



NEW CHARTER PETITION PROCESS FAQ

The following provides information on applying for and operating as a charter school authorized by the Oakland Unified School District (OUSD). The information below is specific to schools authorized by and operating in OUSD and may not be applicable to charter schools outside of the district or authorized by another chartering entity. (Some information from www.cde.ca.gov/sp/cs/re)

Please note our office **can not provide consultations or technical assistance to petitioners**, but we will answer all questions related to the new petition application process and add them to this FAQ. If you have any outstanding questions after reviewing the [New Petition Application Guide](#) and this FAQ, please submit your questions on this [form](#).

DEFINITIONS

Q. What is a charter school?

A. Charter schools are public schools, and they may provide instruction in grades kindergarten through twelve. A charter school is typically organized by a group of teachers, parents, community leaders, or a community-based organization, and is authorized by an existing local public school board, county board of education, or the State Board of Education (SBE). Specific goals, operating procedures and a thorough description of the educational program for the charter school are detailed in a legally binding agreement or "charter" between the authorizing board and charter organizers.

APPLYING FOR A CHARTER SCHOOL

Q. What is the current assessment of the educational landscape in Oakland?

A. To ascertain the community and Board view on the education landscape in Oakland related to charters, we suggest petitioners attend OUSD Board of Education meetings and watch past sessions online (<https://ousd.legistar.com/Calendar.aspx>) specifically during the 7:30 pm special meetings when charter items are reviewed. The Strategic Regional Analysis may also be another resource that can help you understand the educational landscape of Oakland (<http://www.ousd.org/sra>). Petitioners are also encouraged to participate in future "Calls" under the Continuous School Improvement Office (<http://qualitycommunityschools.weebly.com/>) in the Spring/Fall to learn where there are needs in the city for quality programs.

Q. Who may apply for a charter?

A. Teachers, parents, school administrators, community residents, or any combination thereof, can submit a petition to create a charter school. A petition to establish a charter school to be authorized by Oakland Unified School District, based on governing board policy, must be organized as a 501(c)3 Non-Profit Corporation. It is the expectation of the District that, at the time of submission, a substantial majority of the



individuals whom the petitioning group expects will govern and operate the school are identified and available to participate in the petition review process.

The National Association of Charter School Authorizers states:

An authorizer's success hinges upon knowing who is being given the charter, making sure that the board is prepared to govern effectively, and ultimately holding them accountable for the performance of the school.

Therefore, successful authorizing must place a great deal of stock in vetting, probing, and orienting the founding [charter school] board.

<http://files.eric.ed.gov/fulltext/ED539287.pdf>

Q. What is the process for applying to the OUSD to create a public school charter?

A. OUSD implements a multi-stage petition process. The process includes:

- 1) Submission of New Charter Petition during Public Comment** at a regularly scheduled OUSD Board of Education Meeting. Petitioner should submit a "speaker card" and when called to the podium state name, affiliation, and intent to submit a charter petition for consideration. At the time of submission, petitioners should submit three (3) hard copies of the petition on 8½" x 11" paper and one (1) flash drive containing Microsoft Word and Excel formats (i.e. budget) of the documents **AND** one (1) copy of the entire submission, exactly as filed, in PDF format with bookmarks, identical to the table of contents.

It is recommended that petitioners submit a Letter of Intent to the Office of Charter Schools, at least a month prior to the submission of the new charter petition at a regularly scheduled Board meeting, so that charter office staff may be able to attend this meeting and retrieve the petition materials at that time.

- 2) Public Hearing scheduled within 30 days of the new charter petition submission** that allows petitioners to speak on the behalf of their charter petition and allows for public comment on the proposed charter. Petitioners must submit all presentation documents, including PowerPoint presentations **in ppt.x format** to the Board Secretary (Edgar.Rakestraw@ousd.org) no later than **12 noon one week prior** to the Public Hearing date. The school will be allotted ten (10) to fifteen (15) minutes for the presentation.
- 3) Formal Quality Petition Review**, which consists of the Evaluation Process and Petitioner Interviews. During the Evaluation Process, the new charter petition will be evaluated using OUSD's New Charter School Petition Evaluation Criteria and questions will be generated and posed during the Petitioner Interviews. Comments and questions from the Public Hearing, due diligence conducted by District staff, and any aspect of the submission will also serve as a basis for the interviews. Lead petitioners, identified school administrator(s), and the governing board will be required to participate in the Petitioner Interviews. The first petitioner interview (from 9-11 am) will focus on the Educational Program and the second interview (from 1- 3 pm) will focus on Governance and Finance. It is recommended that the lead petitioners/founding group and proposed school site administrator(s) attend the first interview and the proposed governing board attend the second interview. **Please note,**



individuals cannot attend both interviews and should attend the session they can provide the most insight about. Interview participants should only include those individuals who will be directly responsible for the implementation of the proposed charter petition.

