

2000 ADMINISTRATION**2300 CHARTER SCHOOLS****2302 AUTHORIZATION OF COUNTY CHARTER SCHOOLS**

(as authorized under *EC Sections 47605.5 or 47605.6*)

It is the objective of the Marin County Board of Education (MCBE) that teachers, parents, pupils and community members may petition the MCBE to approve a charter school, and that the MCBE shall review such petitions in accordance with the letter and spirit of the law. In order to assist in the process of charter development, potential applicants should receive a copy of this MCBE Policy, as well as information regarding the general content of the Memorandum of Understanding (MOU), which is typically considered at the same time as the charter proposal.

The MCBE recognizes that charter schools are an integral part of the California public education system. In considering any petition to establish a charter school within its jurisdiction, the MCBE shall give thoughtful consideration to the ability of the charter school to provide pupils with a high-quality education that enables them to achieve to their fullest potential. A petition to establish a charter school shall be submitted directly to the MCBE in either of the following circumstances:

1. When the petition seeks to establish a charter program that will serve as a countywide charter, to provide instructional services that are not generally provided by a COE. (Education Code 47605.6)
2. When the petition seeks to establish a charter program that will serve pupils who would otherwise receive direct education and related services from a county office of education (COE). (Education Code 47605.5)

A complete charter school petition shall include all information referenced in Education Code 47605, the Charter Schools Act, by which the MCBE shall evaluate the application. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year are encouraged to initiate the process with the MCBE not later than the prior December 15th. In the case of petitions received after that date, the MCBE reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.

Charter School Petitioners shall provide each of the school districts where the charter school petitioner proposes to operate a facility at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to Section 47605.6 of the Education Code.

Accordingly, in order to implement state law fully and fairly, and to provide petitioners with a thorough description of how the Marin County Office of Education will meet its obligations under law, the MCBE adopts the following.

Required Petition Signatures

To be considered by the MCBE, a complete charter petition must be signed by either of the following: (Education Code 47605, 47605.5, 47605.6)

1. A number of parents/guardians equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation. Parents/guardians signing a petition must have one or more children who are age appropriate for the proposed charter school.
2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation. Teachers signing a petition must be properly credentialed to teach one or more core academic classes in the proposed charter school.

The petition shall include a prominent statement explaining that a parent/guardian's signature means the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605, 47605.5, 47605.6)

A petition that calls for an existing public school to be converted to a COE charter school must also be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605, 47605.5, 47605.6)

The names, addresses and telephone numbers of those persons endorsing the proposal with original signatures of such petitioners and in the form provided in Section 47605 of the California State Education Code. The petition form must also indicate that a copy of the charter school proposal was attached so that petitioners were able to review it prior to signing.

Components of the Charter Petition

A petition to the MCBE to approve a charter school shall include the following information:

1. A complete charter school petition including reasonably comprehensive descriptions of those elements of school philosophy, curriculum and practice as called for in Section 47605(b)(5)(A) through 47605(b)(5)(O) inclusive, of the Education Code. This proposal must include a detailed description of how special education services will be delivered and will identify the specific responsibilities of the charter school.
 - a. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

The petition shall include a description of the charter school's annual goals for all pupils and for each numerically significant subgroup of pupils identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged pupils, English learners, pupils with disabilities, foster youth, and homeless pupils. These goals shall be aligned with the state priorities listed in Education Code Sections 52060 and 52066, as applicable, that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may include additional priorities established by the charter school, goals aligned with those

priorities, and specific annual actions to achieve those goals.

If the proposed charter school will serve high school pupils, the petition shall describe the manner in which the school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

2. The measurable pupil outcomes identified for use by the charter school. Pupil outcomes means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program, including outcomes that address increases in pupil academic achievement for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities identified in Education Code Sections 52060 (d) and 52066(d), as applicable, that apply for the grade levels served by the charter school.
 - a. A description of the proposed assessment program related to the school's measurable pupil outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code Sections 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.
3. The method by which pupils progress in meeting the identified pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card or other state required methods of reporting pupil outcomes.
4. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The bylaws, articles of incorporation, and other management documents, as applicable, governing, or proposed to govern, the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the conflict-of-interest provisions, pursuant to Education Code 47604.1. The MCBE prefers proposals that specify that the charter school will be operated as, or be operated by, a nonprofit public benefit corporation. The MCBE has developed a memorandum of understanding that addresses important aspects of the charter school's operation. This memorandum will be provided to the petitioners upon request or upon receipt of the petition, whichever first occurs.
6. The name, address and phone number of each applicant, together with a statement signed by each of them, formally applying to the MCBE for approval of the charter school.
 - a. A thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school.

