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For more information regarding the content of this material, please contact the Charter Schools Division by email at charters@cde.ca.gov.



Alameda County Office of Education

Alysse Castro
Superintendent

Ric Reyes, Director
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814

Via email only charters@cde.ca.gov

BOARD OF EDUCATION

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March 31, 2026

Re: Written Opposition to Aspire Golden State College Preparatory
Academy's Appeal of Denial of Charter Renewal Petition

Dear Director Reyes:

Pursuant to Section 47605 of the California Education Code, the Alameda County Board of Education (ACBOE), through the Alameda County Office of Education (ACOE), hereby respectfully submits its written opposition to the appeal submitted by Aspire Golden State College Preparatory Academy ("Aspire GSP") of the denial of its charter renewal petition by Oakland Unified School District (OUSD) and ACBOE.

INTRODUCTION

Aspire GSP failed to meet its burden to overcome the highly deferential standard of review on an appeal to overturn the denial of a charter renewal petition—*i.e.*, to establish, by specific citations to the record, that both OUSD and ACBOE abused their discretion in denying Aspire GSP's charter renewal petition.

ACBOE conducted a full *de novo* review culminating in specific written findings that satisfied every element of Education Code section 47607.2(b)(3). ACOE staff prepared an exhaustive staff report—drawing on two on-site visits, seven years of California Dashboard data, a 22-school comparison analysis organized by attendance areas where Aspire GSP students live, and postsecondary enrollment, persistence, and completion data—that acknowledged Aspire GSP's strengths (*e.g.*, graduation rate and a significant 2024 ELPI improvement) alongside seven years of persistent and worsening deficits in math and uneven English language arts performance. After weighing this full record, ACBOE adopted specific written findings that (1) Aspire GSP failed to make sufficient progress toward meeting standards that provide a benefit to students of the school (2) closure is in the best interest of students, and (3) the Board gave greater weight to measures of academic performance in reaching its decision.

As noted, within this framework for reviewing renewal petitions of middle-performing charter schools, like Aspire GSP, chartering authorities must place greater weight on statutorily defined academic performance measures. ACBOE did so here. ACOE's staff report documented very low student outcomes in math, with a significant decline since 2019, and uneven student outcomes in English language arts. Its related analysis of neighborhood school options found

313 W. Winton Ave.
Hayward, California
94544-1136

(510) 887-0152

www.acoe.org

neighborhood schools serving similar demographics with higher student achievement in mathematics, and neighborhood school options with comparable or higher student achievement in English language arts. These factual findings regarding academic performance form the foundation for ACBOE's required findings regarding insufficient progress and closure in the best interest of students, and they are not disputed or contested by Aspire GSP.

Aspire GSP cannot dispute this factual foundation—and, notably, its leadership acknowledged the lack of sufficient progress in mathematics during the determination hearing.

Because the legally mandated emphasis on academic performance weighs heavily in favor of upholding ACBOE's decision, and because Aspire GSP cannot counter these fundamental academic deficiencies, it was left searching outside of the record before ACBOE for arguments to claim an abuse of discretion.

Its first assertion is that alleged remarks by a board member during a lunch meeting with an Aspire GSP employee made ACBOE's decision-making arbitrary and capricious. However, Aspire GSP fails to identify any concrete facts connecting these allegations to bias in the ACBOE's decision-making on the renewal petition. In fact, a neutral, outside investigator concluded that the lunch meeting interactions did not impact or affect the vote of *any* of the seven ACBOE trustees. Four trustees were completely unaware of the lunch meeting until after their vote. Two trustees became aware of the lunch and alleged remarks after an Aspire GSP employee called one of them, but neither of these two trustees discussed the interactions with the trustee who is alleged to have made the remarks (or otherwise experienced any attempt from that trustee to influence their vote). The trustee who was alleged to have made the remarks was also found to not have been influenced by the alleged interactions. Given the neutral investigator's findings and the high threshold for demonstrating bias by a decision-maker in these circumstances, the only appropriate vehicle for responding to the allegations is the ACBOE administrative response that is already underway. ACBOE's decision based on the statutorily required findings cannot be overturned on the basis of alleged board member conduct when the only available evidence shows the allegations had no impact on ACBOE's decision-making.

Aspire GSP's second contention is directed at ACOE's analytical approach rather than its decision-making process. It claims that ACOE staff's omission of the 2025 Clearinghouse data regarding college enrollment was arbitrary and capricious, and undermines ACBOE's broader factual determination regarding college enrollment outcomes. But ACBOE's board-approved policies and procedures required staff to anchor its analysis to the timeframe submitted to OUSD—a policy that ensures the integrity of ACOE's longitudinal review by maintaining a stable, consistent evidentiary baselines. That policy determination is well within ACBOE's discretion. Moreover, even if the 2025 data is considered, a one-year partial recovery in one metric does not establish that a seven-year trend finding was arbitrary or lacking in evidentiary support, and, if all 2025 data were to have been included, other 2025 indicators demonstrate a further decline in academic outcomes.

STANDARD OF REVIEW

Aspire GSP contends that review of a charter school renewal petition by local educational agencies is a quasi-judicial proceeding, entitled to a less deferential standard of review on

appeal to the State Board than denial of a petition to establish a new charter school, and that Aspire GSP “possesses a vested right in the continuity of its charter” which requires “heightened constitutional protections of due process” on a renewal decision.¹

This contention misstates both statutory and case law regarding charter appeals. In fact, review of a renewal petition by a local agency is a quasi-*legislative* proceeding, which is subject to the highest level of deference on review by the State Board, *i.e.*, the State Board may only reverse the local agencies’ denial if it finds that both agencies abused their discretion.

A. Charter Renewal Petition Reviews Are Quasi-Legislative Proceedings

Because a charter school is deemed to be a school district for purposes of funding allocation, the approval of a new charter petition is akin to the creation of a school district, *i.e.*, a quasi-legislative act.² Just as granting a charter is a quasi-legislative act because it creates a school district, non-renewal of a charter is a quasi-legislative act because it dissolves a school district. The fact that an administrative body, such as a school board or county board of education, acts in response to specific petitions or parties and conducts a hearing process does not detract from the legislative nature of the action.³

In a quasi-legislative proceeding such as the decision at issue here, “‘due process of law’ is *not an issue*”;⁴ and “there is no constitutional right to *any* hearing.”⁵ Judicial review of quasi-legislative acts is limited to whether the agency’s actions were arbitrary, capricious, or entirely lacking evidentiary support, or whether it has failed to give the notices and follow the procedures required by law.⁶

One 2019 California Court of Appeal decision characterized charter renewals as quasi-judicial in nature; however, the California Supreme Court ordered that decision to not be published, and therefore it is not binding precedent on future court decisions and cannot be cited in California courts.⁷

¹ Aspire GSP Written Appeal Submission at p. 4.

² Ed. Code, § 47612, subd. (c) (defining a charter school as a school district for specified purposes, including funding allocation); *see Cal School Bds. Assn. v. State Bd. of Education* (2010) 186 Cal.App.4th 1298, 1324-25; *Cal School Bds. Assn. v. State Bd. of Education* (2015) 240 Cal.App.4th 838, 846-50.

³ *Heist v County of Colusa* (1984) 163 Cal.App.3d 841, 846; *see also Joint Council of Interns & Residents v. Bd. of Supervisors* (1989) 210 Cal.App.3d 1202, 1211-12.

⁴ *City of Santa Cruz v. Local Agency Formation Com.* (1978) 76 Cal.App.3d 381, 388-89, emphasis added.

⁵ *Mateo-Woodburn v. Fresno Community Hospital & Medical Center* (1990) 221 Cal.App.3d 1169, 1183, emphasis in original; *Franchise Tax Board v. Superior Court* (1950) 36 Cal.2d 538, 549; *see Bi-Metallic Co. v. Colorado* (1915) 239 U.S. 441, 445 (explaining the nature of the “legislative-adjudicatory” distinction).

⁶ *Heist, supra* note 3, 163 Cal.App.3d at 846.

⁷ *Oxford Preparatory Academy v. Chino Valley Unified School Dist.* (Cal. App. 4th Dist. Jul. 11, 2019) no. D074703 (review denied, ordered not published Oct. 23, 2019).

B. Assembly Bill 1505 and Senate Bill 114 Established a Highly Deferential Standard of Review for Appeals of Charter Petition Denials

Assembly Bill (AB) 1505 updated charter appeal procedures with the intent of establishing “a *limited* appeal process to SBE, which will hear appeals for a charter school able to show the school district or county abused its discretion when hearing the petition.”⁸ When the State Board reviews an appeal of the denial of a charter petition post-AB 1505, the State Board’s inquiry is now limited to whether the local district and the county office of education abused their discretion in denying the petition.⁹ On appeal, the State Board “may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion by both the governing board of the school district and the county board of education.”¹⁰ This procedure, and the applicable standard of review, apply to the State Board’s review of local agencies’ decisions not to renew a charter and to deny a new petition.¹¹

Following AB 1505, the Legislature further clarified the standard of review in Senate Bill 114 of 2023, which explicitly states that “[a]buse of discretion is the most deferential standard of review, under which the state board must give deference to the decisions of the governing board of the school district and the county board of education to deny the petition.”¹²

Guidance in applying the “abuse of discretion” standard of review may be found in case law governing how courts apply the standard in reviewing agency decisions. There, “the authority of the court is limited to determining whether the decision of the agency was arbitrary, capricious, entirely lacking in evidentiary support, or unlawfully or procedurally unfair.”¹³ In making this determination, the court presumes substantial evidence supports the agency’s decision,¹⁴ and resolves reasonable doubts *in favor* of the agency’s findings and decision.¹⁵

⁸ Assembly Floor Analysis, AB 1505, Concurrence in Senate Amendments (Sep. 5, 2019), Summary ¶ 5 (emphasis added, available at https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505#; see also Senate Rules Committee Floor Analysis, AB1505, Comments § 6, pp. 8-9, available at https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505#.)

⁹ Ed. Code, § 47607.5 (“... the charter school may appeal the [nonrenewal] decision pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (k) of Section 47605 for review in accordance with Section 47607.”); Ed. Code, § 47605, subd. (k)(2)(E).

¹⁰ Ed. Code, § 47605, subd. (k)(2)(E).

¹¹ Ed. Code, § 47607.5.

¹² Ed. Code, § 47605, subd. (k)(2)(E), as amended by Stats.2019, c. 486 (A.B.1505), § 2, eff. Jan. 1, 2020 and Stats.2023, c. 48 (S.B.114), § 41, eff. July 10, 2023.

¹³ *Fullerton Joint Union High School Dist. v. State Bd. of Education* (1982) 32 Cal.3d 779, 786; see also *California School Bds. Assn. v. State Bd. of Education* (2010) 186 Cal.App.4th 1298, 1314; *County of Del Norte v. City of Crescent City* (1999) 71 Cal.App.4th 965, 972; *California Correctional Peace Officers' Assn. v. State* (2010) 181 Cal.App.4th 1454, 1459-60.

¹⁴ *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 921.

¹⁵ *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 514.

