



# Countywide Charter School Petition Submission Process

Effective July 1, 2020

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The information contained in this document is intended to assist charter school petitioners in submitting a charter petition for a countywide charter school to the Orange County Board of Education (OCBE). Orange County Department of Education Charter Schools Unit staff is available to answer questions regarding the appeal process. Contact the Charter Schools Unit at (714) 966-4381 to speak to a representative or schedule an appointment.

## I. SUBMISSION PROCESS

### A. Criteria for Submission

**EC § 47605.6**

1. The countywide charter petition may be submitted to OCBE after each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school.<sup>1</sup>
2. A complete Countywide Charter School Package (see section II for information on the Countywide Charter School Package) must be submitted to OCBE along with a [Petitioner Certification](#) that the petitioner deems the submitted petition to be complete and a completed [Petition Intake Information](#) form.
3. A charter petition is deemed received by OCBE, for purposes of commencing the timelines, on the day the petitioner submits a complete Countywide Charter School Package to Orange County Department of Education, Charter Schools Unit, 200 Kalmus Drive, Costa Mesa, 92626.

### B. Charter School Petition Review

**EC § 47605.6**

In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner as academically low achieving pursuant to the standards established by the California Department of Education under Section 54032, as that section read before July 19, 2006.

Orange County Department of Education staff shall review the charter petition pursuant to Education Code section 47605.6 utilizing the [Charter School Petition Evaluation Matrix](#) adapted from the Charter Accountability Resource and Support Network Authorizers Guide. A countywide charter petition may be approved only if OCBE finds, in addition to other requirements, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. OCBE may impose any additional requirements

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<sup>1</sup> An existing public school may not be converted into a countywide charter school.

beyond those required by Education Code section 47605.6 that it considers necessary for the sound operation of a countywide charter school.

**C. Public Hearing to Consider Level of Support**

**EC § 47605.6(b)**

OCBE will hold a public hearing on the provisions of the charter petition no later than 60 days after receiving a charter petition submission for the purpose of considering the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Charter school and school district representatives are allotted 15 minutes each to address the board, followed by 30 minutes of public comments. Any documents or digital presentations utilized on that day must be submitted 48 hours prior to the board meeting.

**D. Clarification Meeting**

A clarification meeting may take place with the charter school petitioners and the Orange County Department of Education petition review team, and may include legal counsel as necessary. The meeting will take place at the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, 92626, or via teleconference. Information garnered from the meeting may be included in the published staff recommendation, including the recommended findings. Topics discussed may include the proposed instructional program, services to English learners, special education, operations, governance and finance.

**E. Staff Recommendations and Findings**

**EC § 47605.6(b)**

OCDE staff recommendations, including the recommended findings will be published 15 days before the public hearing at which OCBE will take action to either grant or deny the revised charter petition.

**F. Public Hearing to Grant or Deny Charter Petition**

**EC § 47605.6(b) & (c)**

Within the guidelines delineated in Education Code section 47605.6, OCBE will take action to grant or deny the charter school petition within 90 days of receipt of the petition, unless an extension not to exceed 30 days has been agreed to by the charter school petitioner and OCBE.

At the public hearing at which OCBE will either grant or deny the charter petition, the petitioners shall have 10 minutes or equivalent time, whichever is longer, to present evidence and testimony to respond to the staff recommendations and findings.

OCBE shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Education Code section 47605. OCBE shall deny a petition for the establishment of a charter school if it finds one or more of the following:

1. The charter school presents an unsound educational program for students to be enrolled in the charter school.

2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. Charter petition does not contain the required number of signatures required by Education Code section 47605.6(a).
4. Charter petition does not contain an affirmation of each of the conditions described in Education Code section 47605.6(e)
5. Charter petition does not contain reasonably comprehensive descriptions of the elements in Education Code section 47605.6(b)(5).
6. The charter 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.
7. Any other basis that OCBE finds justifies the denial of the petition.

## II. COUNTYWIDE CHARTER SCHOOL PACKAGE

A complete Countywide Charter School Package consists of seven (7) binders and (7) flash drives containing the following required items with tabs/folders separating each of the sections:

### A. Charter School Petitioner Certification and Intake Information Forms

1. Signed [Petitioner Certification](#) that the petitioner deems the submitted petition to be complete.
2. Completed [Petition Intake Information](#) form.