- b. A list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.
7. The procedures that the charter school will follow to ensure the health and safety of pupils and staff, including the following requirements:
 - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.
 - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J).
 - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.
8. The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing within the Marin COE's territorial jurisdiction.
9. A description of charter school admission requirements and procedures.
10. A clear, unequivocal signed statement affirming that the school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any person on the basis of ethnicity, national origin, gender, or disability, sexual orientation, expression, or identification, or any other form of illegal discrimination as set forth in Education Code 47605(e) or 47605.6(e), and Education Code 220.
11. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the MCBE's satisfaction.
12. The procedures by which pupils can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605(c)(5)(J) and requirements pertaining to the provision of homework assignments to suspended pupils as specified in Education Code 47606.2.
13. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
14. The public school attendance alternatives for pupils who choose to not attend the charter school.
15. A description of the rights of any Marin COE employee upon leaving COE employment to work in the charter school and of any rights of return to the COE after employment at the charter

school.

16. The procedures to be followed by the charter school and the MCBE to resolve disputes relating to charter provisions.
17. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:
 - a. The MCBE expresses a preference for procedures which include a provision whereby residual assets of the charter school will accrue to the benefit of the Marin County Office of Education.
 - b. Designation of a responsible entity to conduct closure-related activities
 - c. Notification to parents/guardians, the MCBE, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education (CDE), providing at least the following information:
 - i. The effective date of the closure
 - ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure
 - iii. The pupils' districts of residence
 - iv. The manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements
 - d. Provision of a list of pupils at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #16a above
 - e. Transfer and maintenance of all pupil records, all state assessment results, and any special education records to the responsible entity designated in accordance with item #16a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
 - f. Transfer and maintenance of personnel records in accordance with applicable law
 - g. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
 - h. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962

- i. Completion and filing of any annual reports required pursuant to Education Code 47604.33
- j. Identification of funding for the activities identified in item #16a-h above

Charter school petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the school, including, but not limited to:

1. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, and reserve positions, for the first three years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons or positions identified under Components of the Charter Petition (5) this policy. The proposal shall also include a detailed review of the annual budget development, implementation, and review process. This detailed review shall include the process by which the charter school leadership and governance team will monitor and report regarding the continuing financial solvency of the school.
 - a. A minimum of five (5) % shall be maintained in reserves for economic uncertainty. To allow a thorough audit review of the charter school funds, operating budget and expenditures, all of the charter school's funds shall be maintained with the Country Treasury, including donations.
 - b. A statement regarding whether the charter school intends to obtain funds as specified in Education Code Section 47603.
2. Information regarding the operation and potential effects of the school, including an attorney's opinion, or a narrative from the charter school applicant providing a thorough description of the potential civil liability, if any, of the charter school, any school district where the charter school may operate and the Marin County Office of Education and the MCBE.
3. A summary of the administrative structure and organization of the school. The summary should specifically include school district liaison, county office liaison, special education, and other basic elements of school operation. This section should also detail the proposed academic calendar including: Days of Instruction, hours of operation, expectations for pupil attendance and annual instructional minutes for each grade level to be served.
4. The manner, format and content by which the charter school proposes to regularly report to the MCBE, or designee, concerning implementation of the approved charter, measurable pupils progress, as well as the current and projected financial viability of the school. The proposal shall specifically provide detail concerning the organization, scope and preparation of the following financial documents and reports:
 - a. A preliminary budget on or before July 1 each year.
 - b. An interim financial report, reflecting changes through October 31, on or before December 15 each year.