Further, to warrant court reversal of a public agency's decision, abuse of discretion must have been prejudicial.¹⁶

Thus, in applying the new standard of review under AB 1505, the State Board must let the denial decisions of OUSD and ACBOE stand, unless the State Board finds that Aspire GSP has met its burden of demonstrating that OUSD *and* ACBOE did not proceed in the manner required by law, that their decisions were not supported by the findings, or that their findings were not supported by the evidence. Further, in reviewing the local agencies' decisions, the State Board may reverse only upon a determination that there was an abuse of discretion by *both* OUSD and ACBOE.¹⁷

STATEMENT OF FACTS

A. Aspire GSP's Charter Term and Performance Classification

Aspire GSP has operated since 2008 under three successive five-year renewals by OUSD. Its current charter term was extended twice by state legislation. In October 2025, OUSD denied Aspire GSP's renewal petition.

The California Department of Education (CDE) designated Aspire GSP a middle-performing school based on 2023-2024 Dashboard data, triggering the renewal framework of Section 47607.2(b): ACBOE was authorized to deny the renewal petition only upon making written findings, with specific supporting facts, that the school has failed to make sufficient progress towards meeting standards that benefit students, that closure is in the best interest of students, and that it provided greater weight to measures of academic performance.

B. ACBOE's De Novo Review

Following OUSD's denial, Aspire GSP timely submitted a renewal appeal petition to ACOE on November 3, 2025. ACBOE conducted a full *de novo* review entirely independent from OUSD's proceedings. That review included a public hearing on December 9, 2025; detailed written clarifying questions issued December 11, 2025 — including a request for data on all prior graduating cohorts, including the 2025 National Student Clearinghouse data if available — and Aspire GSP's responses received January 5, 2026; two on-site visits, including focus groups with school leadership, teachers, students, and board members, classroom walkthroughs, and follow-up discussions; and independent parent and community surveys gathering responses from 42 community members and 40 parents.

Consistent with ACOE's board-approved Charter Policies and Procedures, which provide that all data submitted in a renewal appeal must be the same as data submitted at the district level

¹⁶ Code Civ. Proc., § 1094.5, subd. (b) ("The inquiry in [a court proceeding on a petition for a writ of administrative mandate] shall extend to the questions whether the respondent has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and whether there was any *prejudicial* abuse of discretion." (Emphasis added)).

¹⁷ Ed. Code, § 47605, subd. (k)(2)(E), emphasis added.

and may not be updated between submissions, ACOE anchored its analysis to the performance record as it existed at the time of OUSD's review.¹⁸

During the February 10, 2026 hearing, Aspire GSP leadership acknowledged the lack of sufficient progress in academic performance, stating: "we've seen some growth, it's not enough, right? It hasn't been enough specifically for math and for ELA."¹⁹ ACBOE voted 5-2 to deny the renewal petition.²⁰

C. ACBOE's Written Findings

ACBOE adopted three written findings under Subdivision (b) of Section 47607.2, incorporating the specific findings, facts, and analyses from the staff report:

Finding 1: GSP has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the students of the school, as demonstrated by student outcomes in math that have declined significantly since 2019 and are "Very Low" and student outcomes in English language arts that are inconsistent and have failed to show sufficient progress.

Finding 2: Closure of GSP is in the best interest of students, as demonstrated by students not making sufficient progress and the existence of other neighborhood options with similar demographics that have comparable and higher achievement in ELA and higher achievement in math, and by the lack of strong postsecondary outcomes and college enrollment outcomes that have consistently declined since 2017 and now fall below similar peers.

Finding 3: ACBOE gave greater weight to measurements of academic performance

ARGUMENT

On its appeal of denial, Aspire GSP must meet its burden of demonstrating abuse of discretion by both OUSD and ACBOE, in order to overcome the presumption that the local agencies' decisions were valid.²¹ This burden is only met if Aspire GSP's Appeal "detail[s], with specific citations to the documentary record, how the governing board of the school district and the county board of education abused their discretion."²² As demonstrated below, neither Aspire GSP's harassment allegations against a board member, nor its contention a 2025 data point regarding college enrollment was improperly omitted, satisfy this burden.

A. Aspire GSP's Harassment Allegations Against an ACBOE Board Member Do Not Establish an Abuse of Discretion

¹⁸ Exhibit 1 - ACOE Policies and Procedures for Alameda County Authorized Charter Schools, p. 39.

¹⁹ Documentary Record (ACBOE Hearing Transcript) p. 08050 (Entry 351 1:01:36.450-01:01:50.989).

²⁰ *Id.* at pp. 08086-87 (Entry 789-794 02:07:20.550-02:07:50.180).

²¹ See note 17, *supra*.

²² Ed. Code § 47605(k)(2)(A).

As a starting point, if SBE concludes that ACBOE acted in a quasi-legislative capacity, as compelled by the published cases addressing the issue, Aspire GSP's claim fails because there is no right to procedural due process in quasi-legislative proceedings.²³

If SBE considers the due process claim despite those authorities, Aspire GSP's claim still must fail because it does not establish any violation of due process or bias even under the authorities applicable to quasi-judicial proceedings. To establish that ACBOE abused its discretion on the ground of bias or prejudgment, Aspire GSP must point to specific, affirmative evidence in the record demonstrating that ACBOE's decision was the product of a conflict of interest, prejudgment of the specific facts of the case, or prejudice against or in favor of any party.²⁴ To show an unacceptable probability of bias, "a party seeking to show bias or prejudice [must] prove the same with concrete facts."²⁵ "A mere suggestion of bias is not enough to overcome the presumption of integrity and honesty."²⁶ In sharp contrast to the cases establishing bias in quasi-judicial proceedings, Aspire GSP's appeal submission relies exclusively on speculations and implied bias.

The authorities relied upon by Aspire GSP are instructive to demonstrate the high threshold for establishing bias. Aspire GSP relies upon *Petrovich Development Co., LLC v. City of Sacramento*, a zoning case in a procedural posture entirely distinct from the abuse-of-discretion standard applied by SBE. Even setting aside those procedural differences, what is striking about *Petrovich* is the nature of the facts relied upon by the court to find bias and how distinct they are from the facts here. The court found that a city councilmember "crossed the line into advocacy against the project" by relying upon several specific, documented acts, including counting, if not securing, votes against the project and communicating that vote count to the mayor; preparing talking points to make the case against the project that were shared with the mayor; and personally coaching the president of a neighborhood association on how to prosecute the appeal against the project.²⁷

The allegedly biased decisionmaker's actions in *Woody* are similarly extreme. The councilmember alleged to have been biased had personally filed the appeal to overturn a commission's decision in favor of the business—despite the absence of any procedure permitting councilmembers to file such appeals—and then delivered a speech on why the city council needed to overturn the planning commission's decision that consumed 13 pages of transcript.²⁸

²³ See notes 4 and 5, *supra*.

²⁴ See *id.* (citing Asimow et al., Cal. Practice Guide: Administrative Law (The Rutter Group 2019) 3:426, p. 3-70).

²⁵ *Id.* (internal citations omitted).

²⁶ *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1236.

²⁷ *Petrovich*, *supra*. note 20, 48 Cal.App.5th 963 at 974-975.

²⁸ *Woody's Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1017-19.

These cases illustrate what evidence of bias looks like: concrete, affirmative, documented steps to act as an adversary of a party before the decision-making body, which are proven by specific facts that are apparent in the record and tied directly to the decision-making process. That is the threshold Aspire GSP must meet.

The independent investigation initiated by ACOE and ACBOE yielded answers to the questions and speculation in Aspire GSP's argument based on allegations of inappropriate remarks by a board member ("Respondent-Board Member"). ACBOE and ACOE retained a neutral, outside attorney to conduct investigations into the allegations and their impact, if any, on ACBOE's decision-making. That investigation found that four of the seven board members were completely unaware of the lunch until after they voted, one board member learned about the lunch meeting from an Aspire GSP employee—not the Respondent-Board Member—and shared that information with another board member. Neither of the two board members who were aware of the meeting and remarks discussed them with the respondent-board member before their vote or were otherwise influenced by the Respondent-Board Member to vote against renewal. The investigator concluded that the lunch and alleged remarks did not impact or affect the vote of any board member, including the Respondent-Board Member. ACOE is willing to share a copy of an executive summary of the investigator's report with CDE on a confidential basis. The hearing record is consistent with these findings: the Respondent-Board Member actually praised various aspects of the school and its students, and made no statements from the dais to convince colleagues to vote against renewal.

Against this record, Aspire GSP counters with no specific facts. It does not allege that the board member counted or secured votes against Aspire GSP's renewal. It does not allege that the board member prepared advocacy materials against Aspire GSP or shared views adverse to Aspire GSP with other members. It does not allege that the board member coached opponents. It does not point to a single statement the board member made during the public hearing, determination hearing, or any other part of the ACBOE process that reflects prejudgment or advocacy against Aspire GSP. In fact, Aspire GSP points to nothing in the ACBOE record at all. Its entire Section E argument rests on allegations in a complaint describing conduct at an informal meeting outside the hearing process and on GSP's own admission that it "has no way of knowing" whether that conduct influenced any other board member's vote.²⁹ The independent investigation has now answered the question Aspire GSP posits: the alleged conduct had no impact on ACBOE's decision-making.

The independent investigation into the alleged remarks is ongoing, and ACBOE has the necessary policies in place to address any findings of board member misconduct. ACBOE Board Bylaw 9005.2, Governance Standard and Censure Policy and Procedure, outlines board member duties and specifies the process by which ACBOE may censure one of its members for a violation of the law or ACBOE's policies or bylaws. That process includes notice, consideration of charges, and options for further follow-up, including the option to order a public hearing at which ACBOE may vote to censure the board member. This board-approved procedure exists precisely to investigate and respond to allegations of this kind. ACBOE recognizes the need—and has already taken concrete steps—to consider and address these allegations through the appropriate administrative processes. Given the independent investigator's findings and the absence of any evidence connecting these allegations to

²⁹ Aspire GSP Written Appeal Submission, p. 19.

ACBOE's decision-making, there is no concrete evidence of bias in ACBOE's decision-making, and this appeal is not the appropriate vehicle for responding to the allegations.

B. ACBOE's Handling of the 2025 National Student Clearinghouse Data Was a Reasonable Judgment Based on a Board-Approved Framework and Not an Abuse of Discretion

To support its finding that closure is in the best interest of students, ACBOE found a lack of sufficient progress toward meeting standards that provide a benefit to students and ELA performance of comparable schools was comparable or better while comparable schools had higher achievement in mathematics. ACBOE also found that Aspire GSP "has not demonstrated strong post secondary outcomes for students and college enrollment outcomes have consistently declined since 2017" and that "[c]ollege enrollment outcomes are now lower than similar peers."³⁰ Aspire GSP challenges this second factual basis for ACBOE's finding by challenging its omission of the 2025 National Student Clearinghouse data.

Consistent with ACBOE's charter policies and procedures, Aspire GSP submitted its appeal to ACBOE with data from 2017-2024, the same data set submitted to OUSD. Aspire GSP now argues that ACBOE abused its discretion by failing to incorporate the 2025 National Clearinghouse data showing a one-year college enrollment uptick from 48 percent to 59 percent, which, for context, translates to approximately 5-7 students. That argument fails to establish an abuse of discretion for three independent and reinforcing reasons.

First, the finding of declining college enrollment is amply supported by the undisputed record. College enrollment declined from 72 percent for the Class of 2018 to 48 percent for the Class of 2024—a 24-percentage point decrease. During that same time period, comparable schools increased their college enrollment percentages. ACBOE's finding that Aspire GSP's college enrollment outcomes trended downward and now fall below similar peers is supported regardless of a slight 2025 improvement. The 11-percentage point uptick in a single year after a 24-percentage point decline does not establish that the seven-year finding is entirely lacking in evidentiary support.

