



**NOVEMBER 2003 AGENDA**

<b>SUBJECT</b>	<b>X</b>	<b>ACTION</b>
Model Application for Charter Schools		<b>INFORMATION</b>
		<b>PUBLIC HEARING</b>

**Recommendation:**

Approve the Model Application for Charter Schools, which will be posted on the California Department of Education (CDE) Web site.

**Summary of Previous State Board of Education Discussion and Action**

At the September 2003 meeting, the State Board of Education agenda included a draft of a Model Application for Charter Schools. At President Hastings' direction, consideration of the Model was postponed in order that the Advisory Commission on Charter Schools (ACCS) – which had endorsed the Model only in concept – could review the document further and provide a specific recommendation for approval.

In a presentation to the State Board in July 2003, Nelson Smith, Vice President for Policy and Governance at New American Schools, commented that charter authorizers around the country that are generally recognized as more effective authorizers typically have some form of standardized charter application to help guide and focus the work of prospective charter developers. This document becomes a sort of collection point for all relevant information, as well as an organizational tool to ensure that a charter petition covers all critical issues and does not devote inordinate attention to one issue and scant attention to another.

The ACCS met on September 23, 2003, and reviewed a number of changes to the Model that were recommended by CDE staff. The ACCS recommended approval of the Model Application for Charter Schools with the incorporation of the changes proposed by CDE staff, and that document was provided to the State Board as an Information Memorandum in October 2003.

**Summary of Key Issue(s)**

The California Constitution is explicit in its requirement to reimburse local agencies of government for state-mandated programs or higher levels of services. Therefore, the Model Application for Charter Schools is explicitly exemplary, not mandatory. As the document itself explains, its purpose is (1) to ensure that charter petitions cover all of the minimum elements required by law in a systematic way, (2) to expedite the process of appeal, by keeping formatting

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**Summary of Key Issue(s)**

generally the same for ease of review at the district, county, and State Board levels, and (3) to provide a measure of uniformity in evaluation among charter authorizers and within the process of appeal.

The Model Application for Charter Schools does not create any new requirements. Rather, it provides useful advice and guidance to charter authorizers and charter developers. The intent is for the Model Application for Charter Schools to be placed on the CDE Web site for use by local education agencies and individuals interested in preparing charters, nothing more. Its use is not required.

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**Fiscal Analysis (as appropriate)**


N/A

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**Attachment(s)**

Attachment 1: Model Application for Charter Schools (Pages 1-26)

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# CALIFORNIA STATE BOARD OF EDUCATION MODEL APPLICATION FOR CHARTER SCHOOLS

THE MODEL APPLICATION FOR CHARTER SCHOOLS IS EXEMPLARY, NOT MANDATORY. HOWEVER, THERE ARE THREE REASONS THAT USE OF THIS MODEL IS ENCOURAGED.

- TO ENSURE THAT CHARTER PETITIONERS COVER ALL OF THE MINIMUM ELEMENTS REQUIRED BY LAW IN A SYSTEMATIC WAY.
- TO EXPEDITE THE PROCESS OF APPEAL, BY KEEPING FORMATTING GENERALLY THE SAME FOR THE BENEFIT OF APPELLATE BODIES.
- TO PROVIDE FOR A MEASURE OF UNIFORMITY IN EVALUATION FROM CHARTER AUTHORIZER TO CHARTER AUTHORIZER AND WITHIN THE PROCESS OF APPEAL.

AT THIS TIME, THE MODEL APPLICATION FOR CHARTER SCHOOLS DOES NOT ENCOMPASS STATEWIDE CHARTER SCHOOLS, WHICH ARE SUBMITTED DIRECTLY TO THE STATE BOARD OF EDUCATION. REGULATIONS DEFINING TERMS AND OTHERWISE ELABORATING UPON THE STATUTORY PROVISIONS ESTABLISHING STATEWIDE CHARTER SCHOOLS ARE STILL IN PROCESS, AND THE MODEL WILL BE APPROPRIATELY AMENDED ONCE THOSE REGULATIONS ARE OPERATIVE.

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## **Letter from State Board President**

### ***To the Applicant:***

Since passage of the Charter Schools Act of 1992, California has become a leader in the national movement for accountable, autonomous public schools. Charter schools are now a viable educational alternative for many students statewide, and some of these charters are among the State's top academic performers.

The California State Board of Education has worked assiduously with the Governor and the State Legislature to strengthen quality and academic accountability in the charter sector. With this Model Application for Charter Schools, we are taking another important step. Our objective is to provide a template through which charter petitioners present their ideas in a systematic, comprehensive way that reflects the requirements of statute and regulation. Our vision is that this application would be the charter petition that a charter authorizer would approve or deny.

If approved, we would envision a charter application (petition) being supplemented, as necessary, by memoranda of understanding (or comparable documents) developed cooperatively by the petitioners and representatives of the charter authorizer. We would also anticipate that reasonable provisions would be made for minor changes in the petition – that are often necessary as a charter is put into actual operation – without such changes being separately approved by the charter authorizer. If denied (and if an appeal is possible), we would envision the same application (petition) being the document considered by the charter authorizer at the next level (modified only as technically necessary to reflect the different charter authorizer). With the degree of structure provided in this package, we believe that charter applications can become the type of focused, meaningful documents intended in state law, not documents that either lack essential detail or include unnecessary verbiage.