- 4) **The OCS Staff Report and Recommendation.** The staff of the Office of Charter Schools will make a formal recommendation based on the outcome of the charter review evaluation process and the petitioner interviews. The staff report and recommendation will be made to the Board of Education with respect to the approval or denial of the charter petition.
- 5) **Board of Education Decision Meeting*.** The Board of Education will vote to approve or deny the charter petition.

*Petitioners and the District customarily agree to extend the review and decision-making process for up to 30 additional days. If a mutually agreed upon extension cannot be obtained, a review and decision will nevertheless be executed within the 60 day statutory timeframe.

Q. When should a petition be submitted to OUSD?

A. It is recommended that petitions be submitted between the months of August and March to allow for a thorough review prior to decision-making. Please note that in the case that a petition is submitted after November 15 of the year prior to the proposed opening year, the Board of Education reserves the right to delay opening for up to one year. It is the belief of the District that a successful new school opening is predicated on sufficient time and planning subsequent to charter approval, prior to opening. This time and planning however should not take the place of the thoughtful and thorough planning necessary to develop a successful charter petition proposal.

Please note that the OUSD Board of Education is in recess throughout the month of July. Therefore, a petition submitted between the months of April and June are not encouraged as this may result in the need to schedule a *Special Meeting* of the Board of Education for purposes of the Public Hearing and/or Decision-making. An Introductory Meeting will be held shortly after submission with lead petitioners to clarify questions regarding the submission, as well as to establish key dates within the petition review process.

Q. May a petition that has been submitted be withdrawn?

A. Yes. A decision by a petitioner to withdraw a petition requires a written request on letterhead signed by the lead petitioner and submitted to the Office of Charter Schools prior to final action by the District governing board. If a petition is withdrawn at any time subsequent to its submission to the District governing board, that petition nonetheless remains a public record.

Q. What information must a charter school petition include?

A. *Education Code* § 47605 require the charter petition to meet 16 legal requirements. The charter petition must contain a reasonably comprehensive description of each required element demonstrating thoughtful and thorough planning. The OUSD new petition application is organized according to the 16 elements. Pursuant to *Education Code* § 47605(g) the charter petition must also include information regarding the proposed



operation of the school including the potential effects of the school, the specific location of the proposed facilities, the manner in which the administrative services are to be provided, and potential civil liability effects upon the school and upon the District.

The complete petition must also include a proposed first-year operational budget, including start-up costs, and cash-flow and financial projections for the first three years of operation. Additionally, pursuant to OUSD Board of Education Administrative Regulations, the required petitioner signatures must include sufficient contact information to allow for the signature verification process. This is understood to mean both a current address and a current phone number for each petitioner signature is provided. Please refer to the cited *Education Code* sections and/or OUSD's New Charter School Petition Evaluation Criteria.

Q. How does OUSD determine whether to approve a petition?

A. The CA Charter Schools Act states that

"a school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice."

The governing board of the school district shall not deny a petition for the establishment of a charter school unless it 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 subdivision (a).*
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).*
- (5) The petition does not contain reasonably comprehensive descriptions of all of the [required charter elements.]*

The Office of Charter Schools will only recommend for approval those applicants who, based on its review, are legally compliant and have the highest likelihood of success in implementing the programs and achieving the academic goals outlined in the petition.

A petition must present a sound educational program and those identified to lead and operate the school must demonstrate a strong capacity to successfully implement the program as set forth in the petition. Reasonably comprehensive descriptions of each required element are thus evaluated based on the extent to which the soundness of the educational program and the capacity of the petitioner can be established.

Q. Who will review and evaluate charter school petitions and the capacity of petitioner groups?

A. OUSD Office of Charter Schools staff will provide an initial review based on the application of OUSD's New Charter School Petition Evaluation Criteria. A review team will be convened if the staff deems additional



review necessary. This team will be comprised of District leaders and managers, including school site principals with consideration given to the proposed grades and educational methodologies proposed in the petition. The questions raised as a result of the petition review process regarding petition content and petitioner capacity serve as the basis of the petitioner group interviews. All charter petitions recommended for approval will have been reviewed by the District legal counsel to ensure compliance with all applicable laws.

