

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Educational Services Division

Charter Schools

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(559) 265-3071



Charter School Petition Appeal

For review by the
Fresno County Board of Education



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DEFINITIONS

California Code of Regulations	CCR
California Commission on Teacher Credentialing	CCTC
California Department of Education	CDE
California Education Code	EC
Charter Management Organization	CMO
Fresno County Board of Education	County Board
Fresno County Superintendent of Schools	FCSS
State Board of Education	SBE

REV 6.25.2020



Charter Petition Overview

The Fresno County Board of Education (County Board) recognizes that charter schools may offer diverse learning opportunities for students. When considering charter petitions, the County Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education.

The foundational document guiding all charter school operations is the charter. An approved charter is a performance contract between the County Board and the charter school. As such, terms of the contract must be delineated as clearly as possible, especially with regards to student performance measures.

A comprehensive, well-written petition provides clear operating procedures for the charter school and objective measures to which the County Board will hold the charter school accountable. This renewal submission packet is designed to give petitioners a clear outline of what FCBE considers to be a reasonably comprehensive charter petition. Petitioners are expected to present a detailed and comprehensive petition that includes specific and accurate information presenting a realistic view of how the school will implement and operate its educational program.

It is an expectation of the County Board that petitioners submitting a petition shall be knowledgeable of state and federal laws and regulations regarding charter schools; the County Board's Memorandum of Understanding – Charter School Authorization (MOU); and the County Board charter policies, forms, and guidance materials.

All charter petitions received by the County Board shall be considered for approval or denial by the County Board pursuant to the requirements of applicable state and federal laws and regulations, and County Board policies. (Education Code 47605.5, 47605.6, 47607, 47607.2.)

In reviewing charter petitions, the County Board shall consider whether granting the charter is consistent with sound educational practice and the interests of the community in which the school is proposing to locate, and shall consider the academic needs of the pupils the charter proposes to serve.

In considering charter petitions, the County Board shall give preference to charter petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to standards established by the California Department of Education (CDE). (Education Code 47605, 47605.1, 47605.6)

If the County Board grants a renewal petition for a County Board-authorized charter, it does so contingent upon the charter school entering into the County Board's Memorandum of Understanding – Charter School Authorization (MOU) with the County Board.



Charter Petition Overview

Upon County Board approval of any charter petition, the petitioner(s) shall provide written notice of the approval, including a copy of the petition, to the State Superintendent of Public Instruction, to the State Board of Education, and, if the petition is for a countywide benefit charter school, to the school district(s) in which the charter will operate sites. (Education Code 47605, 47605.6.)

The County Board and the staff of the Fresno County Superintendent of Schools view the responsibility to provide a quality education to all of the children in Fresno County as a serious undertaking. In that light, we are interested in authorizing only high quality charter schools that:

- Share our vision of equity and success for the children of Fresno County
- Implement innovative and effective approaches to educating students
- Implement effective instructional strategies to serve underperforming populations
- Narrow the achievement gap among students of various backgrounds
- Demonstrate fiscal viability
- Provide sound governance that is free of conflicts of interest



Charter Renewal Overview

Renewal petitions for County Board authorized charter schools shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605, except for renewal petitions for a countywide benefit charter which are governed by the standards and criteria set forth in Education Code 47605.6. A Charter renewal shall not be denied based on the fiscal impact of the charter school or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605(c)(7) and (c)(8). However, the County Board may use either of these bases to deny a proposed expansion constituting a material revision. (Education Code 47607.)

As an additional criterion for determining whether to grant or deny appeals of school district denials of a renewal petition, the County Board shall consider the past performance of the charter school based on the state and local indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 (Dashboard). If the Dashboard indicators are not available for the most recently completed academic year before renewal, the County Board shall consider verifiable data (as defined in Education Code 47607 and 47607.2) provided by the charter school related to the Dashboard indicators for the most recent academic year.

In considering appealed charter renewals, the County Board shall follow the renewal standards set forth in Education Code 47607 and 47607.2 for the following categories of charters as follows: (Education Code 476075, 47607.2.)

1. High-Performing Charters: The County Board shall renew a charter for a period between five (5) and seven (7) years if the charter: (Education Code 47607(c)(2).)
 - 1.1 Is not eligible for technical assistance pursuant to Education Code 47607.3; and
 - 1.2 Meets either of the following criteria from two consecutive years immediately preceding the renewal decision, on at least two measurements of academic performance per year, and for at least two numerically significant student subgroups as defined in Education Code 52052(a)(1) (subgroup):
 - 1.2.1. Has received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels; or
 - 1.2.2. For all measurements For all measurements of academic performance, has received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.



