

**PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS**

**SUBJECT: Procedures for Reviewing a Charter Schools Petition by the County Board of Education.**

I. Initiation of Proceedings

A. Purpose and Legal Basis

1. If the governing board of a school district has previously denied a charter school petition, the petitioner(s) may elect to submit the petition for the establishment of a charter school to the County Board Of Education.

A petition must be received by the County Board of Education not later than 180 calendar days after the denial. Any petition received by the County Board of Education more than 180 days after denial shall not be acted upon by the County Board of Education.

The County Board Of Education 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 47605(b)(1)-(5).

In determining whether to grant or deny a charter, the County Board of Education shall not limit its review to the reasons for denial stated by the school district, but review the charter school petition in accordance with Education Code 47605(b) and 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, 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.

Questions or inquiries regarding an appeal may be addressed to the Riverside County Office of Education, Office of the Deputy Superintendent Box 868, 3939 13th Street, Riverside, CA 92502.

2. A petition may be submitted directly to the County Board of Education in the same manner as set forth in Education Code 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.

3. A petition may be submitted directly to the County Board of Education for a countywide charter school in the same manner as set forth in Education Code Section 47605 for charter schools.

B. Liberal Construction

These rules are to be liberally construed in order to accomplish the purpose of providing a fair and impartial decision to both the petitioner(s) and all concerned.

C. Request for Appeal

A request for a petition review is commenced by filing a formal charter school petition with the Riverside County Board of Education.

D. Pre-hearing Procedures

It is the responsibility of the petitioner or petitioners to provide at least ten (10) copies of the following documents and any other information as requested by the County Board of Education:

1. Copies of the charter school petition requesting the charter, including the signatures required by Education Code 47605 and 47605.6, and meeting all other legal petition requirements set forth in Education Code 47605 and 47605.6;
2. If applicable, an explanation of why the charter petition was denied.
3. A signed certification of compliance with applicable law, on forms provided by the California Department of Education.
4. Copies of the charter proposal which includes descriptions of all the charter provisions and affirmations enumerated in AR 0420.4 under the heading "Components of Charter Provisions"; and

5. Information regarding the proposed operation and potential effects of the school, including but not limited to: (Education Code 47605)
  - a. The facilities to be used by the school
  - b. The manner in which administrative services of the school are to be provided
  - c. Potential civil liability effects, if any, upon the school and district
  - d. Financial statements that include a proposed first-year operational budget, including start-up costs, and cash-flow and financial projections for the first three years of operation
6. Other documents as requested by the County Board of Education.

E. Hearing Procedures

1. Timelines

Within thirty (30) days of receiving a petition to establish a charter school or within 60 days for county-wide petitions, the County Board of Education shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians.

Not later than sixty (60) days after receiving a complete petition package (or no later than 90 days for a county-wide petition), and following review of the petition and a public hearing, the County Board of Education shall either grant or deny the charter petition. This date may be extended by an additional 30 days if the County Board of Education and the petitioner(s) agree to the extension.

2. Charter Approval/Denial

The County Board of Education shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice. A charter shall be denied only if the County Board of Education presents written

specific factual findings, specific to the particular petition, that one or more of the following conditions exists: (Education Code 47605 and 47605.6)

- a. The charter school presents an unsound educational program for the students to be enrolled in the charter school
- b. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition
- c. The petition does not contain the number of signatures required
- d. The petition does not contain an affirmation of each of the conditions described above and in Education Code 47605(d)
- e. The petition does not contain reasonably comprehensive descriptions of the 14 provisions described above and in Education Code 47605(b)

The County Board of Education also shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

In granting charter petitions, the County Board of Education shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education under Education Code 54032. (Education Code 47605)

3. Hearing Date

No later than 30 days after receiving a petition, or no later than 60 days for a county-wide charter, the County Board of Education shall hold a public hearing at which time the County Board of Education shall consider the provisions of the charter.

4. Notification of Date, Time, and Place of Hearing

Upon receipt of the petition, the Secretary to the County

Board or designee shall notify the chief petitioner by certified mail, of the date, the time that hearings are to begin, and the place of the hearing.

F. Hearing Procedures

1. Preservation of Record

A record of oral proceedings before the County Board shall be preserved. Preservation may be by means of a tape recorder or stenographic notes. If a tape recorder is used, those present shall be so informed and each person who speaks during the hearing (and each time he/she speaks) shall be required to give his/her name.

2. Conduct of Hearing

The President of the County Board or a designee shall preside over the hearing which shall be conducted in open session. The order of presentation and the time limits for presentation will be regulated at the discretion of the President or a designee.

Ordinarily, the order and limits of presentations will be as follows:

- a. Call to order by the President/designee
- b. Introduction of case
- c. Appropriate remarks by the County Board's counsel (If any)
- d. Presentation by petitioners (generally 15 minutes per person or determined by the President at the hearing)
- e. Presentation by opponents (generally 15 minutes per person or determined by the President at the hearing)
- f. Concluding remarks by petitioners (5 minutes)
- g. Concluding remarks by opponents (5 minutes)

- h. and after any of the above presentations, members of the County Board, or appointed counsel, may direct questions to any persons who appeared before the Board.
- i. At the conclusion of the presentations and the questioning by the Board members or appointed counsel, the President or designee will declare the hearing at an end. If, during such deliberations, any member of the Board wishes to ask additional questions of any person who appeared before the Board, then, the President or designee may reopen the hearing for that purpose and both petitioners and opponents will be given an opportunity to present additional information in response to the Board member's inquiry.
- j. Following the review of the petition and the public hearing, the County Board of Education shall either grant or deny the charter within 60 days of receipt of the complete petition package, or within 90 days for a county-wide petition, provided, however, that the date may be extended by an additional 30 days if the County Board of Education and the petitioner(s) agree to the extension.

ATTACHMENT:

Attachment A: Submission of Countywide Benefit Charter School Petitions to the County Board of Education

Legal Reference:

EDUCATION CODE

41365 Charter school revolving loan fund

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

47600-47616.5 Charter Schools Act of 1992

48000 Minimum age of admission (kindergarten)

48010 Minimum age of admission (first grade)

48011 Minimum age of admission from kindergarten or other school

51747.3 Apportionments for independent study

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Adopted: 3-17- 99

revised: 12-12-01

revised: 2-14-07

revised: 9-12-07

54032 Limited English or low-achieving pupils

56145-56146 Special education services in charter schools

60605 Academic content and performance standards; assessments

60640-60647 Standardized Testing and Reporting Program

GOVERNMENT CODE

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

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:

WEB SITES

[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>