Q. How much weight will be given to oral or written comments from the Superintendent/Board of Education and testimony at public hearings?

A. All public comment will be considered in the review process. Public hearings are conducted within 30 days of submission of a charter petition to the District's governing board for approval. Written or oral opposition alone is not reasonable grounds for denial of a charter. Similarly, strong public support alone does not constitute reasonable grounds for granting a charter. Any substantial issues raised in public comment that demonstrate weaknesses in a petition as measured against the stated criteria will be taken into account.

Q. Will the Superintendent/Board of Education give preference to certain kinds of petitions and petitioner groups?

A. Preference will be given to those petitions and petitioner groups that demonstrate the greatest probability of creating public charter schools of the highest quality by meeting the comprehensive criteria of the District's rigorous petition process. Additionally, as set forth in statute, petitions that set forth a program likely to meet the needs of low achieving students will be given preference in the evaluation process.

Q. On what grounds may a charter petition not receive approval?

A. Petitions that do not meet the submission criteria outlined in CA statute will not be recommended for approval. Petitions and the capacity of applicant groups to establish a successful charter school are judged on the petition materials, the final interviews, comment at public hearings, and additional research and due diligence conducted by staff, which may include criminal background checks and employment references of proposed governing board members and school administrators. The Office of Charter Schools will not recommend that the Board of Education award charters to applicant groups whose petitions do not demonstrate a sound educational program as defined in the petition, or that do not demonstrate the capacity to successfully implement the proposed educational program.

Q. Can the Superintendent's/Board of Education's denial of a charter petition be appealed?

A. Yes. A petitioner may submit the same charter petition to the County Board of Education for review and approval, and if that is not successful, then the denied petition may be further submitted to the State Board of Education for approval. District staff may choose to defend its denial recommendation at the county and state level in an effort to reiterate the material nature of the findings outlined in the staff report, as well as to encourage petitioners to address these findings and resubmit their charter petition for consideration by the District Board of Education.



OPERATING AS AN OUSD-AUTHORIZED CHARTER SCHOOL

Legal Requirements

Q. What happens after a school has received a charter from OUSD?

A. Upon approval of a petition, OUSD enters into a contract with the charter school. The charter sets forth the terms and conditions under which the charter school is approved to operate. At this time, a Memorandum of Understanding separate from the approved charter document is not utilized by the District. Thus, the approved charter is the final document outlining the terms and conditions of the approved charter. These will include Conditions on Opening which must be met prior to the start of operation of the charter. An approved charter may be delayed in opening for up to one year and may be subject to revocation if specified Conditions on Opening are not met.

Q. For what period of time may a charter be initially granted?

A. A charter may be granted for a period (term) not to exceed five years at the discretion of the charter authorizer. (EC § 47607) All charter petitions granted will become operational as of July 1 of the first approved year of the charter term and will expire at the end of the final term year on June 30.

Q. May a charter be renewed?

A. Yes. A charter may be renewed an unlimited number of times. However, each renewal must be for exactly five years. (EC § 47607) A request for reauthorization or renewal may be submitted to the Board of Education in the manner outlined in Charter Law no more than 270 prior to the expiration of the charter term, as set forth in District Board Policy.

Q. What laws must California charter schools follow?

A. Please refer to the document "What Laws Must Charter Schools Follow?".

(http://www.ousdcharters.net/uploads/4/1/6/1/41611/what_laws_must_charter_schools_follow_.pdf)

Q. From what laws are California charter schools exempt?

A. Except where specifically required, charter schools are generally exempt from California State laws governing school districts, whether or not these laws are in the California *Education Code*. Some of the laws with which charter schools must comply are:

- State and federal constitutions
- The California Charter Schools Act (*Education Code* § [47600](#) et. seq.)
- All federal laws (e.g., Individuals with Disabilities Education Improvement Act, Americans with Disabilities Act, and the Rehabilitation Act)
- Laws that generally apply to governmental entities but not specifically to school districts (e.g., open meeting laws, employment laws, conflict of interest, contracting laws, and health and safety laws)
NOTE: A charter school's legal status (e.g., not-for-profit corporations) may not affect the extent to which these laws apply