Second, and most directly, ACBOE's analytical approach was consistent with—and affirmatively supported by—ACOE's Charter Schools Policies and Procedures. ACOE's Charter Schools Manual, which is publicly posted on ACOE's website and recommended for charter school leadership to review at the outset of any petition process, specifically provides that all data submitted for a renewal appeal must be the same as the data submitted at the district level and that data may not be updated between the district submission and the appeal submission to ACOE.³¹

This approach reflects a deliberate policy judgment that ACBOE can most effectively carry out its review if it rests on a stable, consistent evidentiary baseline. County boards of education must evaluate whether the charter school, as it performed over time, merits renewal. That evaluation requires longitudinal data that can be analyzed with the rigor and care a genuine *de*

³⁰ Exhibit E, Findings by the County, p. 34.

³¹ Exhibit 1 - ACOE Policies and Procedures for Alameda County Authorized Charter Schools, p. 39.

novus review demands. Allowing the evidentiary record to shift between the filing of an appeal and the completion of a staff analysis would undermine rather than enhance the review's quality. The multi-year college enrollment, persistence, and completion analysis in ACBOE's report demonstrates that kind of thorough, careful analysis. This ACBOE policy determination, which is squarely within ACBOE's discretion, protects the integrity of that process to ensure the longitudinal record ACBOE reviews is stable and facilitates the thorough analysis required, rather than a moving target that shifts as new data points arrive while an appeal is pending.

Aspire GSP does not appear to take issue with ACBOE's overall methodology. Instead, Aspire GSP focuses solely on the 2025 National Student Clearinghouse college enrollment figure as the missing piece that, in its view, should have altered ACBOE's characterization of the trend. But that selective focus is itself revealing. Consistent with its board-approved policy, ACBOE did not incorporate *any* 2025 data into its analysis. Taking a step back, if ACOE staff and ACBOE had incorporated all 2025 data into its analysis, the 2025 data does not tell a uniformly favorable story for the school. For example, the 2025 Dashboard results reflect further decline in mathematics, with students scoring 3.5 points further below standard than in 2024, and a 22.6 percentage point decline in the English Learner Progress Indicator. Aspire GSP does not mention these figures. It asks ACBOE—and now the State Board—to incorporate the 2025 Clearinghouse college enrollment figure because it reflects an uptick, while remaining silent about the 2025 academic data that reflects continued decline in the very indicators most central to ACBOE's findings.

This is precisely the kind of selective, result-driven approach to evidentiary analysis that ACBOE's policy is designed to prevent. ACBOE considered neither these further declines nor the slight uptick in college enrollment data because its analysis was focused on the 2017-2024 data presented to OUSD. ACBOE's decision to apply a consistent evidentiary baseline—using the same data across all indicators rather than allowing piecemeal updating of favorable metrics—is not arbitrary. It is a principled, board-approved framework that ensures the analysis is conducted as a coherent whole rather than as a collection of one-off decisions about which data points to include and which to ignore. Aspire GSP's argument, if accepted, would license the kind of cherry-picking that the abuse-of-discretion standard is meant to prevent—and that ACBOE's policy is designed to foreclose.

Third, even taking the 2025 data at face value, it does not undermine ACBOE's finding. The 24-percent point decline in college enrollment since 2018 is not reversed by a single year's 11-point partial recovery. Even if the 2025 data was included, the college enrollment percentage still declined from 72 percent in 2018 to 59 percent in 2025. The school's current enrollment rate is still lower than any year before 2022. College persistence (*i.e.*, the reenrollment rate through sophomore year)—which declined from 62 percent to 38 percent over the same period—is entirely unaffected by the 2025 enrollment figure. And, college completion, which demonstrated parity but not superiority to completion outcomes of comparable schools, is also undisturbed.

Aspire GSP's 2025 data argument ultimately asks SBE to find that ACBOE abused its discretion by conducting a thorough longitudinal analysis of college enrollment consistent with ACOE's own policies and procedures—and by declining to throw out a seven-year trend based on a single data point. That is not an abuse of discretion. It is exactly the type of careful, thorough analysis and decision-making that the abuse-of-discretion standard entrusts to local boards.

CONCLUSION

The record before ACBOE documented seven years of persistent and worsening academic deficits that Aspire GSP does not dispute, ACOE acted in accordance with its policy in not considering the single year's uptick in college enrollment from the 2025 Clearinghouse data, and an independent investigation confirmed that the alleged board member conduct had no impact on ACBOE's decision. Under the highly deferential standard this appeal demands, there is no basis to disturb ACBOE's carefully considered, record-grounded denial. The SBE should affirm.

Respectfully submitted,



Alysse Castro

Alameda County Superintendent of Schools

Enclosures:

Exhibit 1 - ACOE Policies and Procedures for Alameda County Authorized Charter Schools

Exhibit 1

ACOE Policies and Procedures for Alameda County Authorized Charter Schools

POLICIES & PROCEDURES

*FOR ALAMEDA COUNTY
AUTHORIZED CHARTER SCHOOLS*



**ALAMEDA COUNTY
OFFICE OF EDUCATION**

SCHOOL YEAR 2025-26

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Introduction

MISSION

The Alameda County Office of Education (ACOE) supports students through our mission to equip the most vulnerable students and those who serve them with the tools to thrive.

The Alameda County Board of Education recognizes charter schools as a part of the public education ecosystem, acknowledging their distinct opportunities and expectation that they meet high standards of accountability and performance.

In alignment with the Charter Schools Act of 1992, as amended, including by Assembly Bills (AB) 1505 and AB 1507 (enacted 2019), the Board affirms its responsibility to ensure that charter schools provide educational services with measurable benefits to students and serve the interests of their communities while contributing meaningfully to Alameda County's educational landscape.

Charter schools must meet rigorous academic and operational criteria, consistently demonstrating strong measurable student outcomes for each of their student groups. They must serve all students equitably, with a strong commitment to historically underserved populations, including the effective enrollment and support of English Learners, Students with Disabilities, and Socioeconomically Disadvantaged Students. This commitment extends to ensuring that all students have access to highly qualified, credentialed teachers who can provide the rigorous instruction and support necessary for their success.

VISION

We innovate to address the pervasive issues obstructing the well-being of all students in Alameda County.

We equip the most vulnerable students and those who serve them with the tools to thrive, erasing the predetermination of failure for children from communities of violence and poverty.

PRIORITIES

Centering our priority student populations

Differentiating supports for the most struggling students & systems

Maximizing resources & minimizing pain points

Creating a culture of innovation

Theory of Action

Under the direction of the Alameda County Superintendent of Schools, the Accountability Partnerships, District Business and Advisory Services, and Human Resources Departments coordinate the academic, operational and fiscal oversight for charter schools approved by the Alameda County Board of Education.

In support of the mission of the Alameda County Office of Education, staff:



Provide
charter leaders with the
knowledge and resources
to develop their craft.



Promote
students to pathways to
success from preschool to
college and career.



Support
charter schools to be
visionary, responsible,
committed stewards of the
public trust to educate.

Oversight

Approach to Oversight

The Alameda County Office of Education currently manages and oversees the following portfolio of charter schools:




SCHOOL NAME	GRADES SERVED
ACOE Opportunity Academy	Adult School
Alternatives in Action	9-12
Aurum Preparatory	6 - 8
Community School for Creative Education	TK - 8
Connecting Waters Charter School, Bay Area	K - 12
Cox Elementary	TK - 5
Envision Academy of Arts & Technology	4 - 12
Epic Middle School (inactive)	6 - 8
Hayward Collegiate	TK - 6
Lazear Charter Academy	TK - 8
Oakland Unity Middle School	6 - 8
Urban Montessori Charter School	TK - 8
Yu Ming Charter School	TK - 8

The governing board of each charter school in the portfolio is responsible for providing a high-quality educational program for students enrolled, successfully fulfilling the terms of its charter, ensuring fiscal soundness, and complying with applicable laws, regulations, and court orders. Each charter school in the portfolio is responsible for staying abreast of all legislative changes affecting charter schools, and making any necessary changes to their policies and practices to reflect current law.

The Alameda County Office of Education uses a performance-based, differentiated approach to overseeing and evaluating its portfolio network. Oversight procedures and supports are designed to ensure that students receive the best educational experience as possible at ACOE-authorized charter schools. In order to achieve the highest standards of charter authorizing, the California Charter Authorizing Professionals (CCAP), for which ACOE is a part of, refers to these core questions as the Core Charter Performance Questions in the [Charter Authorizing 2.0 White Paper](#):

- Is the charter school's education program a success?
- Is the charter school financially viable?
- Is the charter school operated and governed effectively?
- Is the charter school advancing equity and access through serving public policy purposes?

Once approved by the Alameda County Board of Education, schools in the portfolio are provided services in the following three areas on an annual basis to ensure their petitions and memoranda of understanding are being implemented with fidelity:

 ACADEMIC OVERSIGHT	 OPERATIONAL OVERSIGHT	 FISCAL OVERSIGHT
<p><i>ACOE reviews artifacts from the educational program (e.g., curriculum scope and sequence; academic calendar; bell schedule), state accountability measures (e.g., LCAP; SARC), and other programmatic elements (e.g., SELPA verification).</i></p>	<p><i>ACOE collects documentation related to the operation of the school, including facilities documents (e.g., Certificate of Occupancy), governing board documents (e.g., board policies; board member roster), and administrative documents (e.g., Proof of Insurance).</i></p>	<p><i>ACOE examines financial documents and required fiscal reports submitted by the school (e.g., adopted budget, unaudited actuals for the prior fiscal year, and interim reports).</i></p>

ACOE monitors charter schools in the portfolio in accordance with all applicable laws, regulations, Alameda County Board of Education (ACBOE) policy, memoranda of understanding, and each school's operative charter. Information gathered through academic, operational and fiscal oversight serves as part of the charter school's ongoing record for the ACBOE to make informed decisions about charter school authorization, renewals, material revisions, sharing of promising practices, and if necessary, steps for remediation.

Documentation & Artifacts

In order to keep records of all relevant documents and artifacts pertaining to the academic, operational, and fiscal health of its charter schools, ACOE collects a comprehensive list of items through Epicenter, a document management system.

All required items must be uploaded to Epicenter for review, feedback and approval by ACOE staff. For a



sample list of annual oversight items and due dates, please see [Appendix I: Annual Oversight Items](#).