Charter Renewal Overview

2. Low-Performing Charters:

2.1 The County Board shall generally not renew a charter seeking renewal if either of the following applies for two consecutive years immediately preceding the renewal decision: (Education Code 47607.2(a).)

2.1.1. The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels; or

2.1.2. For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

2.2 However, the County Board may renew a charter that meets either of the criteria described in Section 2.1 above for a period of two (2) years only if the County Board makes written factual findings, setting forth specific facts to support the findings, for both of the following:

2.2.1. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; and

2.2.2. There is clear and convincing evidence, demonstrated by verified data, showing either of the following:

- a. Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
- b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

3. Other Charters: For all charter schools that are not classified as High Performing Charters or Low Performing Charters as set forth above, the County Board shall consider whether to grant or deny a renewal charter petition according to the following: (Education Code 47607.2(b).)

3.1 The County Board shall consider both schoolwide performance and the performance of numerically significant subgroups in the state and local indicators included in the Dashboard, giving greater weight to performance on measurements of academic performance. In addition, the County Board shall consider clear and convincing evidence, demonstrated by verified data, showing either of the following:

3.1.1. Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or



Charter Renewal Overview

3.1.2. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

3.2 Following the consideration set forth in Section 3.1 above, the County Board may:

3.2.1. Grant renewal of the charter for a period of five (5) years;

3.2.2. Deny renewal of the charter only upon making written findings, setting forth specific facts to support the findings, of all the following:

- a. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the students of the school;
- b. Closure of the charter school is in the best interest of students; and,
- c. The County Board's decision provided greater weight to performance on measurements of academic performance, if applicable.

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above renewal criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The County Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607(c)(7).)

In addition to all grounds for denial of a charter petition stated above, the County Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend.



Charter Petition Appeal Timelines

Petitioner submits appropriate documents for review by the Fresno County Board of Education

Action	Timeline
Petitioner submits Denied Initial Petition Approval or Denied Renewal Petition and signed certification that the petitioner deems the petition to be complete.	A complete charter appeal packet must be submitted to the County Board no later than 30 (thirty) calendar days after the school district governing board's denial action. (Education Code 47605(k).)
Complete Petition Packet (see Charter Submission Process)	Petitioner must submit the completed documents as described. If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner(s) may elect to resubmit the petition to the County Board (Education Code 47605.).

Action	Timeline
County Board Public Hearing	Within 60 (sixty) days from receipt of petition
County Board shall publish all staff recommendations, including the recommended findings, regarding the petition.	At least 15 days before the public hearing at which time the County Board will grant or deny the renewal petition
Petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47607.)	During the public hearing at which time the County Board shall decide to grant or deny the charter petition.
Decision by the County Board at Public Hearing	Within 90 (ninety) days from receipt of petition
Agreement by petitioner and FCSS that additional time is required (optional)	30 (thirty) days extension of timeline
<p>If the Petition is approved the petitioner must submit written notice of approval and a copy of the Petition to the affected school district within Fresno County, the CDE and SBE.</p> <p>If the Petition is denied a Finding of Facts will be prepared and sent to the Charter School Petitioner and the affected school district within Fresno County.</p>	



Submitting the Appealed Petition

*Please assemble sixteen (16) binders of your Petition Appeal
The following items must be included and contain a binder cover
and tabs separating each numbered requirement.*

- | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Table of Contents |
| 2. | Notice of Intent to Submit Petition |
| 3. | Signed Affirmations & Assurances that the Petitioner(s) will comply with all applicable law not limited to Education Code 47605 et seq |
| 4. | Completed Charter Petition Requirements Checklist |
| 5. | A complete copy of the charter petition as denied by the school district, including, but not limited to, the signatures required by Education Code 47605 and the identification of the proposed site(s) where the charter school will operate |
| 6. | Evidence of the school district governing board's action to deny the petition and the school district's governing board's written factual findings supporting the denial |
| 7. | A written description of any new or different terms to the petition since the petition was denied by the school district's governing board |
| 8. | FCSS Charter Petition Review Matrix |
| 9. | Narrative description of any changes to the petition necessary to reflect the County Board as the chartering entity. The separate document should identify petition elements and page numbers where the proposed changes would be made. |
| 10. | Articles of Incorporation for the non-profit organization |
| 11. | Bylaws for the non-profit organization |
| 12. | Thumb/flash drive of the original Charter Petition with supporting documents and required documents referenced hereinabove |
| 13. | Signed certification that the Petition, as submitted, is complete. |

The complete submission package must be hand delivered to:

Office of the Fresno County Superintendent of Schools
Director of Charter Schools
or designee
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, CA 93721



Appeal Certification and Review

Prior to reviewing the petition, FCSS will verify that the appealed petition was received within the statutory timelines. A **Denied Initial Petition Approval or Denied Renewal Petition** to establish a charter must be received within 30 calendar days of the district's denial action.