- All laws that are specifically a condition of funding for a specific program for which the charter school chooses to participate (e.g., No Child Left Behind)
- Laws establishing minimum age for school attendance
- Laws governing non-classroom-based independent study programs (whether defined as independent study, home schooling, distance learning, or otherwise)
- Educational Employees Relations Act (Government Code §[3540](#) et. seq.)
- State pupil testing programs (e.g., Standardized Testing and Reporting (STAR), California High School Exit Exam (CAHSEE), California English Language Development Test (CELDT))
- Specific provisions of law related to teachers retirement and employee relations

Q. What are the certification requirements for charter school teachers?

A. *Education Code §47605(l)* provides that, "Teachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which a teacher in other public schools would be required to hold." In addition, however, charter schools may employ teachers for non-core, non-college prep courses in a "flexible" manner. This has often been interpreted to mean that qualified individuals for such courses may not necessarily need to hold a teaching credential but will be required to meet the expectations to be a "Highly Qualified" teacher as set for under the No Child Left Behind Act.

Charter School Oversight

Q. How are OUSD-authorized charter schools monitored?

A. The District has oversight responsibility for the charter schools it authorizes as outlined in CA statute and may visit, examine, and inspect any charter school under its oversight responsibilities pursuant to *Education Code §47604.32*. The OUSD Office of Charter Schools holds the primary responsibility for ensuring that proper oversight and monitoring occurs. Typically this may include the following on an annual basis:

- Site visitations to review compliance, operations, and educational program implementation
- Requests for the submission of information re: student population, staff, and programming outcomes
- Mandated attendance and financial accounting
- Annual performance report (currently the SARC services this purpose)
- Access to participate in collaborative learning opportunities such as operations meetings, and school leader inquiry projects
- Exchanges of best practices and lessons learned sponsored by the District

Student Enrollment

Q. Who can enroll in charter schools?

A. Any child eligible for admission to a traditional public school is eligible for admission to a public charter school. Admission to a charter school cannot be limited on the basis of disability, race, creed, gender, national



origin, religion, ancestry, intellectual ability, measures of achievement or aptitude, or athletic ability. Charter schools must accept **all** students who wish to attend, so long as there is space.

Q. Can Special Education and English Language Learners enroll in a charter school?

A. Any child eligible for admission to a traditional public school is eligible for admission to a public charter school, including students with Individual Education Plans (Students in need of special education services) and English Language Learners or Students with Limited English Proficiency (LEP). Charter schools must serve the continuum of needs of all students.

Q. What if more students apply than a charter school can enroll?

A. If the number of applicants exceeds the number of available seats, a random public lottery, must be held.

Funding and Facilities

Q. How are charter schools in Oakland funded?

A. In California, charter schools receive state and local funding in a per student allotment. This allotment is based on statewide averages, dependent on the grade level of the students. Many charter schools also receive state and federal funding through categorical programs like Title I or class size reduction. Locally-funded charter school receives their funds through the District as a “pass through” and direct-funded charter schools receive their funds directly from the state through the County Office of Education. In Lieu Property Tax allocations are received through the District for all authorized charter schools. Federal funds for special education go directly to the SELPA under which the charter school is served, unless alternative agreements have been established.

In addition, many charter schools apply for and receive funds from the federal charter schools grant program administered by the California Department of Education. Several charter schools also receive contributions from individuals and private foundations to support their operations. As public schools, charter schools are not allowed to charge tuition.

Q. Are charter schools entitled to federal funds?

A. Yes. As public schools, charter schools are eligible for federal funds that go to public schools such as IDEA and Title funds (I, II, etc).

Q. Is the charter authorizer required to provide facilities to charter schools it approves?

A. *Education Code* §47614 requires the district in which the charter school is geographically located to provide facilities to the charter school under certain conditions. Under Proposition 39, a charter school seeking district facilities must request facilities from the district according to the timeline and process described in these regulations. The Title 5, §11969.1 through 11969.10 of the *California Code of Regulations* may be found on the CDE website at <http://www.cde.ca.gov/sp/cs/lr/csregsmar04.asp>



Q. By what point in the petition process should an applicant secure a facility?

A. During the petition process, petitioner groups must demonstrate the capacity to ensure acquisition and availability of appropriate facilities. This capacity is evaluated during the petitioning process, given the limited availability of adequate and appropriate facility space within the City of Oakland. Upon approval of a charter, petitioners must meet the condition of presenting the authorizer with an executed lease no fewer than 45 days prior to the start of the instructional calendar. Petitioners who enter into lease or purchase agreements in advance of receiving a charter from the Board of Education, however, do so at their own risk. Petitioners are eligible to apply for facilities to be provided by the District under the terms and conditions of Proposition 39.