Annual Performance-Based Oversight Visit

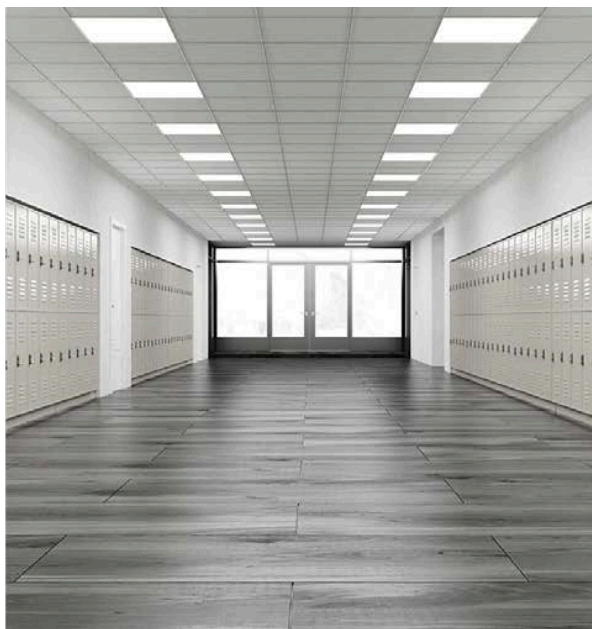
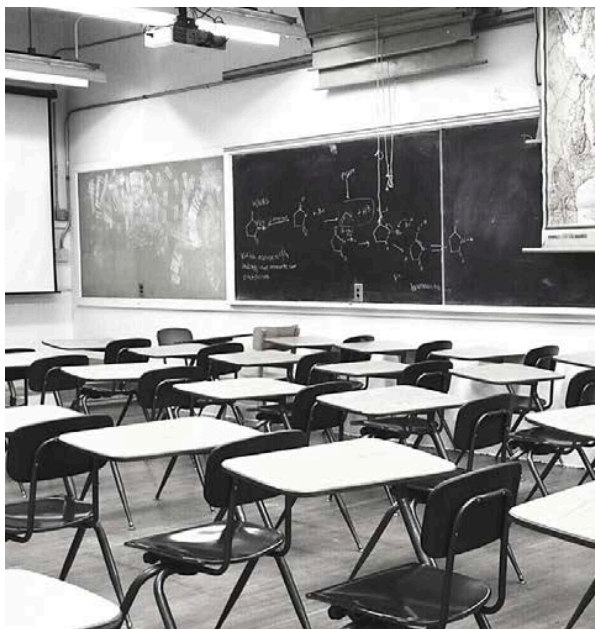
ACOE staff conduct at least one Annual Performance-Based Oversight Visit (Education Code Section 47604.32(a)(2)). During the annual visit, ACOE staff assesses the school's implementation of the educational program as outlined in the school's petition as well as engages charter school leaders in data-driven reflection, analysis, and action planning. The focus of the Annual Performance-Based Oversight Visit may be adjusted for each school over the term of the charter based on the school's areas of strengths and improvement, and ACOE will use the findings of the previous oversight visits, if applicable, to appropriately tailor the scope of the annual visit so that the unique needs of the school are addressed.

In addition to the Annual Performance-Based Oversight Visit, ACOE may visit a charter school at any time as part of its oversight responsibilities in accordance with the school's Memorandum of Understanding (Section 22 - Monitoring and Oversight).

Visit Preparation

In preparation for the Annual Performance-Based Oversight Visit, charter schools shall upload all relevant documentation outlined below to EpiCenter **two weeks prior** to the scheduled visit.

ITEM	DESCRIPTION
<u>Appendix F: School Performance Data Tool</u>	Template for the charter school to report on their most recent Dashboard data, Local Indicator data, and other annual targets included in the school's charter petition.
Interim assessment data	Provide any available current year data (to date), disaggregated by student group and grade.
CSI and/or ATSI Plans (if applicable)	For schools that are state-identified under the Every Student Succeeds Act (ESSA) as either Comprehensive Support and Improvement (CSI) or Additional Targeted Support and Improvement (ATSI), provide any and all plans and information provided to the state.
Differentiated Assistance Plans (if applicable)	For schools that are state-identified under the California Dashboard, provide any and all plans and information, including any Summary of Findings.
Additional Information - determined by charter	Additional data as determined by the charter school.



Grievance Process

Charter School Grievance Process

The Alameda County Office of Education (ACOE) follows the California Department of Education's (CDE) Uniform Complaint Procedure (UCP) guidelines when receiving a complaint from educational partners against charter schools. This is consistent with California Code of Regulations, Title 5, Sections 4600-4687.

The UCP covers investigations of Local Educational Agencies, i.e., school districts, county offices of education, charter schools, local public or private agencies which receive direct or indirect funding from the State to provide any school programs, activities, or related services. The investigation process will be determined in accordance with the level of complaint ([California Code of Regulations, Title 5](#)).

How to File a Grievance with ACOE

STEP 1: Contact Charter Authorizer

Any person may file a complaint by completing the ACOE [Grievance Form](#).

If educational partners are unable to access the form online, please contact our office at 510-887-0152 and leave a message for the Accountability Partnerships Department. Please indicate if translation is requested.



Educational partners are encouraged to first file a complaint, in writing, with their charter school site directly in an effort to reach resolution. The charter school must comply with the [CDE Uniform Complaint Procedures](#) (UCP) and post its complaint procedures on its website.



STEP 2: Resolution

Upon receipt of the ACOE Grievance Form, ACOE staff will respond to the complainant within two business days to discuss the complaint. Following the meeting with the complainant, ACOE will notify the charter school of the complaint and request a written response from the charter school. ACOE will review the charter school's response and determine if next steps are required.



STEP 3: Third Party Investigations

Upon reviewing the submitted complaint and/or the response from the charter school, staff may recommend that the charter school engage and fund an experienced, third-party investigator in certain circumstances to ensure a thorough, impartial, and credible investigation. ACOE may provide guidance on the scope of the investigation and the necessary qualifications for the third-party investigator.

In certain cases, ACOE may also contract directly with an independent third-party investigator to conduct a thorough and unbiased review of the complaint, including interviews, evidence collection, and analysis.

STEP 4: Completion of Grievance Process

The timeline for the grievance process will be established within 30 calendar days of the complaint being filed. ACOE and the charter school will communicate the findings and any resolutions to all parties involved.

California Education Code Background

California Education Code (EC) Section 47605(e)(4)(E) allows a person to submit a complaint to the charter school authorizer when a charter school discourages a pupil's enrollment, requires records before enrollment, or encourages a pupil to disenroll.

A charter school shall not discourage a pupil from enrolling or seeking to enroll in a charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the following characteristics:

- Academically low-achieving
- Economically disadvantaged (determined by eligibility for any free or reduced price meal plan program)
- English learner
- Ethnicity
- Foster Youth
- Gender identity
- Homeless
- Nationality
- Neglected or delinquent
- Race
- Sexual orientation
- Pupils with disabilities
- Gender expression

Material Revisions

Overview

Material revisions for authorized charter schools are governed by Ed. Code 47607 and 47605 as well as the charter school's Memorandum of Understanding (MOU) approved by the ACBOE and charter school. Each charter school's MOU outlines requirements for material revisions. Authorized charter schools shall refer to *Section 23: Material Revisions to Charter* of their MOU to determine the need for a material revision request.

Upon submission of a material revision proposing expansion, ACOE staff shall notify the district in which the charter is geographically located.

MATERIAL REVISION PROCESS



Some examples of material revisions include, but are not limited to, the following:

- ✓ Substantial changes to the educational program, mission, or vision of the charter school, including the addition or deletion of a major program component that is a distinctive feature of the charter school, such as STEM, language immersion, grade level grouping, arts integration, etc.
- ✓ Adding a classroom-based or non-classroom-based program and/or facility not expressly authorized by the charter.
- ✓ Changes in enrollment that represent an increase or decrease from the annual enrollment originally projected in the charter petition by more than 25% in any grade level or 10% percent of total enrollment in any given year.
- ✓ Addition or deletion of grades or grade levels to be served, for the program as a whole or in a given year, not expressly authorized by the charter, or otherwise required by law.
- ✓ Changes to location of facilities, including school sites, resource centers, meeting space, or other satellite facilities including the opening of a new facility. Temporary locations rented for annual student testing purposes shall be exempt from this provision.
- ✓ Changing the name of the charter school.
- ✓ Entering into a contract to be managed or operated by any other non-profit public benefit corporation (or any other corporation or entity), such as an Educational Management Organization or a Charter Management Organization other than Non-Profit.
- ✓ Changes to admission requirements and/or enrollment preferences identified in the charter.
- ✓ Changes to the governance structure as described in the corporate bylaws, including but not limited to: changes in the authorized number of board members, method by which sitting board members are removed, method by which new board members are selected, and/or provisions that reduce the size of the quorum required for a meeting and/or majority required for action.

Should the charter school decide to pursue making a material revision to its charter, the charter school must follow the process outlined in this section and complete all of the related appendices. The ACBOE must approve the material revision request before the change can be implemented. Implementation of a material revision without the prior approval of the ACBOE is considered a material violation of the terms of the MOU, the charter, and the Charter Schools Act.

ACOE & Charter Memorandum of Understanding (MOU) Review

Once the charter school determines the need for a material revision, charter school staff shall notify ACOE with their intent to submit a material revision request. Charter staff, in consultation with ACOE staff, will then review the charter's current MOU and all the applicable documents needed for their material revision to be deemed complete. For a full list of the documents needed, please see [Appendix A: Charter School Request for Material Revision](#) and [Appendix B: Material Revision Components Form](#).

Submission

Once the material revision request is submitted, ACOE staff will confirm receipt of the material revision with charter staff.

ACOE Review of Submission

Following submission, ACOE will review the documents submitted with the material revision request. ACOE staff will review the completeness of their request and whether all sections outlined in the appendices were addressed.

If the proposed material revision request is incomplete, ACOE staff will remand it back to the charter. The charter will be asked to resubmit once all sections of the appendices have been completed. Once ACOE staff determines the material revision packet to be complete, which includes all the items listed in Appendix A and Appendix B, then ACOE staff will continue their review as required by Ed. Code 47605.

If ACOE staff determines the charter school's request is not a material revision, ACOE staff will communicate with the charter school on their reasoning. If the proposed change is determined to be a material revision of the charter, the charter school will continue through the material revision process.

Once ACOE staff receives a complete petition, then ACOE staff shall communicate the proposed date of the ACBOE Meeting for the public hearing and the proposed date of the ACBOE Meeting for the determination with the lead charter petitioner.

The public hearing and the determination of the material revision will not be held during the same Board meeting.

Confirmation of Public Hearing

As part of the material revision process, a public hearing must take place at a regularly scheduled ACBOE meeting. The public hearing is solely for the County Board to consider the level of support for the material revision request. Once the material revision is deemed complete, ACOE staff will confirm the public hearing date with the charter school.

At the public hearing, the charter school will be provided an opportunity to present the reasoning behind the material revision request. The charter school will be allotted ten minutes to present. ACOE staff will not be presenting any findings, as the material revision will still be under review. ACOE staff will assure that all documentation submitted in a timely manner by the charter school is submitted to the Executive Assistant to the Board of Education to be included in the board packet.

At this hearing, the County Board will also allow members of the public to speak on the reasoning why the ACBOE should consider approving or disapproving the material revision request. The ACBOE will listen to the comments being presented, though they will not respond to any public comments. The ACBOE may decide to ask questions regarding the material revision request following the presentation. The charter school should be prepared to answer any questions that may arise. The ACBOE may also ask that additional information be brought back to the determination.

For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

ACOE Review & Follow up

Analysis

When reviewing the material revision request, ACOE staff assesses the material revision with the following questions as guidelines (Ed. Code 47605(c)):

- Is the petition reasonably comprehensive with respect to elements affected by the proposed change?
- Did the petition include the revisions necessary to the petition based on changes made in current law since the petition was last approved?
- Is the proposed change sound for the students to be served?
- Is the organization likely to successfully implement the change?

For expansions only:

- Is the charter school demonstrably likely to serve the interests of the entire community?¹
- Is the school district positioned to absorb the fiscal impact of the charter school's proposed expansion?

Under certain circumstances, ACOE staff may determine that it is necessary to conduct a Capacity Interview as part of its efforts to ascertain whether the school has the capacity to successfully implement the proposed material revision changes. In that event, ACOE staff will notify the charter school so that the interview can be scheduled as soon as possible.

