

**CLASSIFICATION: Philosophy-Goals-Comprehensive  
Plans****ADOPTED: 10/7/99  
REVISED: 7/1/15  
REVIEWED: 6/16/15****SUBJECT: Charter Schools****PAGE: 1 of 19**

### GUIDELINES FOR ESTABLISHING A CHARTER SCHOOL

The Legislature established the Charter Schools Act of 1992 (Chapter 781, Statutes of 1992), as amended, to provide opportunities for students, teachers, parents, and community members to establish and maintain nonsectarian schools that operate independently from the existing school district structure and as a method to accomplish all of the following:

- Improve student learning.
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for academically low achieving students.
- Encourage the use of different and innovative teaching methods.
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
- Provide parents and students with expanded choices in the types of educational opportunities available within the public school system.
- Hold the charter schools accountable for meeting measurable student outcomes and demonstrate student improvement subject to the same accountability standards as traditional schools.
- Provide vigorous competition within the public school system to stimulate continued improvement in all public schools.
- Provide the charter schools with a method to change from a rule-based to a performance-based accountability system linked to meeting measurable pupil outcomes.

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- Address how Free Appropriate Public Education (FAPE) services for students with special needs will be provided by the charter serving either as a local agency (LEA) or as a public school within its sponsoring LEA.
- Provide a plan for effective parental involvement in curricular and extra curricular (school related) activities, as measured by the San Diego County Office of Education "Charter School Petition Review Checklist."
- Provide equivalent operational funding and/or funding for special education in a manner that is consistent with state and federal law.

### STEPS TO ESTABLISHING A CHARTER SCHOOL

#### Step One: Develop the School Charter

A charter petition shall contain specified educational elements as well as compliance-based components before it can be approved by the County Board of Education. These elements include, among other things, clearly defined goals and measurable pupil outcomes, and the governance structure of the charter school. Components include: required number of signatures, affirmations of specified conditions, and reasonably comprehensive description of 17 elements of the charter school. (See Exhibit 1) The petition shall present a sound educational program for pupils that is likely to be successfully implemented by the charter school.

#### Step Two: Circulate the Charter School Petition

Any one or more persons may circulate a petition for the establishment of a start-up charter school or conversion of an existing public school to a charter. No charter shall be granted under this administrative regulation that authorizes the conversion of any private school to a charter school or the conversion of any existing public school to a countywide charter school. No charter shall be granted under this administrative regulation that authorizes the establishment of a charter school located outside the territorial jurisdiction of the County Board of Education. A petition for the establishment of a charter school shall identify a single charter school that will operate within the

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geographic boundaries of San Diego County. A charter school that proposes to operate at multiple sites within San Diego County shall identify the location of each charter school facility in the charter school petition and shall notify affected school districts.

Education Code section 47605(a)(1) or section 47605.6(a)(1) establishes the minimum required signatures on a charter school petition. A petition must be signed by a number of parents/legal guardians not less than one-half of the number of pupils estimated to enroll in the school the first year of operation, or by one-half of the number of teachers estimated to be employed at the school during its first year of operation. The petition shall include a prominent statement that the parent/legal guardian is meaningfully interested in having his/her child/ward attend the charter school, or the teacher is meaningfully interested in teaching at the charter school. The charter shall be attached to the petition.

#### Step Three: Submit Petition to County Board of Education

The signed petition may be submitted directly to the County Board of Education for a charter school that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services. Within 30 days after receiving the petition, or within 60 days for a countywide charter, the County Board of Education must hold a public hearing on the charter petition.

#### Step Four: County Board Approval/Denial

Within 60 days of receipt of the petition, or within 90 days for a countywide charter, the County Board of Education must review the petition, determine whether the charter contains all of the elements specified by law, consider the level of teacher and/or parental support for the petition, and either approve or deny the petition. The deadline may be extended by an additional 30 days as long as both the Board and the petitioner(s) agree to the extension. The Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low achieving students. A charter may be granted for a period not to exceed five years, with provisions for subsequent 5-year renewals.

