. 174.) The same Appendix only budgets for 5 Certificated Teacher positions. (p. 153.) If the PE position is cut, there is a question of how this curriculum will be delivered and by whom.
- In year one, the charter will not employ a Social Studies Teacher as Social Studies will not be offered at the 9th grade level. In year two, a Social Studies Teacher position is added and will be the only teacher of these subjects (World History, US History, Government, and Economics) through year five. The CCCA Course Offerings indicate that in 10th, 11th, and 12th grades, Social Studies courses will be offered and CCCA graduation requirements indicate that students must complete 30 units (3 years) of Social Studies coursework. Based on projected enrollment in Table A: Enrollment & ADA, the Social Studies teacher would teach 150 students in Year 3, 240 students in year 4, and 270 students in year 5. With a stated student teacher ratio of 25:1 this teacher would be responsible for almost 11 classes of students by year 5, which appears to be a much larger student load than teachers of other subjects. For comparison, see staffing for Science, World Language and CTE, which will have two teachers in each subject by year 4. Unless students can sufficiently satisfy CCCA graduation requirements through enrollment in college courses, the staffing plan does not appear adequate to provide the instruction necessary for students to complete the proposed program.
- In several sections, the petition describes the role of counselor in supporting students and emphasizes the importance of prioritizing twice-weekly advisory periods for all students, stating, "It will not be uncommon for our counseling staff to co-teach these advisory periods." However, this position is not budgeted in year 1.
- Staff positions and services typically associated with a school program are not mentioned in the petition, such as clerical support staff, library staff, yard/hall duty, and nurse. In addition, although the petition promises to provide two meals to students per day, it does not include staffing to provide this service.

The petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school.

G. ELEMENT G – HEALTH AND SAFETY PROCEDURES

CCCA's petition includes the required criminal record background checks, tuberculosis assessments, student immunization, vision, hearing, and scoliosis screening, and affirms that it will comply with all applicable federal, state, and local requirements related to school and student health, safety, emergency preparedness, and facilities requirements.

CCCA commits to adopting and implementing full health and safety procedures and risk management policies at school sites, including a School Safety Plan with all the legally required elements.

The petition contains a reasonably comprehensive description of the health and safety procedures.

H. ELEMENT H – ACHIEVEMENT OF RACIAL AND ETHNIC BALANCE

A charter petition must describe “the means by which the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learning pupils that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter is submitted.” (Ed. Code, § 47605.6(b)(5)(H).) The regulations state that this element is presumed to have been met, absent specific information to the contrary. (ARR 2400, Appendix A, § F.7.)

The petition asserts CCCA’s intention to address the low college attainment rates and historic lack of diversity in the skilled labor force, and to provide access to well-compensated and in-demand careers so that individuals and families are able to exit cycles of poverty and oppression. (pp. 10-11) CCCA affirms that it will strive to ensure that its student population is reflective of the general population residing within the territorial jurisdiction of Sacramento County, and will monitor the school’s racial, ethnic, English Learner, and special education balance on an annual basis and engage in a variety of means and strategies to achieve a diverse student population, including:

- Developing an enrollment timeline and process that allows for a broad-based recruiting and application process,
- Engaging in outreach efforts and making presentations via neighborhood groups, community organizations, churches, other leadership organizations, and local preschools.
- Advertising openings through marketing brochures, posting flyers in neighborhoods, distributing flyers at local grocery stores, and/or TV/radio public service announcements targeted towards diverse populations, and in various languages.
- Conducting all outreach and recruiting efforts in English and Spanish.
- Hosting open houses to provide information on the school’s curriculum and program.
- Recruiting for all student populations, including academically low-achieving and economically disadvantaged students.
- Enrollment preferences for students eligible for free and reduced-price lunch and first-generation college students. (p. 106-108)

The petition contains a reasonably comprehensive description of the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the County Board.

I. ELEMENT I – INDEPENDENT FINANCIAL AUDITS

The petition outlines the financial audit procedures, including how the auditor will be selected and retained, the required qualifications that the auditor must possess, the

timing of the audit, how any deficiencies or exceptions will be resolved, and how this information will be communicated to required outside parties.

The petition contains a reasonably comprehensive description of the annual, independent financial audits.

J. ELEMENT J – SUSPENSION OR EXPULSION OF STUDENTS

CCCA's discipline, suspension, and expulsion procedures are described at pages 110-133 of the petition. The petition includes a list of offenses for which students may be suspended or expelled, which was created based upon its review of Education Code section 48900, et seq. and will be periodically reviewed and modified as necessary.

The petition identifies the procedures by which parents, guardians, and students will be informed about behavior expectations, and the reasons for suspension, expulsion, and removal procedures and due process rights. CCCA's Policy and Procedures will be distributed annually as part of the Student Handbook and will be available in the office of the Executive Director or designee and available upon request.

CCCA affirms that its staff will enforce disciplinary policies and procedures fairly and consistently among all students, and that CCCA is committed to supporting all students through the implementation of systems that build a positive school culture. Except in cases where suspension for a first offense is warranted in accordance with law, each school site shall consider suspension from school only when other means of correction have not been successful or where the student's presence would constitute a danger to persons or property or seriously disrupt the educational process.

The petition contains a reasonably comprehensive description of the procedure by which pupils can be suspended, expelled, or removed from school.

K. ELEMENT K – RETIREMENT SYSTEM COVERAGE

The petition states all employees who qualify for membership in the State Teacher's Retirement System ("STRS") or the Public Employees' Retirement Systems ("PERS") shall be covered under the appropriate system and employees who are not STRS members must contribute to Social Security. The Executive Director will be responsible for arranging retirement benefits.

The petition also states the Charter will periodically evaluate the feasibility of offering a 403(b) in lieu of STRS/PERS membership. Once an agency participates in PERS or STRS, it cannot elect to opt out at a future date. Although the petition describes planned retirement system coverage, this statement indicates a lack of understanding regarding ongoing implementation of the system described.

The petition does not contain a reasonably comprehensive description of the retirement system coverage.

L. ELEMENT L – DISPUTE RESOLUTION

CCCA shall have an internal dispute resolution process to be used for all internal disputes related to the school's operations. CCCA will also maintain a Uniform Complaint Policy and Procedures as required by state law. Parents, students, Board members, volunteers, and staff at the Charter School will be provided with a copy of

CCCA's policies and internal dispute resolution process. The petition calls for SCOE and the County Board to promptly refer all disputes not related to a possible violation of the charter or law to CCCA and describes reasonable procedures for resolving any disputes that may arise between CCCA and SCOE or the County Board.

The petition contains a reasonably comprehensive description of a dispute resolution process.

M. ELEMENT M – ADMISSIONS POLICIES AND PROCEDURES

1. Affirmations Regarding Non-Discrimination, Admissions, and Enrollment

CCCA affirms that it will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not charge tuition nor discriminate against any student on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability, and that it will comply with the specific, applicable laws related to charter school admissions and enrollment.