It is important to bear in mind that the Model Application for Charter Schools is not a mandate. Therefore, prospective charter petitioners are reminded to contact the charter authorizer to which they plan to submit an application for information about any specific requirements the authorizer may have adopted.

The Model Application for Charter Schools is offered, as stated above, with the intent of strengthening the processes of charter development and consideration. Where, in the sections that follow, "evaluation criteria" are included, they are exemplary, offered as suggestions to help ensure rigor and consistency statewide.

There are three routes to school chartering in California.

**1. School district governing board.** Most typically, a charter petition is submitted to a local school district governing board for the operation of a single school. If denied, the local governing board's decision may be appealed to the county board of education (first level) and, if also denied by the county board, to the State Board of Education (second level).

**2. County board of education.** Two types of charter petitions may be submitted directly to a county board of education. One type of petition is for a charter school to serve pupils for whom the county office of education would otherwise be responsible. If denied, a county board's decision on a petition to establish this type of school may be appealed to the State Board of Education. The second type of petition is for a charter school intended to serve on a countywide basis a population of students that cannot be served as well through a petition presented to a school district. If denied, a county board's decision on a petition to establish this type of school may not be appealed.

**3. State Board of Education.** A petition to establish a statewide charter school may be submitted directly to the State Board of Education. A statewide charter school must offer "instructional services of statewide benefit" that cannot be provided by a school operating in only one school district, or only in one county. A decision to deny such a petition may not be appealed. At this time, regulations defining terms and otherwise elaborating upon statutory provisions establishing statewide charter schools are in process, and the model application does not encompass them. The model application will be amended appropriately once the regulations are operative.

State law also provides for districtwide charters (sometimes referred to as "all-charter districts"), in which all of the schools in a district are converted to charter schools. Petitions to establish districtwide charters are approved jointly by the State Superintendent of Public Instruction and the State Board of Education. They are treated differently from petitions to establish individual charter schools in that they are reviewed directly (in the first instance) by staff of the California Department of Education. Only a few districtwide charters have been proposed and approved. A principal complication with respect to districtwide charters is that they must comply with a provision of law that no student can be compelled to attend a charter school. Therefore, districtwide charters are only practical where district boundaries (and the capacity of neighboring districts to accept additional students) are such that students desiring non-charter schools can be reasonably accommodated. For more information about becoming a districtwide charter, please contact the Charter Schools Division of the California Department of Education.

In order to promote thoughtful consideration of charter petitions, we recommend that original applications be submitted no later than September 1 of the year prior to a school's proposed opening. This will provide ample time for all types of petitions to be considered, for a complete round of appeals to be completed (if necessary), for any supplemental memoranda of understanding (or like documents) to be created (if necessary), and for charter operators to prepare for a successful launch.

Nothing is more important in creating high quality charter schools than an application and approval process that asks the right questions, enlists talented and experienced reviewers, and identifies applicants strong enough to surmount the rigors of opening and running a new school. The State Board of Education hopes that this Model Application for Charter Schools will give

potential applicants a clear picture of what is expected of them, and will provide charter authorizers with plentiful information about the capacities of aspiring charter operators.

Together with the parents (guardians), teachers, and entrepreneurs who will petition to operate charter schools in the coming years, the State Board of Education looks forward to creating a diverse group of new schools united by common bonds of quality and accountability.

*Reed Hastings, President  
California State Board of Education*

## **Key Questions and Answers**

### ***What is a "charter school"?***

A charter school is a public school and may provide instruction in any of grades kindergarten through 12. A charter school is usually created or organized by a group of teachers, parents and community leaders or a community-based organization, and is usually authorized by an existing local public school board or county board of education. Specific goals and operating procedures for the charter school are detailed in an agreement (or “charter”) between the authorizing board and charter organizers.

### ***What is the purpose of a "charter school"?***

The purpose of a charter school is to: (1) improve pupil learning; (2) increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils identified as academically low achieving; (3) encourage the use of different and innovative teaching methods; (4) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site; (5) provide parents and students with expanded educational opportunities within the public school system without the constraints of traditional rules and structure; (6) provide schools a way to shift from a rule-based to a performance-based system of accountability; and (7) provide competition within the public school system to stimulate improvements in all public schools. [Ref. Education Code §47601]

### ***Who is eligible to write a charter?***

Anyone may write a charter. However, for new charter schools (not conversions of existing public schools), charter developers must obtain the signatures of either 50 percent of the teachers meaningfully interested in teaching at the school, or 50 percent of the parents of pupils expected to enroll at the school. For conversion schools, signatures of 50 percent of the teachers at the school to be converted are required. The petition must contain a prominent statement that a signature means that the person signing is meaningfully interested in teaching in, or in having their child attend the school. The proposed charter must be attached to the petition. [Ref. Education Code §47605(a)]

### ***What are the restrictions on the establishment of a charter school?***

There are a few restrictions on the establishment of a charter school. With a few exceptions, a new charter school may only be located in the district that approves it. The law expressly prohibits the conversion of private schools to public charter schools. A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A charter school may not discriminate against any pupil and may not charge tuition. In addition, the school’s charter must include a description of the school’s means for achieving a racial and ethnic balance among its pupils that is reflective of the general population residing in the district. Pupils may not be required to attend a charter school, nor may teachers be compelled to teach



there. [Ref. Education Code §§47602(b), 47605(a), (b), (d), (e), and (f)]

***Can a private school convert to a charter school?***

No. The law expressly prohibits private schools from converting to charter schools.  
[Ref. Education Code §47602(b)]

***Is there a "cap" on the number of charter schools?***

Yes. The cap is currently set at 750 (for the 2003-04 fiscal year), and will increase by 100 each July 1. During the 2003-04 school year, it is anticipated that there will be approximately 485 charter schools operating in California. [Ref. Education Code §47602]

***Who may approve a charter school petition?***

Under California law, it is the local school district governing board that serves as the primary chartering authority. With a few exceptions, a school district may only approve a new charter that will operate within the district boundaries. Also, a district may not approve a new charter school that will serve grade levels not served by the district unless the charter will serve all grades offered by the district.