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The Board shall not deny a petition for the establishment of a charter school unless it 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.
4. The petition does not contain reasonably comprehensive descriptions of all of the elements in Education Code sections 47605(b)(5) or 47605.6(b)(5), and 47611.5. (See Exhibit 1, section IV)
5. The petition does not contain an affirmation of each of the conditions listed in Exhibit 1, section V.
6. Any other basis that the Board finds that justifies the denial of a countywide petition.

A charter petition for a countywide charter must meet requirements in addition to those in Education Code section 47605.6 before it can be approved by the County Board of Education. The charter school must provide reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605. Requirements for approval of a countywide charter by the Board are presented beginning on page 5.

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

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities.

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**Step Five: Provide Notice to State Board of Education**

Once the charter petition has been approved by the County Board of Education, the petitioner(s) must provide written notice of the approval, including a copy of the petition, to the State Board of Education. Notice of approval of a countywide charter must be sent to all of the San Diego County school districts and the State Superintendent of Public Instruction, as well as the State Board of Education.

**Step Six: State Board of Education Assigns Numbers**

The State Board of Education has the responsibility of making sure that the submitted charter petition has the appropriate signatures, has been approved by the County Board of Education, and contains all the provisions specified by law. If approved by the State Board, each charter school receives an assigned number and the charter school officially may begin operation.

**COUNTYWIDE CHARTER SCHOOL**

A petition may be submitted directly to the County Board of Education for the operation of a countywide charter school that operates at one or more sites within the geographic boundaries of San Diego County and that provides instructional services that are not generally provided by the San Diego County Office of Education. Each location shall be identified in the charter school petition.

A petition for the establishment of a countywide charter school may be circulated throughout San Diego County by any one or more persons seeking to establish the charter school. The proposed charter shall be attached to the petition. Each of the school districts where the charter school petitioner proposes to operate a facility shall receive at least 30 days notice of the petitioner's intent to operate a school pursuant to Education Code section 47605.6. An existing public school may not be converted to a countywide charter school. The petition may be submitted to the County Board of Education for review after the petition has been signed as required by law.

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No later than 60 days after receiving a petition for a countywide charter, 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/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. This date may be extended by an additional 30 days if both parties agree to the extension.

The Board may approve a countywide charter only if it finds, in addition to the other requirements of Education Code section 47605.6, 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. The Board must be satisfied that granting the charter is consistent with sound educational practice, and is justifiable because the countywide charter could not be established by petition to a school district pursuant to Education Code section 47605.

The Board shall deny a petition for the establishment of a countywide charter school if the Board 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.
4. The petition does not contain reasonably comprehensive descriptions of all of the elements in Education Code sections 47605.6(b)(5) and 47611.5. (See Exhibit 1, section IV)

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5. The petition does not contain an affirmation of each of the conditions listed in Exhibit 1, section V.
6. Any other basis that the Board finds that justifies the denial of a countywide petition.

REVIEW OF CHARTER SCHOOL PETITION SUBMITTED  
TO THE COUNTY BOARD OF EDUCATION

The County Superintendent of Schools shall conduct the required review and findings and recommend approval or denial of charter school petitions submitted directly to the County Board of Education or received after denial by a school district. The San Diego County Office of Education "Charter School Petition Review Checklist" reflects detailed components required to be met under current law. The "Charter School Petition Review Checklist" may be used to evaluate each charter petition presented to the Board. Following is a list of the steps in the review of a charter school petition that is submitted to the Board:

1. The County Superintendent shall determine the sufficiency of signatures to support the statement that the signatories are meaningfully interested in participating in the charter.
2. The County Superintendent of Schools may select and convene a panel to review the petition for a charter school.
3. The panel members may be selected at the discretion of the County Superintendent or his/her designee to facilitate the review and evaluation of the charter petition within required timelines. Individuals knowledgeable in curriculum and instruction, human resources, school business, student services, and special education should be included in the review process.
4. The panel makes a written report and recommendations to the County Superintendent of Schools to support the approval or denial of the charter petition.