2. Admissions Procedures

CCCA's student admissions and attendance policies are on pages 137-140 of the petition. CCCA's petition affirms that it will admit all pupils who wish to attend, and that if the number of students who wish to attend exceeds capacity, attendance (except for existing students), will be determined by a public random drawing. The petition describes the public random drawing process and specifies that, in the event of a drawing, admission preferences will be given in the following order:

- II. Children of CCCA regular, full-time employees
- III. Siblings of students admitted to or attending CCCA
- IV. Students who are eligible for free or reduced-price meals
- V. Students who would be the first in their immediate family to go to college
- VI. Students residing within the County

The petition includes a detailed description of CCCA's admissions process and schedule. Students who wish to attend CCCA will complete an application form. After admission, students will submit an enrollment packet, with a student enrollment form, proof of immunization, home language survey, emergency medical form, proof of age, and release of records.

The petition contains a reasonably comprehensive description of the charter's admission requirements.

N. ELEMENT N – STUDENT ATTENDANCE ALTERNATIVES

CCCA affirms it will be a "school of choice," and no pupil shall be required to attend the school. Students who reside within any school district in which the school operates a school site who choose not to attend CCCA may attend school within that school district according to its policy or at another school district or school within the district through its intra- and inter-district transfer policies. The parent or guardian of each student enrolled in CCCA shall be notified on admissions forms that the student(s) has no right to admission in a particular school of any local educational agency (or program of any

local educational agency) as a consequence of enrollment in CCCA, except to the extent that such a right is extended by the local educational agency. (p. 141.)

The petition contains a reasonably comprehensive description of the public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

O. ELEMENT O – RIGHTS OF EMPLOYEES

The petition requires technical edits to remove reference to the County Board as the employer of SCOE employees. Otherwise, the petition contains a reasonably comprehensive description of the rights of employees.

P. ELEMENT P – CLOSURE PROCEDURES

The petition, at pages 143-145, describes the charter school closure procedures, including the final audit, the disposition of any remaining assets and liabilities, and for maintenance and transfer of pupil records.

The petition contains a reasonably comprehensive description of the necessary closure procedures.

IV. POTENTIAL EFFECTS OF CHARTER SCHOOL

CCCA will be operated by a California non-profit public benefit corporation, which is organized and operated exclusively for charitable purposes under 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code section 23701(d). SCOE and the County Board will not be liable for the debts or obligations of CCCA, pursuant to Education Code section 47604(d), and CCCA will work to assist SCOE in meeting all oversight obligations to ensure SCOE is not liable for operation of the charter school.

CCCA would indemnify SCOE for the actions of the charter school, and will purchase general liability insurance, workers' compensation, Board Members and Officers Insurance, fidelity bonding, and other necessary insurance in the coverage amounts recommended by SCOE, and will name the County Board as an additional insured on all policies. However, as noted in the budget section above, it is not clear that CCCA has adequately budgeted for reasonable insurance costs.

CONCLUSION

SCOE staff met numerous times with CCCA representatives from February 2019 through August 2021 to discuss CCCA's charter petition, review the standards required for a countywide charter, provide feedback, and raise concerns regarding major elements of CCCA's proposal. Neither CCCA's original or supplemented charter petition adequately address the substantive concerns raised by SCOE in its multiple meetings with CCCA before and after its petition was submitted.

As explained more fully above, CCCA's charter petition does not include sufficient justification for authorization as a countywide charter school, and does not present a realistic, sustainable plan to successfully implement or accomplish its proposed program. While the petition contains adequate descriptions of a number of the legally required elements, it is deficient in the most important areas needed to operate and

sustain a school. It lacks a viable budget, a realistic staffing plan, evidence of a sound educational program, a sufficient plan to support students with special needs and English learners, and reasonably comprehensive descriptions of the educational program, measurable pupil outcomes, charter school facilities, staff qualifications, and retirement systems coverage.

Based upon the above analysis, SCOE staff recommend that the County Board deny the CCCA countywide charter petition.



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TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] (Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001] (Division 4 enacted by Stats. 1976, Ch. 1010.)

PART 26.8. CHARTER SCHOOLS [47600 - 47663] (Part 26.8 added by Stats. 1992, Ch. 781, Sec. 1.)

CHAPTER 2. Establishment of Charter Schools [47605 - 47608] (Chapter 2 added by Stats. 1992, Ch. 781, Sec. 1.)

47605.6. (a) (1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. A petition for the establishment of a countywide charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:

(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(B) The petition is signed by a number of teachers that is 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 and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.

(2) An existing public school shall not be converted to a charter school in accordance with this section.

(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board of education shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the charter school's approved charter.

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff

recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

(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 subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter 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 pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.

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

(D) The location of each charter school facility that the petitioner proposes to operate.

(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.

(F) The qualifications to be met by individuals to be employed by the charter school.

(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education

pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

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

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.

(M) Admission policy and procedures, consistent with subdivision (e).

(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.

(P) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter 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 public records.

(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(7) Any other basis that the county board of education finds justifies the denial of the petition.

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the charter school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a 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 pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.

(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:

(i) Each type of preference shall be approved by the chartering authority at a public hearing.

(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.

(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.

(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.

(C) In the event of a drawing, the county board of education shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(4) (A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).

(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.

(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (b).

(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:

(i) When a parent, guardian, or pupil inquires about enrollment.

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the

chartering authority.

(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).

(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.

(f) The county board of education shall not require an employee of the county or a school district to be employed in a charter school.

(g) The county board of education shall not require a pupil enrolled in a county program to attend a charter school.

(h) The county board of education shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, and upon the county board of education. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the charter school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

(i) In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

(j) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent, and the state board.

(k) If a county board of education denies a petition, the petitioner shall not elect to submit the petition for the establishment of the charter school to the state board.

(l) (1) Teachers in charter schools shall be required to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.

(2) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools. The Commission on Teacher Credentialing shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the county office of education, the Controller, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.

(n) A charter school may encourage parental involvement but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

(Amended by Stats. 2019, Ch. 543, Sec. 4.5. (AB 1595) Effective January 1, 2020. Operative on July 1, 2020, pursuant to Sec. 13 of Stats. 2019, Ch. 543.)



Book	Board Policies and ARRs
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I. Scope and Purpose

A. This policy recognizes legislative intent, as to the purposes of charter schools, to provide a method to:

1. Improve pupil learning.
2. Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
3. Encourage the use of different and innovative teaching methods.
4. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
5. Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
6. Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
7. Provide vigorous competition within the public school system to stimulate continual improvements in all public schools. (Education Code (Ed. Code), section 47601)

B. This policy governs the submission of petitions to the Sacramento County Board of Education (Board) for operation of charter schools under the oversight of the Sacramento County Office of Education (SCOPE). This policy also governs:

1. Consideration and granting or denial of charter petitions by the Board.
2. Opening and operation of schools under approved charters.
3. Material revisions of an approved charter.
4. Renewal, non-renewal, or revocation of approved charters.

c. This policy applies to three types of charter petitions:

1. Appeals. Petitions that have been denied by the governing board of a school district in Sacramento County and are subsequently submitted to the Board for consideration, per Education Code section 47605(k)(1).
2. SCOE Pupil Populations. Petitions that propose to serve pupils for whom SCOE would otherwise be responsible for providing direct education and related services, per Education Code section 47605.5.
3. Countywide Charters. Petitions to establish a countywide charter school that will operate at one or more sites within Sacramento County to provide instructional services not generally provided by SCOE, and benefit pupils who cannot be served as well by charter schools operating in only one school district, per Education Code section 47605.6.

