

Charter Petition Handbook
of the
Santa Barbara County Education Office



Santa Barbara County Education Office
4400 Cathedral Oaks Road
Santa Barbara, CA 93110
(805) 964-4711

CHARTER PETITION HANDBOOK

Table of Contents:

- I. Introduction, p. 2
- II. Board Policy 6015 – Charter Schools, p. 2
- III. In What Format Must a Charter Petition be Submitted? p. 5
- IV. What Content Needs to be Included in a Charter Petition? p. 6
- V. What is the Process for Review of a Charter Petition? p. 7
- VI. Upon What Grounds May a Charter be Denied? p. 8
- VII. If the County Board of Education Approves a Charter, How Will the Charter School be Monitored and Supervised? p. 10
- VIII. How May a Charter be Renewed or Modified? p. 12

Addendum:

Charter Petitioner Checklist, pp. 14-27

I. Introduction

The Santa Barbara County Board of Education (Board) has prepared this handbook to conform with state law, and to provide petitioners, staff, school districts and the public with an accurate description of the process and manner in which the Board will address charter school petitions.

This handbook constitutes the official procedures adopted by the Board in conformity with the California Education Code and the California Code of Regulations.

II. Board Policy 6015

The Board has adopted the following charter school policy:

Introduction

The Board subscribes to the belief that properly established and operated charter schools, which are staffed by dedicated teachers and experienced educators, are an integral part of our educational system. Petitions to establish charter schools coming before the Board are reviewed pursuant to the requirements contained in the Charter Schools Act of 1992 (Education Code 47600 et. seq.), Title 5, California Code of Regulations, and relevant policies and regulations of the County Education Office. Once established, charter schools are likewise operated under and subject to these same laws, regulations and policies.

It is the policy of the Board to adhere at all times to the governing provisions of state law as respects the establishment and operation of charter schools. This policy is intended to fully and correctly implement state law, and to provide petitioners, staff, school districts and the public with a description of the process and manner in which the Board will address charter school petitions. In the event of any conflicts with state law, the provisions of the Education Code and Regulations shall apply.

Scope

This policy applies to Board review of three distinct types of charter school petitions: (1) those submitted directly to the Board for county-wide charter schools proposing to serve students for whom the Santa Barbara County Education Office (SBCEO) would otherwise be responsible for providing direct education and related services (Education Code 47605.5); (2) those submitted directly to the Board for county-wide charter schools proposing to provide instructional services that are not generally provided by SBCEO (Education Code 47605.6); and (3) those petitions previously denied by the governing board of a school district and subsequently submitted to Board for review (Education Code 47605).

Petition Format

The petition shall be submitted in a format that may be prescribed by the Board/County Superintendent of Schools.

Procedures and Timelines for Presentation and Review of Petitions

The procedures to be followed and associated timelines for the presentation and Board review of charter school petitions shall be those specified in the Education Code and California Code of Regulations, which may be separately described in written procedures to be developed by the County Superintendent of Schools.

Petition Content

A petition to the Board to approve a charter school shall include all of the content required by law. In addition to the items required by law, the Board may request petitioners submit additional information that will assist the Board in reviewing the charter petition.

Action on Petition – Findings

For petitions submitted following denial at the district level (Education Code 47605(k)) and petitions to establish countywide charter schools for students already receiving direct education and related services from the SBCEO (Education Code 47605.5):

It is the intent of the Board that charter schools with sound educational practice should be encouraged. Except for charter petitions brought under Education Code 47605.6, the Board shall deny a petition only if the 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 Education Code 47605(a).
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code 47605(e).
5. The petition does not contain reasonably comprehensive descriptions of all the information required by Education Code 47605(c)(5)(A)-(O).
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the factors discussed in the Education Code 47605(c)(7)(A)-(B).

8. The school district is not positioned to absorb the financial impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

If the Board denies a charter school petition, the petitioner may submit the petition to the State Board of Education in accordance with state law (Education Code section 47605(k)(2)).

For petitions submitted to establish countywide charter schools to provide instructional services that are not generally provided by the SBCEO (Education Code 47605.6):

In reviewing countywide charter petitions brought under Education Code 47605.6, the Board may grant such a petition only if the Board finds 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 shall deny a petition to establish a countywide charter school brought under Education Code 47605.6 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 by the Education Code 47605.6(a).
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code 47605.6(e).
5. The petition does not contain reasonably comprehensive descriptions of all the information required by the Education Code 47605.6(b)(5)(A)-(P).
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).
7. Any other basis that the Board finds justifies the denial of the petition.

Further, for petitions under Education Code 47605.6, the Board may impose any additional requirements beyond those required by Education Code 47605.6 that it considers necessary for the sound operation of a countywide charter school.

A county board of education that approves a petition for the operation of a countywide charter 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 Board on the operations of the charter school. The Board 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 Board.