A petitioner may seek approval of a charter from a county board of education, if the pupils to be served are pupils that would normally be provided direct education and related services by the county office of education, the petition has been previously denied by a local school district governing board within the county, or if the charter provides county-wide services that cannot be provided by a district-approved charter school.

Petitioners may request the State Board of Education to review a charter petition if the petition has been previously denied by a local school district governing board and a county board of education, or if the charter school will provide services of a statewide benefit that cannot be met through a district-approved or county-approved charter. [Ref. Education Code §47605(a)(6), (b) and (j), 46705.6, and 47605.8]

***How should special education and related services be coordinated when there are multiple sites of a single charter in varying locales?***

The number of sites or locales of a charter school is irrelevant to the question of responsibility for provision of special education and related services. The California Department of Education holds the charter-authorizing local education agency (LEA) responsible for ensuring the provision of special education and related services to eligible students pursuant to each student's individualized education program, and for ensuring that the charter school (including all satellite locations) complies with special education law. How these services are provided, and how they are funded, may be (but are not required to be) negotiated locally between the charter school and the charter-authorizing LEA. For example, services may be provided via contract with another district, or a non-public school or agency. In cases where the charter school is operating multiple sites located outside the geographic area of the charter-authorizing LEA, contracts with local

districts and/or other service providers may be a particularly useful tool in facilitating the provision of appropriate services in remote locations. *[Reference: Education Code §47646(a)]*

***What is the timeline for developing and approving a charter petition?***

Charter developers may begin developing their charter petition at any time. The law specifies that a local governing board must hold a public hearing to consider the proposed charter within 30 days from receipt of the completed petition, and, within 60 days from receipt of the petition, must either grant or deny the charter. This timeline may be extended by 30 days if both parties agree to the extension. Once approved by a local board, a charter petition must be forwarded to the State Board of Education for assignment of a charter number. A charter school in its first year of operation must commence instruction between July 1 and September 30. *[Ref. Education Code §47605(b)]*

Additional time is required in the event a charter is denied by a school district governing board and subsequently appealed to a county board of education and, perhaps, to the State Board of Education. In order to provide adequate time for a complete cycle of appeals to be conducted (if necessary), this Model Application for Charter Schools recommends that a charter application (petition) be submitted by September 1 of the year preceding the year in which the petitioners seek to have school in operation.

***For how long is a charter granted, and is it renewable?***

A charter may be initially granted for up to five years. Charters may be renewed for an unspecified number of five-year periods. Charters may not be renewed for less than five-year periods. *[Ref. Education Code §47607]*

***How should we go about requesting a number from the State Board of Education (SBE)?***

The SBE must assign a charter number to each charter that has been approved, and may only assign numbers to charters that have been approved. The SBE's numbering of approved charters ensures that the maximum number of charters operating in the state does not at any time exceed the statutory cap. An SBE number is also necessary before a charter school can be set up in the California Department of Education (CDE) systems of funding and identification. As part of the numbering process, the CDE reviews each charter for the SBE. CDE staff may offer comments to district- or county-charter authorizers based on the review and may inform the SBE of any concerns noted. Specific information about obtaining an SBE charter number is posted on the CDE Web site at <http://www.cde.ca.gov/charter/lists/sbenumcharpet.htm>.

***What happens after the State Board of Education (SBE) numbers my school?***

After the SBE acts to number a charter, the California Department of Education (CDE) will send a letter notifying the school of the action, and providing information on next steps, including forms for the charter school to complete. The school should request a county-district-school

(CDS) code from the CDE using the form provided. Additional information about requesting a CDS code is available on the CDE Web site at <http://www.cde.ca.gov/cdscodes/>. The school will also need to complete a charter school funding survey by May 31 prior to the school's opening. The funding survey is mailed to each charter school in the spring. The most recent funding survey is available on the CDE Web site at:

<http://www.cde.ca.gov/charter/funding/>

If the charter school is going to be direct-funded, the school must also submit the provided payee record data form (std. 204).

The CDS code request, the payee data record form and the annual funding survey must be completed and returned to the CDE before any operational funding will be provided to the charter school.