Fiscal Review

ACOE staff will conduct a review of the school's fiscal status and proposed operations, including the personnel and materials required to implement the proposed program. The fiscal review includes the analysis of revenue sources, salaries and benefits, instructional supplies, equipment, facilities, maintenance of facilities, professional development, and contract services.

¹ The ACBOE has broad discretion when considering whether the charter petition will serve the interests of the entire community. Assemblymember Patrick O'Donnell, author of Assembly Bill ("AB") 1505, provided the following statements while securing the passage of the legislation: "This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district...[AB 1505] allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district...Additionally, [the author's] intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students." CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), as amended September 5, 2019. http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505.

ACOE's District Business and Advisory Services department will assess whether the assumptions used both for revenue and expenditures are reasonable and realistic. The fiscal staff will examine current funds; the operational budget; and financial projections, including projected reserves and fund balances.






Determination

The ACBOE will hold a determination at a separate regularly scheduled Board meeting. Any information that was requested at the public hearing must be submitted to ACOE staff in accordance with the calendar deadlines set forth in order to be included in the board packet. This will allow time for the County Board to review the documentation and prepare for the determination. Though the charter school will not be presenting at the determination, charter staff must be present at the hearing in order to address any clarifying questions from the County Board with regards to the material revision request.²

At the determination, ACOE staff will present their Summary of Findings to the County Board. The County Board will determine whether they will approve or deny the material revision request based on ACOE staff's Summary of Findings, community input received at the public hearing and other channels and venues (e.g. emails, meetings, etc.), as well as the guidelines delineated in Ed. Code 47605 and 47607. The County Board of Education may approve a request for material revision with or without conditions or benchmarks.

² For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

The County Board may deny the request for material revision if it finds specific evidence to support one or more of the grounds for denial. These grounds are the same as those in the petition review process (Ed. Code 47605(c)).

All Material Revisions			Expansions Only	
<i>Ed. Code 47605(c)</i>			<i>Ed. Code 47607(a)(4)</i>	
				
<p>The charter school presents an unsound educational program for the pupils to be enrolled in the charter school; as amended.</p>	<p>The petitioners are demonstrably unlikely to successfully implement the program set forth in the [revised] petition; as amended.</p>	<p>The petition does not contain reasonably comprehensive descriptions of Element A, Educational Program; as amended.³</p>	<p>The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate (Ed. Code 47605(c)(7)).⁴</p>	<p>The school district is not positioned to absorb the fiscal impact of the charter school's proposed expansion (Ed. Code 47605(c)(8)).</p>

After reviewing all the information presented, the County Board will determine whether they will approve or deny the material revision request. Should the charter school's request for material revision of its charter be denied, the school will continue

³ The requirement to include the listed "elements" of the petition only applies to the sections that are affected by the proposed revisions.

⁴ The ACBOE has broad discretion when considering whether the charter petition will serve the interests of the entire community. Assemblymember Patrick O'Donnell, author of Assembly Bill ("AB") 1505, provided the following statements while securing the passage of the legislation: "This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district...[AB 1505] allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district...Additionally, [the author's] intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students." CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), as amended September 5, 2019. http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505.

to operate under the terms of its current approved charter. The implementation of a material revision without the prior approval of the ACBOE would be outside the terms of the MOU. If the material revision is approved, the material revisions must take effect immediately, unless a different effective date is applied as a condition of approval.

New Petitions

Overview

This section provides guidance for potential petitioners who plan on submitting a charter petition directly to the Alameda County Board of Education (ACBOE), specifically for dependent charter schools, independent charter schools and countywide benefit charter schools.

- Dependent charter schools are considered to be charter schools that elect to receive funding through their authorizer. Dependent charter schools approved pursuant to Education Code section 47605.5 also serve students for whom the County Office would otherwise be responsible for providing direct education and related services.
- Independent charter schools are considered to be charter schools that do not receive funding from their authorizer. Dependent charter schools approved pursuant to Education Code section 47605.5 also serve students for whom the County Office would otherwise be responsible for providing direct education and related services.
- Countywide benefit petitions are considered to be charter schools that operate at one or more sites within the geographic boundaries of Alameda County, and offer instructional services not generally provided by the County Office.

The administrative procedures described below are designed to give charter school governing boards, administrators, staff, and the public a clear understanding of the process for submitting a new petition, including the requirements for submission and an insight for the review process.

Timeline

Both new dependent and independent charter schools (Ed. Code 47605.5) and countywide benefit charter schools (Ed. Code 47605.6(b)) follow the same timelines.

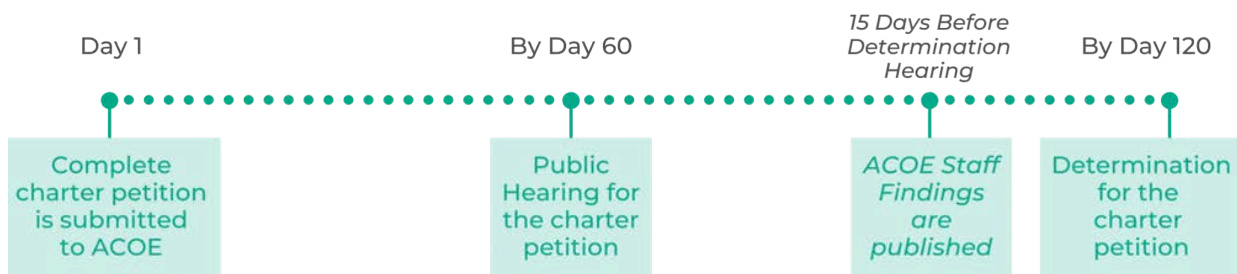
The submission of the proposed charter petition begins the process for review. No later than 60 calendar days after receiving the petition, a public hearing must be held, at which time the ACBOE will consider the level of support for the petition by the charter school leadership, charter school community, the school district(s) where the charter school petitioner proposed to place the school facilities, and any member from the public.

Within 90 calendar days of receiving the petition, the ACBOE will hold the determination. However, this date may be extended by an additional 30 calendar days if both parties provide written authorization of agreement. At the determination, the ACBOE will either grant or deny the charter. The Summary of Findings report produced by ACOE staff must be published at least 15 calendar days before the determination.

NEW PETITION: 90 Day Timeline



NEW PETITION: 30 Day Extension (120 Day Timeline)





Pre-Submission

Petitioners for new dependent and independent charter schools and countywide benefit charter schools are encouraged to consult with the Alameda County Office of Education (ACOE) prior to submission. A petition may be submitted directly to the ACBOE as set forth by Ed. Code 47605 for dependent and independent charter schools or as outlined in Ed. Code 47605.6 for countywide benefit charter schools.

Charter petitioners should review [Appendix C: Charter School Request for New Petitions](#), which highlights a list of all the required documents necessary for a complete submission of a new petition.

For countywide charters only, the required documentation must also provide written notification from charter petitioners to each of the school districts in which the charter school petitioner proposes to operate a facility at least 30 calendar days prior to submission.

Where applicable, for a new charter to receive consideration in Proposition 39 facilities, the charter school should submit a written facilities request to the school district whose facilities they plan to occupy by November 1. Charter schools should also review the school district's website for the requirements necessary to submit a request for facilities.

Submission

A petition is deemed "received" on the day the petitioner submits the petition to ACOE, along with a signed certification deeming the petition to be complete. Submitting the

petition begins the timeline for the charter petition review process. In response to the submission, ACOE staff will also confirm receipt of the petition.

ACOE Review

Confirmation of Dates

Following the receipt of the charter petition, ACOE staff shall communicate the proposed timeline with the lead charter petitioner. This timeline will include:

- Proposed date of the ACBOE Meeting for the Public Hearing
- Proposed date in which the Summary of Findings Report will be published
- Proposed date of the ACBOE Meeting for the Determination
- Proposed date for the Charter Capacity Interview (if applicable)

Analysis

The ACOE staff review team consists of staff in the following departments: Accountability Partnerships (AP), Human Resources, and District Business and Advisory Services (DBAS). The ACOE staff review team conducts a thorough review, which includes the following actions:

- Inspecting elements 1-19 of a reasonably comprehensive petition, for a dependent or independent charter school (Ed. Code 47605(c)(5)).
- Inspecting elements 1-20 of a reasonably comprehensive petition, for a countywide benefit charter school (Ed. Code 47605.6(b)(5)).
- Analyzing the California State Board of Education's Code of Regulations §11967.5.1 criteria for the review and approval of charter school petitions.
- Evaluating the capacity of the school governance and leadership team to successfully implement and operate an educational program through a Capacity Interview.
- Requesting additional information and/or documentation needed.
- Performing a fiscal review.

Evaluation Matrix

ACOE staff reviews and assesses whether the petition is reasonably comprehensive and educationally sound, and determines whether charter petitioners are demonstrably likely to successfully implement the program (Ed. Code 47605(c)(5), 47605.6(b)(5)). ACOE staff analyze each of the elements through an evaluation matrix, as outlined in [Appendix H: Evaluation Matrix](#). Dependent and independent charter schools are reviewed under 19 elements, while countywide benefit charter schools are reviewed under 20 elements.

These elements include:

1. Overview of Educational Program
2. Locally-defined Pupil Outcomes
3. State Priority Area Goals and Actions
4. Special Education
5. Governance Structure
6. Employee Qualifications
7. School Safety
8. Racial Balance
9. Admissions Policy
10. Financial Audits
11. Suspension and Expulsion Procedures
12. Staff Retirement System
13. Attendance Alternatives
14. Post-Employment Rights of Employees
15. Dispute Resolution Process
16. Closure Procedures
17. Administrative Items
18. Facilities
19. Financial/Operational Plan
20. Charter School Facilities (countywide benefit charter petitions only)

For full descriptions of each of the elements required, please refer to [Appendix H: Evaluation Matrix](#).

[Appendix H: Evaluation Matrix](#)

Reasonably Comprehensive Petition

Reasonably comprehensive petitions shall include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:
 - Improve pupil learning.
 - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - Provide parents, guardians, and pupils with expanded educational opportunities.
 - Hold itself accountable for measurable, performance-based pupil outcomes.
 - Provide vigorous competition with other public-school options available to parents, guardians, and students.

Requests for Additional Information

During ACOE staff's review, additional information may be needed in order to complete a thorough review. ACOE staff will communicate with the charter petitioner with a list of additional documentation needed and/or a list of questions that need clarification.

Charter petitioners should provide the requested documentation and/or respond to the questions within 5 working days.

Capacity Interview

Charter authorizing entities are required to determine whether petitioners have the capacity to successfully implement the program set forth in the charter petition (Ed. Code 47605(c)(2), 47605.6(b)(2)). As part of the review, ACOE staff may conduct a Capacity Interview. A Capacity Interview allows for the opportunity to better evaluate the capacity of the school governance and leadership team to determine the likelihood of successful implementation and operation of an educational program. During the interview, charter petitioners will have an opportunity to demonstrate their experience and expertise, as well as highlight matters set forth in their petition. ACOE staff will also clarify any questions derived from the petition.

It is the petitioner's responsibility to determine who should attend the interview. Attendees should be composed of members who are prepared to answer questions about the proposed program, including, but not limited to: school governance, mission and vision, instructional program, school operations, fiscal operations, student populations, student enrollment, assessment, family and community engagement and data analysis.

The information gathered from the Capacity Interview will be included in the Summary of Findings, which will be presented to the ACBOE for their review.

