



Charter School Authorization

Guidance and Technical Assistance for Prospective Charter School Authorizers

Charter Schools Division
2014



TOM TORLAKSON
State Superintendent
of Public Instruction

Legislative Intent: Charter School Expectations

It is the legislative intent that charter schools will:

- Improve pupil learning
- Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for academically low achieving students
- Meet measurable pupil outcomes
- Operate under performance-based accountability systems
- Stimulate continual improvements in all public schools

California Education Code (EC) Section 47601



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Academic Achievement Above All

California charter school law establishes that improved pupil academic achievement for **all** pupils is the first priority of California charter schools.

EC Section 47601



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Characteristics of Charter Schools

<p>Conversion of a public school to a charter</p>	<p>Start-up school is a new school</p>
<p>Locally – funded - charter school’s funding is deposited into the school district’s account in the county treasury and disbursed by the school district to the charter school</p>	<p>Direct – funded - charter school’s funding is deposited directly into the charter school’s account in the county treasury</p>
<p>Classroom-based instruction is when pupils are under the immediate supervision of certificated school employees and 80% of the instructional time is at a school site</p>	<p>Nonclassroom-based instruction must meet credentialing and independent study requirements; examples: independent study, home study, work study, and distance and computer-based education</p>
<p>Combination of classroom-based and nonclassroom-based means some of the pupils are served through classroom-based instruction and a different set of pupils are served through nonclassroom-based instruction.</p>	



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Combination Charter School Example

Total students: 800 enrolled

Instructional delivery method:

Classroom-based: 200 students enrolled or
25% of the total students in the charter school

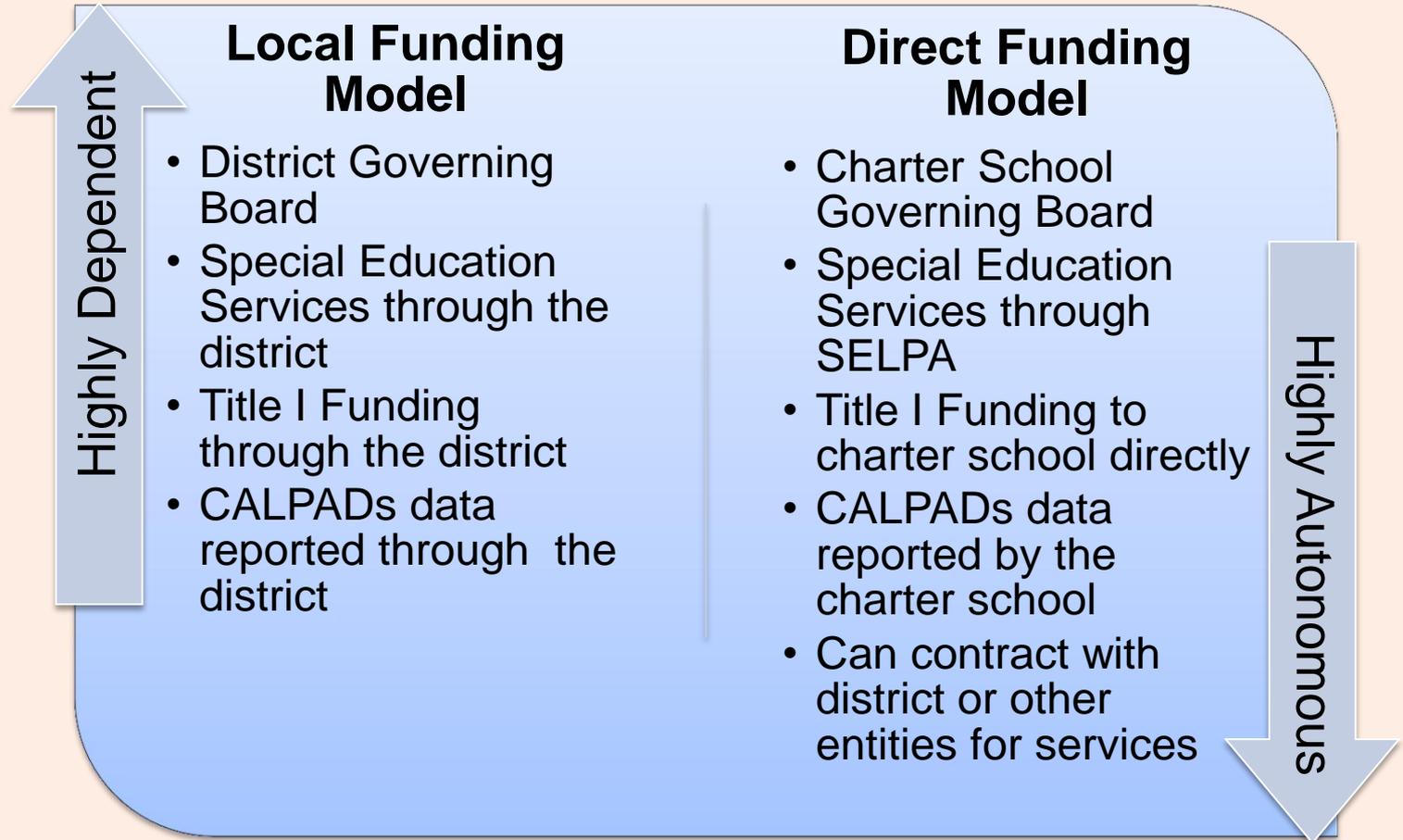
Nonclassroom-based: 600 students enrolled
or 75% of the total students in the charter school

