

## **PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS**

### **SUBJECT: Charter School Authorization**

The Riverside County Board of Education believes that charter schools, as public schools, provide one opportunity to implement school-level reform and to support innovations designed to improve student learning. Further, the Riverside County Board of Education also believes that authorizing charter schools includes a rigorous, comprehensive application process with fair procedures and clear criteria. Lastly, the County Board of Education of Education believes that charters should be granted to petitioners who demonstrate strong potential for establishing and operating a high quality charter school over the lifetime of the charter.

As a charter authorizer, the Riverside County Board of Education engages in responsible oversight by promoting school accountability and by encouraging the success of charter schools it sponsors in the following ways:

- Ensuring that all legal compliance issues are identified and addressed by the charter petition, including, but not limited to, Local Improvement Plans (No Child Left Behind), School Safety Plans, and other plans required for public schools by state and/or Federal mandate;
- Ensuring that the charter petition demonstrates the capacity and resources to plan and implement: an educational program and assessment system that meets the needs of its identified student population and the requirements of the state and federal accountability systems; and a sound governance structure;
- Ensuring that each charter shows evidence of fiscal accountability in reports, including, but not limited to the following:
  - A viable start-up plan, and
  - A feasible, three-year fiscal plan;
- Acknowledging a Riverside County Office of Education staff member to be the designated contact for the charter school;
- Providing for an annual Riverside County Office of Education review visit to each charter school;
- Defining the terms for renewal;
- Delineating the conditions under which the authorizer may intervene in the school's operations or revoke the charter as well as the procedures/protocols and timelines by which said interventions may occur.

### **Charter Petitions:**

Charter petitions may come to the Riverside County Board of Education in several ways including:

- Appeal of the denial of a charter by a Riverside County school district  
If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the County Board of Education. The County Board of Education shall review the petition in the same manner

as prescribed for governing boards of school districts, pursuant to subdivision (b) of Education Code Section 47605.

- Charter proposing to serve students to be served by the county office  
A petition may be submitted directly to a County Board of Education in the same manner as set forth in Section 47605 for charter schools that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services.
- Countywide Charter Schools  
A petition may be submitted directly to the County Board of Education in the same manner as set forth in Section 47605 for charter schools that will serve pupils not regularly served by the County Office of Education. These county wide charter schools would serve students across the boundaries of two or more Riverside County school districts. The County Board of Education of Education encourages petitioners to seek a charter in each district where it plans to locate.

Education Code 47605.6 (b) allows a county board to impose additional requirements beyond those provided in the statute that it considers necessary for the sound operation of a countywide charter school. (See Exhibit A)

As needed, the County Superintendent or designee may work with charter school petitioners to establish workable plans for technical assistance or contracted services which the local district or County Office of Education may provide to the proposed charter school.

In determining whether to grant or deny a charter, the County Board of Education shall review the charter school petition, as submitted by the petitioners, in accordance with Education Code and carefully review the proposed charter and any supplementary information, consider public input and staff recommendations, and determine whether the charter petition adequately addresses all the provisions required by law, regulations, and policies. The County Board of Education shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

(cf. 0500 - Accountability)

The County Office of Education shall monitor each charter school to determine whether it makes "adequate yearly progress" as defined by the State Board of Education and federal Title I accountability requirements. If a charter school fails to make adequate yearly progress for two or more consecutive years, the County Office of Education shall take action for program improvement in accordance with law, County Office of Education policy, and administrative regulations.

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

Charter schools shall operate under the provisions of their charters, federal laws and general oversight of the County Board of Education.

Legal Reference:

EDUCATION CODE

33054 Waivers  
41365 Charter school revolving loan fund  
42100 Annual statement of receipts and expenditures  
44237 Criminal record summary  
42238.53 Funding for charter districts  
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  
47600-47617 Charter Schools Act of 1992, as amended  
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  
51745-551749.3 Independent study  
51747.3 Apportionments for independent study  
54032 Limited English or low-achieving pupils  
56026 Special education  
56145-56146 Special education services in charter schools  
60605 Academic content and performance standards; assessments  
60640-60647 Standardized Testing and Reporting Program

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act  
6258 Joint powers agreement, charter schools  
54950-54962 The Ralph M. Brown Act

PENAL CODE

667.5 Definition of violent felony  
1192.7 Definition of serious felony  
CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent Study  
11960 Regular average daily attendance for charter schools

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. BC126357, Superior Ct., County of Los Angeles

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 52 (1997)  
78 Ops.Cal.Atty.Gen. 253 (1995)

78 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

WEB SITES

[CSBA](http://www.csba.org): <http://www.csba.org>

[California Department of Education](http://www.cde.ca.gov): <http://www.cde.ca.gov>

[Education Commission of the States](http://www.ecs.org): <http://www.ecs.org>

[National School Boards Association](http://www.nsba.org): <http://www.nsba.org>

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