- c. A second interim financial report, reflecting changes through January 31, on or before March 15 each year.
 - d. A final unaudited, financial report for the full prior year on or before September 15 each year.
5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.
 6. A declaration as to whether or not the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
 7. A description of how the charter school shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.
 8. The MCBE may also impose any additional requirements that it considers necessary for the sound operation of a countywide charter school.

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) or 47605.6(e) as applicable, as well as reasonably comprehensive descriptions of: (Education Code 47605, 47605.6)

1. The manner in which administrative services of the charter school are to be provided.
2. Potential civil liability effects, if any, upon the charter school and the Marin COE.

Location of Charter School

A charter petition submitted directly to the MCBE may only establish charter school operations within the geographical boundaries of the MCBE's jurisdiction. A charter school may propose to operate at multiple sites within those geographic boundaries as long as each location is identified in the petition. This requirement does not apply to charter schools that provide instruction exclusively to juvenile court school pupils or that provide instruction exclusively in partnership with certain other federal, state, or county programs exempted by Education Code 47605.1. (Education Code 47605, 47605.1)

1. The charter school shall identify the facilities to be used by the charter school, including where the school intends to locate. The facility identified in the Charter Proposal must comply with the California Building Code as adopted and enforced by the local building enforcement agency or with the Field Act.
2. The charter school shall provide documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured or has reasonable assurance of securing the facility for use by the charter school.

3. The address and a description of the charter school facility or facilities, located within the geographic boundaries of the county, or the district in the case of a petition initially denied by the governing board of a school district, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured or has reasonable assurance of securing the facility for use by the charter school.

The facility identified in the Charter Petition must comply with the California Building Code as adopted and enforced by the local building enforcement agency or with the Field Act.

4. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense shall be included in cases of renewal applications.

Approval of Petition

Within 60 days of the receipt of the charter petition, the MCBE shall hold a public hearing on the provisions of the charter, at which time the MCBE shall consider the level of support for the petition by Marin COE teachers, other Marin COE employees, parents/guardians, and, for a proposed countywide charter school, the school district(s) where the charter school petitioner proposes to place school facilities shall be considered. Notice of the hearing will be provided to each bargaining unit representing the employees of the Marin COE. A petition is deemed received on the day the petitioner submits a complete petition to the Marin COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.5, 47605.6)

Charter applicants shall appear and provide testimony to the Board of Education.

The MCBE shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the MCBE. (Education Code 47605, 47605.5, 47605.6)

Alternatively, the charter may be approved conditionally subject to specified changes and/or terms. The conditions cited by the MCBE will be addressed in the Memorandum of Understanding or Operating Agreement to be developed between the charter school applicant and the Superintendent or designee. In the event that an agreement cannot be developed and signed prior to receipt by the State Board of Education and the Superintendent of Public Instruction, the Superintendent, or designee, will so inform the State Department of Education. Further, the Superintendent and the MCBE will consider whether failure to reach agreement with the charter school applicant regarding the conditions noted by the MCBE constitutes cause for charter denial or subsequent revocation.

At least 15 days before the public hearing at which the MCBE will grant or deny the charter, the MCBE shall publish all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.5, 47605.6)

A petition for a Marin COE charter school shall be granted only if the MCBE is satisfied that doing so is

consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The MCBE shall consider the academic needs of the pupils the school proposes to serve. (Education Code 47605)

In granting charter petitions, the MCBE shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving pupils according to the California Department of Education standards. (Education Code 47605, 47605.5, 47605.6)

Prior to authorizing any charter, the MCBE shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the MCBE, and inspections and observations of any part of the charter school.

Upon MCBE approval of any charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction, the State Board of Education (SBE), and, if the petition is for a countywide charter school, the school districts in the county. (Education Code 47605, 47605.5, 47605.6)

Charter schools approved by the MCBE shall operate under the provisions of their respective charters, the relevant policies and procedures of the MCBE, and applicable state and federal laws.

The Board may also approve the petition while noting certain conditions that the MCBE deems reasonable and rationally related to increasing the likelihood of success for the charter school and/or compliance with law. The conditions cited by the MCBE will be addressed in the MOU or Operating Agreement to be developed between the charter school applicant and the Marin County Superintendent of Schools or designee.

