

## **OAKLAND UNIFIED SCHOOL DISTRICT**

### **Board Policy**

#### **BP 0420.4**

#### **Philosophy, Goals and Objectives**

##### **Charter Schools**

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations that improve student learning, especially for low-achieving students, and to expand educational choices for parents and pupils within the public school system. (cf. Education Code, \_ 47601)

The Governing Board expects the education program of each charter school to fulfill the intent of the Charter Schools Act as listed in Education Code 47601. In reviewing petitions for the establishment of charter schools pursuant to this section, the Governing Board shall be guided by the intent of the Legislature. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for the review and approval of petitions. The Governing Board may deny a charter school request for presenting an unsound educational program if the educational program does not comply with the intent of the Charter Schools Act. (cf. Education Code Sections 47601 and 47605)

Charter schools must comply with the Charter Schools Act; otherwise, they are generally exempt from state laws governing school districts, except where specifically included. (cf. Education Code, \_ 47610)

The charter between the District and the charter school is a contract that holds charter schools accountable for meeting measurable pupil outcomes and for other behaviors. Charter schools are obligated to comply with the provisions of federal law, specified state law, their charters, and administrative requirements that are components of Board oversight. Charters may not be unilaterally amended. Material revisions of the provisions of a charter require Board approval. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for the review and approval of material revisions of the provisions of a charter. The Board may revoke charters with schools that fail to meet any of these requirements by following provisions in the California Charter Schools Act. (cf. Education Code, 47605)

The Board may interpret failure to open an approved charter school for more than two years following Board approval as evidence of inability to implement the charter school's educational program.

In order to protect the District and students, the Superintendent or designee shall establish Administrative Regulations, consistent with Board Policy, including appropriate controls, defining oversight requirements and other aspects of the relationship between the charter school and the District. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for revocation and renewal of a charter.

The Board recognizes that charter schools are independent of the District, but shall endeavor to structure relationships between charter schools and the District that stimulate continual improvements in all public schools. The Board expects charter developers to create their charter proposals independently from the District as one indication of their readiness to operate a charter school.

The Superintendent or designee may work with charter school operators to establish workable plans for technical assistance or other contracted services, after a Charter is granted, which the District may provide to charter schools for a fee.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation. If the Board denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the State Board of Education. A charter granted by the Governing Board may be up to five years, beginning July 1 of the first year the school enrolls students, unless revoked following provisions in the California Charter Schools Act. (cf. Education Code, \_ 47605; 5 CCR 11967.5-11967.5.1)

Any charter granted by the Board shall contain adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, public governance systems, resolution of parent complaint systems and multiple measures for evaluating the educational program. In accordance with law, charter provisions, and District administrative regulations, charters shall provide regular reports to the Board to assist the Board in fulfilling its oversight responsibility. These reports shall be in a form and timeline prescribed by the Administrative Regulations, consistent with Board policy, and shall include at least a reporting of: (1) fiscal accountability systems, (2) public governance systems, and (3) multiple measures for evaluating the educational program. The Superintendent or designee may inspect or observe any part of the charter school at any time. (cf. Education Code 47607; Code of Federal Regulations 0500 - Accountability).

All requests for new charters, major amendments, charter renewals, and conversions must be filed at a regular meeting of the Board, in forms and formats and by process defined in the Administrative Regulations, consistent with Board Policy. All filings must be complete as submitted to the public record. The Board will consider petition signatures that are more than six months old upon petition filing to be stale and will disregard them. Petitioners are strongly encouraged to file no later than November 15 of the year prior to their proposed school opening. In the case of petitions received after that date, the Governing Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation. The Board will accept a request to renew a charter that is not prior to 270 days from the expiration of the charter; following form, format and process defined in the Administrative Regulations, consistent with Board policy. Charter renewal petitions are strongly encouraged to be submitted to the Governing Board no later than 150 days prior to the expiration of the charter.

Filings that request charter renewal must include, but not be limited to, a reporting of: fiscal accountability systems, public governance systems, multiple measures for evaluating the educational program, and student performance data.