II. Petition Submission

A. Through Administrative Rules and Regulations (ARR), the Sacramento County Superintendent of Schools (Superintendent) shall establish procedures for the submission of charter petitions consistent with the requirements of law that address, among other things, the following areas:

1. The requirements for a charter petition.
2. The documents required to complete the petition and to begin the time period for Board consideration of the charter petition.
3. Petition submission procedures.
4. Petition review procedures and standards.

B. In keeping with Education Code sections 47601(b), 47605(i), and 47605.6(i), the Board encourages all charter petitioners to incorporate comprehensive learning experiences for academically low achieving pupils, and the Board shall give preference to petitions that demonstrate the capacity to do so.

III. Petition Review and Consideration

A. Charter petitions shall be reviewed in accordance with the requirements of law, including the Charter Schools Act, as set forth in Education Code sections 47600, et seq. This review shall be guided by the criteria set forth in California Code of Regulations, title 5, section 11967.5.1 (as operative on November 23, 2011) to the extent that the regulations would be pertinent to county offices of education. The Board will consider the following factors:

1. Whether a petition is consistent with sound educational practice.
2. Whether a petition presents an unsound educational program.
3. Whether charter petitioners are "demonstrably unlikely to successfully implement the program" as referenced in Education Code section 47605(c)(2).
4. Whether the petition includes the affirmation requirements under Education Code section 47605(c)(4).
5. Whether a petition contains a reasonably comprehensive description of the elements specified in Education Code section 47605(c)(5).
6. Whether the petition includes a declaration of whether the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act Government Code section 3540, et seq. The declaration shall recognize that SCOE is an exclusive public school employer and that, therefore, the charter school must be a separate exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act, unless this requirement is specifically waived by the Board.
7. For purposes of Education Code sections 47605(c) and 47605(c)(7), in determining whether granting the charter is consistent with the interests of the community or is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate, the Board shall consider the individualized facts and circumstances presented in the charter petition and by the school district. For example, such individualized facts and circumstances may include, but are not limited to:
 - a. The community that the charter is proposing to serve or where the charter is proposing to locate.
 - b. Evidence that the community is interested in the charter (e.g., data regarding stakeholder engagement and/or outreach; parent signatures; community letters, surveys, or other evidence of support).
 - c. Evidence that the charter's proposed academic and other programs are designed or tailored to meet the needs of the community, taking into account school district and/or community demographics, academic needs and/or performance indicators, and/or other characteristics.
 - d. Evidence that the proposed charter location will be accessible to pupils and parents.

e. Evidence demonstrating that the impact of the proposed charter program will or will not substantially undermine existing district services, academic or programmatic offerings.

- This analysis shall include consideration of the fiscal impact of the proposed charter school.

f. Evidence demonstrating that the charter will or will not duplicate an existing district program, and the program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

i. In determining whether a proposed charter will or will not “duplicate” an existing district program, the Board may consider evidence of:

- whether the district program is comparable in quality to the proposed charter;
- whether and how the proposed charter program differs from the district program;
- unique or innovative instructional approaches that are not currently available in the district or community;
- whether the district program is accessible to all pupils who wish to attend.

8. In determining whether the school district is not positioned to absorb the fiscal impact of the proposed charter school, the Board shall consider the fiscal condition of the school district as specified in section 47605(c)(8). If the charter school is subject to rebuttable presumption of denial, the Board will consider the individualized facts and circumstances presented by the petitioner and the school district to determine whether the presumed denial is sustained or rebutted (Ed. Code, § 47605(c)(8).)

9. For purposes of evaluating countywide charter petitions, references to provisions of Education Code section 47605 shall instead be deemed to be references to corresponding provisions of Education Code section 47605.6, to the extent applicable.

B. SCOE ARR provisions related to review and consideration of petitions shall include guidance to petitioners as to the factors SCOE staff will consider in determining whether petitions meet applicable standards.

C. In addition to the above requirements, petitions to establish countywide charter schools under Education Code section 47605.6 must demonstrate the following to be approved:

1. The educational services offered are services to a pupil population that will benefit from those services.
2. The pupils proposed to be served cannot be served as well by a charter school that operates in only one school district in the county.
3. The charter school has a reasonable justification for why it could not be established by a petition to a school district pursuant to Education Code section 47605.

IV. Petition Hearing Procedures

- A. In the case of an appeal, after the SCOE staff reviews and recommendations are complete, the document(s) shall be made available to the petitioners and to representatives of the district that denied the charter at the same time or soon after the recommendations are provided to the Board and as required by Education Code section 47605(b).
- B. In the case of a SCOE pupil population petition or a countywide charter petition, after SCOE staff review and recommendations are complete, the document(s) shall be made available to the petitioners and to representatives of every district in the County at the same time or soon after the recommendations are provided to the Board and as required by Education Code sections 47605.5 or 47605.6.
- C. The Board is committed to a charter hearing process that considers input from petitioners, stakeholders, and the community, while providing sufficient opportunity for meaningful discussion and deliberation by the Board. To help achieve these goals, Board meetings at which charter petitions are considered may be expected to last longer than usual and/or may be scheduled at mutually convenient alternative times.
- D. The Board will hold a public hearing, consider, and grant or deny a charter petition within the time periods required by law. (Ed. Code, §§ 47605, 47605.5, 47605.6) Board will strive to hold the public hearing and decide a charter appeal in one meeting within 60 days of receiving a completed charter appeal. However, the Board may take up to 90 days to issue its decision, depending upon factors such as when the charter appeal is submitted, exigent circumstances, or other factors. decision date may be further extended by mutual agreement of the parties.
- E. At the hearing in which the Board will grant or deny the charter (decision hearing), petitioners shall have equivalent time and procedures to present in response to the SCOE staff's presentation of its recommendations and findings.
- F. For charter appeals, the school district that denied the original charter petition will have a reasonable opportunity to present at the charter decision hearing.
- G. Before the decision hearing, the Board will consult with and notify the parties of a reasonable total time allotment for presentations by petitioner and its employees, and the school district(s) and its employees. Neither of these presentations shall exceed 30 minutes, except in unique circumstances.
- H. Parents, students, and community members will have an opportunity to comment on charter petitions under the Board's public participation guidelines. (See Board Bylaw

v. Opening, Operating, Accountability, and Oversight

A. Before receiving an advance apportionment or opening and operating a charter school, a charter petitioner that has been approved by the Board shall demonstrate the following:

1. That it has secured an appropriate facility for the operation of the program described in the charter petition.
2. That it has been accepted as a member of a SELPA for the purposes of providing special education services as required by law. In order to avoid or minimize potential delays, charter petitioners are encouraged to apply for SELPA membership before or at the same time they submit their charter petition to the Board.
3. That it has agreed in writing to provide and be responsible for all special education services required by law and to hold harmless, defend, and indemnify the Board, Superintendent, and SCOE from any liability arising from its responsibility to provide such special education services.
4. Approval of an acceptable Memorandum of Understanding (MOU) between the charter, Board, and Superintendent that establishes expectations for charter operations, performance, accountability, and oversight.
5. That it has satisfied any other conditions that have been approved by the Board, upon recommendation by the Superintendent.
6. Unless specifically extended by the Board, the petitioner shall satisfy these requirements by July 1 of the school year specified in the Board's approval action and must be in operation on or before September 30 of the year specified in the Board's approval action.