Note: Students must be enrolled in *either* a classroom-based program that meets seat-time requirements *or* a nonclassroom-based program which meets work product requirements. A student cannot be enrolled in both methods of instructional delivery for the charter school to receive funding for either.



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Charter School Autonomy





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Examples of Operational Autonomy of Charter Schools

A charter school may exhibit varying degrees of autonomy from its authorizer, as reflected in a number of areas:

Special education services are provided through the authorizer versus through a Special Education Local Plan Area (SELPA)

State and Federal Title I funding is disbursed through the authorizer versus directly by the county

CALPADS information is reported through the authorizer versus reported directly to the state by the charter school

Testing by a locally-funded charter school must be through its authorizer, beginning in 2014-15; testing by a direct-funded charter is handled entirely between the state and its contractors and the charter school



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ESEA, Title I Funding for Local Educational Agencies (LEAs)

Locally-funded charter schools must access funding through their authorizer. Direct-funded charter schools, that meet eligibility requirements, receive funding directly from the state. Funding is obtained by:

- Having a minimum Free and Reduced Price count, based on a formula unique to each charter school
- Filing specific documents with the California Department of Education's Fiscal Services Division
- Obtaining State Board approval of an LEA plan



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Age Limitations in Charter Schools

A pupil over 19 years of age must be continuously enrolled in public school and making satisfactory progress toward award of a high school diploma. This age limitation does not apply when instruction is provided exclusively in partnership with:

The federal Workforce Investment Act of 1998 (ages 14-21)

Federally-affiliated Youth Build programs (ages 16-24)

Federal job corps training or instruction pursuant to an MOU with the federal provider (ages 16-24)

CA Conservation Corps or local conservation corps certified by the CA Conservation Corps (ages 18-25)

*EC Section 47612(b) and 47612.1;
California Code of Regulations, Title 5 (CCR 5) Section 11960*



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Charter Schools: Highly Qualified Teacher

The federal Elementary and Secondary Education Act (ESEA) applies to teachers employed by public schools, and requires that all public school teachers be highly qualified, defined as:

- Holds appropriate state certification
- Holds a minimum of a bachelor's degree
- Has demonstrated subject area competence in each of the academic subjects the teacher is assigned to teach



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Charter Schools: Teacher Credentialing Requirements

Teachers in charter schools are required to hold a valid CTC certificate, permit, or other document as in non-charter schools. State legislative intent gives flexibility to charter schools in what the CA credential is in, with regard to noncore, noncollege preparatory courses, but the teacher must hold a CA credential. Teachers of core classes teaching English learners must hold the same certifications and authorizations for teachers in non-charter schools.

ESEA defines core courses as mathematics, English/language arts, science, history, foreign languages, civics and government economics, arts, and geography.

EC Section 47605 (I)



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Charter Schools: Credentialing (cont.)

Administrators and non-teaching staff in a charter school are not required to be credentialed.