If the Board denies a countywide petition brought under Education Code 47605.6, the petitioner shall not elect to submit an appeal to the State Board of Education (Education Code section 47605.6(k)).

Monitoring and Supervision – SBCEO/County Superintendent of Schools' oversight of the charter school shall conform to the provisions required by and/or authorized by law.

Charter Approval – An initial approval of a charter petition by the Board shall be for a period to be determined by the Board, but not to exceed five years.

Charter Renewal or Material Modification of an Approved Charter – Renewing or materially modifying a charter is subject to the approval of the Board and must be in accordance with Education Code 47607.

Implementation – The County Superintendent of Schools (Superintendent) shall develop such administrative regulations and/or written procedures as may be necessary or prudent to implement this policy.

III. In what format must a charter petition be submitted?

1. The first page of the official petition submission shall be a letter or statement addressed to the Board, formally applying to the Board for approval of the charter, containing the name, address, email and phone number of the lead petitioner or petitioners, and signed by the lead petitioner or petitioners. The first page shall be numbered page number 1 and shall state the entire number of pages of the petition.
2. Using the SBCEO Charter Petitioner Checklist (see Addendum), insert page numbers identifying where each of the required elements can be found in the petition. Include the completed Charter Petitioner Checklist in the petition submission.
3. Petitions shall be submitted on white, 8½" x 11" paper, unbound, un-tabbed, and sequentially numbered for the entire submission. One original document shall be received and marked as the official petition submission. Twelve (12) additional copies of the entire petition submission will accompany the original petition submission.
4. Upon receipt of a petition, the Superintendent or designee shall verify that all required content has been received in the required format. A petition will not be considered officially received until all of the required content is received in the required format. Once verified, the Superintendent or designee shall officially date the receipt of the petition.

5. An electronic copy of the petition submission shall be provided to afreedland@sbceo.org.

IV. What content needs to be included in a charter petition?

- A.** A petition to the Board to approve a charter school shall include all of the content required by law.

Petitioners applying to the Board subsequent to having been denied by a local school district as authorized by Education Code 47605, and petitioners applying to the Board to serve students for whom the County Office of Education would otherwise be responsible as authorized by Education Code 47605.5, must submit:

1. The number of signatures required by EC 47605(a).
2. An affirmation of each of the conditions described in EC 47605(e).
3. Reasonably comprehensive descriptions of all the items listed in EC 47605(b)(5)(A)-O).

Information regarding the proposed operation and potential effects of the school, as outlined in EC 47605(h).

Petitioners applying directly to the Board to establish countywide charter schools to provide instructional services that are not generally provided by SBCEO, as authorized by EC 47605.6, must submit:

1. Evidence 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 only in one school district in the county.
2. Petition signatures that meet the requirements of EC 47605.6(a)(1)(A)-(B).
3. An affirmation of each of the conditions described in EC 47605.6(e).
4. Reasonably comprehensive descriptions of all the items listed in EC 47605.6(b)(5)(A)-(P).
5. Information regarding the proposed operation and potential effects of the school, as outlined in EC 47605.6(h).

Reasonably Comprehensive Description

According to California Code of Regulations, 5 CCR § 11967.5.1(g), a reasonably comprehensive description shall include, but not be limited to, information that:

1. Is substantive and is not, for example, a listing of topics with little elaboration.
2. For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
3. Is specific to the charter petition being proposed, not to charter schools, or charter petitions generally.

4. Describes, as applicable among the different elements, how the charter school will:
 - A. Improve pupil learning.
 - B. Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - C. Provide parents, guardians, and pupils with expanded educational opportunities.
 - D. Hold itself accountable for measurable, performance-based pupil outcomes.
 - E. Provide vigorous competition with other public school options available to parents, guardians, and students.

The Board and SBCEO view 5 CCR § 11967.5.1(g) as meaningful guidelines for reviewing charter applications and have incorporated this guidance into the SBCEO “Charter Petitioner Checklist.”

- B. In addition, petitioners applying to the Board subsequent to having been denied by a local school district shall submit:
 1. The original petition as submitted to the denying school district governing board, including the signatures required by Education Code 47605.
 2. Evidence of the denial and findings of fact from the denying board (e.g. meeting minutes, staff report, and any other documentation containing the denying board’s written factual findings).
 3. A description of any changes to the petition necessary to reflect the County Education Office/Board as the chartering entity, as applicable.
 4. A signed certification stating that petitioner(s) will comply with all applicable law.

V. What is the Process for Review of a Charter Petition?

Upon receipt of a petition, the Superintendent or designee shall verify that all required content has been received in the required format. A petition will not be considered officially received until all of the required content is received in the required format. Once verified, the Superintendent or designee shall officially date the receipt of the petition. The Board will adhere to all timelines prescribed by law based on the official date of receipt.