B. If the petitioner fails to meet the requirements set forth in subdivision A, after notice to the Board, the Superintendent on behalf of the Board shall notify the California Department of Education that the school has ceased operations, as required by Education Code section 47604.32(e)(3).

C. Through the MOU between the charter school, Board, and Superintendent, the Board shall ensure that the proposed charter contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include fiscal accountability systems as well as clear performance standards and multiple measures by which the charter school will be held accountable for meeting its educational and other goals for pupils. Charter schools shall provide an annual report, and other reports as requested by the Board, Superintendent, or designee. (Ed. Code, §§ 47604.32, 47604.33, 47604.4 and 47613.)

VI. Material Revisions

Charter petition appeals containing new or different material terms as defined in Education Code section 47605(k), shall be remanded to the school district governing board for reconsideration.

Material revisions to a charter that has already been approved by the Board may be made only with the written approval of the Board, and shall be governed by the same standards and criteria that apply to new charter school petitions as set forth in Education Code sections 47605 and 47605.6.

VII. Renewal, Non-Renewal, or Revocation

A. Through ARR, the Superintendent shall specify procedures and timelines for charter schools operated under the oversight of SCOE:

1. To apply for renewal; or, if applicable,
2. To be proposed by SCOE staff for revocation.

B. Renewal shall be governed by Education Code section 47607, et seq. and, as applicable, the evaluation criteria set forth in Section III A.1-6 of this policy, and applicable ARR.

C. If non-renewal is recommended by the Superintendent, the recommendation shall include each reason for non-renewal with the factual findings supporting that reason enumerated.

D. Revocation shall be governed by Education Code section 47607, et seq.

1. A charter may be revoked if the Board finds, through a showing of substantial evidence, that the charter school:

- a. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- b. Failed to meet or pursue any of the pupil outcomes identified in the charter.
- c. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
- d. Violated any law.

2. "Substantial evidence," within the meaning of Education Code section 47607, shall be evidence that:

- a. Demonstrates that the violation was material.
- b. Supports revocation when viewed as a whole, in light of all relevant information.

- c. Demonstrates that the violation actually occurred.
- d. Was not cured by the charter school during its reasonable opportunity to remedy the violation.

e. If revocation is recommended by the Superintendent, the recommendation shall include each reason for revocation with the substantial evidence supporting that reason enumerated.

Legal References:

EDUCATION CODE

41365 Charter school revolving loan fund
44237 Fingerprints and criminal record information
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, et seq. Charter Schools Act of 1992
48000 Minimum age of admission (kindergarten)
51745, et seq. Independent Study
56026 Individuals with exceptional needs
56145-56146 Special Education services in charter schools
60600-60649 Assessment of academic achievement

GOVERNMENT CODE

1090, et seq. Conflicts of Interest in Contracts
3540, et seq. Educational Employment Relations Act
54950-54963 Ralph M. Brown Act
6250, et seq. California Public Records Act
81000, et seq. Political Reform Act of 1974

PENAL CODE

667.5 Definition of violent felony
1192.7 Definition of serious felony

TITLE 2, CALIFORNIA CODE OF REGULATIONS

18700, et seq. Conflicts of Interest

TITLE 5, CALIFORNIA CODE OF REGULATIONS

11700.1-11705 Independent Study
11960-11969.11 Charter Schools

COURT DECISIONS

Wilson v. State Board of Education (App. 1 Distr. 1999) 89 Cal.Rptr.2d 745,
75 Cal.App.4th 1125

ATTORNEY GENERAL OPINIONS

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

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

78 Ops.Cal.Atty.Gen. 253 (1995)



Book	Board Policies and ARRs
Section	2000 Administration
Title	Charter School Petitions
Code	2400 ARR
Status	Active
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I. General Provisions

These Administrative Rules and Regulations (ARR) pertain to the following types of charter petitions submitted to the Sacramento County Board of Education (Board):

- A. Appeal. Petitions that have been denied by the local governing board of a school district in Sacramento County, and subsequently submitted to the Board for review, per Education Code (Ed. Code, § 47605(k).);
- B. Sacramento County Office of Education (SCOPE) Pupil Population. Petitions that propose to serve pupils for whom the SCOPE would otherwise be responsible for providing direct education and related services, per Education Code section 47605.5; or
- C. Countywide Charter. Petitions to establish a countywide charter school that will operate at one or more sites within Sacramento County, provide instructional services not generally provided by SCOPE, and benefit pupils who cannot be served as well by charter schools operating in only one school district, per Education Code section 47605.6.

These ARR have been developed to carry out Board Policy (BP) 2400. These ARR provide guidance of the factors SCOPE staff will consider in determining whether charter school petitions meet applicable standards; the process SCOPE staff will use to provide recommendations to the Board regarding the granting or denial of charter petitions; the monitoring and oversight of charter schools under approved charters; and the procedures for renewal, non-renewal, or revocation of approved charters.

II. Charter School Petition Submission and Review Procedures

SCOE's legal department will serve as the first point of contact and liaison for petitioners.

Charter school petitions submitted to the Board will be considered under the legal standards set forth in Education Code section 47600, et seq., and California Code of Regulations, Title 5, sections 11967 and 11967.5.1 (to the extent outlined in BP 2400). Additionally, SCOE staff will follow the guidelines outlined in the Charter School Petition Review Criteria and Tips (attached as Appendices A and B) in making recommendations to the Board.

A. Appeals (Pursuant To Ed. Code, § 47605 (k).)

A charter school petition that has been previously denied by the governing board of a school district may be appealed to the Board. The charter school appeal must be received at SCOE's administrative offices (10474 Mather Boulevard, Mather, CA 95655) within the legally required deadline.

(Ed. Code, § 47605(k).)^[1] When filing the charter school petition appeal with the Board, petitioners shall provide the following before the Board will consider the appeal:

1. A complete copy of the charter petition as denied by the district governing board, including the signatures required by Education Code section 47605
2. A copy of the governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, as required by Education Code section 47605(c).
3. A signed certification of compliance with applicable law.
4. A description of any changes to the petition necessary to reflect the Board as the authorizing entity.
5. Evidence that copies of all charter appeal documents have also been submitted to the school district. (Ed. Code, § 47605(k).)
6. If the Board determines that the petition submitted on appeal contains new or different material terms as defined in Education Code section 47605(k)(1)(A)(iii), the petition will be remanded to the school district for reconsideration. If the district denies the charter petition again, the petition may be re-submitted to the Board on appeal, and must include items 1-5.