All charter schools operating in the District will operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the California Nonprofit Corporation Law and organized under Section 501(c)(3) of the Internal Revenue Service. The Board may choose to exercise its right to place a representative on any charter school's governing board at any time. The Board may select any individual it deems appropriate to serve in this capacity and to determine whether that person will be a voting or nonvoting member on the charter school's board. (c.f. Education Code 47604)

The Board shall not require any student to attend a charter school and shall not require any Board employee to work at a charter school. (cf. Education Code 47605)

#### Legal Reference:

##### EDUCATION CODE

33054 Waivers

41365 - 41367 Charter School Revolving Loan Program

42100 Annual Statement of Receipts and Expenditures

42238.51-42238.53 Funding for Charter Districts

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

46201 Instructional Minutes

47600-47616.5 Establishment, Operation, Evaluation and Oversight of Charter Schools

47610 Education Code General Exemption and Exceptions

47640-47647 Special Education Funding for Charter Schools

47652 Funding of First-Year Charter Schools

48000 Minimum Age of Admission (Kindergarten)

48010 Minimum Age of Admission (First Grade)

48011 Minimum Age of Admission from Kindergarten or Other School

51745-51749.3 General Independent Study

52052 Alternative Accountability System

54032 Limited English or Low-Achieving Pupils

56026 Special Education

56145-56146 Special Education Services in Charter Schools

47600-47604.5 Charter School General Provisions

47605-47608 Establishment of Charter Schools

47610-47615 Charter School Operation

47616.5-47616.7 Notice

47620-47626 University Charter Schools

47630-47632.5 Funding - General Provisions

47633-47635 Funding - Charter School Block Grant

47636-47638 Funding - Other Operational Funding Available to Charter Schools  
47640-47647 Funding - Special Education  
47650-47652 Funding - Apportionment  
47660-47664 Funding - Computations Affecting Sponsoring Local Educational Agencies  
60605 Academic Content and Performance Standards; Assessments  
60600-60618, 60630, 60640-60649 California Assessment of Academic Achievement;  
Standardized Testing and Reporting Program  
60850-60859 California High School Exit Examination

#### GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act  
5110-6910 California Corporations Code, Nonprofit Corporation Law  
54950-54963 The Ralph M. Brown Act

#### PENAL CODE

667.5 Definition of Violent Felony  
1192.7 Definition of Serious Felony

#### CODE OF REGULATIONS, TITLE 5

11960-11969 Charter Schools  
11960 Charter School Average Daily Attendance  
11963, 11963.1, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6 SB740 Funding Determination  
11969.1-11969.9 Charter School Facilities  
11967.5 & 11967.5.1 Criteria for the Review and Approval of State Board Charter School  
Petitions  
11700, 11700.1, 11701, 11701.5, 11702-11705 Independent Study  
11965 Definitions, including Satisfactory Progress and Private Schools  
11969 Numbering of Charter School Petitions  
11967 Appeals on Charter Petitions That Have Been Denied

#### UNITED STATES CODE, TITLE 20

6311 Adequate Yearly Progress  
6319 Qualifications of Teachers and Paraprofessionals  
8061-8067 Charter Schools Program  
8071 Charter School Facilities

#### CODE OF FEDERAL REGULATIONS, TITLE 34

200 Accountability

#### ATTORNEY GENERAL OPINIONS

96-1206 Ops. Cal. Atty. Gen. (1997)  
80 Ops. Cal. Atty. Gen. 52 (1997)  
70 Ops. Cal. Atty. Gen. 297(1995)

## Management Resources:

### CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, 2002

### CDE PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

### USDOE DRAFT NONREGULATORY GUIDANCE

Charter School Program, August 31, 2003

The Impact of the New Title I Requirements on Charter Schools, March 24, 2003

### WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov/sp/cs/>

Education Commission of the States: <http://www.ecs.org>

National Association of Charter School Authorizers: [www.qualitycharters.org](http://www.qualitycharters.org)