Petitions received pursuant to denial by a local district must be received by SBCEO within 30 days of the district’s denial.

- If the petition submitted on appeal brought under Education Code 47605 contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education. “Material terms” mean signatures, affirmations, disclosures, documents, and/or descriptions
- Minor administrative updates are not considered material terms.

In addition to a review of the charter petition, SBCEO may elect to hold an interview with the petitioner team and the board of directors to gauge the experience and expertise of its members in the areas of:

- Curriculum, instruction and assessment
- Finance and business operations
- School administration, including on-site leadership and on-site financial management
- School governance

If requested by SBCEO, this interview is mandatory and must be attended by members of the petitioner team who have expertise in all of the above areas. If a board of directors has been identified, at least two members must attend.

Within 60 days of receipt of the petition, the Board will schedule and hold a public hearing on the provisions of the charter, and consider the level of support for the petition by teachers employed by the school district, other employees of the school district or County Office, and parents, as prescribed by law.

Petitions received pursuant to denial by a local district, and petitions received directly for the establishment of charter schools serving students for whom the County Office of Education would otherwise be responsible, shall be reviewed according to the timelines and criteria described in Education Code 47605. Petitions received directly for the establishment of countywide charter schools proposing to provide instructional services that are not generally provided by SBCEO shall be reviewed according to the timelines and criteria described in Education Code 47605.6. To best facilitate such hearings, petitioners are encouraged to submit a complete petition approximately three to four weeks prior to a regularly scheduled meeting of the Board.

Within 90 days of receipt of the petition, the Board will schedule and hold a public meeting at which it will decide to approve or deny the petition. A 30-day extension is permitted if agreed to by the petitioner and SBCEO.

At least fifteen days prior to the public meeting at which the decision is made, the Superintendent or designee(s) shall prepare an analysis of the petition and distribute copies of the analysis to the Board, petitioners, and affected school districts. At the same public meeting where a decision is made, petitioners shall have equivalent time to present evidence and testimony to respond to the staff recommendations and findings.

VI. Upon What Grounds May a Charter Petition be Denied?

For petitions submitted following denial at the district level (Education Code 47605) and petitions to establish county-wide charter schools for students already receiving direct education and related services from the SBCEO (Education Code 47605.5):

For petitions submitted following denial at the district level, it is the intent of the Board that charter schools with sound educational practice should be encouraged. The Board shall deny a petition only if the Board makes written factual findings, specific to the particular petition, setting forth specific facts to support one, or more, or 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 Education Code 47605(a).
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code 47605(e).
5. The petition does not contain reasonably comprehensive descriptions of all the information required by the Education Code 47605(b)(5)(A)-(O).
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the factors discussed in the Education Code 47605(c)(7)(A)-(B).
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

For petitions submitted to establish county-wide charter schools to provide instructional services that are not generally provided by the SBCEO (Education Code 47605.6):

In reviewing countywide charter petitions brought under Education Code 47605.6, the Board may grant such a petition only if the Board is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district. The Board shall deny a petition to establish a countywide charter school brought under Education Code 47605.6 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 by Education Code 47605.6(a).
4. The petition does not contain an affirmation of each of the conditions set forth in Education Code 47605.6(e). The petition does not contain reasonably comprehensive descriptions of all the information required by the Education Code 47605.6(b)(5)(A)-(P).
5. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public-school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).
6. Any other basis that the Board finds justifies the denial of the petition.

Further, for petitions under Education Code 47605.6, the Board may impose any additional requirements beyond those required by Education Code 47605.6 that it considers necessary for the sound operation of a countywide charter school.

A county board of education that approves a petition for the operation of a countywide charter 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 Board on the operations of the charter school. The Board 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 Board.

All Petitions:

Within the rules delineated in Education Code 47605, the Board may condition the approval of any petition with certain conditions, including but not limited to the following:

- For a classroom-based program, that a site be secured with an appropriate Certificate of Occupancy 45 days prior to the opening of school.
- That the school's student recruitment process not begin until the above condition has been met.
- That a qualified principal be hired prior to the opening of the school and that the charter school so notify the SBCEO 45 days prior to the opening of the school.

VII. If the County Board of Education Approves a Charter, How Will the Charter School be Monitored and Supervised?

Oversight

SBCEO/Superintendent of Schools' oversight of the charter school shall conform to the provisions required and/or authorized by law.

Education Code 47604.32 requires the following activities from the Superintendent or designee:

1. Designate a contact person from the charter school

2. Visit the charter school once a year
3. Ensure compliance with all required reports
4. Monitor the fiscal condition of the charter school
5. Inform the state of new charters, renewal decisions, and closures

The Superintendent or designee may also inspect documents verifying all teachers at the school hold a certificate, permit or other document as required by law. Therefore, these documents must be maintained on file at the charter school (Ed Code Section 47605(l)(1)).