Fiscal Review

ACOE staff will conduct a review of the school's fiscal status and proposed operations, including the personnel and materials required to implement the proposed program. The fiscal review includes the analysis of revenue sources, salaries and benefits, instructional supplies, equipment, facilities, maintenance of facilities, professional development, and contract services.

ACOE's District Business and Advisory Services department will assess whether the assumptions used both for revenue and expenditures are reasonable and realistic. The fiscal staff will examine current funds; the proposed first year operational budget, including start-up costs and cash flow; and financial projections for the first three years of operation, including projected reserves and fund balances.

Specifically for dependent and independent charter schools, when conducting the fiscal review, ACOE staff will consider the fiscal impact of the charter school on the community in which the charter school is proposing to locate (Ed. Code 47605(c)(7)).⁵ Additionally, ACOE staff will consider if the school district in which the charter will be located is unable to absorb the fiscal impact of the proposed charter school (Ed. Code 47605(c)(8)). A school district is considered unable to absorb the fiscal impact if:

- The school district has a qualified interim certification pursuant to Ed. Code 42131 and the Alameda County Superintendent of Schools, in consultation with the Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving the charter school would result in the school district having a negative interim certification,
- The school district currently has a negative interim certification pursuant to Ed. Code 4213, or
- The school district is currently under state receivership. A school district shall satisfy this factor if an administrator has been appointed pursuant to Education Code section 41326(b) or if the district has received an emergency apportionment loan.

Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

⁵ The ACBOE has broad discretion when considering whether the charter petition will serve the interests of the entire community. Assemblymember Patrick O'Donnell, author of Assembly Bill ("AB") 1505, provided the following statements while securing the passage of the legislation: "This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district...[AB 1505] allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district...Additionally, [the author's] intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students." CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), as amended September 5, 2019. http://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505.

Public Hearing

As part of the petition review process, a public hearing must take place at an ACBOE meeting within 60 calendar days of receiving the petition. The public hearing is for the County Board to consider the level of support for the proposed charter petition (Ed. Code 47605(b), 47605.6(b)).

At the public hearing, the charter school will be provided an opportunity to present the proposed charter petition. The charter school is allotted ten minutes to present to the ACBOE. ACOE staff will not be presenting any findings, as the petition will still be under review. ACOE staff will ensure that all documentation submitted by the charter school is provided to the Executive Assistant to the Board of Education in accordance with deadlines set forth by the ACBOE.

At this hearing, the County Board will also allow members of the public to speak on the reasoning why the ACBOE should consider approving or denying the proposed charter petition. ACBOE members will listen to the comments being presented, though they will not respond to any public comments. ACBOE members may decide to ask questions regarding the proposed charter petition following the presentation. The charter school should be prepared to answer any questions that may arise. ACBOE members may also request that additional information be brought back to the determination.

For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

Summary of Findings Published

ACOE staff will conduct a thorough evaluation of the charter petition, and as a result will create a Summary of Findings report based on the petition's review. ACOE staff may provide the ACBOE with written factual findings for consideration and adoption when taking action to approve or deny the petition. The Summary of Findings report will be published at least 15 calendar days prior to the determination (Ed. Code 47605(b), 47605.5(b)).

Specifically for dependent and independent charter schools, as applicable, if ACOE staff finds that the school district is not able to absorb the fiscal impact, the County

Superintendent of Schools shall also prepare and post fiscal findings at least 15 calendar days before the determination.

Determination Hearing

Following the public hearing and the review of the petition, the County Board will hold a determination at a separate regularly scheduled Board meeting (Ed Code 47605(b)). The determination must take place within 90 calendar days of the receipt of the petition, unless both parties have agreed to a 30-day extension in writing. Any information that was requested at the public hearing, must be submitted to ACOE staff in accordance with the calendar deadlines set forth in order to be included in the board packet. This will allow time for the County Board to review the documentation, and prepare for the determination.

At the determination, ACOE staff will present their Summary of Findings report to the County Board. Given that the staff report was published at least 15 calendar days prior to the determination hearing, charter petitioners will have time to review the findings and prepare to present evidence and testimony to respond. At the determination, the charter petitioner shall have equivalent time to present after public comment.⁶

The County Board will determine whether they will approve or deny the charter petition request based on ACOE staff's Summary of Findings, community input received at the public hearing and other channels and venues, and guidelines delineated in Ed. Code 47605. If the charter petition is approved by the County Board, the petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school will be located, the California Department of Education, and the State Board of Education (Ed. Code 47605(k)(5)).

⁶ For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

Pursuant to California Education Code section 47605(c), the Alameda County Board of Education cannot deny a petition unless it makes **written factual findings**, specific to the petition, which may include:



The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.



The petitioners are **demonstrably unlikely to successfully implement** the program set forth in the petition.



The petition **does not contain the number of signatures required** by Education Code section 47605(a).



The petition **does not contain an affirmation of each of the conditions** described in Education Code section 47605(e).



The petition does not contain **reasonably comprehensive descriptions of all of the required elements** set forth in the Charter Schools Act.



The petition **does not contain a declaration** of whether or not the charter school shall be deemed the **exclusive public employer** of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.



The charter school is demonstrably unlikely to **serve the interests of the entire community** in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school (see Ed. Code 47605(c)(7) for details).⁷



The school district is **not positioned to absorb the fiscal impact** of the proposed charter school, as defined by Ed. Code 47605(c)(8).

⁷ The ACBOE has broad discretion when considering whether the charter petition will serve the interests of the entire community. Assemblymember Patrick O'Donnell, author of Assembly Bill ("AB") 1505, provided the following statements while securing the passage of the legislation: "This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district...[AB 1505] allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district...Additionally, [the author's] intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students." CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), as amended September 5, 2019. http://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505.

Determination for Countywide Benefit Charters

Following the public hearing and the review of the petition, the County Board will hold a determination at a separate regularly scheduled Board meeting (Ed Code 47605.6(b)). The determination must take place within 90 calendar days of the receipt of the petition, unless both parties have agreed to a 30-day extension in writing. Any information that was requested at the public hearing, must be submitted to ACOE staff in accordance with the calendar deadlines set forth in order to be included in the board packet. This will allow time for the County Board to review the documentation, and prepare for the determination.

At the determination, ACOE staff will present their Summary of Findings report to the County Board. Given that the staff report was published at least 15 calendar days prior to the determination, charter petitioners will have time to review the findings and prepare to present evidence and testimony to respond. At the determination, the charter petitioner shall have equivalent time to ACOE staff to present evidence and testimony to respond to the ACOE staff recommendations and findings.⁸

The County Board will determine whether they will approve or deny the charter petition request based on ACOE staff's Summary of Findings, community input received at the public hearing and other channels and venues, and guidelines delineated in Ed. Code 47605.6. The ACBOE may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school (Ed. Code 47605.6(b)). The ACBOE may only approve a countywide charter school if it finds, in addition to other requirements, that the educational services provided by the charter school will serve a pupil population that will benefit from those services and cannot be served as well by a charter school operating in only one school district in the county.

The ACBOE may grant a charter petition under this part only if granting the petition would be consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605 (Ed. Code 47605.6(b)). If the charter petition is approved by the County Board, the petitioners shall provide written notice of that

⁸ For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

approval, including a copy of the petition, to the school districts within the county, the Superintendent, and the state board (Ed. Code 47605.6(j)).

Pursuant to California Education Code section 47605.6(b), the Alameda County Board of Education cannot deny a petition unless it makes **written factual findings**, specific to the petition, which may include:



The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.



The petitioners are **demonstrably unlikely to successfully implement** the program set forth in the petition.



The petition **does not contain the number of signatures required** by Education Code section 47605(a).



The petition **does not contain an affirmation of each of the conditions** described in Education Code section 47605(e).



The petition does not contain **reasonably comprehensive descriptions of all of the required elements** set forth in the Charter Schools Act.



The petition **does not contain a declaration** of whether or not the charter school shall be deemed the **exclusive public employer** of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.



Any other basis that justifies denial of the petition, including, but not limited to, the proposed charter school's fiscal impact and/or the proposed charter school's ability to serve the interests of the entire community in which it is proposing to locate.

Petition Appeals

Overview

A charter school whose petition was previously denied by the governing board of a school district within Alameda County has the option to submit the petition for the establishment of a charter school to the Alameda County Board of Education (ACBOE) within 30 calendar days of a denial by the governing board of the school district (Ed. Code 47605(k)).

This section provides a guide to charters appealing to the ACBOE. The administrative procedures described below are designed to give charter school governing boards, administrators, staff, and the public a clear understanding of the process for submitting a charter petition appeal to ACOE.



Timeline

If a school district denies a charter petition, the petitioner may elect to submit the charter petition to the ACBOE within 30 calendar days of a denial by the school district (Ed. Code 47605(k)). Charter petition appeals submitted to ACOE must follow the timelines set forth in Ed. Code 47605(b).

The submission of the proposed charter petition begins the process for review. No later than 60 calendar days after receiving the petition, a public hearing will be held, at which time the ACBOE will consider the level of support for the petition by the charter school leadership, charter school community, the school district(s) where the charter school petitioner proposed to place the school facilities, and any member from the public.

Within 90 calendar days of receiving the petition, the ACBOE will hold a determination. However, this date may be extended by an additional 30 calendar days if both parties agree to the extension in writing. At the determination, the ACBOE will either grant or deny the charter. The Summary of Findings shall be published 15 calendar days before the determination.

APPEAL PETITION: 90 Day Timeline



APPEAL PETITION: 30 Day Extension (120 Day Timeline)



Pre-Submission

Charter petitioners should review the submission packet located in [Appendix D: Charter School Request for Appeal](#), which highlights a list of all the required documents necessary for a complete submission of a charter petition appeal.

Where applicable, for a new charter to receive consideration in Proposition 39 facilities, the charter school should submit a written facilities request by November 1 to the school district whose facilities they plan to occupy. Charter schools should also review the school district's website for the requirements necessary to submit a request for facilities.

Submission

A petition appeal is deemed "received" on the day the petitioner submits the petition appeal to ACOE, along with a signed certification deeming the petition to be complete. Submitting the petition begins the timeline for the charter petition appeal review process. At the same time the petition appeal is submitted, the petitioner shall also confirm that a copy of the petition has been provided to the applicable school district (Ed. Code 47605(k)).

In response to the submission, ACOE staff will also confirm receipt of the petition.



ACOE Review

Confirmation of Dates

Following the receipt of the charter petition, ACOE staff will communicate the timeline with the lead charter petitioner. This timeline will include:

- Proposed date of the ACBOE Meeting for the Public Hearing
- Proposed date in which the Summary of Findings Report will be published
- Proposed date of the ACBOE Meeting for the Determination
- Proposed date for the Charter Capacity Interview

Determination of Material Differences

The ACOE staff review team consists of staff in the Accountability Partnerships (AP), Human Resources, and District Business and Advisory Services (DBAS) teams.

As part of the initial analysis, ACOE staff shall review the petition appeal to ensure the same charter petition submitted at the district level is submitted at the county level. If an appeal submitted to the ACBOE contains new or different material terms from the petition that was submitted at the district level, it will be immediately remanded⁹ back to be reconsidered by the district within 30 calendar days of remanding the petition appeal (Ed. Code 47605(k)(1)(a)(i)). Material terms are defined as “signatures, affirmations, disclosures, documents, and descriptions” of the proposed educational programming or required components. Material differences do not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority (Ed. Code 47605(k)(1)(a)(iii)).