In the case of charter approval, the California Department of Education, and other agencies as required by law, including the school districts within the county, will be notified that the charter has been approved.

All charters approved by the MCBE shall be for a specified term of no more than five years. (Education Code 47607)

Denial of Petition - Findings

The MCBE shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604(b)(1))
2. Authorizes the conversion of a private school to a charter school (Education Code 47602(b))
3. Proposes to offer non-classroom-based instruction (Education Code 47612.7)

In addition, the MCBE shall deny a petition for a countywide charter, and may deny a petition serving Marin COE pupils, if the MCBE makes written factual findings setting forth specific facts to support one or more of the following: (Education Code 47605, 47605.5, 47605.6; 5 CCR 11967.5)

It is the intent of the MCBE that charter schools with sound educational and fiscal practices should be encouraged. The MCBE shall deny a petition only if the MCBE 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 that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the pupils who attend the 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 the Code.
4. The petition does not contain an affirmation of each of the conditions set forth in Section 47605.6(e)(1) of the Code.
5. The petition does not contain reasonably comprehensive descriptions of all the information required under section (1), Components of a Charter School Petition of this policy (Section 47605(c) of the Education Code).
6. The petition does not provide reasonable justification for why it could not be established by petition to a school district as provided by law.
7. The petition or proposed program is inconsistent with state law.
8. Any other basis that the MCBE finds justifies the denial of the petition.
9. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e) or 47605.6(e), as applicable, including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any pupil based on the characteristics specified in Education Code 220.
10. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in the section "Components of the Charter Petition" above.
11. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Educational Employment Relations Act.
12. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts

and circumstances that analyze and consider the following factors:

- a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings
 - b. Whether the proposed charter school would duplicate a program currently offered within the Marin COE, when the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate
13. The Marin COE is not positioned to absorb the fiscal impact of the proposed charter school. The Marin COE meets this criterion if it has a negative interim certification pursuant to Education Code 1240, or has a qualified interim certification and the Superintendent of Public Instruction certifies that approving the charter school would result in the Marin COE having a negative interim certification.

A petition to establish a charter school serving Marin COE pupils that is denied by the MCBE may be appealed to the SBE within 180 days of the denial. (Education Code 47605; 5 CCR 11967)

Additional Requirements for Countywide Charters

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The MCBE shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school.
2. An existing public school may not be converted to a countywide charter school.
3. The MCBE shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a pupil population that will benefit from those services, and the petition includes a reasonable justification why its pupils cannot be served as well by a charter school that operates in only one school district in the county.
4. In addition to the components described in the section "Components of the Charter Petition" above, the MCBE may require any elements that it considers necessary to the sound operation of a countywide charter school.
5. In addition to the reasons specified in the section "Denial of Petition" above, a countywide petition may be denied for any other basis that the MCBE finds justifies the denial.

Memorandum of Understanding

The MCBE shall collaborate with the County Superintendent or designee, and/or with the MCBE 's designated representative contracted or employed pursuant to Education Code 1042, to develop one or more MOUs with the charter school to clarify financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement

additional requirements that the MCBE considers necessary for the sound operation of a charter school. Any such MOU shall be annually reviewed by the MCBE and the charter school governing body and be amended as necessary.

Monitoring and Supervision

MCOE oversight of the charter school shall be limited to that required or authorized by law. MCOE supervisory assistance provided to the charter school shall be limited to that required by law. However, additional services may be provided by the MCOE subject to mutual agreement. The MCBE may, as a condition of approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the MCBE on the operations of the charter school. In this case, the MCBE may prescribe the aspects of the charter school operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the MCBE. The Superintendent shall designate a staff member as the contact person for the charter school.