The Superintendent or designee may inspect or observe any part of the charter school at any time. Education code 47607(a)(5).

The charter school shall promptly respond to all reasonable inquiries from the Board, the Superintendent or designee.

The SBCEO shall charge, and the charter school shall pay, for actual costs of monitoring and supervision not to exceed 1 percent of the revenue of the charter school, or 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent-free facilities from SBCEO. Additional SBCEO services may be provided to the charter school, subject to mutual agreement.

Revocation

1. Pursuant to Education Code, section 47607(f), “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.
 - (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 law.”
2. Before revocation, the Board shall notify the charter school of any violation of Education Code 47607(f) and give the school a reasonable opportunity to remedy the violation, unless the Board determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of pupils.
3. After a reasonable period, if satisfactory evidence is not presented to the Board that the violation has been cured, the Board shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the Board shall issue a final decision to revoke or decline to revoke the charter, 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 support by substantial evidence, specific to the charter school, that support its findings.

Charter School as a Nonprofit

Should the charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the 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.

VIII. How May a Charter be Renewed or Modified?

Renewing or materially modifying a charter are both subject to the approval of the Board.

Renewal

Charter schools approved by the Board may submit an application for renewal between July 1 and October 1 of the final year of their charter. If an application for renewal is not submitted within the time and in the format prescribed, the Board may allow the charter to expire.

Under AB 1505, the Board must consider the charter school's performance on the indicators included in the California School Dashboard when evaluating a petition to renew a charter school. The renewal process creates three tiers of renewal:

1. High-Performing Charter Schools: the Board shall not deny renewal for a charter school that meets the high-performing criteria and the school can be renewed for a period of between five and seven years. A charter school meets this criteria if, in the two preceding years, it has either:
 - a. Received two highest performance levels schoolwide on all state indicators, which is all blue or all green, or
 - b. Received performance levels schoolwide and for a majority of subgroups that are the same or higher than the state average on the "academic performance indicators"—test-based indicators for English Language Arts (ELA) and math, the English Language Progress Indicator (ELPI), and the College and Career Indicator (CCI).
2. Low-Performing Charter Schools: The Board shall not renew a charter school that meets the low-performing criteria. A charter school meets this criteria, if in the preceding two years, it has either:
 - a. Received the two lowest performance levels schoolwide on all state indicators, which is all red or orange, or
 - b. Received performance levels schoolwide that are the same or lower than the state average and for a majority of subgroups performing below the state average in the "academic performance indicators"—test-based indicators for ELA and math, ELPI, and CCI.

However, the Board may make an exception and renew a low performing school if it makes both of the following written factual findings:

- a. The charter school is taking meaningful steps to address the underlying cause or causes of low performance reflected, or will be reflected, in a written plan adopted by the charter school's governing body, and

- b. There is clear and convincing evidence that the charter school has either achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school, or the charter school has demonstrated strong postsecondary outcomes.
3. Middle-Performing Charter Schools: For all other charter schools, the Board shall consider for renewal based on the performance schoolwide, and the performance of all subgroups of pupils served by the school, on the state and local indicators on the Dashboard. In determining whether to grant a renewal, the Board must give greater weight to the school’s performance on “measurements of academic performance”—the test-based indicators in ELA and math, ELPI, and CCI.

In addition, the Board shall consider clear and convincing evidence showing either of the following:

- a. The charter school achieved measurable increases in academic achievement, defined by at least one year’s progress for each year in school, or
- b. The charter school has achieved strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

A chartering authority may deny renewal of a charter school in the middle tier only upon making a specific written finding that the school has failed to make sufficient progress toward meeting standards that provide a benefit to the school’s students, that closure of the school is in the student’s best interests, and that the decision provided greater weight to performance on “measurements of academic performance”—the test-based indicators in ELA and math, ELPI, and CCI.

The renewal period will be for five years.

For schools in low-performing and middle-performing tiers, the Board must also consider “verified data.” At its November 2020 meeting, the SBE adopted a list of valid and reliable assessments to define “verified data,” which can be found on SBE’s website: <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>

The Board may deny renewal of a charter school in any of the three tiers upon a finding that the school is demonstrably unlikely to successfully implement the program due to substantial fiscal and governance factors, or if the charter school is not serving all pupils who wish to attend. Even a high-performing charter may be denied renewal based upon such a finding. However, the Board must give the school at least 30 days’ notice of the alleged violation and provide the charter school with a reasonable opportunity to cure. A finding supporting non-renewal would then have to include findings that either the corrective action proposed by the school was unsuccessful, or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Material Modification

Charter schools approved by the Board may submit an application for material modifications to their charter at any time prior to July 1 of the final year of their charter. A material modification is any change in the basic charter document initially approved by the Board, not a change in the MOU.