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Additional Laws Governing Charter Schools

Each charter school under an authorizer's authority must comply with its charter and all state laws required of charter schools:

Charter Schools Act of 1992 *California Education Code (EC) Part 26.8, Section 47600 et seq.*

State Teachers Retirement (*EC Section 47611*)

Charter School Revolving Loan Fund (*EC Section 41365*)

All laws establishing minimum age for public school attendance

The California Building Standards Code *California Code of Regulations (CCR) Title 24, Part 2, Section 101 et seq.*

EC Section 47610



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Charter Schools: Other Requirements

And other state laws required of charter schools:

- Personnel, including credentialing requirements, FBI background checks, tuberculosis testing, and retirement reporting
- State pupil assessments, including English learner assessments
- CALPADS data reporting, including enrollment
- School Accountability Report Card (SARC)
- Annual LCAP update by July 1, beginning in 2015

EC Sections 42237, 47605 (b)(5)(F) and (c)(1), and 49406



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Charter Schools: Other Requirements (cont.)

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Special Education Laws Governing Charter Schools

Charter schools must comply with state and federal requirements pertaining to students with disabilities, including:

Participating as a public school of the authorizing LEA or as an LEA member of a Special Education Local Plan Area (SELPA)

Participating as a public school of the authorizing LEA while pursuing LEA status in a SELPA

Ensuring appropriate access to special education programs and related services for charter school pupils

Note: An authorizer shall not deny a petition based on costs of serving students with disabilities or because the school might enroll disabled students who reside outside the authorizer's special education local plan area.

EC Section 47605.7 and 47647



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Identifying and Testing for English Language Proficiency

Charter schools administer all pupil assessments required of non-charter public schools, including assessments of English learners:

Parents or guardians of all students are required to complete a Home Language Survey upon initial enrollment in public school

When the home language is other than English, the pupil's English proficiency is determined using the CELDT within 30 days of enrollment

Students identified as English learners are further assessed in their primary language to determine proficiencies in listening, speaking, reading, and writing; assessment results are sent to the parent/guardian in a language they understand

Final results of the students' designation and English proficiencies are reported annual to the state on the Language Census



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Charter Authorizer Petition Review Process



“Transparency is key to good oversight practices. It promotes accountability, legitimacy, and fairness. Transparency in the application process fosters better applicants and promotes legitimacy of the authorizer.”

- *California Charter Oversight: Key Elements and Actual Costs*, p. 73. California Research Bureau, California State Library, January 2012



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Charter Authorizer Petition Review Process: NACSA



The National Association of Charter School Authorizers* (NACSA) identifies 12 Essential Practices for every authorizer. Many of these practices are embedded in California's statutes and regulations governing charter schools. Some of them serve as professionally-accepted standards and may be particularly useful to new authorizers.

* www.qualitycharters.org



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NACSA Practices for Charter School Oversight



Practice 1: Mission

Practice 2: Staff

Practice 3: Performance Contract

Practice 9: Financial Audits

Practice 10: Renewal Criteria

Practice 11: Revocation Criteria

Practice 12: Annual Report



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NACSA Practices for Petition Evaluation and Approval

Practice 1: Mission - Have a published and available mission for quality authorizing



- A clearly articulated mission statement helps to guide the work, reminding the authorizer that they are in the business of authorizing charter schools to expand educational opportunities for students, and change lives.

www.qualitycharters.org



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NACSA Practices for Petition Evaluation and Approval



Practice 2: Staff - Have staff assigned to authorizing within the organization or by contract

- An authorizer employs competent personnel to carry out all authorizing responsibilities commensurate with the scale of the charter school portfolio. Quality charter school authorizing requires a broad skill set—from academic knowledge to fiscal expertise.

www.qualitycharters.org



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NACSA Practices for Petition Evaluation and Approval



Practice 3: Performance Contract – Sign a performance contract with each school

- An authorizer executes contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences and other material terms.

www.qualitycharters.org



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NACSA Practices for Petition Evaluation and Approval

Practice 4: Criteria- Have established, documented criteria for the evaluation of charter applications



- A comprehensive application process that includes clear application questions and guidance, follows fair and transparent procedures and rigorous criteria, and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school. California has a number of these elements in law.



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NACSA Practices for Petition Evaluation and Approval



Practice 5: Published Timelines – Publish application timelines and materials

- Procedures and timelines are transparent. A comprehensive application process with clear guidance will enable stronger proposals with the information the authorizer needs to make sound decisions, while encouraging petitioners to undertake rigorous planning needed to launch and sustain successful schools.



