

# TO CHARTER OR NOT TO CHARTER

## REASON FOR THE INVESTIGATION

Newspaper articles this past year in both *The Union* and *The Sierra Sun* have covered the revocation of the charter granted to Prosser Creek Charter School (PCCS) by the Tahoe-Truckee Unified School District (TTUSD) and the subsequent closing of the charter school. Nevada County children attended the school and were supported by Nevada County tax receipts. The Nevada County Grand Jury wanted to know why the TTUSD ultimately revoked the charter, where Nevada County children are now attending school, and what lessons can be learned regarding the management and oversight of a charter school.

## BACKGROUND

Legislation creating Charter Schools was passed and signed into law as Education Code Section 47600 et seq. in 1992.

TTUSD serves students from Placer, Nevada, and El Dorado Counties. TTUSD is a school district under the auspices of the Placer County Office of Education. Taxes collected in Nevada County for the TTUSD are forwarded by the Nevada County Auditor's office to Placer County.

A charter school is a public school and may provide instruction in any of grades kindergarten through 12. It is usually created or organized by a group of teachers, parents and community leaders or a community-based organization, and is usually authorized by an existing local public school board. Specific goals and operating procedures are detailed in an agreement (charter) between the authorizing board and charter organizers.

According to charter school legislation, the purpose of a charter school is to:

- improve pupil learning,
- increase learning opportunities for all pupils,
- encourage the use of different and innovative teaching methods,
- create new professional opportunities for teachers,
- provide parents and students with expanded educational opportunities within the public school system without the restraints of traditional rules and structure,
- provide schools a way to shift from rule-based to a performance-based system of accountability, and
- provide competition within the public school system to stimulate improvements in all public schools.

Except where specifically required, charter schools are generally exempt from California State laws governing school districts. Charter school law specifies that the chartering authority should be guided by legislative intent, which encourages the establishment of charter schools. A school district governing board may not deny a charter unless it makes specific written factual findings.

## **METHOD OF INVESTIGATION**

The Grand Jury interviewed the Superintendents of Schools for Placer and Nevada counties, former and current administrators of the TTUSD, a member of the TTUSD Board of Trustees, a former administrator of PCCS, and a former member of the PCCS Advisory Council.

Documents reviewed and cited included the charter for PCCS, the October 2002 Fiscal Crisis Management Assistance Team (FCMAT) report, information and documents prepared by the Placer County Office of Education (PCOE), web page information developed by the California Counties Superintendents Educational Services Association, miscellaneous documents and correspondence from the TTUSD and PCCS, and Charter Schools legislation and recommendations posted by the California Department of Education as of April 2, 2003.

## **FINDINGS**

1. In 1998, the TTUSD granted a K-12 charter to the PCCS. PCCS was a nonprofit public benefit corporation that was organized to operate and manage the charter school.
2. The initial enrollment was projected to be 125 students. By the end of June 1999, enrollment had grown to approximately 300 students. Based upon the FCMAT report, 2001-02 site based enrollment was 306 and Independent Study enrollment was 962 for a total PCCS enrollment of 1,268. The charter school operated both within and outside the boundaries of the TTUSD in accordance with existing state law.
3. When revenue and expenditure projection errors of \$1.5 million were discovered in the fiscal year 2001-02, the TTUSD and the PCOE became concerned with the PCCS financial viability. During this same period, the charter school became indebted for approximately \$4 million.
4. In April 2002, the Placer County Superintendent of Schools requested FCMAT to review PCCS and the fiscal impact PCCS had on TTUSD, its sponsoring agency.
5. The charter for PCCS states, "The Advisory Council shall consist of 1 student, 1 parent, 1 teacher, 1 local community representative, and a School District representative." Duties of the Advisory Council include budget review and approval as well as approving budget changes greater than 5% of the total Average Daily Attendance. The TTUSD left its position on the Advisory Council vacant on or before the fall of 2001.