Note: For petition appeals, all data submitted, including but not limited to California School Dashboard must be the same as the data submitted at the district level. The data may not be updated between the district submission and the appeal submission to

⁹ Remand (verb) - to order back *Merriam-Webster.com*

ACOE. Charter schools are responsible for ensuring that data is consistent and accurate, as it will serve as the basis for evaluation during the petition appeal process. If the data is different from the submission to the district the petition appeal will be remanded back to the district.

If ACOE staff determine that there are material differences between the original petition to the district and the appeal petition to the ACBOE, then ACOE staff will report their findings to the Board at a regularly scheduled ACBOE meeting. The petitioner will be notified via a formal letter, as sent via email and United States Postal Service (USPS) certified mail (signature required), that will include a summary of the most substantive differences between the petition content, a request for written explanation of these changes, and a notification of the ACBOE meeting date where the findings will be presented to the Board. At this ACBOE meeting, staff will present an action item to the Board to determine if the charter petition shall be remanded. The action item may include a staff presentation, which may highlight the areas where there are new or different material terms from the original petition. The charter petitioner shall be present at this meeting, and will be allowed time to present any additional information and/or to respond to any questions the Board may have. The district that originally denied the petition shall be notified of the meeting and will also be allowed to present.

Following the presentation, the County Board will make a motion to determine whether they will remand the charter petition back to the school district for reconsideration. If the County Board votes to not remand the charter petition, then the petition will continue through the process for petition appeals. However, if the County Board votes to remand the charter petition back to the school district, then the school district shall reconsider the petition and vote to either grant or deny the petition within 30 calendar days (Ed. Code 47605(k)) of the ACBOE vote to remand. The ACOE staff will provide a formal letter to the school district informing them of the ACBOE's decision to remand the charter petition back to the school district and providing them with the charter petition for their reconsideration. The ACOE staff will also provide a formal letter to the charter petitioner, via email and the United States Postal Service (USPS) certified mail (signature required), with the Board's decision to remand and inform them that the petition has been sent back to the school district for reconsideration in the next 30 calendar days. If the district board denies the petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the ACBOE (Ed. Code 47605(k)).

Analysis

Following the initial analysis, and if there are no new or different material terms in the charter petition appeal, the ACOE staff review team will continue conducting a thorough review, which includes the following actions:

- Inspecting elements 1-19 of a reasonably comprehensive petition, for a dependent or independent charter school (Ed. Code 47605(c)(5)).
- Analyzing criteria for the review and approval of charter school petitions.
- Evaluating the capacity of the school governance and leadership team to successfully implement and operate an educational program through a Capacity Interview.
- Requesting additional information and/or documentation needed.
- Performing a fiscal review.

In addition, if the charter petition was denied by the school district because they are not positioned to absorb the fiscal impact of the proposed charter school, then the County Board shall review the district's findings (47605(k)(1)(A)(ii)). See chart on page 39 for additional information.

Evaluation Matrix

ACOE staff analyze each of the elements through an evaluation matrix, as outlined in [Appendix H: Evaluation Matrix](#). Charter petition appeals are reviewed under 19 elements. These elements include:

1. Overview of Educational Program
2. Locally-defined Pupil Outcomes
3. State Priority Area Goals and Actions
4. Special Education
5. Governance Structure
6. Employee Qualifications
7. School Safety
8. Racial Balance
9. Admissions Policy

10. Financial Audits
11. Suspension and Expulsion Procedures
12. Staff Retirement System
13. Attendance Alternatives
14. Post-Employment Rights of Employees
15. Dispute Resolution Process
16. Closure Procedures
17. Administrative Items
18. Facilities
19. Financial/Operational Plan

For full descriptions of each of the elements required, please refer to [Appendix H: Evaluation Matrix](#).

ACOE staff will also review the charter petition appeal in accordance with the list of charter schools provided by the California Department of Education (CDE) and their respective performance categories in accordance with the criteria outlined in Assembly Bill 1505. Please see the performance category criteria outlined on pp. 42-45 for further details.

Reasonably Comprehensive Petition

Reasonably comprehensive petitions shall include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:
 - Improve pupil learning.
 - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
 - Provide parents, guardians, and pupils with expanded educational opportunities.

- Hold itself accountable for measurable, performance-based pupil outcomes.
- Provide vigorous competition with other public-school options available to parents, guardians, and students.

Requests for Additional Information

During ACOE staff's review, additional information may be needed in order to complete a thorough review. ACOE staff shall communicate with the charter petitioner with a list of additional documentation needed and/or a list of questions that need clarification.

Charter petitioners are requested to provide responses to the questions within 5 working days.

Capacity Interview

As part of the Appeals process, ACOE staff may conduct a Capacity Interview to assess the charter's implementation of goals and metrics set forth in the charter petition (Ed. Code 47605(c)(2)). A Capacity Interview allows for the opportunity to better evaluate the capacity of the school governance and leadership team in the operation of the educational program. During the interview, ACOE staff shall have an opportunity to ask clarifying questions and follow up on any outstanding matters. This is also an opportunity for Charter petitioners to demonstrate their experience and expertise.

It is the petitioner's responsibility to determine who should attend the interview. Attendees should be composed of members who are prepared to answer questions about the educational program, including, but not limited to: school governance, mission and vision, instructional program, school operations, fiscal operations, student populations, student enrollment, assessment, and data analysis.

The information gathered from the Capacity Interview will be included in the Summary of Findings, which will be presented to the ACBOE for their review.

Fiscal Review

ACOE staff will conduct a review of the school's fiscal status and proposed operations, including the personnel and materials required to implement the proposed program. The fiscal review includes the analysis of revenue sources, salaries and benefits, instructional supplies, equipment, facilities, maintenance of facilities, professional development, and contract services.

ACOE's District Business and Advisory Services department will assess whether the assumptions used both for revenue and expenditures are reasonable and realistic. The fiscal staff will examine current funds; and the proposed first year operational budget, including start up costs and cash flow; and financial projections for the first three years of operation and/or the remainder of the petition period¹⁰, including projected reserves and fund balances.

Public Hearing

As part of the petition appeal review process, a public hearing must take place at a regularly scheduled ACBOE meeting within 60 calendar days of receiving the petition. The public hearing is solely for the County Board to consider the level of support for the charter petition appeal (Ed. Code 47605(b)). ACOE staff will provide the petitioner with guidelines prior to the public hearing.

At the public hearing, the charter school will be provided an opportunity to present the reasoning behind the proposed charter petition. The charter school will be allotted ten minutes to present on the reasoning why the ACBOE should consider approving the charter. ACOE staff will not be presenting any findings, as the petition will still be under review. ACOE staff will assure that all documentation submitted in a timely manner by the charter school is submitted to the Executive Assistant to the Board of Education to be included in the board packet.

¹⁰ Each charter school in the portfolio has [charter terms approved by the authorizing Board of Trustees](#). Charter terms can vary based on performance category determined by the California Department of Education, and will include the additional extensions that were approved by California Education Code (EC) Section 47607.4, which was amended by Senate Bill 114 [Chapter 48, Statutes of 2023]. EC 47606.4 states: "Notwithstanding the renewal process and criteria established in Sections 47605.9, 47607, and 47607.2 or any other law, effective July 1, 2021, all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, shall have their term extended by two years, and all charter schools whose term expires on or between January 1, 2024, and June 30, 2027, inclusive, shall have their term extended by one additional year."

In order for the ACBOE to be informed regarding the original charter petition denial, representatives from the District that issued the denial will also be requested to appear and present their findings, and be available to answer ACBOE clarifying questions. In the event no representatives are able to appear, their written findings will be available for review.

At this hearing, the County Board will also allow members of the public to speak on the reasoning why the ACBOE should consider approving or denying the proposed charter petition. ACBOE members will listen to the comments being presented, though they will not respond to any public comments. ACBOE members may decide to ask questions regarding the proposed charter petition following the presentation. The charter school should be prepared to answer any questions that may arise. ACBOE members may also ask that additional information be brought back to the determination.

For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

Summary of Findings Published

ACOE staff will conduct a thorough evaluation of the charter petition, and as a result will create a Summary of Findings report based on the petition's review. ACOE staff may provide the ACBOE with written factual findings for consideration and adoption when taking action to approve or deny the petition. The Summary of Findings report will be published at least 15 calendar days prior to the determination (Ed. Code 47605(b)).

If the petition was denied by a school district due to fiscal impact under Section 47605(c)(8), the ACOE will review the school district's findings regarding the charter school's fiscal impact. If ACOE staff finds that the school district is not able to absorb the fiscal impact, along with the Summary of Findings, the County Superintendent of Schools shall also prepare and post fiscal findings at least 15 calendar days before the determination.

Determination

Following the public hearing and the review of the petition, the County Board will hold a determination at a separate regularly scheduled Board meeting (Ed Code 47605(b)). The determination must take place within 90 calendar days of the receipt of the petition,

unless both parties have agreed to a 30-day extension in writing. Any information that was requested at the public hearing, must be submitted to ACOE staff in accordance with the calendar deadlines set forth in order to be included in the board packet. This will allow time for the County Board to review the documentation, and prepare for the determination.

At the determination, ACOE staff will present their Summary of Findings report to the County Board. Given that the staff report was published at least 15 calendar days prior to the determination, charter petitioners will have time to review the findings and prepare to present evidence and testimony to respond. At the determination, the charter petitioner shall have equivalent time to present after public comment.¹¹

The County Board will determine whether they will approve or deny the charter petition appeal based on ACOE staff's Summary of Findings, community input received at the public hearing and other channels and venues (e.g. emails, meetings, etc.), as well as the guidelines delineated in Ed. Code 47605. Should the charter school's petition request be denied by the County Board, the petitioner may appeal to the state board within 30 calendar days of the denial (Ed. Code 47605(k)(2)). If the charter petition is approved by the County Board, the petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school will be located, the CDE, and the SBE (Ed. Code 47605(k)(5)).

¹¹ For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

Pursuant to California Education Code section 47605(c), the Alameda County Board of Education cannot deny a petition unless it makes **written factual findings**, specific to the petition, which may include:



The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.



The petitioners are **demonstrably unlikely to successfully implement** the program set forth in the petition.



The petition **does not contain an affirmation of each of the conditions** described in Education Code section 47605(e).



The petition does not contain **reasonably comprehensive descriptions of all of the required elements** set forth in the Charter Schools Act.



The petition **does not contain a declaration** of whether or not the charter school shall be deemed the **exclusive public employer** of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.



The charter school is demonstrably unlikely to **serve the interests of the entire community** in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school (see Ed. Code 47605(c)(7) for details).¹²



The school district is **not positioned to absorb the fiscal impact** of the proposed charter school, as defined by Ed. Code 47605(c)(8).

¹² The ACBOE has broad discretion when considering whether the charter petition will serve the interests of the entire community. Assemblymember Patrick O'Donnell, author of Assembly Bill ("AB") 1505, provided the following statements while securing the passage of the legislation: "This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district...[AB 1505] allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district...Additionally, [the author's] intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students." CONCURRENCE IN SENATE AMENDMENTS, AB 1505 (O'Donnell, et al.), as amended September 5, 2019. http://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505.

Charter Renewals

Overview

This section provides a guide to charter renewal for charter schools authorized by the Alameda County Board of Education (ACBOE). The administrative procedures described below are designed to give charter school governing boards, administrators, staff, and the public a clear understanding of the pathways to charter renewal, the criteria needed to renew, and the process for submitting renewal petitions to the Alameda County Office of Education (ACOE).

