

COUNTYWIDE CHARTER SCHOOLS

The following provisions of this policy shall pertain to petitions submitted directly to the Mendocino County Board of Education for countywide charter schools proposing to provide student instructional services that are not generally provided by a county office of education. The County Board will only approve such petitions if it finds, in addition to other requirements of law, 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.

It is the objective of the County Board that teachers, parents, pupils and community members may petition the County Board to approve a charter school, and that the County Board shall review such petitions in accordance with the applicable law and this policy. In order to assist in the process of charter development, potential applicants should receive a copy of this Board Policy, as well as information regarding the general content of the Memorandum of Understanding, which is normally considered at the same time as the charter proposal.

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

A. Petition

A petition to the County Board to approve a countywide charter school shall include the following information:

1. The name, address and phone number of each applicant, together with a statement signed by each of them, formally applying to the County Board for approval of the charter school. If the proposed charter school includes one or more grade levels not served by the County Office of Education, it must also propose to include all of the grade levels which are served by the district.
2. A thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school.
3. The 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, the Public Records Act, as well as the Conflict of Interest provisions which also apply to members of a Board of Education. The County Board will give preference to proposals which specify that the charter school will be operated as, or be operated by, a nonprofit public benefit corporation.
4. A list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.

5. The names, addresses and telephone numbers of those persons endorsing the proposal with original signatures of such petitioners and in the form provided in Section 47605 of the State Education Code. The petition form must also indicate that a copy of the charter school proposal was attached so that petitioners were able to review it prior to signing. Parents/guardians signing a petition must have one or more children who are age appropriate for the proposed charter school. Teachers signing a petition must be properly credentialed to teach one or more core academic classes in the proposed charter school.
6. A complete charter school proposal, including reasonably comprehensive descriptions of those elements of school philosophy, curriculum and practice as called for in Section 47605.6(b)(5)(A) through 47605.6(b)(5)(M) inclusive of the Code.
7. A description of the proposed assessment program related to the school's measurable pupil outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.
8. A signed statement affirming that the school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition and shall not discriminate against any person on the basis of ethnicity, national origin, gender, or disability as set forth in Section 47605.6(e)(1) of the Code.
9. The petition must list at least two (2) proposed locations in two (2) different districts, located within the geographic boundaries of the county. The proposed budgets must contain adequate resources to operate more than one (1) site. The address and a description of the charter school facility or facilities, located within the geographic boundaries of the county, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured, or has reasonable assurance of securing, the facility for use by the charter school.
10. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense shall be included in cases of renewal applications.
11. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, and reserve positions, for the first three (3) years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons or positions identified in paragraphs A (1), A(2), A (4), and A(13) of this policy. The proposal shall also include a detailed review of the annual budget development, implementation and review process. This detailed review shall include the process by which the charter school

leadership and governance team will monitor and report regarding the continuing financial solvency of the school.

12. Information regarding the operation and potential effects of the school, including an attorney's opinion, or a narrative from the charter school applicant, providing a thorough description of the potential civil liability effects, if any, on the charter school, any school district where the charter school may operate and upon the Mendocino County Office of Education.
13. A summary of the administrative structure and organization of the school. The summary should specifically include school district liaison, special education and other basic elements of school operation. This section should also detail the proposed academic calendar including: Days of Instruction, hours of operation, expectations for pupil attendance and annual instructional minutes for each grade level to be served.
14. The manner, format and content by which the charter school proposes to regularly report to the County Board, or designee, concerning implementation of the approved charter, measurable student progress, as well as the current and projected financial viability of the school. The proposal shall specifically provide detail concerning the organization, scope and preparation of the following financial documents and reports:
 - a. A preliminary budget on or before July 1 each year.
 - b. An interim financial report, reflecting changes through October 31, on or before December 15 each year.
 - c. A second interim financial report, reflecting changes through January 31, on or before March 15 each year.
 - d. A final unaudited, financial report for the full prior year on or before September 15 each year.
15. If the school will serve high school students, the proposal must include a description of how the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. The proposal must also address intent to comply with state High School Exit Exam requirements.
16. A description of charter school admission requirements and procedures.
17. The augmented plans to insure the health and safety of students and staff beyond those listed under *required element G*. These plans are to address any plans for additional tuberculosis screening, student supervision, safety training for staff, as well as requirements regarding immunization screening.

18. A description of the procedures to be used if the charter school closes. These procedures shall insure a final audit of the 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 pupil records. The County Board expresses a preference for procedures which include a provision whereby residual assets of the charter school will accrue to the benefit of the Mendocino County Office of Education.
19. The County Board may also impose any additional requirements that it considers necessary for the sound operation of a countywide charter school.

B. Process

1. Upon receipt of a petition or preliminary application, a designated employee of the County Office of Education shall date stamp the cover page of the submitted materials. A complete charter school petition shall include all of the information referenced in the Charter Schools Act by which the County Board may evaluate the application. While a charter school petition may be submitted at any time during the year, applicants are encouraged not to submit a petition during a period when a regular Board of Education meeting is not scheduled within the next thirty (30) days. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year are encouraged to initiate the process not later than the prior December 15. In the case of petitions received after that date, the County Board reserves the right to consider approval on the basis of a one year delay in the commencement of charter school operation.
2. Not later than sixty (60) days after receiving the complete charter school petition, the County Board shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers, other employees, parents or guardians and the districts where the charter school applicants propose to place school facilities shall be considered. Charter school applicants shall appear and provide testimony to the County Board. Notice of the hearing will be provided to each bargaining unit representing the employees of the County Office of Education.
3. Within ninety (90) days of receipt of the petition, or one hundred twenty (120) days based upon agreement between the applicant and the County Office of Education, the County Board shall either grant or deny the petition. The County Board may also approve the petition while noting certain conditions that the County Board deems reasonable and rationally related to increasing the likelihood of success for the charter school and/or compliance with law. In the case of charter approval, the Charter Schools Section of the State Department of Education, and other agencies as required by law, including the school districts within the county, will be notified that the charter has been approved. The conditions cited by the County Board will be addressed in the Memorandum of Understanding or Operating Agreement to be developed between the charter school applicant and the County Superintendent or designee. In the event that an agreement cannot be developed and signed prior to receipt by the State Board of Education and the Superintendent of Public Instruction, the County Superintendent, or designee, will so inform the State