6. FCMAT determined that PCOE and TTUSD had difficulty interpreting the charter's financial statements because the PCCS reports lacked clarity and accuracy and were not prepared using the same account and code structure as the district. In addition, PCCS did not always file financial reports and interpretations in a timely manner to the TTUSD or the PCOE. PCCS had a pattern of upward spiraling debt in 2001-02.
7. In April 2003, the Governing Board of TTUSD renewed the PCCS's charter. However, due to the district's concerns in areas in which PCCS had encountered operational difficulties, TTUSD added a list of issues to be addressed. These items included out-of-district students, facilities, growth, liability, student performance, conflict resolution and communications, business services, audits, administrative costs, oversight, and the fiscal viability of PCCS.
8. Between the charter renewal in April 2003 and the charter revocation in August 2003, numerous meetings and communications took place in an attempt to agree upon a Memorandum of Understanding between PCCS and TTUSD to resolve the identified areas of concern.
9. In August 2003, the TTUSD Governing Board revoked the PCCS charter due to continuing fiscal mismanagement and failure to follow generally accepted accounting principles.
10. Upon revocation of the PCCS charter, the TTUSD temporarily supported an employee of PCCS to process student records that were requested from receiving districts. Student records were transported from PCCS to TTUSD in November 2003.
11. No education entity interviewed by the Grand Jury has been able to state that all Nevada County students previously enrolled in the PCCS are meeting California compulsory education laws.
12. As of February 2004, the TTUSD did not have a board policy or any criteria in place should they be approached to authorize a request for a new charter school.

## **CONCLUSIONS**

1. There was lack of agreement between TTUSD and PCCS on the financial information, accountability standards, timelines and systems that were to be used by the charter school. This lack of agreement led to TTUSD's inability to fulfill its oversight function in a timely and effective manner.
2. Part of the financial difficulty experienced by the PCCS was the result of excessive program growth.
3. Had the TTUSD continued a presence on the PCCS Advisory Council, one possible means of communication between TTUSD and PCCS would have been available. While

this may not have prevented the revocation of the charter, TTUSD per the charter, had an obligation to participate in Advisory Council meetings.

4. The TTUSD was responsible for making the decision to renew or revoke the PCCS charter. The failure of PCCS to abide by the provisions of the April 2003 charter renewal led to the decision of the TTUSD to revoke the charter.
5. The TTUSD was unable to verify that all students that resided in Nevada County and attended PCCS are meeting compulsory school attendance laws.

## **RECOMMENDATIONS**

1. The TTUSD should proactively assume responsibility for ensuring that the former PCCS students residing in Nevada County are meeting compulsory education laws.
2. TTUSD should have in place board policy that defines the relationship between the district and any new charter school. The criteria should include the 16 elements [Ref. Education Code §47605(b)(5)(A-P)] required to be addressed in the petition, as well as 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 manners in which administrative services are to be provided,
  - potential civil liability effects, if any, upon the charter school and the school district, and
  - financial statements that include a proposed first-year operational budget, including start-up costs and cash flow and financial projections for the first three years of operation.
3. The TTUSD should require any future charter to:
  - enter into a detailed agreement with the district regarding the financial accountability standards and systems that will be used by the charter school and the financial information that the district wants to review,
  - have the same fiscal reporting system as the district and the County Office of Education,
  - identify the geographical area in which students will be served as well as identifying either the maximum number of students that will be enrolled or the maximum annual increase in enrollment,
  - establish the format, frequency, and scope of district oversight activities, and
  - identify which entity (the district or the charter school) is responsible for providing student services should the charter school cease to operate. Services should include notification to the school district that may be responsible for providing education services to the former charter school student, transferring student records, and ensuring that compulsory education laws are met.

## **REQUIRED RESPONSES**

Governing Board of the Tahoe-Truckee Unified School District: By August 19, 2004

CC: (For informational purposes only)

Nevada County Superintendent of Schools  
Placer County Superintendent of Schools  
Placer County Grand Jury

# Tahoe Truckee Unified School District

Dennis K. Williams, Superintendent



RECEIVED

AUG 17 2004 *WS*

August 4, 2004

The Honorable Ersel Edwards  
Superior Court  
201 Church Street  
Nevada City, CA, 95959

The Honorable Ersel Edwards:

This letter is for the purpose of meeting the requirements of Section 933 of the California Penal Code and is the response for the Tahoe Truckee Unified School District (District) to the findings and recommendations of the Grand Jury of Nevada County.

## Findings:

#1 - # 11 The District agrees with the findings of the Grand Jury.

#12 - The District partially disagrees with the findings of the Grand Jury. The District did have a policy (attached) dated 8/5/98 that was used in granting the original charter. The Administrative Regulations (AR 0420.4) (attached) adopted 3/3/04 expands the requirements of a petition for a charter and provides for more detailed oversight.

## Recommendations:

#1 - The District did not receive a list all the students who attended Prosser Creek Charter School and therefore cannot determine where they are currently attending school.

#2 - The recommendation has been implemented. The Board of Trustees approved administrative regulations on 3/3/04 (attached) that address all of the recommendations listed by the Grand Jury referenced in Education Code 47605.

#3 - The recommendation has been implemented. The above referenced administrative regulations does provide for TTUSD the expanded oversight recommended by the Grand Jury.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis K. Williams".

Dennis K. Williams  
Superintendent

REVIEWED  
8-20-04  
EE

BOARD OF TRUSTEES: Mel Cone, Daniel Collin, Patricia Gibbons-Johnson, Cindy Gustafson, Karen Van Epps

11839 Donner Pass Road, Truckee, CA 96161  
Employer

(530) 582-2500

An Equal Opportunity

Section: Philosophy-Goals-Objectives and  
Comprehensive Plans  
Policy: Charter Schools  
Adopted: March 3, 2004  
File No: AR 0420.4(a)

## **PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS**

### **Charter Schools**

#### **Petition Signatures**

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

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation.
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.
3. If the charter petition calls for an existing public school to be converted to a charter school, at least 50 percent of the permanent status teachers currently employed at the school.

*(cf. 4116 – Permanent/Probationary Status)*

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

#### **Components of Charter Petition**

A charter petition shall include affirmations of the conditions described in Education Code 47605(d) as well as descriptions of all of the following: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21<sup>st</sup> century and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent and lifelong learners.

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

2. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they

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have attained the skills, knowledge and attitudes specified as goals in the school's educational program.

3. The method by which student progress in meeting those student outcomes is to be measured.
4. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
7. The means and timing by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
8. Admission requirements, if applicable.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted standard public school accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.
10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security.
12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.
13. A description of the rights of any district employee upon leaving district employment to work in a charter school, and of any rights of return to the district after employment at a charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.
15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.



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16. 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 school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

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

1. The facilities to be used by the school, including where the school intends to locate and verification that the facility meets local zoning, health, safety and American Disabilities Act codes.

*(cf. 7160 – Charter School Facilities)*

2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. Financial statements using standard public school accounting principles that include a proposed first-year operational budget, including start-up costs, and cash flow and financial projections for the first three years of operation

#### **Location of Charter School**

Any charter petition submitted to the Board on or after July 1, 2002, unless otherwise exempted by law, shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, if: (Education Code 47605, 47605.1)

1. The Board is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.
3. The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area to which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space or other satellite facility located in an adjacent county if both the following conditions are met: (Education Code 47605.1)

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1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

All charter schools shall be subject to these requirements by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later. Until this date, any charter school that provided educational services before July 1, 2002, shall be subject to these requirements only for new educational services or school sites it establishes or acquires. (Education Code 47605.1)

### **Charter Approval/Denial**

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

*(cf. 9320 – Meetings and Notices)*

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education code 47605)

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

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures requires.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b) listed in "Components of Charter Petition" above.

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

The Board shall not approve any charter petition that proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. (Education Code 47605)

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The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the special education local plan area (SELPA) in which the district participates. (Education Code 47605.7, 47647)

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

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

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

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the California Department of Education and the State Board of Education. (Education Code 47605)

#### **Revisions**

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

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

#### **Renewals**

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

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

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. (Education Code 47605)

Each renewal shall be for a period of five years. (Education Code 47605)

#### **Revocations**

The Board may revoke a charter whenever it finds that the charter school has done any of the following: (Education Code 47607)

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

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

#### **Requirements for Charter Schools**

In providing general oversight of a charter school, the Board shall determine whether the school meets the legal requirements applicable to charter schools. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices and all other operations (Education Code 47605)
2. Not charge tuition (Education Code 47605)
3. Not discriminate against any student on the basis of ethnicity, national origin, gender or disability (Education Code 47605)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)

*(cf. 5111 – Admission)*

5. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

*(cf. 0430 – Comprehensive Local Plan for Special Education)*

*(cf. 6159 – Individualized Education Program)*

*(cf. 6164.4 – Identification of Individuals for Special Education)*

6. Admit all students who wish to attend the school, according to the following criteria and procedures: (Education Code 47605)
  - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area.