***Answers to other "Frequently Asked Questions" about charter schools, including the issues of Start-up, Governance and Charter Oversight, Special Education, Facilities, and Funding and Apportionment, can be found at***  
<http://www.cde.ca.gov/charter/qanda/>

## **Application Format**

The application guidelines below allow charter petitioners to address each of the factors defined by law upon which a charter proposal may be evaluated. While the guidelines generally follow the sequence found in the Charter Schools Act, for the sake of clarity some factors are grouped into broader categories such as “Human Resources.” Following the format provided in these guidelines enables the objective review of petitions. Petitioners are encouraged to:

- Include a Table of Contents that lists page numbers for each section of the application
- Follow the same format and order as outlined in these guidelines
- Include the proposed charter and signatures
- Limit the overall length of the application to approximately 30 pages, with approximately additional 30 pages of Attachments (See page X for more detail on possible attachments.)
- Submit at least 6 copies of the application to the charter authorizer, including one copy that can be used as a master to duplicate more copies if necessary
- Include tabs to separate each of the sections of the application, except in the duplicating master

The narrative of the application should be limited to a discussion of each of the evaluation criteria presented in the guidelines. Additional information that may support the information presented in the narrative and help the charter authorizer to assess the proposed charter school should be included in the Attachments. Examples of Attachments include curriculum samples; content and performance standards (to the extent different from state content and performance standards); resumes; letters of support; program descriptions; architectural drawings/floor plans of potential school sites; financial statements; management agreements; bylaws; Articles of Incorporation; drafts of Parent, Student, or Staff handbooks; samples of student work (if the petition is to establish a new charter school than is similar to an existing charter school); and organizational charts.

The purpose of the application is to ensure that charter petitioners provide all necessary detail, but avoid unnecessary elaboration. It is anticipated that, if approved, a charter (as reflected in an application) will be supplemented with memoranda of understanding (or comparable documents), as needed. The application will guide charter petitioners in creating the type of focused, meaningful documents intended in state law.

The application guidelines make reference periodically to provisions of the California Code of Regulations, Title 5. For the most part, these references relate to matters specific to charter petitions being heard on appeal by the State Board of Education. While the criteria prescribed in these regulations are not technically required for approval at the district or county level, it is suggested that petitioners apply them, along with any local criteria, to ensure a comprehensive

charter document. Furthermore, as appeals are part of the complete process of consideration, these regulations are included herein.

## Application Guidelines

Charter authorizers are fundamentally concerned that charter schools be held responsible for meeting the following expectations:

- (1) *provision of a sound educational program for all of the school's students;*
- (2) *faithful implementation of the provisions of the charter;*
- (3) *compliance with all requirements of applicable federal, state, and local laws; and*
- (4) *prudent operation of the charter school in all respects, including governance, educational program, faculty and staff, facilities, business management and support services, and relationships with students and families.*

**NARRATIVE: RESPONSES TO ITEMS I THROUGH IX ON THE FOLLOWING PAGES SHOULD BE LIMITED TO APPROXIMATELY 30 PAGES TOTAL.**

### I. FOUNDING GROUP

Describe the founding group for the proposed charter school, providing evidence that the applicant(s) possess(es) the necessary background in the following areas critical to the charter school's success and/or that the founders have a plan to secure the services of individuals who have the necessary background in these areas:

- Curriculum, instruction and assessment;
- Finance, *facilities*, and business management; and
- Organization, governance, and administration

*[Ref. Criteria for Review and Approval of Charter School Petitions; California Code of Regulations, Title 5, §11967.5.1(c)(4)]*

*Explain the circumstances that brought the founding group together to form this charter school. Include resumes of the individuals and names of any organizations or agencies that are partners in planning and establishing the school, along with a description of the role they have played and any resources contributed by them. Note whether any member of the founding group is a proposed board member, school leader, or other "key" staff of the charter school. If the petitioner is an organization that manages a network of charter schools, provide a statement of the background and capacities of the organization in the above-mentioned areas.*

#### **Evaluation Criteria:**

*Substantial evidence is provided that the founding group:*

- *Demonstrates the capacity to establish and sustain an excellent school;*
- *Will manage public funds effectively and responsibly, or will secure necessary staff expertise for this purpose; and*
- *Includes members who possess skill and experience in areas such as education, management, finance, and law, and/or will secure necessary staff expertise in these areas.*

## II. EDUCATIONAL PHILOSOPHY AND PROGRAM

**MISSION** – Provide a clear and concise mission statement that defines the purposes and nature of the charter school. *Describe here, as well as within other applicable elements of the application, how the charter will improve learning for the targeted population and increase learning opportunities for its students. This statement should be written for understanding by the charter authorizer and the general public.* [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(B)]

**EDUCATIONAL PHILOSOPHY** – Describe the educational program of the proposed charter school:

- Identify those whom the school is attempting to educate;
- Describe what it means to be an “educated person” in the 21<sup>st</sup> century; and
- Provide the applicant’s view of how learning best occurs.

The goals identified in the educational program must include the objective of enabling students to become self-motivated, competent, and lifelong learners. [Ref. California Education Code §47605(b)(5)(A)(i)]

**HIGH SCHOOL PROGRAMS** – If the proposed school will serve high school students (any of grades nine through twelve), the petition must describe how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. [Ref. California Education Code §47605(b)(5)(A)(ii)]

**STUDENTS TO BE SERVED** – Identify the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of students, and specific educational interests, backgrounds, or challenges. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(A)] As necessary, confirm that grade levels to be served by the charter school will coincide with the charter authorizer’s grade levels. [Ref. Education Code §47606(a)(6).]