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NACSA Practices for Petition Evaluation and Approval



Practice 6: Interview- Interview all qualified charter applicants

- Include a substantive interview with the applicant group to ask detailed questions about their plans and capacities. This is an opportunity to follow up on questions raised by the written proposal, probe for detail, and evaluate an applicant's capacity to execute the school plan it describes. In California, petitioners, at a minimum, are afforded a public hearing at which time questions may be posed by the governing board.



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NACSA Practices for Petition Evaluation and Approval



Practice 7: Expert Panels - Use expert panels that include external members to review charter applications

- An authorizer organizes highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, along with an understanding of principles of charter school autonomy and accountability. The addition of members who are independent of the authorizer can minimize bias and limit perceptions of undue influence – ensuring no real or perceived conflict of interest. Successful charter school operators often are excellent contributors to review teams.



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Governing Board Policies for Charter Authorizers: CSBA



The California School Boards Association (CSBA) develops sample board policies and administrative regulations for governing boards, including policies related to charter school authorization.

www.csba.org (BP/AR 0420.4)



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Governing Board Policies for Charter Authorizers: CSBA



CSBA's sample policies and regulations suggest:

A policy that captures the requirements regarding petition approval consistent with statute and regulation

A policy that reflects district practice with regard to charter school approval

Administrative regulations that are consistent with statute and regulation

Administrative regulations that reflect district practice, and may include a petition review team that includes representatives from several of the district's departments to evaluate a petition's merits and identify any concerns that should be addressed by petitioners

www.csba.org (BP/AR 0420.4)



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Charter Authorizers

Three Types of Authorizers:

- *School District Governing Board*
- *County Board of Education*
- *State Board of Education*

EC sections 47605, 46605.5, 47605.6, 47605.7, 47605.8, 47606, 47607, and 47607.5



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Charter Authorizing Authorities by Type

Authorizers differ in their authority to authorize charter schools:

School District Governing Board – schools that will serve only grade levels served by the school district unless the charter will serve all grades the district serves, then it can serve other grades as well (*EC* sections 47605, 47605.7, 47607; *CCR 5* Sections 11966.4)

County Board of Education – appeals of district denials; countywide services that cannot be provided by a school operating in only one district; and instructional services that are not generally provided by a county office (*EC* sections 47605, 47605.5, 47605.6, 47607, 47607.5; *CCR 5* Sections 11966.5, 11967)

State Board of Education – upon denial or inaction by school district and county governing boards; and statewide benefit charter schools, reserved for instructional services that cannot be provided by a school operating in only one school district, or only in one county (*EC* sections 47605, 47605.8, 47606, 47607, 47607.5; *CCR 5* sections 11966.6, 11967, 11967.5, 11967.5.1, 11967.6)



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Charter Authorizing

“The primary goal for effective authorizing is to partner with our schools in providing quality education for our students.”

-- *Charter Authorizer Toolkit ,
Brokers of Expertise*



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Charter Petition Review

EC Section 47605 provides the rigorous criteria that must be followed by both charter petitioners and charter authorizers prior to establishment of a charter school. These criteria are designed to ensure that a proposed charter school is likely to provide educational benefit for all pupils who attend.



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Information Required of Petitioners

A potential district governing board authorizer, in reviewing the petition, must require of petitioners:

- Information regarding the proposed operation and potential effects of the school, including the facilities to be used by the school. The description of the facilities must specify where the school intends to locate.
- Financial statements including a proposed first-year operational budget with startup costs, cash flow and financial projections for the first three years of operation.

EC Section 47605(g)



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Geographic Location and Limitations

A charter petition must:

- Identify a single site to operate within the geographic boundaries of the authorizer. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition.
- After petition approval, a charter school proposing to establish one or more additional sites must request a material revision to its charter.

EC Section 47605(a)



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Geographic Location and Limitations (cont.)

A charter school unable to locate within the jurisdiction of the authorizing school district may establish one site outside the boundaries of the authorizer, but within the county of the authorizing school district, **IF** the school district where the school proposes to operate is notified in advance of petition approval **AND** the county superintendent and the State Superintendent are notified of the location before it commences operations **AND** either one of the following conditions exist:

- The school has attempted to locate a single site or facility to house the entire program, but such a site is unavailable in the area the school chooses to locate.
- The site is needed for temporary use during a construction or expansion project.