### B. Charter School Petition Evaluation Matrix

Insert the petition page numbers in the far right column of the [Charter School Petition Evaluation Matrix](#) entitled "Located on Page(s)" to indicate where the information can be found within the charter petition.

### C. Countywide Charter Petition Justification

Explanation of how the educational services to be provide by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.

### D. School District Notification

Proof that each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school.

### E. Petition Signatures

**EC § 47605.6(a)(1) and (4)**

The petition signature document shall include a prominent statement that a signature on the petition means that the parent/legal guardian is meaningfully interested in having their child/ward attend the charter school, or in the case of a teacher's signature, means that the teacher is

meaningfully interested in teaching at the charter school.

The petition shall include signatures meeting one of the following requirements:

1. A number of signatures from parents/legal guardians of pupils that is 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. Parent signature pages must include the date signed, printed name, signature, address, phone number, number of children and grade level(s) of children.
2. A number of signatures from teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. Teacher signature pages must include date signed, printed name, signature, phone number, teaching credential type, credential number and expiration date.

## **F. Charter Petition**

1. Table of Contents delineating items in the charter petition.
2. A charter school petition containing all of the required elements delineated in Education Code 47605.6 (Flash drive must include Microsoft Word format).
3. The petition shall affirm that the charter school:
  - a. Shall be nonsectarian in its programs, admission policies, employment practices and all other operations.
  - b. Shall not charge tuition.
  - c. Shall meet all statewide standards, conduct the pupil assessments required pursuant to Education Code section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
  - d. Shall on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational program.
  - e. Shall not discriminate against any pupil on the basis of the characteristics listed in Education Code section 220.
  - f. Admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state.
  - g. Shall admit all pupils who wish to attend the charter school.
  - h. If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing.
  - i. In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.
  - j. If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school

- district of the pupil's last known address within 30 days, and shall upon request, provide that school district with a copy of the cumulative record of the pupil including report cards or a transcript of grades, and health information.
- k. Shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code section 47605.6(e)(2)(B)(iii).
  - l. Shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.
  - m. Shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason including but not limited to academic performance of the pupil or because the pupil exhibits any of the characteristics described in Education Code section 47605.6(e)(2)(B)(iii).
  - n. The charter school will post the requirements contained in Education Code section 47605(e) on the charter school's internet website. A charter school shall provide a parent or guardian or a pupil if the pupil is 18 years of age or older, a copy of the notice at all of the following times: (1) When a parent, guardian or pupil inquires about enrollment; (2) Before conducting an enrollment lottery; (3) Before disenrollment of a pupil.
  - o. A person who suspects that a charter school has violated any of the posted requirements listed above may file a complaint with the charter authority.
  - p. A charter school in operation as of July 1, 2019, that operates in a partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.
4. Additional Charter Petition Requirements
- a. The petitioner must provide information regarding the proposed operational and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided and the potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate.
  - b. Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit or other document required for the teacher's certificated assignment as described in Education Code section 47605.6(l). These documents shall be maintained on file at the charter school and shall be subject to periodic inspection.

#### **G. Nonprofit Public Benefit Corporation Information**

If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the following:

1. Articles of Incorporation and bylaws for the nonprofit public benefit corporation, charter management organization and sole statutory member, as applicable.
2. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

#### **H. Budget and Finance**

1. Financial statements and a proposed operational budget, including startup costs, cash flow and financial projections for the first three years of operation (Flash drives must include Microsoft Office Excel format with formulas and no password protection).
2. If the budget contains grants, loans and/or donations, include corresponding award letters, loan agreements and/or pledge letters.

### **III. RESOURCES**

Orange County Board of Education charter schools board policies:

<https://ocde.us/Board/Pages/Board-Policies.aspx>

Orange County Board of Education meeting schedule and information:

<https://ocde.us/Board/Pages/Meeting-agendas-minutes-and-audio.aspx>

Orange County Department of Education Charter Schools Unit website:

<https://ocde.us/glcp/CharterSchools/Pages/default.aspx>

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