**CURRICULUM AND INSTRUCTIONAL DESIGN** – Include a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population. Describe the basic learning environment (e.g., site-based matriculation, independent study, technology-based education). Discuss how the chosen instructional approach will enable the school’s students to achieve the objectives specified in the charter and master the academic content standards in core curriculum areas as adopted by the State Board of Education pursuant to Education Code §60605. The discussion of instructional design should include, but not be limited to, curriculum, teaching methods, materials, and technology. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(C-E)]

At a minimum, applicants should provide a full curriculum for one course or grade level as an attachment. A full curriculum should be submitted to the charter authorizer prior to the opening of school.

**PLAN FOR STUDENTS WHO ARE ACADEMICALLY LOW ACHIEVING<sup>1</sup>** – Indicate how the charter school will identify and respond to the needs of students who are not achieving at or above expected levels. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(F)]

**PLAN FOR STUDENTS WHO ARE ACADEMICALLY HIGH ACHIEVING** – Indicate how the charter school will identify and respond to the needs of students who are academically high achieving. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(G)]

**PLAN FOR ENGLISH LEARNERS** – Indicate how the charter school will identify and respond to the needs of English learners. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(G)]

**PLAN FOR SPECIAL EDUCATION** – Indicate how the charter school will identify and respond to the needs of students with disabilities. Fully describe the charter school’s special education plan, including, but not limited to, the following:

- The means by which the charter school will comply with the provisions of Education Code §47641;
- The process to be used to identify students who qualify for special education programs and services;
- How the school will provide or access special education programs and services;
- The school’s understanding of its legal responsibilities for special education students; and
- How the school intends to meet those obligations.

[Ref. Criteria for Review; CCR-5, §11967.5.1(f)(1)(G-H)]

**Evaluation Criteria:**

Substantial evidence is provided of an educational philosophy and program that:

- *Indicates the proposed charter school’s target student population, including, at a minimum, grade levels, approximate numbers of students, and specific educational interests, backgrounds, or challenges;*
- *Specifies a concise school mission that expresses clear priorities; includes specific, realistic objectives; and conveys the applicant’s sense of an “educated person”;*
- *Demonstrates alignment between mission and programs;*
- *Shows evidence that the school’s approach will lead to improved student performance;*
- *Is founded on an understanding of effective, research-based educational practices or, if innovative, presents a reasonable likelihood for success.*

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<sup>1</sup> Preference shall be given to petitions that demonstrate the capability to provide comprehensive learning experiences to (students) identified by the petitioner/s as academically low-achieving pursuant to the standards established by the State Department of Education under Section 54032. [Ref. California Education Code §47605(h)]



### III. MEASURABLE STUDENT OUTCOMES AND OTHER USES OF DATA

**MEASURABLE STUDENT OUTCOMES** – Describe the clearly measurable student outcomes that will be used by the charter school. “*Student outcomes*,” for the purposes of this part, means the extent to which all students enrolled in the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program. [Ref. California Education Code § 47605 (b)(5)(B)]

**ACADEMIC PERFORMANCE INDEX** – Where applicable, include a plan for attaining the school’s Academic Performance Index growth target. [Ref. Criteria for Review; CCR-5, § 11967.5.1(f)(2)(B) ].

**METHOD(S) OF ASSESSMENT** – Describe the proposed method(s) by which student progress in meeting the desired student outcomes will be measured. [Ref. California Education Code §47605(b)(5)(C)] The school’s plan should describe a variety of assessment tools that are appropriate to the grade level, subject matter, skills, knowledge, and/or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress. Assessments should include annual results from the Statewide Testing and Reporting (STAR) program and any other statewide standards or student assessments applicable to students in non-charter public schools, including, but not limited to, the California High School Exit Examination, the California English Language Development Test, and the physical performance test. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(2)(A), §11967.5.1(f)(3)(A-B) and California Education Code §47605(c)(1)].

**USE AND REPORTING OF DATA** – Outline the plan for collecting, analyzing, and reporting data on student achievement to school staff, parents, and guardians. Also describe the plan for utilizing the data continuously to monitor and improve the charter school’s educational program. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(3)(C) and California Education Code §47605(c)(2)]

**Evaluation Criteria:**

*Substantial evidence is provided of an assessment approach that:*

- *Specifies skills, knowledge, and attitudes that reflect the school’s clearly measurable educational objectives.*
- *Can be assessed by objective means that are frequent and sufficiently detailed enough to determine whether students are making satisfactory progress.*
- *Meets the requirements of the assessment system prescribed by law for all California public schools;*
- *Features a clear and externally credible design that incorporates multiple measures of student outcomes, reported both in terms of absolute scores and year-to-year gains/losses;*
- *Will facilitate continuous improvement in the educational program.*

#### IV. GOVERNANCE STRUCTURE

Describe the planned governance structure of the school, including the process to be followed by the school to ensure the involvement of parents and guardians in supporting the school's effort on behalf of the school's students. [Ref. California Education Code §47605(b)(5)(D)] and Ref. Criteria for Review; CCR-5, §11967.5.1(f)(4)]

Specifically illustrate how the school will be organized – and how that structure is designed to support student success. Describe respective roles of the governing body and administration, the domains for which each will be responsible, and how their relationship will be managed. In addition, provide details of how the charter school's board will be developed, in terms of supplementing necessary skills and providing training in effective board practices.