EC Section 47605(a)



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Nonclassroom-Based Meeting Space Limitations

A charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if both conditions are met:

- The facility is used exclusively for the pupils enrolled in nonclassroom-based independent study of the charter school.
- The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.

EC Section 47605.1



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Basis for Approval of a Charter Petition

Charter petitions are reviewed by the authorizer to determine whether the petition is:

A sound educational program for the pupils to be enrolled

The program is likely to be successfully implemented as presented in the petition

A reasonably comprehensive description of the sixteen elements described in *EC 47605(b)(5)(A)* through (P)

EC Section 47605(b)



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Sixteen Required Charter Elements

A charter petition must provide a reasonably comprehensive description of each of the following:

Description of Educational Program*	Measurable Pupil Outcomes**
Method for Measuring Pupil Progress	Governance Structure
Employee Qualifications	Health and Safety Procedures
Racial and Ethnic Balance	Admission Requirements
Annual Independent Financial Audits	Suspension and Expulsion Procedures
Retirement Coverage	Public School Attendance Alternatives
Post-employment Rights of Employees	Dispute Resolution Procedures
Exclusive Public School Employer	Closure Procedures

EC sections 47605(b)(5)(A)-(P)

New
7-1-13

- Including annual goals and actions
- ** Including increases schoolwide and for subgroups



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New Petition Requirements Effective July 1, 2013

Charter school petitions now must include:

Annual goals for significant subgroups (*EC* Section 52052) to be achieved in the state priorities, ***that apply for the grade levels served or the nature of the program operated***, by the charter school; annual actions to achieve those goals; greater focus on low income pupils, English learners, and Foster Youth

For proposed schools serving high school pupils, the manner in which parents are informed about transferability of courses to other public high schools, and the eligibility of courses meeting college entrance requirements (such as WASC accredited and “A to G” creditable)

Pupil outcomes, addressing academic achievement schoolwide and for subgroups, aligned with state priorities and consistent with SARC reporting



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State Priorities in *Education* Code Section 52060(d)

Annual goals and annual actions for all pupils and for each subgroup to be achieved in the 8 state priorities:

Basic Services (credentialing, instructional materials, school facilities)	Implementation of State Academic Content Standards
Parental Involvement	Student Achievement
Student Engagement	School Climate
Course Access	Other Student Outcomes

EC Sections 47605(b)(5) and 52060



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Petition Signature Requirements

A charter school petition may be submitted to a potential authorizer if ***one*** of these conditions is met:

Signed by a number of parents or legal guardians of pupils, who are meaningfully interested in having their student attend the school, that equals at least $\frac{1}{2}$ of the number of pupils the charter school estimates will enroll in the school's first year of operation

Signed by a number of teachers, who are meaningfully interested in teaching at the school, that equals at least $\frac{1}{2}$ of the number of teachers the charter school estimates will be employed at the school in the school's first year of operation

EC Section 47605



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Petition Signature Requirements (cont.)

For a conversion of a public school to a charter school, a charter school petition must be:

Signed by at least 50% of the permanent status teachers currently employed at the public school to be converted who are meaningfully interested in teaching at the school

EC Section 47605



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Public Hearing and Community Support

The local governing board conducts a public hearing on the provisions of the charter. The board considers the level of support for the petition by teachers employed by the district, other employees of the district, and parents. In the case of a countywide charter school, that includes the level of support by the school districts where the petitioners propose to place school facilities.

The local board grants a charter if it is satisfied that granting the charter is consistent with sound educational practice.

EC Section 47605 and 47605.6



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Charter Petition Assurances

A charter petition must provide assurances that it shall:

1. Be nonsectarian in its programs, admissions policies, employment practices, and all other operations
2. Not charge tuition
3. Not discriminate against any pupil on the basis of characteristics listed in *EC* Section 220

EC Section 47605 (d)(1)

***EC* Section 220 states:**

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that received, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.



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Charter Petition Admissions Assurances

The charter petition must describe an admissions policy consistent with *EC* sections 47605(d)(1) and 47605(d)(2)(A-C):

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 legal guardian, within California, except when an existing public school is partially or entirely converted to a charter school. Under these circumstances the school shall adopt and maintain a policy giving admission preference to pupils who reside within the school's former attendance area.



