

# **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)

### **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  
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

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

#### **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/charter>

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

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

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

8/25/04; 4/16/07A