Describe how the design of the governance structure reflects a seriousness of purpose necessary to ensure that: (1) the charter school will become and remain a viable enterprise; (2) there will be active and effective representation of interested parties, including, but not limited to parents and/or guardians; and (3) the educational program will be successful. If incorporated, evidence of the organization's incorporation should be provided as an Attachment, as necessary. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(4)]

**Evaluation Criteria:**

*Substantial evidence is provided of an effective governance structure and proposed practices that will:*

- *Provide a strong vision and continuity of leadership;*
- *Include board members who are committed to the mission of the school and cognizant of their responsibilities;*
- *Demonstrate a track record of success in the private or public sector among the proposed members of the governing body;*
- *Clearly delineate the roles and responsibilities of the governing body and the staff.*

#### V. HUMAN RESOURCES

**QUALIFICATIONS OF SCHOOL EMPLOYEES** – Describe the qualifications to be met by individuals to be employed by the school. [Ref. California Education Code §47605(b)(5)(E)] This description should include standards that will be used in hiring teachers, administrators, and other school staff, including, but not limited to the general qualifications for the various categories of employees the school anticipates hiring and the desired professional backgrounds, depth of experience, and other qualities to be sought in their selection. Show how those qualities will help the school implement its vision, and how they will satisfy the requirements for “highly qualified teachers” under the No Child Left Behind Act. The qualifications should be sufficient to ensure the health and safety of the school's faculty, staff, and students. Identify positions that will be regarded as “key” in each category and specify the additional qualifications expected of

individuals assigned to those positions. Include an assurance that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials, as necessary. [Ref. *Criteria for Review; CCR-5, §11967.5.1(f)(5)*]

**COMPENSATION AND BENEFITS** – Provide a brief explanation of how the school will structure employee compensation to attract candidates with the necessary skills and experience.

Describe the manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, and/or federal social security; or how the school will create a system of its own to accommodate employees' retirement funding. Include the specific positions to be covered under each system and the staff designated to ensure that appropriate arrangements for that coverage are made. [Ref. *California Education Code §47605(b)(5)(K) and Criteria for Review; CCR-5, §11967.5.1(f)(11)*]

**EMPLOYEE REPRESENTATION** – Make a declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employee Relations Act (EERA). [Ref. *Education Code §47605(b)(5)(O)*.] Provide information regarding the employee's status in regard to the EERA, and a description of the charter school's understanding of its responsibilities in the event employees are represented under the EERA.

**RIGHTS OF SCHOOL DISTRICT EMPLOYEES** – Provide, as applicable, a description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. [Ref. *California Education Code §47605(b)(5)(M) and Criteria for Review; CCR-5, §11967.5.1(f)(13)*]

**HEALTH AND SAFETY** – Describe the procedures that the school will follow to ensure the health and safety of students and staff, including how the school will provide for proper immunization, as well as vision, hearing, and scoliosis screening for students; and the steps the school will take to ensure that criminal background checks and proof of an examination for tuberculosis are collected from all school personnel. [Ref. *California Education Code §47605(b)(5)(F) and Criteria for Review; CCR-5, §11967.5.1(f)(6)*]

**DISPUTE RESOLUTION** – Provide a description of the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Describe how the costs of such a dispute resolution process, if needed, will be funded. [Ref. *California Code §47605(b)(5)(N) and Criteria for Review; CCR-5, §11967.5.1(f)(14)*]

**Evaluation Criteria**

Substantial evidence is provided of:

- A plan for the recruitment and development of staff that is manageable and consistent with the school's mission and educational program, as well as federal legislation;
- A clear understanding of staffing needs and requirements as they relate to the educational program and student population;
- Working conditions and compensation packages that will attract and retain high quality staff;
- A dispute resolution process that provides fair and prompt action, respects the due process rights of all parties, and operates in the spirit of the school's mission.

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**VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/  
EXPULSION POLICIES**

**STUDENT ADMISSION POLICIES AND PROCEDURES** – Describe the policies and procedures the school will develop and implement for the admission and enrollment of students, including any proposed timetable or calendar and the school’s implementation of the random lottery process as required by law. Include assurance that the charter school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not charge tuition nor discriminate against any student based on ethnicity, national origin, gender, or disability. [Ref. California Education Code §47605(b)(5)(H), §47605(d) and Criteria for Review; CCR-5, §11967.5.1(f)(8)]

**NON-DISCRIMINATION** – Describe how the charter school will ensure a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. [Ref. California Education Code §47605(b)(5)(G) and Criteria for Review; CCR-5, §11967.5.1(f)(7)]

**PUBLIC SCHOOL ATTENDANCE ALTERNATIVES** – As applicable, describe the public school attendance alternatives for students in the district who choose not to attend the charter school. At a minimum, specify that the parent or guardian of each student enrolled in the charter school will be informed that the students have no right to admission in a particular school of any local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency. [Ref. California Education Code §47605(b)(5)(L) and Criteria for Review; CCR-5, §11967.5.1(f)(12)]

**SUSPENSION/EXPULSION PROCEDURES** – Describe the procedures by which students can be suspended or expelled. [Ref. California Education Code §47605(b)(5)(J)] Include a preliminary list of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended or expelled, respectively. Identify the procedure by which students can be suspended or expelled and the process by which parents/guardians and students will be informed about the reasons for any such actions and their due process rights. Explain how the charter school will take into account the rights of students with disabilities in regard to suspension and expulsion. Outline how policies and procedures regarding suspension and expulsion will be periodically reviewed and, when necessary, modified. [Ref. Criteria for Review; CCR-5, §11967.5.1(f)(10)]