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Admissions Requirements: Public Random Drawing

A charter school shall admit all students who wish to attend the school as allowed by capacity. When the number of students wishing to enroll exceeds the school's capacity, attendance, except for existing students shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district. Other preferences may be permitted by the chartering authority on an individual basis and only if consistent with the law.

EC Section 47605(d)(1) and sections 47605(d)(2)(A-B)



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Academic Achievement Through Measureable Pupil Outcomes

Charter petitions must include measurable pupil outcomes, which at a minimum:

Specify skills, knowledge and attitudes that reflect the schools educational objectives

Address increases in pupil academic achievement both schoolwide and for all subgroups of pupils served

Align with the eight state priorities that apply for the grade levels served, or the nature of the program operated, by the charter school

Align the method for measuring pupil outcomes for state priorities consistent with how information is reported on a school accountability report card



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State Board of Education Criteria for Petition Review

For State Board authorization, regulations detail information required for each area of the petition as the basis for the Board's approval or denial. This information, although not specified in statute to guide local approval, may be useful guidance for local governing boards in reviewing petitions submitted locally.

CCR, Title 5 Section 11967.5.1



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Academic Achievement Through Measureable Pupil Outcomes

(Additional Requirements for State Board Authorization)

Charter petitions must include measurable pupil outcomes, which at a minimum:

Objectively measure with sufficient frequency and detail to determine if students are making satisfactory progress

Allow the school to readily evaluate the effectiveness of instruction and to make modifications for individual students and groups

Include the school's Academic Performance Index growth target, if applicable and available

*EC Section 47605(b)(5)(B) and (C) and
CCR, Title 5, Section 11967.5.1*



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Academic Achievement Through Measureable Pupil Outcomes

(Additional Requirements for State Board Authorization)

Charter petitions must include measurable pupil outcomes, which at a minimum include:

A variety of objective assessment tools

Annual assessment results from the Statewide Testing and Reporting Program (now the California Assessment of Student Performance and Progress)

A plan for collecting, analyzing, and reporting data on pupil achievement

Utilizing data continuously to monitor and improve the educational program

*EC Section 47605(b)(5)(B) and (C)
and CCR, Title 5, Section 11967.5.1*



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Charter Authorizer Agreements

What might be in a memorandum of understanding (MOU) between a charter school and its authorizer?



Matters not adequately covered by charter law or the petition

Guidance on oversight policies and procedures (e.g. format, frequency, scope)

Fiscal and administrative responsibilities

Legal Relationships



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Charter Authorizer Actions

Possible actions by the local governing board on a charter petition:

Approval – school districts give preference for charter petitions addressing academically low achieving students; petitioner provides written notice and copy of approved petition to county superintendent, CDE, and State Board when action is complete (once any conditions imposed by the local governing board are met)

Denial – based on five areas, including reasonably comprehensive descriptions of 16 elements; provide written factual findings

Approval or Denial on Appeal – county board or State Board may take action; appeal to State Board if denied by the county



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Timeline for Authorizer Actions – New Petition