Department of Education. Further, the County Superintendent and the County Board will consider whether failure to reach agreement with the charter school applicant regarding the conditions noted by the County Board constitutes cause for charter revocation.

C. Denial of Petition - Findings

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

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required by the Code.
4. The petition does not contain an affirmation of each of the conditions set forth in Section 47605.6(e)(1) of the Code.
5. The petition does not contain reasonably comprehensive descriptions of all the information required under paragraph A(6) of this policy.
6. The petition does not provide reasonable justification for why it could not be established by petition to a school district as provided by law.
7. The petition or proposed program is inconsistent with state law.
8. Any other basis that the County Board finds justifies the denial of the petition.

D. Monitoring and Supervision

MCOE oversight of the charter school shall be limited to that required or authorized by law. MCOE supervisorial assistance provided to the charter school shall be limited to that required by law. However, additional services may be provided by the County Office of Education subject to mutual agreement. The County Board may, as a condition of 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 on the operations of the charter school. In this case, the County Board may prescribe the aspects of the charter school 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. The County Superintendent shall designate a staff member as the contact person for the charter school.

1. The relationship between the charter school and the County Office of Education, as well as any services to be provided by the County Office of Education, will be

described in a Memorandum of Understanding or Operating Agreement. The provisions of this written agreement will be discussed concurrently with consideration of charter approval.

2. The County Superintendent or designee shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold a certificate, permit or other document equivalent to that which teachers in other public schools would be required to hold, and that those teachers at the school instructing students in core academic subject areas including, but not limited to, mathematics, science, social science and language arts meet the same requirements imposed under state law on teachers in other public schools instructing such core academic subjects.
3. The County Superintendent or designee shall receive and review all financial reports required by the charter or by law. A report may be prepared and submitted to the County Board following the review of each report as part of the responsibility to monitor the fiscal condition of the charter school.

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

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

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

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

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

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

- (1) *Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.*
- (2) *Failed to meet or pursue any of the pupil outcomes identified in the charter petition.*

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

E. Charter Approval

An initial approval of a charter petition by the County Board shall normally be for a period not to exceed three (3) years.

F. Charter School Closures

Charter schools must inform the students' parents and district of residence no later than thirty (30) days following a decision to close voluntarily or upon receipt of County Board notice of revocation.

The charter school must identify the name of staff that will be responsible for the school closure process.

A final audit to determine assets and liabilities must be conducted within sixty (60) days of the school's closure. An inventory shall be made of all equipment and supplies.

Pupil records shall be submitted to the Mendocino County Office of Education student file center. Such records will be maintained in accordance with applicable federal and state laws.

G. Charter Renewal or Material Modification of an Approved Charter

- 1. Renewing or materially modifying a charter is subject to the approval of the County Board.

2. Applications to renew or materially modify the charter shall include all the same information, be processed in the same way, be subject to approval or denial on the same basis, as proposals for new charter schools, except that any renewal approval shall be for a period of five (5) years from the expiration date of the charter, and a material modification when approved shall not affect the expiration date of the charter as originally approved. Charter renewal shall also be conditioned upon the academic performance criteria specified in law. The County Superintendent or designee shall provide timely notification to the State Department of Education of the decision by the County Board to either grant or deny the charter renewal application.
3. Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine (9) months prior to the date of charter expiration.
4. A material modification of an approved charter is any change in the representations made to the County Board under sections A(3) and A(6) through (19) inclusive, of this policy.
5. An approved charter school which proposes to establish operations at additional sites within the county must do so by applying to the County Board for a material revision. The charter school must also notify the school districts where those additional sites will be located. The County Board will consider whether to approve the additional locations at a public meeting held no sooner than thirty (30) days after notification has been made to those school districts.

H. Dispute Resolution Process for Renewal of Petition

A countywide charter school petition not renewed by the County Board may not be submitted to the State Board of Education for review.

I. Miscellaneous

1. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the County Board may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the board's appointee all rights and responsibilities exercised by any other director of the corporation.
2. A charter school shall promptly respond to all reasonable inquiries from the Mendocino County Office of Education.
3. The County Superintendent is charged with developing such administrative regulations as may be necessary or prudent to implement this policy.

Legal Reference:

EDUCATION CODE

47601 et seq. Charter Schools

47641 Charter school deemed as local education agency

47642 State and federal funding; inclusion in allocation plan

52052 Academic Performance Index; tests incorporated into index; annual percentage growth targets; statewide performance target; use of index; alternative accountability for small schools

56000 et seq. Legislative finds and declarations

56195.7 Agreements by entities participating in local plans

56836.05 Time for apportionments; multidistrict areas; changes in administrative units

TITLE 5, ADMINISTRATIVE CODE

11965 et seq. Charter schools

INDIVIDUALS WITH DISABILITIES ACT

20 U.S.C. Sec. 1400 et seq.

20 U.S.C. Chapter 33

MENDOCINO COUNTY BOARD OF EDUCATION

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