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However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47603.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, except that preferences shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. In the event of a drawing, the Board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand.
  - c. Other admissions preferences permitted by the Board on an individual school basis as consistent with law.
7. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold. (Education Code 47605)

*(cf. 4112.2 – Certification)*

8. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law. (Education Code 44830.1, 45122.1)

*(cf. 4112.5/4312.5 – Criminal Record Check)*

*(cf. 4212.5 – Criminal Record Check)*

9. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System. (Education Code 47610)
10. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment. (Education Code 47611.5)
11. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and any other statewide standards or student assessments applicable to noncharter public schools. (Education Code 47605, 47612.5)

*(cf. 6011 – Academic Standards)*

*(cf. 6162.5 – Student Assessment)*

*(cf. 6162.51 – Standardized Testing and Reporting Program)*

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12. Offer, at a minimum, the same number of instructional minutes set forth in Education Code 46201 for the appropriate grade levels. (Education Code 47612.5)

*(cf. 6111 – School Calendar)*

13. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e). (Education Code 47612.5, 51747.3; 5 CCR 11705)

*(cf. 6158 – Independent Study)*

14. Identify and report to the Superintendent of Public Instruction any portion of its average daily attendance that is generated through nonclassroom-based instruction, including but not limited to independent study, home study, work study, and distance and computer-based education. (Education Code 47612.5, 47634.2)
15. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs. (Education Code 47605)
16. On or before September 15 of each year, approve and file with the district an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100)
17. By December 15 of each year, transmit a copy of its annual, independent financial audit report for the preceding fiscal year to the Superintendent or designee, the state Controller, the County Superintendent of Schools, and the California Department of Education, unless the charter school's audit is encompassed in the district's audit. (Education Code 47605)
18. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection. (Education Code 47612.5)
19. Promptly respond to all reasonable inquiries from the district, the county office of education or the Superintendent of Public Instruction, including but not limited to inquiries regarding its financial records. (Education Code 47604.3)

### **Financial Relationship**

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

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

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the Public Employees'

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Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

### **Waivers**

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

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

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## PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS

### Charter Schools

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

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

### **Criteria for Granting Charters**

*In determining whether to grant or deny a charter, the Board shall determine whether the proposed charter adequately addresses all the provisions required by law and administrative regulations.*

*The Board also shall assess community support for the charter school and the ability of the school to provide opportunities not currently available at district schools. The charter school petitioner shall provide the Board with information about:*

- 1. How its program will serve low-achieving and other special needs students*
- 2. The facilities to be used by the school*
- 3. The financial relationship between the charter school and the district*
- 4. The way in which the school's administrative services and other noninstructional services will be provided*
- 5. Potential civil liability effects upon the school and the district*
- 6. Any additional information required by the Board regarding proposed operations and potential effects which may result from granting the charter*

*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 students. To assist the Board in its general oversight responsibility, charters shall provide for regular reports to the Board.*

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



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PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS

Charter Schools (continued)

**Charter Renewals and Revocations**

*When the term of a charter is due to expire, the Board shall evaluate the charter school's performance and determine whether to renew the charter for an additional term. Renewal shall be subject to the school's ability to demonstrate reasonable progress toward the goals specified in its charter, including but not limited to evidence of student achievement and other student outcomes; compliance with legal requirements; fiscal management; parent/guardian, student and staff satisfaction with the program; and the ability of the school's governance structure to provide access and accountability to the public. The Board may require that the school amend its charter to address new issues before granting renewal.*

(cf. 0500 - Review and Education)

*During the term of any charter, the Board may offer assistance as warranted and/or may revoke the charter if deemed necessary in accordance with state law and administrative regulations.*

Legal Reference:

EDUCATION CODE

41365 Charter school revolving loan fund  
44237 Criminal record summary  
44830.1 Certificated employees, conviction of a violent or serious felony  
45122.1 Classified employees, conviction of a violent or serious felony  
47600-47616.5 Charter Schools Act of 1992  
51747.3 Apportionments for independent study  
54032 Limited English or low-achieving pupils  
60605 Academic content and performance standards; assessments  
60640-60647 Standardized Testing and Reporting Program

GOVERNMENT CODE

5490-54962 The Ralph M. Brown Act

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation

CODE OF REGULATIONS, TITLE 5

11960 regular average daily attendance in charter schools  
78 Ops. Cal. Atty. Gen. 253 (1995)  
78 Ops. Cal. Atty. Gen. 297 (1995)  
80 Ops. Cal. Atty. Gen. 52 (1997)

Desert Sands Unified School District and Washington Charter School v. Public Employment Relations Board and California School Employees Association and its Desert Sands Chapter #106, Case No. BC126357, Superior Ct, County of Los Angeles  
Evensen v. Vicki L. Barber et al, (1996) No. PV 94-0465, Superior Court, County of El Dorado

Section: Philosophy-Goals-Objectives  
and Comprehensive Plans  
Policy: Charter Schools  
Adopted: 8-5-98  
File No: BP 0420.4(c)

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Management Resources:

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1221.93 Apportionments for Charter Schools, 93-10

1224.93 Frequently asked questions regarding charter schools

0623.97 Charter Law Changes That Took Effect January 1, 1997

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