The timeline for consideration of the appeal will not commence until items 1-5 are submitted.

In considering charter petitions that have been previously denied by a school district, the Board is not limited to a review based on the reasons for denial stated by the school district, but will review the charter petition under Education Code section 47605(c).

B. SCOE Pupil Population or Countywide Charter Petitions (Pursuant To Ed. Code, §§ 47605.5 and 47605.6.)

A petition for the establishment of a charter school that will serve pupils for whom SCOE would otherwise be responsible for providing direct education and related services must be submitted in the same manner as set forth in Education Code section 47605, other applicable law, and Board policy.

Petitions to establish a countywide charter school must be submitted as set forth in Education Code section 47605.6, other applicable law, and Board policy.

In addition to the above requirements, petitions to establish countywide charter schools under Education Code section 47605.6 must demonstrate the following to be approved:

1. The educational services offered are services to a pupil population that will benefit from those services.
2. The pupils proposed to be served cannot be served as well by a charter school that operates in only one school district in the county.
3. The charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605.

C. All Charter School Petitions Must Include The Following:

1. The name, address, and telephone number of the lead charter school petitioner(s) and a signed statement or letter formally applying to the Board for the approval of a charter petition. For a charter appeal, if the proposed charter school includes one or more grade levels not served by the district to which the charter was initially submitted, it must also propose to serve all of the grade levels which are served by the district. (Ed. Code, § 47605(a)(6).)
2. A copy of the charter school petition must be attached to the form and signatures provided by either:
 - a. A number of parents or guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation. Parents/guardians signing the petition must have one or more children who are age appropriate for the proposed charter school and must state the number of such children on the petition. The petition must include a prominent statement that a signature on the petition means that the parent or guardian is meaningfully interested in having his/her child, or ward, attend the charter school; or Education Code sections 47605(a)(1)(A), 47605(a)(3), 47605.6(a)(1)(A), and 47605.6(a)(4).
 - b. A number of validly credentialed teachers that is 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. The petition must include a prominent statement that a signature on the petition means that the teacher is meaningfully interested in teaching at the charter school. (Ed. Code, §§ 47605(a)(1)(B) and 47605.6(a)(1)(B).) SCOE will review Commission on Teacher Credentialing records to confirm that teachers signing the petition are validly credentialed.

In the case of a petition for the establishment of a charter school through the conversion of an existing public school, the petition must be signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted. (Ed. Code, § 47605(a)(2).)

3. A description of how the proposed charter will serve the interests of the community in which the charter school proposes to locate, and how it will serve the academic needs of its proposed pupils. (Ed. Code, § 47605(c)(7).)
4. A detailed, complete operational budget as described in Appendix A.
5. A thorough description of the education, work experience, credential, degrees and certifications of the individuals comprising, or proposed to comprise, the administration of the proposed charter school, including the directors, Board members, administrators, and managers.
6. The bylaws, 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, Public Records Act, Political Reform Act, Government Code section 1090, and any other governance or public meeting requirements applicable to charter schools as specified in Education Code section 47604.1.
7. An affirmation that meets the requirements of Education Code sections 47605(d) or 47605.6(e)
8. If available, the address and a description of the charter school facility or facilities, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for educational purposes, and that the applicant has secured or has reasonable assurance of securing the facility for use by the charter school. If a specific facility has not yet been secured, at a minimum, petitioners must provide a description of the type of facility the school needs, the number of rooms and amount of space (by square foot) needed, the estimated cost of rent and tenant improvements, and a list of potential facilities under consideration.
9. Opening a charter school does not require the use of vendors or contractors. However, if the Petitioners intend to use vendors or contractors to perform essential functions of the charter school (e.g., finances, human resources, educational programming, special education, etc.), the petition should include a list of vendors and contractors whom the charter school has engaged for the purpose of developing, operating and/or evaluating the charter school, together with a description of their qualifications.
10. The petitioners must provide information regarding the proposed operation and

potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, SCOE, and the Board. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. (Ed. Code, §§ 47605(h) and 47605.6(h).)

11. The petition must also demonstrate that the charter school shall meet all applicable state and federal accountability requirements.
12. As described more fully in Appendix A, reasonably comprehensive descriptions of the items listed in Education Code sections 47605(c)(5)(A)-(O) and 47605.6(b)(5)(A)-(P) or any subsequently implemented provisions of the Charter Schools Act of 1992.

D. General Submission and Review Guidelines Applicable to All Charter Petitions

Petitioners seeking approval to commence the operation of a district-authorized charter school under Education Code section 47605 at the start of a school year are encouraged to submit the charter petition to the district Board by the beginning of the prior school year, so as to allow time to pursue if necessary the appeal process of the county and the state. Petitioners seeking approval to commence the operation of a county-authorized charter school at the start of a school year under Education Code sections 47605.5 or 47605.6 are encouraged to submit the charter petition to the Board by the beginning of the prior school year.

SCOE staff will review the petition, using the criteria described in Appendices A and B.

SCOE staff may, but are not required to, inform charter school petitioners of general deficiencies within the charter petition. However, SCOE staff will not provide any specific language to be included in a charter petition. Staff will prepare proposed findings of fact for recommendation to the Board. Prior to the Board meeting at which the petition is to be considered, a copy of the proposed findings of fact will be provided to the charter school petitioners and to representatives of the district that denied the charter, or, in the case of a SCOE pupil population or countywide charter petition, to representatives of every district in the county.

III. Right of Charter Petitioner to Appeal to the State Board of Education

If the Board denies a charter appeal or a petition that proposes to serve pupils for whom SCOE would otherwise be responsible for providing direct education and related services, the petitioners may submit the petition to the State Board of Education for consideration. (Ed. Code, §§ 47605(k) and 47605.5.)

If the Board denies a countywide charter petition, the petitioner may not submit the petition to the State Board of Education for consideration. (Ed. Code, § 47605.6(k).)

IV. **Monitoring and Oversight of Approved Charters**

Approved charter schools are subject to monitoring and oversight pursuant to applicable law, including but not limited to Education Code sections 47604.32, 47604.33, 47604.4 and 47613.

In order to hold the charter school accountable for fulfilling the terms of its charter, an approved Memorandum of Understanding (MOU) between the Board, the Sacramento County Superintendent of Schools (Superintendent), and charter petitioner will be required before the charter school is permitted to open and operate. The MOU will establish expectations for charter school operations, accountability, and oversight.

The Board has supervisory oversight responsibilities over its authorized charter schools. In order to carry out such responsibilities the Board through the Superintendent, or designee, may inspect or observe any part of a charter school at any time.

On behalf of the Board, SCOE's supervisory oversight responsibilities shall include, but are not limited to, the following:

- A. Identifying at least one staff member as a contact person for charter schools.
- B. Visiting each charter school at least annually.
- C. Ensuring that each charter school under its authority complies with all reports required of charter schools by law.
- D. Monitoring the fiscal condition of each charter school under its authority.
- E. Providing timely notification to the California Department of Education (CDE) if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
 - 1. A renewal of the charter is granted or denied.
 - 2. The charter is revoked.
 - 3. The charter school will cease operation for any reason.

The Board may appoint a representative to serve on the board of directors of charter schools operated by nonprofit benefit corporations, and the corporation shall confer upon the Board's appointee all rights and responsibilities exercised by any other director of the corporation. (Ed. Code, § 47604; Corporations Code 5047.)

A charter school must promptly respond to all reasonable inquiries, including but not limited to, inquiries regarding its financial records, staff qualifications, pupil progress toward charter school goals and objectives, pupil progress on state mandated assessments, and compliance with state and federal requirements.

Charter school officials must be available to consult with the Superintendent or designee, SCOE, and the Board if necessary regarding any inquiries.

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 are appropriately credentialed within the requirements of Education Code sections 47605(l) or 47605.6(l).

SCOE shall charge, and the charter school shall pay for the actual costs of monitoring and supervision pursuant to applicable law. (Ed. Code, § 47613.)

A charter school shall annually prepare and submit to the Superintendent the reports specified in Education Code section 47604.33. A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year to the Superintendent by December 15 of each year.

The Superintendent, or designee, shall examine, not less than annually, the audit report of the charter school, and shall, not less than annually, examine the general operation of the charter school. The Superintendent will promptly report to the Board any instance in which the charter school has committed any of the violations for which a charter school may be revoked, as described in Section VI of these rules and regulations.

v. Material Revisions of an Approved Charter

If the Board determines that a charter petition appeals contains new or different material terms as defined in Education Code section 47605(k), the charter petition shall be remanded to the school district governing board for reconsideration.

Material revisions to a charter petition that has already been approved by the Board may be made only with the written approval of the Board, and shall be governed by the same standards and criteria that apply to new charter school petitions as set forth in Education Code sections 47605 and 47605.6.

VI. Potential Revocation of Approved Charter Petitions

A charter may be revoked by the Board under the provisions of Education Code section 47607, if, based on evidence presented by the Superintendent, SCOE, or other sources, the Board finds that the charter school did any of the following:

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

If the charter school committed any of the violations described above, the Superintendent or

designee, on the Board's behalf, shall notify the charter school in writing of its intent to revoke the charter and shall provide the school reasonable opportunity to cure the violation. However, if the Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils, such notification and opportunity to cure need not be provided.

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 evidence satisfactory to the Board that the violation has been cured, the Board shall rescind the notice of intent to revoke.

VII. Charter Renewals

Charter petition renewals shall be governed by Education Code sections 47607, et seq., 47605 and 47605.6 and, as applicable, the evaluation criteria set forth in this ARR. A summary of statutory renewal standards is outlined in Appendix C. To the extent that charter renewal standards are later updated, renewal will be governed by currently applicable law.

Written notice from a charter school that it wants to renew its charter should ideally be submitted at the beginning of the school year during which the charter will expire and, unless other arrangements are made in writing with SCOE, must be received no later than 180 days prior to the expiration of the charter. The Board will review the renewal petition under applicable legal standards, and will conduct a public hearing to receive input on whether or not to renew the charter and to either grant or deny renewal.

[1] Under applicable law, effective July 1, 2020, petitioners must submit a charter appeal petition within 30 days of the school district governing board's denial. To the extent the law is subsequently amended, the charter appeal will be governed by the law in effect at the time of the charter appeal.

[ARR-2400 Appendix A 09.15.20.pdf \(147 KB\)](#)

[ARR-2400 Appendix B 09.15.20.pdf \(172 KB\)](#)

[ARR-2400 Appendix C 09.15.20.pdf \(210 KB\)](#)

Charter School Petitions – Administrative Rules and Regulations 2400

Appendix A

Criteria for the Review of Charter School Petitions and Charter School Renewal Petitions by the Sacramento County Board of Education (Board).

- A. For purposes of Education Code section 47605(c), a charter petition shall be “consistent with sound educational practice” if, in the BOARD's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every pupil who might possibly seek to enroll in order for the charter to be granted by the BOARD.
- B. For purposes of Education Code section 47605(c)(1), a charter petition shall be “an unsound educational program” if it is any of the following:
 - 1. A program that involves activities that the BOARD determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
 - 2. A program that the BOARD determines not to be likely to be of educational benefit to the pupils who attend.
 - 3. If the petition is for renewal of a charter school, and either the charter school has not met the standards for renewal pursuant to Education Code section 47607, et seq., as applicable, or the charter school has not met the measurable pupil outcomes as described in its charter.
- C. For purposes of Education Code section 47605(c)(2), the BOARD shall take the following factors into consideration in determining whether charter petitioners are “demonstrably unlikely to successfully implement the program.”
 - 1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the BOARD regards as unsuccessful, e.g., the petitioners have been associated with a charter school or private school that has ceased operations for reasons within the petitioner's control, has been revoked, has violated its charter or other legal requirements, or has engaged in fiscal mis-management or malfeasance.
 - 2. The petitioners are unfamiliar in the BOARD's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
 - 3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:
 - a. In the area of administrative services, the charter or supporting documents do not adequately:

- (1) Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.
 - (2) For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.
- b. In the area of financial administration, the charter or supporting documents do not adequately:
- (1) Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.
 - (2) Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.
 - (3) Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.
 - (4) Present a budget that in its totality appears viable, and over a period of no less than two years of operations, provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.
 - (5) Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.
- c. In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.
- d. In the area of facilities, the charter and supporting documents do not adequately:
- (1) Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.

- (2) In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.
 - (3) Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.
- 4. The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas:
 - a. Curriculum, instruction, and assessment.
 - b. Finance and business management.
- D. For purposes of Education Code section 47605(c)(3), a charter petition that “does not contain the number of signatures required by subdivision (a)” of Education Code section 47605 shall be a petition that did not contain the requisite number of signatures at the time of the submission of the original charter to a school district governing board pursuant to Education Code section 47605(a). The BOARD shall not disregard signatures that may be purported to have been withdrawn or to have been determined to be invalid after the petition was denied by the school district. The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.
- E. For purposes of Education Code section 47605(c)(4), a charter petition that “does not contain an affirmation of each of the conditions described in subdivision (e)” of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in Education Code section 47605(e).
- F. For purposes of Education Code section 47605(c)(5), the BOARD shall take the following factors into consideration in determining whether a charter petition does not contain a “reasonably comprehensive” description of each of the specified elements.
 - 1. The description of the educational program of the school, as required by Education Code section 47605(c)(5)(A), at a minimum:
 - a. Indicates the proposed charter school's target pupil population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.
 - b. Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which

conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.

- c. Includes a framework for instructional design that is aligned and accessible to a full range of learners and specifically addresses the needs of the pupils that the charter school has identified as its target pupil population.
 - d. Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).
 - e. Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the core curriculum areas adopted by the BOARD pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.
 - f. Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
 - g. Indicates how the charter school will meet the needs of pupils with disabilities, English learners, pupils achieving substantially above or below grade level expectations, and other special pupil populations.
 - h. Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify pupils who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for pupils with disabilities, and how the school intends to meet those responsibilities.
 - i. Indicates the annual goals for the charter school for all pupils and for each subgroup of pupils identified under Education Code section 52052(a), to be achieved in the state priorities described in Education Code section 52060(d), that apply for the grade levels served and the specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
2. Measurable pupil outcomes, as required by Education Code section 47605(c)(5)(B), at a minimum:
- a. Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective

means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources.

- b. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils.
 - c. Align with the state priorities, as described in Education Code section 52060(d), that apply for the grade levels served by the charter school.
 - d. Shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school as defined in Education Code section 52052(a).
3. The method by which pupil progress is to be measured, as required by Education Code section 47605(c)(5)(C), at a minimum:
- a. Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph F.2. of these criteria.
 - b. Includes the annual assessment results from any state mandated testing program, currently the California Assessment of Student Performance and Progress (CAASPP).
 - c. Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.
 - d. To the extent practicable, the method for measuring pupil outcomes for state priorities must be consistent with the way information is reported on a 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 parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(c)(5)(D), at a minimum:
- a. Includes evidence that the charter school will comply with the Brown Act, Public Records Act, Political Reform Act, Government Code section 1090, and any other governance or public meeting requirements applicable to charter schools, as currently specified in Education Code section 47604.1.

- b. Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.
 - c. Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
 - (1) The charter school will become and remain a viable enterprise.
 - (2) There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
 - (3) The educational program will be successful.
5. The qualifications to be met by individuals to be employed by the school, as required by Education Code section 47605(c)(5)(E), at a minimum:
- a. Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.
 - b. 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.
 - c. Specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.
6. The procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(c)(5)(F), at a minimum:
- a. Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.
 - b. Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.
 - c. Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school. (See Health & Safety Code § 120325, et seq.)
 - d. Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
 - e. Provide for school safety procedures required by law for charter schools.

7. For purposes of Education Code section 47605(c)(5)(G), the charter petition shall describe a means or plan for recruiting pupils that reflects an intention to achieve a balance of racial and ethnic pupils, pupils with disabilities, and English Learner pupils, including redesignated fluent English proficient pupils, that reflects the general population within the school district or county, as applicable. Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(e), the means by which the school will achieve such balance shall be presumed to have been met, absent specific information to the contrary.
8. To the extent admission requirements are included in keeping with Education Code section 47605(c)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(e) and any other applicable provision of law.
 - a. The charter petition shall include a copy of the charter school's enrollment and lottery application(s).
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 chartering authority, as required by Education Code section 47605(c)(5)(I), at a minimum:
 - a. Specify who is responsible for contracting and overseeing the independent audit.
 - b. Specify that the auditor will have experience in education finance.
 - c. Outline the process of providing audit reports to the BOARD, California Department of Education, or other agency as the BOARD may direct, and specifying the time line in which audit exceptions will typically be addressed.
 - d. Indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions.
10. The procedures by which pupils can be suspended, expelled, or otherwise involuntarily removed from the charter school for any reason, shall comply with Education Code section 47605(c)(5)(J), and, at a minimum:
 - a. Identify a preliminary list, subject to later revision pursuant to subparagraph (e), of the offenses for which pupils in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which pupils must or may be suspended or expelled in non-charter public schools.

- b. Identify the procedures by which pupils can be suspended, expelled, or involuntarily removed. At a minimum, these procedures shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with Education Code section 47605(c)(5)(J).
 - c. Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension, expulsion, or involuntary removal and of their due process rights.
 - d. Provide evidence that in preparing the lists of offenses specified in subparagraph (a) and the procedures specified in subparagraphs (b) and (c), the petitioners reviewed the lists of offenses and procedures that apply to pupils attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for pupils, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).
 - e. If not otherwise covered under subparagraphs (a), (b), (c), and (d):
 - (1) Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
 - (2) Outline how detailed policies and procedures regarding suspension, expulsion, and involuntary removal will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which pupils are subject to suspension, expulsion, or involuntary removal.
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, as required by Education Code section 47605(c)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.
 12. The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by Education Code section 47605(c)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.
 13. The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by Education Code section 47605(c)(5)(M), at a

minimum, specifies that an employee of the charter school shall have the following rights:

- a. Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
 - b. Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
 - c. Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the BOARD determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
14. The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(c)(5)(N), at a minimum:
- a. Include any specific provisions relating to dispute resolution that the BOARD determines necessary and appropriate.
 - b. Describe how the costs of the dispute resolution process, if needed, would be funded.
 - c. Recognize that the BOARD may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter.
 - d. Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47607, et seq. the matter will be addressed at the BOARD's discretion in accordance with that provision of law and any regulations pertaining thereto.
- G. For purposes of Education Code section 47605(c)(6), the declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act, (Government Code section 3540), shall recognize that SCOE is an exclusive public school employer. Therefore, the charter school must be a separate exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act, unless this requirement is specifically waived by the Board.
- H. For purpose of Education Code section 48905(c)(5)(O), the description of the closure 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 on any net assets and for the maintenance and transfer of pupil records.

- I. A “reasonably comprehensive” description, within the meaning subdivision F of these criteria and Education Code section 47605(c)(5) shall include, but not be limited to, information that:
 1. Is substantive and is not, for example, a listing of topics with little elaboration.
 2. For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.
 3. Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
 4. Describes, as applicable among the different elements, how the charter school will:
 - a. Improve pupil learning.
 - b. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - c. Provide parents, guardians, and pupils with expanded educational opportunities.
 - d. Hold itself accountable for measurable, performance-based pupil outcomes.
 - e. Provide vigorous competition with other public school options available to parents, guardians, and pupils.
 - f. Serve the interests of the community which the charter is proposing to serve, taking into account the school district and/or community demographics, academic needs and/or performance indicators, and/or other characteristics.
 - g. Meet the social and emotional needs of pupils.

Administrative Rules and Regulations 2400

Appendix B

Charter School Petition Review Tips

This Tip Sheet is designed to offer guidance to charter school petitioners filing an appeal or original petition with the Sacramento County Board of Education. Over the course of preparing recommended findings of fact for the County Board, Sacramento County Office of Education (SCOE) staff has found that many petitions lack some critical elements. The County Superintendent and designees suggest that petitioners consider the following tips and ensure that the petition addresses these common oversights before submitting a petition:

Tip No. 1: Realistic Budget Figures.

- ✓ The budget must align with the programs offered in the petition. Frequently petitions promise programs and classes which lack a corresponding expenditure. For example, if the petition states that the charter school will offer a computer lab, the budget should reflect the costs of the furniture and computer equipment and peripherals along with ongoing costs for staff, utilities, licensing, etc. Additionally, the facility should have space allocated for the lab.

Tip No. 2: Consistency throughout the Petition.

- ✓ The petition's narrative concerning the programs offered and the timelines in the petition should match with the budget and the program parameters. For example, the number of days referenced for the school year should be consistent with the number of days used to calculate revenues.
- ✓ As another example, if the instructional plan lists textbooks to be used in the classroom, the charter budget should include a plan to purchase those textbooks.

Tip No. 3: Use of Realistic Enrollment Patterns.

- ✓ Frequently, petitions will utilize enrollment figures which assume maximum enrollment on the first day of school with 100% attendance without data support. When estimating the percent of enrolled pupils that attend daily to earn ADA (average daily attendance), the petitioner needs to consider what is reasonable for the expected pupil population. For example, in a high risk population, pupils may attend 65% - 75% of the time, while an average high school population would be 90% - 95% of the time. Additionally, a more realistic estimate of enrollment for purposes of calculating average daily attendance would start with fewer pupils and then grow as the school becomes established. One way to reflect a realistic enrollment pattern would be to include gradual growth that eventually meets the goal enrollment. Petitioners may also demonstrate realistic enrollment figures by documenting recent contact with pupils

(i.e. phone calls to parents to re-confirm meaningful interest in attending), or detailed recruitment plans demonstrating the likelihood of achieving enrollment targets.

(Note: Expenditure patterns (especially in hiring teachers) would follow the same pattern)

Tip No. 4: Awareness of Special Education Funding.

- ✓ The petition should reflect an understanding of special education funding which impacts the petition's use of realistic budget figures and the petition's consistency (see Tips 1 and 2 above).
- ✓ In preparing Recommended Findings of Fact, SCOE staff will consider whether the petitioners are members of a Special Education Local Plan Area (SELPA), or have provided evidence that the charter school has applied for SELPA membership. Because each SELPA has its own unique funding model, the SELPA should be identified at the time of the petition to properly budget and allow staff sufficient information to evaluate special education funding and expenditures.
- ✓ Charter petition budgets should assume that special education expenditures are the same for a charter school as for other public schools.

Tip No. 5: Awareness of SELPA procedures, timelines, and responsibility for providing the full continuum of special education services.

- ✓ Frequently petitioners have indicated a proposed charter school's intent to provide services through the Sacramento County SELPA, but the petition reflects a lack of clarity related to the SELPA process.
- ✓ Before opening and operating a charter school approved by the Board, petitioners must demonstrate that the charter school has been accepted as a member of a SELPA for purposes of providing special education services, and that it is capable of providing the full continuum of special education services.
- ✓ Petitioners should apply for membership in a SELPA before or at the same time they submit their charter petition to the Board (e.g., the Sacramento or El Dorado County Charter SELPA). Petitioners should consult with the SELPA that petitioners will apply to concerning its timelines and acceptance processes.

Tip No. 6: Petition Should Include Sufficient Detail.

- ✓ Petitions should include specific detail regarding the instructional programs and their implementation in order to predict success and for the Board to have confidence that the charter school has planned for programs that amount to sound educational practice. Use of global ideas, buzz words and concepts without evidence the programs are aligned with state academic content standards or without specific, concrete plans on how to carry out the programs may result in SCOE staff recommending a

finding that a sound educational program does not exist. It is important to describe how the plan will meet the needs of all pupils including English Learners and pupils with disabilities. The following is a sample list of program areas that frequently require more information:

- Intervention Program for underperforming pupils
 - System for identifying, testing and placement of pupils
 - Schedule of time for intervention: how long, how often
 - Types of materials used: state-board approved or other
 - Plans for exiting pupils to the core program
 - A specific plan for on-going support, including social and emotional interventions and/or supports.
- Assessment Program
 - Information on whether assessments are curriculum-embedded (taken from state-approved texts) or teacher made. If teacher made, what is the source of the items and how do they correlate to state standards.
 - Specific details in relation to the three types of assessment:
 - Entry-level tests – needed to determine pupil needs prior to instruction
 - Formative tests – needed to determine how teachers modify instruction
 - Summative test – needed to determine how well pupils have mastered standards
 - Schedule of when major assessments take place
- Instructional Courses
 - Clear description of each course including texts (standards-based) and other materials.
 - Sample of lesson plans and/or pacing guides that match stated goals and objectives.
 - Sample of lesson plans and/or pacing guides that show use of identified curricular programs and assessment.
- Instructional Approaches
 - Clear understanding of the research behind an instructional approach and how it is to be used in supporting pupil achievement of standards.
 - If more than one approach is listed, include a detailed plan on how the approaches will be integrated and implemented.

Tip No. 7: Address Potential Civil Liability Effects

- ✓ Petitioners must address the potential civil liability effects, if any, upon the school, school district, SCOE and the Board. Petitioners should agree to:
 - Hold harmless, defend, and indemnify SCOE, its employees, and the Sacramento County Board of Education from liability arising from the operation of the charter;

- Secure insurance, such as liability, including educators' legal liability and employment practices liability; workers' compensation; property; bond; and, any additional insurance as may be required by law.

Tip No.8: Organize a charter Petition appeal to Demonstrate the Packet is Complete

- ✓ Petitioners are encouraged to include a cover sheet identifying the five items necessary before the Board will consider a charter petition appeal:
 - A complete copy of the charter petition as denied by the district governing board, including the signatures required by Ed. Code, § 47605;
 - A copy of the governing board's action of denial of the petition and the governing board's written factual findings specific to the particular petition, as required by Ed. Code, § 47605(c);
 - A signed certification of compliance with applicable law; and
 - A description of any changes to the petition necessary to reflect the County Board of Education as the authorizing entity.
 - Evidence that copies of all charter appeal documents have also been submitted to the school district. (Ed. Code, § 47605(k).)

Tip No.9: Use Realistic Timelines for Petition Submission and Charter Renewal

- ✓ The timeline for opening a new school should take into account SELPA membership application timelines (see Tip No. 5) and other applicable timelines relative to planning and obtaining government funding.
- ✓ Written notice from a charter school that it is seeking a renewal of its charter must be received no later than 180 days prior to the expiration of the charter (see ARR 2400). Ideally, however, charter schools should submit written requests for renewal at the beginning of the school year during which the charter will expire.

Any questions should be directed to the Sacramento County Office of Education's Legal Office at (916) 228-2500.

Charter Renewal Summary APPENDIX C

SHALL NOT DENY* STREAMLINED RENEWAL

- Two (2) highest performance levels schoolwide on all state indicators; **OR**
- Schoolwide performance levels at or higher than state average; **and** majority of underperforming subgroups exceed state average

***Does not apply to charters qualifying for technical assistance*

(Ed. Code, § 47607(c).)



**5 –7 Year
Renewal**

DISCRETIONARY RENEW OR DENY*

- Consider:
 - Schoolwide and subgroup performance on state and local indicators
 - Academic indicators given most weight
 - Clear, convincing, verifiable data showing measurable gains or strong post-secondary outcomes
- Deny only if (1) insufficient progress towards standards; (2) closure is in pupils' best interests; and (3) gave most weight to academic performance

(Ed. Code, § 47607.2(b).)



**5-Year
Renewal**



DENIAL

SHALL NOT RENEW*

- Two (2) lowest performance levels schoolwide on all state indicators; **OR**
- Schoolwide performance levels at or below state average; **and** majority of underperforming subgroups below state average



****SECOND LOOK** (1) *meaningful steps to address low performance;* **and** (2) *clear, convincing, verifiable data showing measurable gains or strong post-secondary outcomes*

(Ed. Code, § 47607.2(a).)



**2-Year
Renewal**



DENIAL

* Renewal also may be denied due to substantial fiscal or governance factors, or if charter is not serving all pupils who wish to attend.