1. The relationship between the Marin COE and the charter school, as well as any services to be provided by the Marin COE, will be described in a Memorandum of Understanding or Operating Agreement. The provisions of this written agreement will be discussed concurrently with consideration of charter approval.
2. The Superintendent, or designee, shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold a Commission on Teacher Credentialing certificate, permit or other document equivalent to that which teachers in other public schools would be required to hold, and that those teachers at the school instructing pupils in core academic subject areas including, but not limited to, mathematics, science, social science and language arts meet the same requirements imposed under state law on teachers in other public schools instructing such core academic subjects.
3. The Superintendent or designee shall receive and review all financial reports required by the charter or by law. A report shall be prepared and submitted to the MCBE following the review of each report as part of the responsibility to monitor the fiscal condition of the charter school.

The Superintendent or designee shall receive and review, not less than annually, the financial audit of the charter school. A report shall be prepared and submitted to the MCBE following the review of the financial audit as part of the responsibility to monitor the fiscal condition of the charter school. Any errors, findings, exceptions, or omissions noted in the financial audit shall be resolved to the satisfaction of the MCBE.

The Superintendent or designee shall, not less than annually, visit and examine the general operation of the charter school.

The Superintendent or designee shall ensure that each charter school complies with all reports required of charter schools by law, as determined by the Superintendent or designee.

The Superintendent will promptly report to the MCBE any instance in which the continued fiscal solvency of the charter school is in question or when required reports have not been submitted in a timely manner.

The Superintendent will promptly report to the MCBE any instance in which the charter school has committed any of the violations listed in the Education Code section 47607(c) below:

- a. A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:
 - i. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter, or the terms of the MOU.
 - ii. Failed to meet or pursue any of the pupil outcomes identified in the charter.
 - iii. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - iv. Violated any provision of the law.
- b. The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

In addition, the Superintendent shall report to the MCBE any determination made under Education Code Section 47607.3 and the MCBE shall consider revocation of the charter following the process as set forth in Education Code Section 47607.3.

4. Upon written finding by the MCBE that the charter school committed any of the violations at paragraph 47607(c) (A) through (D) of the Education Code inclusive, the MCBE shall deliver notice to the charter school in writing. This "Notice of Violation" shall be in the form which may be outlined in State Board of Education Regulation and serve notice that the MCBE may revoke the charter, and give the school reasonable opportunity to cure the violation (unless the MCBE determines that the violation constitutes a severe and imminent threat to the health or safety of pupils, in which case the MCBE may immediately revoke the school's charter pursuant to EC Section 47607(d) and in accordance with procedures which may be outlined in State Board of Education Regulation).

At the conclusion of the period specified as reasonably necessary for the charter school to remedy the violation(s) and submit evidence of remedial action, the MCBE will evaluate the charter school's response. The MCBE may determine to discontinue revocation of the school's charter based upon the response and remedial action undertaken. Otherwise, the MCBE may determine to begin revocation of the school's charter by directing written communication to the school in the form which may be outlined in State Board of Education Regulation. This "Notice of Intent to Revoke and Notice of Facts in Support of Revocation" will inform the charter school of the date and time of the public hearing at which time the MCBE will consider revocation.

Not later than 30 days after providing the notice of intent to revoke, the MCBE shall hold a public hearing on the issue of whether substantial evidence exists to support the factual findings necessary to revoke the school's charter. The public hearing will provide time for those in support

of and in opposition to revocation of the school's charter to address the MCBE. Not later than 30 days after the public hearing, the MCBE shall issue a final decision to revoke or decline to revoke the charter, unless the MCBE and the charter school agree to extend the issuance of the decision by an additional 30 days. The MCBE shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings. The Marin County Superintendent of Schools shall notify the California Department of Education and the charter school within 10 days of the MCBE decision to revoke the charter. A complete copy of the final decision shall be included with the notification.

5. The Marin COE shall charge, and the charter school shall pay for the actual costs of monitoring and supervision not to exceed 1% of the applicable revenue of the charter school except as otherwise provided by law or agreed to by the parties in the MOU.

Charter Renewal or Material Modification of an Approved Charter

1. Renewing or materially modifying a charter are each subject to the approval of the MCBE.

Applications to renew or materially modify the charter shall include all the same information, be processed in the same way, be subject to approval or denial on the same basis, as proposals for new charter schools, except that any renewal approval shall be for a period of five years from the expiration date of the charter and a material modification when approved shall not affect the expiration date of the charter as originally approved. Charter renewal shall also be conditioned upon the academic performance criteria specified in law. The Superintendent or designee shall provide timely notification to the State Department of Education of the decision by the MCBE to either grant or deny the charter renewal application.