FCSS utilizes a review protocol to evaluate petitions. The protocol is based on the model and standards developed using Education Code, CCRs and charter authorization best practices. The review protocol has been modified to reflect FCSS as reviewer and the County Board as the authorizer.

In the case of a renewal, FCSS will also determine whether the charter school has met the renewal standards set forth in Education Code 47607 and 47607.2, and that the petition reflects changes to law since the charter was first authorized or last renewed. In addition to reviewing the petition and supporting documents, FCSS reviews publicly available information regarding the school (in the case of a renewal), the petitioners, and other schools with whom the petitioners have been associated. FCSS will conduct a facilities inspection as part of the petition review process.

FCSS reserves the right to request additional documents and information as necessary to provide the County Board with a complete understanding of the petition.

Capacity Interview

In addition to a review of the charter petition, FCSS may interview the governing board and leadership team to help determine if the board has the capacity to govern the school and the leadership team has the background necessary to implement and maintain the charter. Information from the interview is included in the staff report.

Fresno County Board of Education Process

The FCBE typically considers a petition at two (2) separate regularly scheduled meetings:

- **Public Hearing** – Held within 60 (sixty) calendar days of receipt of a complete submission packet. This is the petitioner's opportunity to demonstrate support for the charter and provide an overview of the school's proposed educational program including the school's mission, the educational design and how the proposed school will fulfill the legislative intent of the Charter Schools Act (Education Code 47601). Additionally the FCBE shall consider the level of support for the petition by teachers employed by the school, other employees of the school and parents.
- **Staff Report on Findings of Fact and County Board Action** – Held within 90 (ninety) calendar days of receipt of petition unless both parties agree to an extension of up to 30 (thirty) days. (The request for an extension must be made prior to the public hearing in which the County Board will vote to approve or deny the charter petition.). The County Board shall publish all staff recommendations, including the recommended findings, regarding the renewal petition at least 15 (fifteen) days before the public hearing at which time the County Board will grant or deny the renewal petition.

During the public hearing in which the County Board will decide on the charter, the County Board may ask questions of FCSS staff and petitioner(s). During this meeting, petitioners shall have equal time and opportunity to present evidence and respond to the staff recommendations and findings.



Notifications

The Office of the Fresno County Superintendent of Schools will notify the petitioner in writing of the following:

1. Dates of Public Hearing and Report/Board Action meetings.
2. Date of Report release.
3. Date of Public Hearing in which County Board will approve or deny the charter.
4. Request of a Capacity Interview as deemed necessary by FCSS staff.
5. Scheduling of site visit(s).

Approval Process

The County Board may approve charter petitions according to applicable laws and such approvals shall be for a specified term. (Education Code 47605, 47607, 47607.2.).

If the County Board grants a charter petition, it does so contingent upon the charter school entering into the MOU with the County Board. Charter petitions approved by the County Board shall operate under the provisions of their respective charters, the MOU, the relevant policies and procedures of the County Board, and applicable state and federal laws. The County Board becomes the chartering authorizer if it grants a charter.

Upon the County Board approval of any charter petition, the petitioner(s) shall provide written notice of the approval, including a copy of the petition, to the State Superintendent of Public Instruction, to the State Board of Education. (Education Code 47605.).

A charter petition shall be denied if such petition 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.).

A charter petition shall be denied if granting the petition would convert a private school to a charter school (Education Code 47602(b)).

In addition, the County Board may deny a charter petition for the establishment of a charter school if it makes written factual findings specific to the petition setting forth specific facts so support one or more of the following grounds (Education Code 47605.):

1. The charter school presents an unsound educational program for the 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. The petition does not contain the number of signatures required in Education Code 47605(a).
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(e).
5. The petition does not contain reasonably comprehensive descriptions of the charter elements required under Education Code 47605(c)(5).



Approval Process

6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public school employer or the employees of the charter school for purposes of collective bargaining pursuant to Government Code 3540-3549.3.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the charter school is proposing to locate analyzing the following:
 - a. The extent to which the proposed charter school would substantially undermine existing service, academic offerings, or programmatic offerings in the school district where the proposed charter school intends to locate; and
 - b. Whether the proposed charter school would duplicate a program currently offered within the school district where the proposed charter school intends to locate, and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate. (See Education Code 47605(c)(7).)
8. The school district where the charter school is proposing to operate is not positioned to absorb the fiscal impact of the proposed charter school. (See Education Code 47605(c)(8).)