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5. The final review and recommendations of the County Superintendent of Schools shall be placed on the Board agenda for action within 60 days of receipt of the petition, or within 90 days for a countywide charter, unless the petitioner(s) and the Board agree to an extension of 30 additional days.
6. If the County Board approves the petition, the County Board of Education will assume the mandated functions and responsibilities of the chartering authority, including the authority to renew or revoke the charter.
7. If the County Board of Education denies the petition, the petitioner(s) may file a petition with the State Board of Education. A charter school petition that has been denied by the Board must be received by the State Board of Education not later than 180 calendar days after the denial. Petitioners may not elect to appeal a denied petition for a countywide charter to the State Board of Education.

#### APPEALS ON CHARTER PETITIONS THAT HAVE BEEN DENIED

A charter school petition that has been previously denied by the governing board of a school district must be received by the County Board of Education not later than 180 calendar days after the denial. Any petition received by the Board more than 180 days after denial shall not be acted upon by the Board.

An appeal of a charter school renewal petition that has been denied by the governing board of a school district must be received by the County Board of Education not later than 30 calendar days after the board action to deny. This period may be extended up to 30 calendar days by written mutual consent of both parties.

To appeal a petition that has been previously denied, petitioner(s) shall provide the County Superintendent of Schools with the following:



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1. A complete copy of the charter petition as denied, including the signatures required by Education Code section 47605. The signature requirement does not apply to a renewal petition submitted on appeal.
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(b).
3. A signed certification of compliance with applicable law.
4. A description of any changes to the petition necessary to reflect the County Board of Education as the chartering authority.
5. For a renewal petition, documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).

Not later than 60 days after receiving the complete petition package, and following review of the petition and a public hearing, the Board shall grant or deny the charter petition. This date may be extended by an additional 30 days if the petitioner(s) and the Board agree to the extension.

In considering a charter petition previously denied by a school district, the County Superintendent of Schools shall not limit the review to the reasons for denial stated by the school district, but shall conduct the required review and findings and recommend approval or denial of the charter school petition as stipulated in this regulation.

The Board shall deny a petition for the establishment of a charter school only if it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b)(1)-(5), 47605.6(b)(1)-(6), or failure to meet one of the criteria set forth in Education Code section 47607(b), if applicable.

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CONDITIONS IF THE COUNTY BOARD OF EDUCATION  
APPROVES A CHARTER SCHOOL

The Board as the chartering authority may inspect or observe any part of the charter school at any time. The Board shall hold the charter school accountable for fulfilling the terms of its charter. A charter school shall provide required annual budget, financial, and audit reports to the Board and the County Superintendent of Schools. A charter school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the San Diego County Office of Education, or the Superintendent of Public Instruction and shall consult with the chartering authority, the County Office, or the Superintendent of Public Instruction regarding any inquiries. A charter school shall maintain written contemporaneous records that document all pupil attendance and shall make these records available for audit and inspection.

The charter must specify that the charter school shall hold harmless and indemnify the County Board of Education and its officers, and the County Superintendent of Schools and his/her officers and employees from any claim or demand of whatever nature, including those based upon the negligence of the County Board of Education and its officers, and the County Superintendent of Schools and his/her officers and employees brought by any person, institution, or organization.

The charter school at its own cost, expense, and risk shall defend any legal proceedings that may be brought against the County Board of Education and its officers, and the County Superintendent of Schools and his/her officers and employees, by any person, including any institution or organization, on any claim or demand of whatever nature arising out of the County Board of Education granting a charter and shall satisfy any judgment that may be rendered against any of them. The County Board of Education and the County Superintendent of Schools shall notify the charter school of the receipt of any such claims or demands.

The County Board of Education as the chartering authority or the County Superintendent of Schools may charge a charter school for supervisorial oversight, not to exceed the maximum amount permitted by law.

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The Board may impose any additional requirements that it considers necessary for the sound operation of a countywide charter school. As a condition of approval for a countywide charter, the Board may 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.

If a charter school proposes to establish operations at additional sites within the geographic boundaries of San Diego County, the charter school shall request a material revision of its charter by the County Board of Education as the chartering authority and shall notify the school districts where those sites will be located. 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.

#### OVERSIGHT RESPONSIBILITIES OF COUNTY BOARD OF EDUCATION

The County Board of Education as chartering authority and County Superintendent of Schools shall comply with all oversight responsibilities required by law. The chartering authority shall do all of the following with respect to each charter school under its authority:

1. Identify at least one staff member as a contact person for the charter school.
2. Visit each charter school at least annually.
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitor the fiscal condition of each charter school under its authority.

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5. Notify the California Department of Education within ten calendar days of official action of the County Board if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority: a renewal of the charter is granted or denied; the charter is revoked; or the charter school will cease operation for any reason.

The County Board of Education as chartering authority shall use any financial information it obtains from the charter school to assess the fiscal condition of the charter school. The cost of performing the duties required by Education Code sections 47604.32 and 47604.33 shall be funded with supervisorial oversight fees collected pursuant to law.

#### RENEWAL, MATERIAL REVISION, OR REVOCATION OF A CHARTER

A charter school seeking renewal of its charter shall submit a written request to the County Board of Education 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 and material revisions of charters shall be governed by the standards and criteria in Education Code section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. Each renewal shall be for a period of up to five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter.

As required by Education Code section 47607(a)(3), the County Board of Education will consider increases in pupil academic achievement for all groups of pupils served by the

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charter school as the most important factor in determining whether to grant a charter renewal.

A charter school shall meet at least one of the following criteria prior to receiving a charter renewal pursuant to Education Code section 47607(b):

1. Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
2. Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
3. Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The County Board of Education as the chartering authority determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school. The determination shall be made pursuant to Education Code section 47607(b)(4). A renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.
5. Has qualified for an alternative accountability system pursuant to Education Code section 52052(h).

A charter may be revoked by the County Board of Education as the chartering authority if the Board 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.

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2. Failed to meet or pursue any of the pupil outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
4. Violated any provision of law.

The Board shall also consider revocation of a charter whenever the California Collaborative for Educational Excellence (CCEE), after providing advice and assistance to the charter school pursuant to Education Code section 47607.3, submits to the Board either of the following findings:

1. That the charter school has failed or is unable to implement the recommendations of the CCEE.
2. That the inadequate performance of the charter school, as based on an evaluation rubric adopted by the State Board of Education, is so persistent or acute as to require revocation of the charter.

In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all “numerically significant” groups of students served by the charter school, as defined in Education Code section 52052, as the most important factor.

Prior to revocation, the County Board of Education as the chartering authority shall notify the charter school of any violation and give the charter school a reasonable opportunity to cure the violation, unless the Board determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

Prior to revoking a charter for failure to remedy a violation, and after expiration of the charter school's reasonable opportunity to remedy without successfully remedying the violation, the Board shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. Within 30 days after providing the notice

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of intent to revoke a charter, the Board shall hold a public hearing on the issue of whether evidence exists to revoke the charter.

The Board shall issue a final decision to revoke or decline to revoke the charter within 30 days after the public hearing unless the Board and the charter school agree to extend the issuance of the decision by an additional 30 days. The Board shall not revoke a charter unless it makes written factual findings supported by substantial evidence specific to the charter school that support its findings.

#### APPEALS ON CHARTERS THAT HAVE BEEN REVOKED

If the County Board of Education as the chartering authority revokes a charter, the charter school may appeal the revocation to the State Board of Education within 30 days following the decision of the chartering authority. The State Board may reverse the revocation decision if the State Board determines that the findings made by the chartering authority under Education Code section 47607(e) are not supported by substantial evidence.

If a school district as the chartering authority revokes a charter, the charter school may appeal the revocation to the County Board of Education within 30 days following the final decision of the chartering authority.

The County Board may reverse the revocation decision if the County Board determines that the findings made by the chartering authority under Education Code section 47607(e) are not supported by substantial evidence. The school district may appeal the reversal to the State Board of Education.