District Authorizer

Public Hearing –
30 days

Action After Receipt
– 60 days

Extension by Mutual
Consent 30 days

County Authorizer

Public Hearing –
60 days

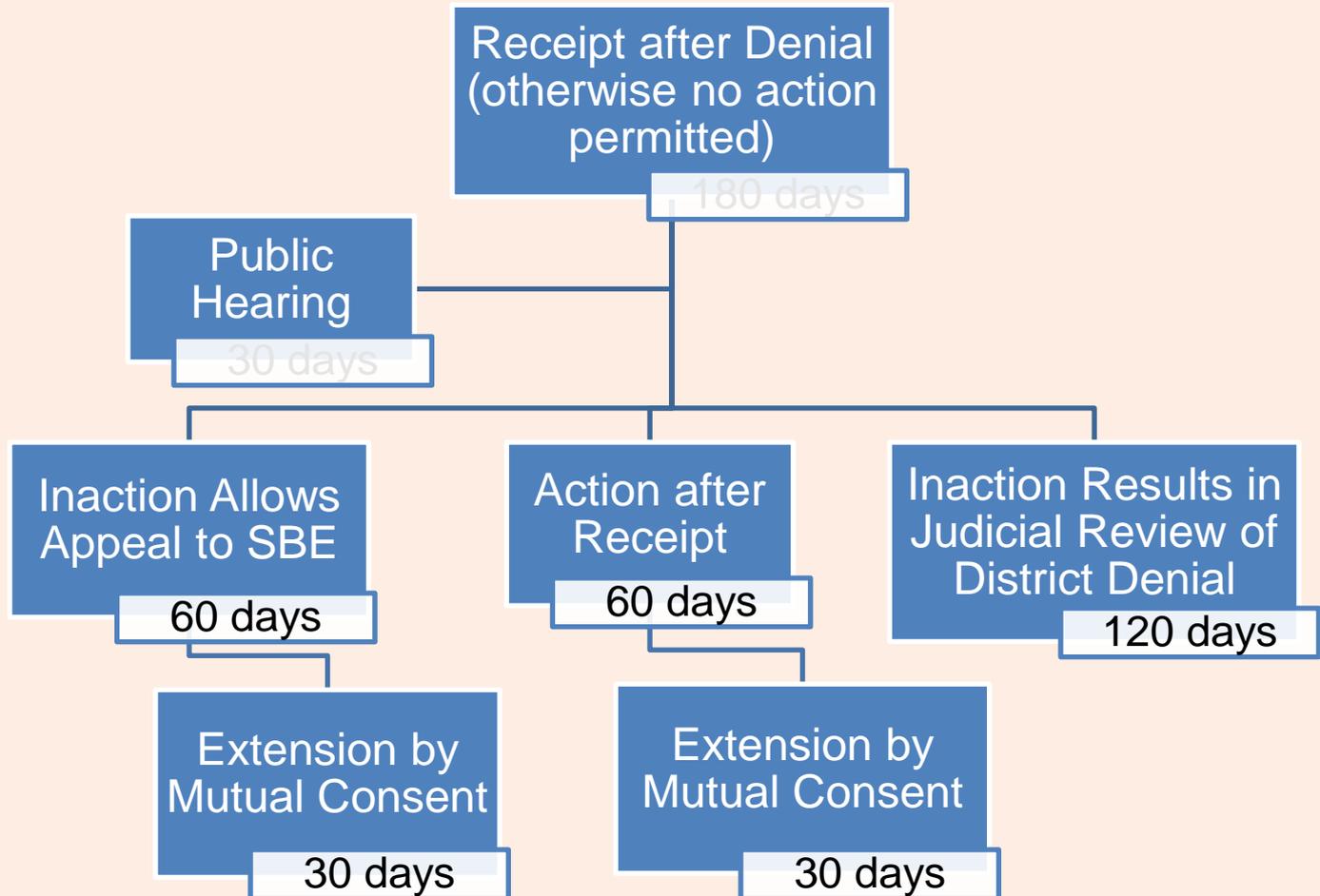
Action After Receipt
– 90 days

Extension by Mutual
Consent – 30 days



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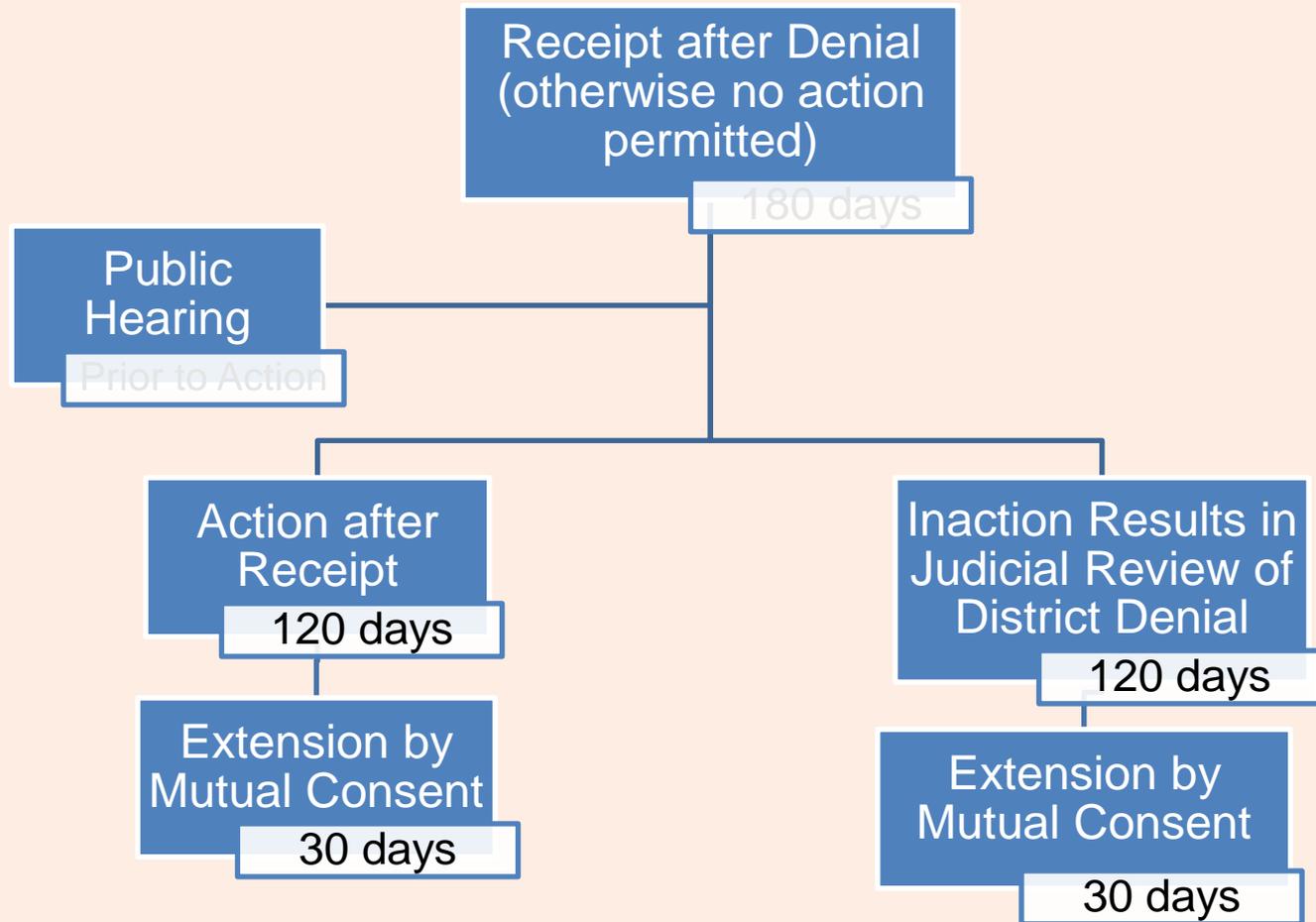
Timeline for Appeal to County of District Denial





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Timeline for Appeal to State Board of Local Denial





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Duties of the Chartering Authority as specified in *EC 47604.32*

1. Identify at least one staff member as a contact person for the charter school
2. Visit each charter school at least annually
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law
4. Monitor the fiscal condition of each charter school under its authority
5. Provide timely notification to the California Department of Education if any of the following circumstance occur or will occur with regard to a charter school for which it is the chartering authority:
 - a. A renewal of the charter is granted or denied.
 - b. The charter is revoked.
 - c. The charter school will cease operation for any reason.



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Charter Authorizer Fees

Charter school authorizers are allowed oversight fees:

Actual costs not to exceed 1% for supervisory oversight

Actual costs not to exceed 3% for supervisory oversight if the charter school obtains substantially rent-free facilities from the charter authorizer

Actual Costs for supervisory oversight and administrative costs, if providing oversight for a State Board authorized charter school based on mutual consent

EC Section 47613

Note:

Does not preclude the charter school from separately purchasing administrative or other services from the charter authorizer or any other source (e.g. insurance, maintenance, payroll).



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Liability of a Charter School Authorizer

A charter authorizer of a charter school operating as, or by, a nonprofit public benefit corporation, is not liable for the debts or obligations of the charter school, or for claims arising from the acts of the charter school, ***if the authority has complied with all oversight responsibilities required by law.*** A school district authorizer is entitled to a single representative on the corporation's board of directors.

EC Section 47604



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Oversight and Autonomy



Striking a balance between oversight and autonomy is a common topic when discussing charter oversight agencies. Some suggest that a school's autonomy increases as it demonstrates a capacity to achieve both its financial and academic goals. And when schools fail to meet academic or financial goals, intervention is recommended.



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Web Resources

California Department of Education:

www.cde.ca.gov/sp/cs/

National Association of Charter School Authorizers:

www.qualitycharters.org

California School Boards Association:

www.csba.org

California Charter Schools Association:

www.calcharters.org

Brokers of Expertise

www.myboe.org