NSBA: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

8/25/04; 12/13/06A; 10/31/07A

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Administrative Regulation**

AR 0420.4

### **Charter Schools**

District staff shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law prior to recommending that the Board grant or deny a charter. If District staff recommends that the Board deny a charter school petition, then staff will prepare specific written factual findings, made pursuant to law and administrative regulation. If the Board denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the State Board of Education. (cf. Education Code, § 47605; 5 CCR 11967.5-11967.5.1)

District staff shall ensure that any charter recommended for approval by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, public governance systems, and multiple measures for evaluating the educational program. In accordance with law, charter provisions, and District administrative regulations, charters shall provide regular reports to the Board to assist the Board in its fulfilling oversight responsibility. The Superintendent or designee may inspect or observe any part of the charter school at any time. (cf. Education Code 47607; Code of Federal Regulations 0500 – Accountability)

District staff may interpret failure to open an approved charter school for more than two years following Board approval as evidence of inability to implement the charter school's educational program and may recommend that the Board revoke the charter.

All requests for new charters, major amendments, charter renewals, and conversions must be filed at a regular meeting of the Board. Each filing must include one original submission plus five printed copies and one copy of the financial statements in Excel format and one copy of the entire submission, exactly as filed, in PDF format, with bookmarks, identical to the table of contents, on a CD-RW. The electronic copies of the required documents may be submitted as separate files on the same CD. Each filing should include a concise statement (250 words or fewer) of how the charter will fulfill the intent of the California Charter Schools Act, and a one-page summary listing the name of the entity requesting the charter, the proposed name of the charter school, the grades to be served upon opening, the proposed opening month and year, the grades to be served at full development, the proposed location of the school, and the Lead Petitioner's name, mailing address, telephone number and email address. All pages must be numbered. The submission must include one set of original dated petition signatures with contact information enabling signature verification as required in the California Charter Schools Act and the District's administrative procedures. In accord with Board policy, District staff will consider signatures that are more than six months old upon petition filing to be stale and will discard them.

Charter school renewal requests must include a performance report describing how the charter school's achievements compared to its commitments in the expiring charter, proposed charter revisions (if any), how the charter's performance complies with renewal conditions in Education Code Section 47607. (b) and why the charter should be renewed. If the charter school would only meet the minimum threshold for renewal if the entity that granted the charter can determine 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, then the charter renewal request must include the following:

- (i) Clear and convincing data documenting this achievement,
- (ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.
- (iii) Other supportive information submitted by the charter school.

(CF. EDUCATION CODE SECTION 47607)

Requests for a new charter, conversion or a major charter amendment may be filed at any regular Board meeting occurring on or between August 1 and November 15 each year. The Board will accept a request to renew a charter at any regular Board meeting that is not prior to 270 days from the expiration of the charter. District staff will advertise a Board public hearing within 30 days of a filing and initiate staff work to support a recommendation to the Board for action within 60 days of filing. Petitioners and the District may mutually agree to extend the decision-making process for up to 30 additional days. Concurrence will be recorded in writing and signed by both parties. (cf. Education Code 47605(b))

Petitioners will be allotted ten to fifteen minutes for a presentation at the public hearing. If petitioners wish to include an electronic presentation program (e.g., PowerPoint), they must provide an electronic copy on a CD-ROM or as an email attachment to the Executive Secretary of the Governing Board at least twenty-four hours prior to the public hearing and must bring a laptop computer and projector. The District will provide the viewing screen.

All charter schools operating in the District will operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the California Nonprofit Corporation Law and organized under Section 501(c)(3) of the Internal Revenue Service.

The district shall not require any student to attend a charter school and shall not require any district employee to work at a charter school. (cf. Education Code, § 47605)

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80 Ops.Cal.Atty.Gen. 52 (1997)  
70 Ops.Cal.Atty.Gen. 297 (1995)

Part 2 (commencing with Section 5110) of Division 2 of Title 1) of the Corporate Code

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Education Commission of the States: <http://www.ecs.org>

NSBA: <http://www.nsba.org>

U.S. Department of Education: <http://www.ed.gov>

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