If the County Board upholds the revocation, or does not issue a decision on the appeal within 90 days of receipt of the complete petition appeal package, the charter school may appeal the revocation to the State Board of Education.

The State Board may uphold or reverse the revocation decision if the State Board determines that the findings made by the chartering authority are or are not supported by substantial evidence.

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If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority. During the pendency of an appeal filed under Education Code section 47607, a charter school whose revocation proceedings are based on Education Code section 47607(c) (1) or (2) shall continue to qualify as a charter school for funding and for all other purposes of the Charter Schools Act, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

Immediately following the decision of the County Board to reverse a decision of a school district to revoke a charter, the following shall apply:

1. The charter school shall qualify as a charter school for funding and for all other purposes of this part.
2. The charter school may continue to hold all existing grants, resources, and facilities.
3. Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter shall be immediately reinstated or returned.

A final decision of a revocation or appeal of a revocation pursuant to Education Code section 47607(c) shall be reported to the chartering authority, the County Board of Education, and the California Department of Education.

#### CLOSURE OF A CHARTER SCHOOL

A charter school petition must include a description of the procedures to be used if the charter school closes. Procedures shall include, but not be limited to, the topics specified in section 11962 of Title 5, California Code of Regulations. The procedures shall ensure an independent final audit of the charter school to determine the school's



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assets and liabilities. The procedures shall include plans for disposing of any net assets remaining after all liabilities of the charter school have been paid. Provision must be made for the transfer and maintenance of personnel records, all pupil records, all state assessment results, and any special education records to the custody of the entity responsible to conduct closure-related activities.

Upon closure of a charter school, the chartering authority shall transmit charter information required by section 11962.1 of Title 5, California Code of Regulations, to the California Department of Education.

Upon termination of the existence of a charter school operating as a non-profit public benefit corporation, the corporation shall provide notice of termination to the Internal Revenue Service.

**MONITORING CHARTER SCHOOL OPERATIONS AND  
INVESTIGATION OF WRITTEN COMPLAINTS**

The San Diego County Office of Education may make reasonable inquiries, including, but not limited to inquiries regarding financial records, of all charter schools within San Diego County. The County Superintendent of Schools may request the County Office Fiscal Crisis and Management Assistance Team to review the fiscal or administrative condition of a charter school under his or her jurisdiction. The County Superintendent of Schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within San Diego County and conduct an investigation into the operation of that charter school.

The expenditures and internal controls of any charter school in San Diego County may be reviewed or audited at any time during the fiscal year if the County Superintendent of Schools has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination. The review or audit shall focus on the alleged fraud, misappropriation of funds, or other illegal fiscal practices and shall be conducted in a timely and efficient manner. Findings and recommendations shall be reported to the charter school governing board at a regularly scheduled meeting, and a copy of the report shall be provided to the chartering authority within 45 days of

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completing the review, audit, or examination. The charter school governing board shall, no later than 15 calendar days after receipt of the report, notify the County Superintendent and its chartering authority of its proposed response to the recommendations.

**NOTIFICATION TO COUNTY SUPERINTENDENT**

A charter school shall notify the County Superintendent of Schools of the location of the charter school, including the location of each site, if applicable, prior to commencing operations in San Diego County.

**Board Policy: 0310  
Administrative Regulation: 0310.1**

**Derivation: Adopted 10/7/99, Amended 5/15/00, 4/5/01, 3/24/03, 7/11/03, 9/23/04, 12/21/05, 3/10/07, 4/17/08, 7/1/15.**

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**Legal Reference:** Education Code  
17215, 17280 – 17317, 17365 – 17374, 41365, 42100(b), 42127.8(c)(2), 42238.51, 42238.51 – 42238.53, 44237, 44830.1, 45122.1, 46201, The Charter Schools Act of 1992, as amended, 47600 et seq., 51745 et seq., 52052, 53300 – 53303, 56026, 56145 – 56146, 60605, 60600-60649, 60850 – 60859  
Corporations Code  
5110 et seq.  
Government Code  
3540 et seq, 54950 - 54962  
California Code of Regulations, Title 5  
4800 – 4808, 11702 et seq., 11960 et seq., 15071  
California Code of Regulations, Title 24  
101 et seq.  
United States Code, Title 20  
Individuals with Disabilities Education Act, section 1400 et seq.  
No Child Left Behind Act of 2001, sections 6311, 6316, 6319  
United States Code, Title 26  
6033(i)(2)  
Code of Federal Regulations, Title 34  
200.1 - 200.78, 300.18, 300.209  
Rehabilitation Act of 1973, section 504  
  
Attorney General Opinions  
89 Ops. Cal. Atty. Gen. 166 (2006), 80 Ops. Cal. Atty. Gen. 52 (1997), 78 Ops. Cal. Atty. Gen. 253 (1995), 78 Ops. Cal. Atty. Gen. 297 (1995)  
  
Court Decisions  
Evensen v. Vicki L. Barber et al, (1996) No. PV 94-0465, Superior Ct., County of El Dorado  
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, No. BC 126357, Superior Ct., County of Los Angeles

## SUMMARY OF REQUIRED COMPONENTS OF A SCHOOL CHARTER

The County Board of Education shall grant a charter if it is satisfied that the charter is consistent with sound educational practice and meets all of the following requirements:

- I. The charter school presents a sound educational program for the pupils to be enrolled in the charter school.
- II. The petitioners are demonstrably likely to successfully implement the program set forth in the petition.
- III. The petition contains the statement of meaningful interest and the number of signatures required in Education Code section 47605(a).
- IV. The petition contains reasonably comprehensive descriptions of all of the elements in Education Code sections 47605(b)(5), or in the case of a countywide charter petition section 47605.6(b)(5), and 47611.5 listed below as items 1 through 17. California Code of Regulations, Title 5, section 11967.5.1 conveys the meaning of the elements required for charter approval. All of these elements must be satisfactorily addressed, whether the charter is submitted at the district, county, or state level.
  1. A description of 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 the educational program must include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
    - a. A description, for the charter school, of annual goals, 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 to the grade levels served, or the nature of the program operated, 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.
    - b. If the proposed charter school will enroll high school pupils, a description of 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.

- c. 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.
  - d. If the charter is a countywide charter, a description of how 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 San Diego County, and any other reasonable justification for why the charter school could not be established by petition to a school district pursuant to Education Code section 47605. 47605.6(a)(1).
2. 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 school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both school wide and for all groups of pupils served by the charter school, as that term is defined in subparagraph (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060 that apply to the grade levels served or the nature of the program operated, by the charter school.
  3. 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.
  4. The location of each charter school facility that the petitioner proposes to operate subject to the geographical and site limitations established by law.
  5. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

6. The qualifications to be met by individuals to be employed by the school.
7. The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.
8. 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 school district to which the charter petition is submitted.
9. Admission requirements, if applicable. Charter school admission practices will not favor high performing students or recruit a student population that is of a higher socioeconomic group or lower racial or ethnic representation than the general population of the county or counties served.
10. 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. For a countywide charter school with multiple sites, how each of the school's sites will be appropriately included in the processes of auditing and resolving audit exceptions. The charter shall state what specific financial standards the charter school will use. To enable the chartering authority to discharge its fiscal oversight responsibilities, the charter petition shall state what kind of information, in addition to the required annual audit, will be provided to the chartering authority and at what intervals it will be provided. The charter shall state what insurance or budgeted reserves will be maintained to cover its own potential liabilities. The charter shall state what procedure would be used to resolve disputes regarding a proposed decision to revoke the charter based on fiscal management problems.
11. The procedures by which pupils can be suspended or expelled. The charter shall specify that disenrollment, suspension, and expulsion policies and procedures afford protections of federal and state law to special education and 504 eligible students.
12. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Pupil Employees' Retirement System, or federal social security.