**Evaluation Criteria**

*Substantial evidence is provided of:*

- *A demonstration that admission policies at the proposed school will comply with applicable law;*
- *Assurance that the school has a viable plan for recruiting a student population reflective of the population in the surrounding community;*
- *A continuing plan for broad outreach and recruitment, including families traditionally less informed about education options;*
- *A student admissions plan that ensures adequate enrollment and full accessibility of the school to all eligible students;*
- *Evidence that petitioners have reviewed the offenses for which students may or must be suspended or expelled in non-charter public schools;*
- *Evidence that the proposed suspension/expulsion procedures provide adequately for the safety of students, staff, and visitors to the school; provide adequate due process for students; and serve the best interests of the school's students and their parents or guardians.*

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**REPORTING, AND ACCOUNTABILITY**

**BUDGETS** – Provide a proposed first-year operational budget, including startup costs, that includes:

- Reasonable estimates of all anticipated revenues and expenditures necessary to operate the school – including special education; and
- Budget notes that clearly describe assumptions or revenue estimates, including, but not limited to the basis for average daily attendance estimates and staffing levels.

Also provide cash flow and financial projections for the first three years of operation; and plans for establishment of a reserve. It is recommended that charter schools maintain a reserve equivalent to that required by law for a school district of comparable size. [Ref. California Education Code §47605(g) and Criteria for Review; CCR-5, §11967.5.1(c)(3)(B)]

**FINANCIAL REPORTING** – Describe the systems and processes by which the school will keep track of financial data and compile information in the prescribed format needed for the annual statement of receipts and expenditures for the prior fiscal year that is due to the charter authorizer by September 15 of each year.

**INSURANCE** – Agree that the school will acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance, and provide evidence that the cost and availability of such insurance has been researched by the petitioners. [Ref. Criteria for Review; CCR-5, §11967.5.1(c)(3)(C)]

**ADMINISTRATIVE SERVICES** – Describe the structure for providing business/administrative

services (including, at a minimum, personnel transactions, accounting, and payroll) that reflects an understanding of school business practices and expertise needed to carry out administrative services or a reasonable plan and timeline to develop and assemble such practices and expertise. For any contract services planned to serve the school, describe the criteria and procedures for the selection of contractors. *[Ref. Criteria for the Review; CCR-5, §11967.5.1(c)(3)(A)]*

**FACILITIES** – Describe the types and potential location of any facility/ies needed to operate the size and scope of educational program proposed in the charter. If (a) specific facility/ies has/have not been identified, provide evidence of the type and projected cost of the facility/ies that may be available in the location of the proposed charter school(s). Facilities plans must reflect reasonable costs for the acquisition or leasing of facilities to house the charter school. *[Ref. California Education Code §47605(g) and Criteria for Review; CCR-5, §11967.5.1(c)(3)(D)]*

**TRANSPORTATION** – Provide a description of the arrangements, if any, to be made for transportation of students, including expected level of need, proposed contracts, and adequate types and levels of insurance.

**AUDITS** – Describe the manner in which annual, independent financial audits, as required by law, will be completed by December 15 following the close of each fiscal year, and the anticipated timeline in which audit exceptions and deficiencies (if any) will be resolved to the satisfaction of the charter authorizer. *[Ref. California Education Code §47605(b)(5)(I) and (m) and Criteria for Review; CCR-5, §11967.5.1(f)(9)]* Additionally, describe who will be responsible for contracting and overseeing the independent audit, including a specification that the auditor will have experience in education finance. Outline, as applicable, the process for providing audit reports to the charter authorizer, county office of education (if not the charter authorizer), State Controller’s Office, and California Department of Education. Though not required by law, it is recommended that the audit include a review of average daily attendance reported by the charter school. *[Ref. Criteria for Review §11967.5.1(f)(9)]*

**CLOSURE PROTOCOL** – Provide a detailed description of the procedures to be used in the case of a decision by the charter authorizer or State Board of Education to revoke the school’s charter, a decision by the charter authorizer not to renew the charter, or a decision by the school voluntarily to close, including plans for a final audit of the school; disposition of net assets; communication of the closure to parents and staff; and maintenance and transfer of student records. *[Ref. California Education Code 47605(b)(5)(P)]*

**Evaluation Criteria**

Substantial evidence is provided of:

- *Sound budget planning that supports the educational mission and operational plans of the proposed school and makes the most of limited funds (i.e., demonstrates that public funds will be used effectively and responsibly);*
- *Realistic revenue and expenditure projections over the first three years of operation, including realistic projections relative to cash flow and buffers in case of shortfalls;*
- *An understanding of the timing of the receipts of various revenues and their relative relationship to timing of expenditures;*
- *Adequacy of financial management systems and procedures;*
- *A plausible plan for obtaining and financing adequate space in time for an orderly opening and operation of the school.*

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**CONTRACTS** – If the proposed charter school intends to enter into a contract with an education management organization (EMO), inclusion of the following is recommended:

- A description of the proposed contract including roles and responsibilities, performance evaluation measures, payment structure, conditions for renewal and termination, and investment disclosure;
- A draft of the proposed management contract;
- A recent corporate annual report and audited financial statements for the EMO;
- A description of the firm’s roles and responsibilities for the financial management of the proposed charter school and the internal controls that will be in place to guide this relationship;
- A list of other schools managed by the school management company, including contact information; and
- A summary of the company’s history and philosophy, past results of its school management efforts, and background on its corporate leaders.