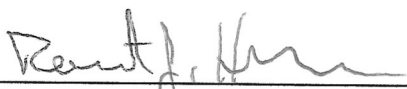
2. Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine months prior to the date of charter expiration.
3. A material modification of an approved charter is any change in the representations made to the MCBE under the Components of the Charter Petition sections (1) and (5) inclusive, of this policy.
4. An approved charter school which proposes to establish operations at additional sites within the county must do so by applying to the MCBE for a material revision. The charter school must also notify the school districts where those additional sites will be located. The MCBE will consider whether to approve the additional locations at a public meeting held no sooner than 30 days after notification has been made to those school districts.
5. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education, the Marin COE may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.

Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine months prior to the date of charter expiration.

Miscellaneous

1. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the MCBE may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the board's appointee all rights and responsibilities exercised by any other director of the corporation.
2. A charter school shall promptly respond to all reasonable inquiries from the Marin County Office of Education.
3. The Superintendent is charged with developing such administrative regulations or petition review guidelines as may be necessary or prudent to implement this policy, including the use of charter petition evaluation resources, including but not limited to charter petition evaluation resources developed by the Fiscal Crisis and Management Assistance Team (FCMAT).
4. If the MCBE denies a petition for a countywide charter or denies a charter school renewal, petitioners may not elect to submit the petition to the State Board of Education.

Approved as to form:



Robert J. Henry, MCOE Legal Counsel

Approved by the Marin County Board of Education: January 10, 2023

<p>Federal 20 USC 7223-7225</p>	<p>Description Charter schools</p>
<p>Management Resources Attorney General Opinion Attorney General Opinion Attorney General Opinion Attorney General Opinion California Department of Education Publication CSBA Publication</p>	<p>Description Opinion No. 11-201 (2018) 89 Ops.Cal.Atty.Gen. 166 (2006) 80 Ops.Cal.Atty.Gen. 52 (1997) 78 Ops.Cal.Atty.Gen. 297 (1995) Sample Copy of a Memorandum of Understanding Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018</p>
<p>CSBA Publication</p>	<p>Charter Schools: A Guide for Governance Teams, rev. February 2016</p>
<p>CSBA Publication</p>	<p>Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016</p>

U.S. Department of Education Publication	Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011
U.S. Department of Education Publication	Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	U.S. Department of Education
Website	National Association of Charter School Authorizers
Website	CSBA
Website	California Department of Education, Charter Schools
Website	California Charter Schools Association

State

	Description
5 CCR 11700.1-11705	Independent study
5 CCR 11960-11968.5.5	Charter schools
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1240	County superintendent of schools, duties
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 220	Prohibition of discrimination
Ed. Code 32282	School safety plans
Ed. Code 33126	School accountability report card
Ed. Code 41365	Charter school revolving loan fund
Ed. Code 42131	Interim certification
Ed. Code 42238.51-42238.2	Funding for charter districts
Ed. Code 44237	Criminal record summary
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 46201	Instructional minutes
Ed. Code 47600-47616.7	Charter Schools Act of 1992
Ed. Code 47640-47647	Special education funding for charter schools
Ed. Code 47650-47652	Funding of charter schools
Ed. Code 49011	Student fees
Ed. Code 51745-51749.6	Independent study
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56026	Special education
Ed. Code 56145-56146	Special education services in charter schools
Gov. Code 1090-1099	Prohibitions applicable to specified officers
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6250-6270	California Public Records Act
Gov. Code 81000-91014	Political Reform Act of 1974

Cross References

GAMUT Code	Description
0420.41	<u>Oversight Of County Charter Schools</u>
0420.41-E(1)	<u>Oversight Of County Charter Schools</u>
0420.42	<u>Renewal Of County Charter Schools</u>
0420.43	<u>Revocation Of County Charter Schools</u>
0420.44	<u>Appeals Of District Decisions Regarding Charter Schools</u>