Notice of Intent to Submit Petition

TYPE OF SUBMISSION

Please select one

RENEWAL Countywide Authorized County Board Authorized SBE Authorized

APPEAL Denied Renewal Petition Denied Initial Petition Approval

INITIAL Countywide Charter

CHARTER SCHOOL INFORMATION

Name of Charter School: _____

Resident District of Charter School: _____

District Name Address City State Zip

Location of Charter School _____

Address City State Zip

Additional Approved Site(s):
(If any. If none, leave blank)

District Name Address City State Zip

District Name Address City State Zip

District Name Address City State Zip

Grade Levels: _____ Enrollment: _____ School Start Date: _____
(New charter projections) (New charter projections) (New charter only)

LEAD PETITIONER INFORMATION

Name of Lead Petitioner: _____

Address: _____

Mailing Address City State Zip

Phone Number(s): _____

Please specify – Home | Business | Cell Please specify – Home | Business | Cell Other – Please specify

Email Address: _____

CHARTER DEVELOPMENT TEAM MEMBERS

Name	Position	Name	Position
Name	Position	Name	Position
Name	Position	Name	Position
Name	Position	Name	Position

LEAD PETITIONER CERTIFICATION

I/We certify that we are interested in the petition for the _____ Charter School.

Print Name: _____ Date: _____

Signature: _____



Petition Appeal Submission Requirements

TYPE OF SUBMISSION

Please select one

Denied Initial Petition Appeal
(DIPA)

Denied Renewal Petition Appeal
(DRPA)

- Flash Drive containing entire submission in PDF form (unless specified otherwise)
- Cover
- Table of Contents

SECTION 1

- 1.1 Notice of Intent
- 1.2 Appendix A Required Documents: Appeal of a Denied Charter Petition
- 1.3 FCSS Charter Review Matrix

SECTION 2

- 2.1 Copy of the District governing board's action of denial of the petition (letter and/or board minutes)
- 2.2 Copy of the District governing board's written Findings of Fact specific to the denied charter
- 2.3 *Optional: Petitioner's response to Findings of Fact (no more than 5 pages)*
- 2.4 Evidence the school's governing body approved submission of the petition to the FCBE
Separate narrative containing a description of any changes to the petition necessary to reflect the County Board as the chartering entity; petition elements and page numbers where the proposed changes would be made should be indicated
- 2.5 Signed certification of compliance with applicable law

SECTION 3

- 3.1 Complete copy of the charter petition as denied by the District governing board (verified by the district)
- 3.2 Description of all changes made to the petition following District governing board denial including changes reflecting the County Board as authorizer
- 3.3 All supporting documents to the petition submitted to the district
- 3.4 Signature page(s) of interested parents or teachers with complete contact information
(DIPA only)
- 3.5 Documentation that the school met at least one of the renewal criteria specified in *Education Code (EC) 47607(b)* and a description of how the school has met all new charter requirements enacted into law since the charter was granted or last renewed (CCRs, Title 5, 11966.4)
(DRPA only)

SECTION 4

- 4.1 Proposed first year operational budget including start-up costs, cash-flow and assumptions as denied by the District governing board
- 4.2 Financial projections for the first three years of operation
- 4.3 Copies of the three most recent Independent Financial Audit(s) of 501(c)(3) **(DRPA only)**
- 4.4 Fiscal Policies approved by the governing board
- 4.5 General Ledger for both the non-profit entity holding the charter and the school for the three months prior to petition submission to the local district **(DRPA only)**
- 4.6 Debt Schedule (including total principal, interest due and term of debt)
- 4.7 Bank Statements for the three months prior to petition submission to the local district **(DRPA only)**
- 4.8 CMO Contracts and/or Contracts exceeding \$5,000 annually
- 4.9 Public Charter Schools Grant Program application and budget (if applicable)



Petition Appeal Submission Requirements

Section 5

- 5.1 Resumes for the petitioner(s) and members of the Board of Directors; if resumes are included in the petition, indicate the page number(s) here:

- 5.2 Bylaws of 501(c)(3); if included in the petition, indicate the page number(s) below:

- 5.3 Articles of Incorporation of 501(c)(3); if included in the petition, indicate the page number(s) here: _____

Section 6

- 6.1 Lease/Rental Agreement(s) or Similar Documents; if these items are included in the petition, indicate the page number(s) here: _____
- 6.2 Certificate(s) of Occupancy; if included in the petition, indicate the page number(s) below:
