

Review of Criteria for Charter Application Approval/Denial and Possible Implications to District Schools

Board of Education
December 8, 2009

Criteria for Charter Application Approval/Denial

Education Code 47605

A Charter shall be denied only if the Board presents written factual findings specific to the petition that one or more of the following conditions exist:

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.
4. The petition does not contain an affirmation of each of the conditions described in Ed Code 47605(d)
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Ed Code 47605(b) listed in “Components of Charter Petition” set forth on slide 5.

Criteria for Charter Application Approval/Denial

The governing board shall not **approve** any charter petition that proposes to serve students in a grade level that is not served by the district (Ed Code 47605)

The governing board shall not **deny** a petition based on the actual or potential costs of serving students with disabilities or because the charter school might enroll disabled students who reside outside the special education local plan area in which the district participates (Ed Code 47605.7, 47647)

The governing board shall not **deny** a charter petition based on collective bargaining agreements (Ed Code 47611.5)

Criteria for Charter Application Approval/Denial

The governing board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students (Ed Code 47605)

The governing board may initially grant a charter for a specified term not to exceed five years (Ed Code 47607)

Timeline for Charter Approval/Denial (Ed Code 47605):

- No later than 30 days after the receipt of the petition, the governing board shall hold a public hearing on the provisions of the charter
- No later than 60 days after the receipt of the petition, the governing board shall either grant or deny the petition (exception: could request a mutually agreed upon 30 day extension)

Review of Charter Petition (Ed Code 47605)

A charter petition shall include descriptions and affirmations of the following required elements:

A. Educational Program	I. Annual Financial Audits
B. Measurable Student Outcomes	J. Suspension and Expulsion
C. Student Progress Measurement	K. Staff Retirement System
D. Government Structures	L. Attendance Alternatives
E. Employee Qualifications	M. Description of Employee Rights
F. Health and Safety	N. Dispute Resolution Process
G. Racial and Ethnic Balance	O. Labor Relations
H. Admissions Requirements	P. Closure Procedures

Review of Charter Petition (Ed Code 47605)

- Impact Statement, including length of charter term
- School calendar
- Class schedules, instructional minutes
- Intent to provide transportation
- Staff development procedures and materials
- Assurance to comply with Individuals with Disabilities Education Act (IDEA), Section 504, Americans with Disabilities Act, Title VI, Title IX

Review of Charter Petition (Ed Code 47605)

- Records of claims/lawsuits against the charter school
- Intent to participate in the National School Lunch Program
- Facilities to be used by the school
- Financial statements
- How administrative services are to be provided
- Description of the education, work experience, credentials, degrees, and certifications of the individuals comprising
- Other petitions submitted to other districts and result of petitions

Conditions for Commencing Operation & Other Documentation

- Risk Management Program
- Student Demographic Report
- Statement of Facts Roster
- Evaluation of the Educational Program and General Operations
- Fiscal Reporting
- Employment Audit

Conditions for Commencing Operation & Other Documentation

- Instructional Staff
- Programming Plans, i.e., English Learner Plan
- Other Staffing and Volunteers
- Evaluation of School Administrators & Teachers
- Professional Development for School Administrators & Teachers
- Attendance Reporting

Implications to District Schools

(subject to change as circumstances change)

Issues	Timeline
Special Education	By end of January
Enrollment projections, including those not wishing to attend charter	By beginning of February
School enrollment capacity at Lincoln & Wood	By February
School boundary changes	By February
Staffing changes	By February
Newcomer program	By March
Effect on District budget	By March
Closure of current school site	By March
Transportation	By March
Transition of materials, supplies, data	By June

Next Steps

December 15, 2009 Board of Education Meeting:

- Staff recommendation to the Board of Education on approval or denial of Academy of Alameda Charter petition
- The charter will receive written feedback on all required elements
- If denied, the charter may submit the petition to Alameda County Board of Education
- If approved, the District will begin oversight of the charter school
- Construct applicable Memorandum of Understanding (MOU)