13. The public school attendance alternatives for pupils residing within the school district, or in the case of a countywide charter for pupils residing within the county, who choose not to attend charter schools.
  14. A description of the rights of any employee of the school district, or the San Diego County Office of Education in the case of a countywide charter, upon leaving the employment of the school district or county office to work in a charter school, and of any rights of return to the school district or county office after employment at a charter school.
  15. The procedures to be followed by the charter school and the authority granting the charter to resolve disputes relating to provisions of the charter.
  16. A declaration whether or not the charter school shall be deemed the exclusive public school employer for purposes of the Educational Employment Relations Act, Government Code section 3540 et seq.
  17. A description of the procedures to be used if the charter school closes, including a final audit of the school.
- V. The charter school petition contains an affirmation of each condition in Education Code sections 42100(b), 47604.33, 47605(b), (c), (d), (g), (l) and (m), 47605.6, 47612.5, and 51747.3(a) listed below as items 1 through 14.
1. The charter school shall meet all statewide standards and conduct pupil assessments pursuant to Education Code section 60605 and 60851 and any other mandated statewide standards authorized in statute or pupil assessment applicable to pupils in noncharter public schools. The charter school shall certify that its pupils have participated in the state testing programs specified in Education Code section 60600 et seq., as a condition of apportionment of state funding.
  2. The charter school shall consult regularly with its parents, guardians, and teachers regarding the school's educational program.
  3. The charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations; shall not charge tuition; and shall not discriminate against any pupil on the basis of the characteristics listed in Education Code section 220.
  4. The charter school shall offer at least the minimum amount of instructional time at grade levels specified in Education Code section 46201 and shall

maintain contemporaneous written records of all pupil attendance which shall be made available for audit and inspection in accordance with law.

5. Admission to a charter school shall not be determined according to the student's place of residence, or that of his/her parent/guardian, within California 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.
6. The charter school shall admit all pupils who wish to attend the charter school except when the number of pupils who wish to attend exceeds the school's capacity.
7. If a pupil who is subject to compulsory full-time education pursuant to Education Code section 48200 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 a transcript of grades or report card, and health information.
8. A charter school that provides independent study shall comply with the same statutory requirements as do other public schools. Only pupils who are residents of San Diego, Imperial, Orange, or Riverside Counties shall be eligible to participate in the charter school independent study program.
9. The petitioner(s) shall provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and the County Office of Education.
10. The petitioner(s) shall provide financial statements that include the proposed first-year operational budget, including start-up costs, and cashflow and financial projections for the first three years of operation.
11. Teachers in the charter school shall be required 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. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority.



12. An annual statement of all receipts and expenditures shall be approved and filed with the chartering authority by September 15.
  13. Annual budget and financial reports shall be submitted to the chartering authority and the San Diego County Office of Education/County Superintendent of Schools:
    - a. Preliminary annual budget on or before July 1.
    - b. On or before July 1, an annual update required pursuant to Education Code Section 47606.5.
    - c. First interim financial report on or before December 15. This report shall reflect changes through October 31.
    - d. Second interim financial report on or before March 15. This report shall reflect changes through January 31.
    - e. Final unaudited report for the full prior year on or before September 15.
  14. An annual, independent, financial audit report shall be transmitted to the chartering authority, the State Controller, the San Diego County Office of Education/County Superintendent of Schools, and the State Department of Education by December 15.
- VI. The petition contains assurances of a Free Appropriate Public Education (FAPE) for special education students.
1. All eligible students will receive FAPE in accordance with applicable state and federal laws and regulations as well as the policies and procedures of the Local Plan of the Special Education Local Plan Area (SELPA) that funds this charter school.
  2. No student otherwise eligible to enroll in the charter school shall be denied enrollment due to a disability or to the charter school's inability to provide necessary services.
  3. Facilities used by the charter school do not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular program.

4. The charter school petition shall contain a reasonably comprehensive description of the charter school's educational program as it relates to the provision of special education services, including but not limited to the following:
  - a. Implementation of support activities, such as Student Success Teams, prior to referrals for special education assessment.
  - b. Procedures for ensuring that students are referred, assessed, and served in a timely manner.
  - c. A full continuum of placement options that includes specialized instruction and related services.