

Charter Renewal: Applicable Laws and Regulations*

* This document is not exhaustive; but does include the laws/reg's most applicable to OUSD charter renewal decision-making.

Legislature's Intent

The legislature's intent regarding accountability for charter schools is to:

- "Improve Pupil Learning" Education Code 47601(a)
- "hold the schools ...accountable for meeting measurable pupil outcomes, and provide schools with a method to change from a rule-based to performance-based accountability systems." Education Code 47601(f)

CA Statute:

Role of the Renewal Protocol

A charter renewal request is expected to be evaluated based on criteria set forth in EC 47605.

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.]

Because as renewal request involves a school with a track record of performance then...

Sound Educational Program and Capacity for Implementation will be assessed against the Past Performance of the existing charter school, taking into consideration the school's "plans for a future charter term."

CA Statute:

A Prerequisite for Charter Renewal: AB 1137

Education Code § 47607 (b) states that once a charter school has been in operation for 4 years*, it **shall** meet at least one of the following criteria prior to being reauthorized pursuant to paragraph 1 of subdivision (a) [of education code § 47607]:

- (1) Attained its **Academic Performance Index (API) growth target** in the prior year or in two of the last three years, or in the aggregate for the prior three years.
[Or]
- (2) **Ranked in deciles 4 to 10**, inclusive, on the **API** in the prior year or in two of the last three years.
[Or]
- (3) **Ranked in deciles 4 to 10**, inclusive, on the **API for a demographically comparable school** in the prior year or in two of the last three years.
[Or]
- (4)(A) The entity that granted the charter determines 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.

- If one of the first three AB 1137 criteria is not met, a charter **may not** be reauthorized, unless the District has **“clear and convincing”** evidence to support an exception.
 - If the AB 1137 criteria are met, **“a charter may be granted one or more subsequent renewals”** by the Board. [Ed. Code § 47607 (a)(1).
- * For charter schools in operation less than four years, these criteria will serve as a guide.*

CA Statute:

Rationale for the application of State Standards Review

Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools. 47607(c)(1)

Voice from the Field

“Again, the purpose of having charter schools meet the state standards and administer the state test is to provide a means of assessing how charter school students are performing in comparison to students in other California public schools.”

Navigating through the Standards Maze, The Charter Schools Development Center Brief #4, Fall 1997

CA Statute:

REVOCAION - Charter law establishes clear criteria for charter revocation. These criteria should be considered during renewal, as non-renewal can be a life or death (closure) decision for a charter school.

- Revocation may **occur** when the school:
- (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 provision of law.

Non-Renewal Appeals:

If either a school district governing board or a county board of education, as a chartering agency, does not grant a renewal to a charter school pursuant to Section 47607, the charter school may submit its application for renewal pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (j) of Section 47605.

OUSD Board Policy:

BP 0420.4 Philosophy, Goals and Objective; Charter Schools
Any charter granted by the Board shall contain 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. Filings that request charter renewal must include, but not be limited to, a reporting of: fiscal accountability systems, public governance systems, multiple measures for evaluating the educational program, and student performance data.

OUSD Coherent Governance Policies: OE-12 Policy Type: Operational Expectations

Portfolio Management of Schools

The CEO shall assure the availability of a diverse portfolio of high quality schools (traditional, new small schools, charter schools, etc) for students and families, both within neighborhoods and district-wide.

- The CEO shall:
1. assure that all district quality standards, as described in OE-11, apply equally to all schools, regardless of size and type.
 2. regularly monitor all schools to assure their cost-effectiveness and compliance with quality standards.
 3. assure the sustainability of all schools and programs, especially in a declining revenue environment.
 - 4. create meaningful partnerships between district and charter schools that improve conditions for both and that enhance choices for students and their families.**
 5. Review school attendance boundaries annually to assure reasonable balance in student enrollment