

# CSBA Sample Exhibit

## Philosophy-Goals-Objectives and Comprehensive Plans

E 0420.4(a)

### CHARTER SCHOOLS

Note: This exhibit may be used as an administrative regulation by a County Office of Education. This exhibit is based on provisions of Education Code 47605, 47605.5, and 47605.6 which lay out the requirements for a petition to be eligible for consideration by the County Board and the required provisions of a proposed charter.

#### Petition Signatures

To be considered by the County Board of Education, a charter school petition must be signed by one of the following: (Education Code 47605, 47605.5, 47605.6)

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 school for its first year of operation. For a petition for a countywide charter, each school district where the charter school proposes to operate a facility must have received at least 30 days notice of the petitioners' intent to operate the charter school and only signatures of parents/guardians of those students residing within the county shall be counted.
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. For a petition for a countywide charter, each school district where the charter school proposes to operate a facility must have received at least 30 days notice of the petitioners' intent to operate the charter school

Note: Education Code 47605.6 prohibits the conversion of an existing public school to a countywide charter school; see accompanying Board policy.

3. When 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 public school to be converted

In circulating the 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, 47605.6)

#### Charter Provisions

Note: CSBA's publication [Charter Schools: A Manual for Governance Teams](#) recommends specific content that might be included in the descriptions of each component listed in items #1-16 below.

**CHARTER SCHOOLS** (continued)

All charter petitions shall contain the following provisions: (Education Code 47605, 47605.6, 47611.5)

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

Note: Pursuant to Education Code 47605 and Education Code 47605.6, as amended by AB 1610 (Ch. 543, Statutes of 2005), if the proposed charter school will serve high school students, the petition must contain a description of 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.
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- 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 satisfying their prerequisites for admission may be considered to meet college entrance requirements.
2. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.
  3. The method by which student progress in meeting those student outcomes is to be measured.
  4. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parent/guardian involvement.
  5. The qualifications to be met by individuals to be employed by the school.
  6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
  7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.

**CHARTER SCHOOLS** (continued)

Note: Items #8, #12, #13 and #16 were optional for countywide charter petitions. However, AB 1610 (Ch. 543, Statutes of 2005) has amended Education Code 47605.6 to now require them for all charter petitions including countywide charter petitions.

8. Admission requirements if applicable.
9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the County 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 or county, as applicable, who choose not to attend the charter school.
13. A description of the rights of any district or County Office employee, as applicable, upon leaving district or County Office employment to work in the charter school, and of any rights of return to the district or County Office, as applicable, after employment at the charter school.
14. The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions.
15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
16. 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.

Note: Education Code 47605 and 47605.6 require that petitioners provide to the County Board additional information listed in items #1-4 below. The County Board may have additional requirements for information.

According to CSBA's publication Charter Schools: A Manual for Governance Teams, County Boards may consider requesting school calendar, information regarding transportation arrangements, staff development procedures, assurances that the charter school will provide appropriate services for English language learners and students with disabilities, or other information that will assist the Board in understanding the proposal. County Boards that wish to require additional information in the charter may list those items below.

**CHARTER SCHOOLS** (continued)

Petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the charter school, including but not limited to: (Education Code 47605, 47605.6)

1. The facilities to be used by the school, including where the school intends to locate
2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school, the school district in which the charter school may operate, and upon the County Board
4. Financial statements that include a proposed first-year operational budget, including start-up costs, and cash-flow and financial projections for the first three years of operation

**Requirements for Charter Schools**

All charter petitions shall meet applicable legal requirements. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices and all other operations (Education Code 47605, 47605.6)
2. Not charge tuition (Education Code 47605, 47605.6)
3. Not discriminate against any student on the basis of ethnicity, national origin, gender, or disability (Education Code 47605, 47605.6)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)
5. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making “satisfactory progress” toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, County Boards must ensure that each charter school receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the County Office on behalf of disabled students in the charter school.

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

**CHARTER SCHOOLS** (continued)

7. Admit all students who wish to attend the school, according to the following criteria and procedures:
  - a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians within the 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. (Education Code 47605, 47605.6)
  - b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance, except for existing students of the school, shall be determined by a public random drawing. Preference shall be extended to students currently attending the charter school and students who reside in the county except as provided for in Education Code 47614.5. In the event of a drawing, the County 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. (Education Code 47605, 47605.6)
  - c. Other admission preferences permitted by the County Board on an individual school basis as consistent with law.
8. 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)

Note: According to U.S. Department of Education nonregulatory guidance, [The Impact of the New Title I Requirements on Charter Schools](#), teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirement of 20 USC 6319 for "highly qualified" teachers.

9. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the State Board of Education (20 USC 6319)

Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute or probationary employee who has been convicted of a violent or serious felony.

10. 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)

**CHARTER SCHOOLS** (continued)

11. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
12. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Note: According to U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have paraprofessionals working in programs supported by Title I funds must comply with requirements of the No Child Left Behind Act of 2001 (20 USC 6319) regarding paraprofessional qualifications.

13. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

Note: AB 1610 (Ch. 543, Statutes of 2005) amended Education Code 47605 to clarify that charter schools must conduct the high school exit examination required pursuant to Education Code 60851, as provided in item #14 below.

14. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or student assessments applicable to students in noncharter public schools (Education Code 47605, 47605.6, 47612.5)

Note: Education Code 47612.5, as amended by AB 1610 (Ch. 543, Statutes of 2005), specifies the minimum number of instructional minutes that must be offered each fiscal year, by grade level. Pursuant to Education Code 47612.5, if a charter school fails to meet the following requirement its state apportionment will be reduced in proportion to the percentage of instructional minutes that the school failed to offer. AB 1610 also amended Education Code 47612.5 and added Education Code 47612.6 to provide that neither the SBE nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

15. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

Note: As provided in item #16 below, Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other high school in which the courses were offered via classroom instruction.

16. 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)

**CHARTER SCHOOLS** (continued)

17. 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)
18. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605, 47605.6)
19. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)

Note: SB 1054 (Ch. 87, Statutes of 2005) amended Education Code 47610 and added Education Code 47610.5 to clarify that charter schools must comply with the California Building Code by January 1, 2007, unless they meet the conditions noted in item #20 below.

20. By January 1, 2007, comply with the California Building Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
  - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374
  - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Code, including but not limited to the federal government
21. Promptly respond to all reasonable inquiries from the County Office or the Superintendent of Public Instruction, including but not limited to inquiries regarding its financial records (Education Code 47604.3)

Every charter school shall annually prepare and submit financial reports to the County Board and/or County Superintendent of Schools in accordance with the provisions of Education Code 42100, 47604.33 and 47605.6, as applicable.

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