**Evaluation Criteria**

Substantial evidence is provided of clear understanding and agreement concerning the respective roles and responsibilities of the governing board and any proposed management company, including a clearly defined performance-based relationship between the organization and the school’s board.

## VIII. IMPACT ON THE CHARTER AUTHORIZER

Provide information regarding the potential effects of the charter school on the charter authorizer and/or the school district in which it will be located, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects. *[Ref. California Education Code §47605(g)]*

### **Evaluation Criteria**

*Substantial evidence is provided that the applicant has made a thorough and conscientious attempt to examine the issues listed here through dialogue with the charter authorizer and/or school district officials.*

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## ASSURANCES

This form is intended to be signed by a duly authorized representative of the applicant and submitted with the full application.

As the authorized representative of the applicant, I hereby certify that the information submitted in this application for a charter for \_\_\_\_\_ (name of school) to be located at \_\_\_\_\_ is true to the best of my knowledge and belief; I also certify that this application does not constitute the conversion of a private school to the status of a public charter school; and further I understand that if awarded a charter, the school:

1. Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code §60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. *[Ref. California Education Code §47605(c)(1)]*
2. Will/will not (**circle one**) be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Act (Chapter 10.7 (commencing with §3540) of Division 4 of Title 4 of Title 1 of the Government Code<sup>2</sup> *[Ref. California Education Code §47605(b)(5)(O)]*
3. Will be nonsectarian in its programs, admissions policies, employment practices, and all other operations. *[Ref. California Education Code §47605(d)(1)]*
4. Will not charge tuition. *[Ref. California Education Code §47605(d)(1)]*
5. Will admit all students who wish to attend the school, and who submit a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case each applicant will be given equal chance of admission through a random lottery process. *[Ref. California Education Code §47605(d)(2)(B)]*
6. Will not discriminate against any student on the basis of ethnic background, national origin, gender, or disability. *[Ref. California Education Code §47605(d)(1)]*
7. Will adhere to all provisions of federal law relating to students with disabilities, including the IDEA, Section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, that are applicable to it. .
8. Will meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. *[Ref. Criteria for Review, §11967.5.1(f)(5)]*
9. Will ensure that teachers in the school hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. *[Ref. California Education Code §47605(l)]*
10. Will at all times maintain all necessary and appropriate insurance coverage.
11. Will follow any and all other federal, state, and local laws and regulations that pertain to the applicant or the operation of the charter school.

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Authorized Representative's Signature

Date

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<sup>2</sup> In the case of any petition to establish a charter school that is approved by the State Board of Education, the charter school must be deemed the exclusive public school employer.

## **SUBMISSION PACKAGE**

### ***Application:***

In addition to the narrative in response to Sections I through XIII of the guidelines above, applicants should include the attachments listed below. Again, the application should not exceed approximately 30 pages (with approximately 30 additional pages of Attachments as may be necessary) and should be completed on 8-1/2" by 11" paper with readable font and reasonable margins. The total number of pages should be clearly referenced in the text and the table of contents. It is recommended that at least 6 copies be provided to the charter authorizer, including one that may be used as a master to duplicate more copies if necessary.

### ***Attachments:***

1. Necessary Signatures, i.e., signatures that comply with the provisions of Education Code §47605(a) or §47605.6(a), as applicable.
2. Completed Assurances page
3. Evidence of the organization's incorporation, if applicable
4. Sample curriculum
5. Letters of support from partner organizations (optional)
6. Organizational chart of school
7. Budget
8. Others of the applicant's choosing

## Resources

### **California Department of Education, Charter Schools Web Page**

<[www.cde.ca.gov/charter](http://www.cde.ca.gov/charter)> - includes information about charter schools in the state and contact information for the state Charter Schools Office.

### **California Charter Schools Association (CCSA)**

<[www.ccsa.org](http://www.ccsa.org)> - a charter school membership organization that provides advocacy, resources, and services to charter schools in California.

### **Charter Schools Development Center (CSDC)**

<[www.csus.edu/ier/charter/center.html](http://www.csus.edu/ier/charter/center.html)> - provides experienced and expert technical assistance, training, and resources to California charter school developers, operators, charter-granting agencies, and policy makers. Offers downloadable sample documents, policy papers, and planning tools for charter school leaders.

### **U.S. Department of Education (Charter Schools website)**

<[www.uscharterschools.org](http://www.uscharterschools.org)> - serves as an overall information clearinghouse about charter schools, including federal efforts to support charter schools

### **Center for Education Reform (CER)**

<[www.edreform.com](http://www.edreform.com)> - provides information about the status of charter schools in each state, as well as legislation and charter news from around the country.

### **Charter Friends National Network (CFNN)**

<[www.charterfriends.org](http://www.charterfriends.org)> - a network of state charter school support organizations, CFNN provides resources on facilities financing, accountability, special education, working with EMOs and school designs, and other issues.

## **California Charter School Law and Regulations**

**The California Charter School Law, *California Education Code Sections 47600 – 47616.5*,  
“*Charter Schools Act of 1992*,” as amended can be found at  
<<http://www.cde.ca.gov/charter/regs/law>>.**