Timeline

The process for renewing a charter petition should take place at least 120 calendar days prior to the expiration of the charter's current term.

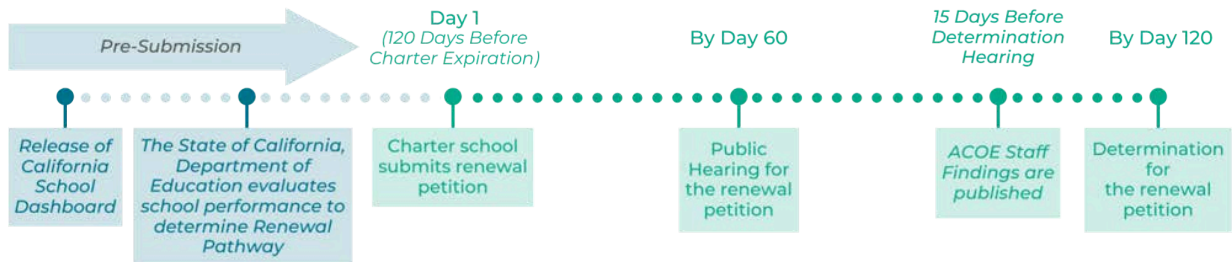
The submission of the charter renewal petition and a certification of completeness begins the process for review (Education Code 47605(b)). Within 60 calendar days of receiving the petition, a public hearing must be held, at which time the ACBOE will consider the level of support for the petition renewal by the charter school leadership, charter school community, and any member of the public.

Within 90 calendar days of receiving the petition, the ACBOE will hold a determination. This date may be extended by an additional 30 calendar days if both parties agree to the extension through written consent. At the determination, the ACBOE will either grant or deny the charter renewal. The Summary of Findings report produced by ACOE staff must be published at least 15 calendar days before the determination (Ed. Code 47607(b), 47605(b)).

RENEWAL PETITION: 90 Day Timeline



RENEWAL PETITION: 30 Day Extension* (120 Day Timeline)



**The date of the Determination Hearing may be extended by an additional 30 days if both parties agree to the extension through written consent.*

Performance Categories

In accordance with Education Code 47607(c), the ACBOE shall consider a charter school's placement under the performance categories, which are based on the charter school's performance under the California School Dashboard. The CDE uses the following criteria to determine performance categories:

HIGH PERFORMANCE CATEGORY		MIDDLE PERFORMANCE CATEGORY		LOW PERFORMANCE CATEGORY	
<p>For the two most recent years preceding renewal, either:</p> <ol style="list-style-type: none"> Definition 1: Scored green or blue schoolwide on all state indicators, or Definition 2: For all academic indicators, <ol style="list-style-type: none"> Received "status" scores schoolwide that are the equal to or higher than the state average, and Majority of student groups performing statewide below the state average in each respective year received "status" scores that are above the state average. 		<p>Did not meet either High nor Low Performance Category criteria.</p>		<p>For the two most recent years preceding renewal, either:</p> <ol style="list-style-type: none"> Definition 1: Scored red or orange schoolwide on all state indicators, or Definition 2: For all academic indicators, <ol style="list-style-type: none"> Received "status" scores schoolwide that are the equal to or lower than the state average, and Majority of student groups performing statewide below the state average in each respective year received "status" scores that are below the state average. 	
<p>RENEWAL TERM:</p>	<p>May be renewed for 5, 6, or 7 years.</p>	<p>RENEWAL TERM:</p>	<p>May renew for 5 years or may deny only upon making written findings.</p>	<p>RENEWAL TERM:</p>	<p>Shall generally not renew; however, the chartering authority may take a "second look" and under specific factors renew the charter for 2 years.</p>

High Performance Category

Charter schools categorized by the California Department of Education in the High Performance Category shall be renewed for a 5-7 year term, with a streamlined renewal that only requires the petitioning charter to make updates regarding changes in law, if for two years preceding the renewal the school:

- Has received the two highest levels (colors) schoolwide for all state indicators it has on the California Dashboard, or
- Has met or exceeded the statewide average for all measurements of academic performance schoolwide, and has exceeded the statewide average for a majority of the student groups that are underperforming the statewide average, and
- Is not in Differentiated Assistance under the Local Control Funding Formula (LCFF).

Middle Performance Category

Charter schools categorized by the California Department of Education in the Middle Performance Category may be renewed for a 5 year term, unless written findings are made which constitute reasons for denial.

When reviewing the renewal petition, ACOE staff will consider schoolwide performance and student group performance on both state and local indicators included in the State Dashboard, while placing greater weight on academic indicator performance. ACOE staff will also consider clear and convincing evidence, demonstrated by data, showing that the charter has:

- Achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school, or
- Shown strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

Pursuant to Ed. Code 47607.2(b)(5), verified data will be analyzed in consideration of renewal of a Middle Performing Category school until January 1, 2026. ACOE may consider the continued use of verified data thereafter. The verified data used must be on the approved list of valid and reliable assessments as determined by the State Board of Education. The State Board of Education defines verified data as follows:

- Data derived from nationally recognized, valid, peer reviewed, and reliable sources that are externally produced
- Verified data shall include measures of postsecondary outcomes

Additional information about these criteria and the verified data review process are available at the [CDE website - Verified Data](#).

The ACBOE may deny the charter renewal only if it makes written findings that:

- The charter school has failed to meet or make sufficient progress toward meeting standards that are provided a benefit to the students of the school, and
- The closure is in the best interest of the students, and

- The decision provided greater weight to performance on measurements of academic performance.

Low Performance Category

Charter schools categorized by the California Department of Education in the Low Performance Category shall not be renewed if for two years preceding the renewal, the school:

- Has received the two lowest levels (colors) schoolwide for all state indicators on the California Dashboard, or
- Has received the same or lower performance level than the statewide average¹³ for all schoolwide measurements of academic performance, and has received a lower performance level than the state for a majority of underperforming student groups.

Pursuant to Ed. Code 47607.2(b)(5), verified data will be analyzed in consideration of renewal of a Low Performing Category school until January 1, 2026. ACOE may consider the continued use of verified data thereafter. A charter school meeting either of the two conditions listed directly above may receive a “second look” and may be renewed only if the ACBOE makes written factual findings indicating that both of the following have occurred:

- Through analysis, the ACBOE finds that the charter is addressing underlying causes of low performance in any key areas of academics, operations, governance, facilities, and/or fiscal operations and is incorporating those factors into a written improvement plan, adopted by the charter school governing body; and
- The charter provides verifiable data from an externally validated, nationally recognized source, and there is **clear and convincing evidence** showing that the charter has made sufficient gains or has strong postsecondary outcomes equal to those of similar schools.

If the charter school is approved for renewal under these circumstances, it may only be approved for a two-year term.

¹³ (1) The statewide average is the schoolwide performance level (color) on the California School Dashboard for the entire state of California for each academic indicator. (2) Measurements of academic performance are the CAASPP ELA and Math indicators, the English Learner Progress Indicator and the College/Career indicator. (3) Underperforming subgroups are defined as any numerically significant subgroup the school serves where that subgroup is performing below the state average.

Dashboard Alternative School Status (DASS) Charter Renewal (Ed. Code 52052(d))

The law provides an exemption for alternative schools designated as Dashboard Alternative School Status (DASS), per Ed. Code 47607(c)(7). DASS schools cannot qualify for High, Middle, or Low performance categories. Therefore, this exemption requires the local LEA to establish an alternative process for review. In determining whether to grant a charter renewal for an alternative accountability model charter school, ACOE shall consider the following:

- The charter school's performance on the state and local indicators identified and monitored on the California School Dashboard, and
- The charter school's performance on alternative metrics applicable to the charter school based on the student population served.

The Alameda County Office of Education shall meet with the charter school during the first year of the charter school's term to mutually agree on alternative metrics to be considered pursuant to Ed. Code 47607(c)(7). Alternative metrics must be research-based and be verifiable by ACOE. ACOE will add agreed-upon metrics to the Memorandum of Understanding (MOU) to ensure a clear and transparent set of expectations for renewal within 30 calendar days of meeting with the charter school. The ACBOE may deny a DASS charter renewal only upon making written factual findings indicating that the closure of the charter school is in the best interest of the students.

Pre-Submission

Charter petitioners should review [Appendix E: Charter School Request for Renewal](#), which highlights a list of all the required and recommended documents necessary for a complete submission of a charter petition renewal.

Submission

A charter renewal petition is deemed "received" on the day the petitioner submits the petition to ACOE, along with a signed certification deeming the petition to be complete.

Submitting the renewal petition begins the timeline for the charter review process. In response to the submission, ACOE staff will also confirm receipt of the petition.

ACOE Review

Confirmation of Dates



Following the receipt of the charter renewal petition, ACOE staff shall communicate the proposed timeline with the lead charter petitioner. This timeline shall include:

- Proposed date of the ACBOE Meeting for the Public Hearing
- Proposed date for the Renewal Site Visit
- Proposed date in which the Summary of Findings Report will be published
- Proposed date of the ACBOE Meeting for the Determination

Analysis

The ACOE review team consists of staff in the following departments; Accountability Partnerships (AP), Human Resources, and District Business and Advisory Services (DBAS).

A charter school approaching the end of its current charter term must have demonstrated that it is eligible for a renewal of its charter by meeting specific renewal criteria outlined in the Charter Schools Act. The renewal criteria prescribed in Ed. Code 47607 and 47607.2 requires a three-criteria system for most charter schools¹⁴ seeking renewal, including additional criteria and conditions for evaluating the soundness of a school's educational program depending on the school's renewal performance category.



¹⁴ The three-tiered system does not apply to schools that qualify for the Dashboard Alternative School Status (DASS) program.

Criterion 1

The first criterion considered in reviewing a renewal petition requires an analysis of the following:

- Is the charter school performing at a low, middle or high level (Ed. Code 47607(c), 47607.2(a), and 47607.2(b).)?
- Has the charter school attained measurable increases in academic achievement schoolwide and for numerically significant student groups served by the charter school?
- Does the charter school have strong postsecondary outcomes, if applicable?

In contrast to an initial petition for a new charter school, a renewal petition involves a school with a track record of performance, in the form of student achievement and school performance data, as well as governance, legal and fiscal records (Ed. Code 47607(c)(1)). Thus, sound educational programs and capacity for implementation are assessed against the past performance of the existing charter school as indicators of likely future performance, including any applicable benchmarks that have been established. Consistent oversight records assist with documenting progress and identifying areas for improvement year-to-year throughout the term of the charter.

To make a determination regarding the soundness of the educational program and the school's capacity for implementation, ACOE staff will review records of academic and school performance, including evidence collected by ACOE throughout the charter's term. For example, the school's academic performance, including the performance of student groups, reclassification rates, and high school graduation rates, as applicable, all provide insight into the success of the school's educational program throughout the term of the charter and determine the performance category with which the school is eligible to apply. The school's fiscal viability, as revealed by indicators such as clean fiscal audits, positive net assets, reserves and fund balances in compliance with Education Code, enrollment, ADA history, and projected trends, among others, are signs of the school's capacity to successfully implement the described program.

Charter schools that are in the Middle and Low Performance Category must prepare and submit [Appendix F: School Performance Data Tool](#) and [Appendix G: Charter Renewal Performance Report](#). The data tool and performance report include requests for

descriptive responses as well as data tables. The Charter Renewal Performance Report aims to:

- Highlight unique areas of success from the charter school's perspective beyond traditional academic measures,
- Provide guidance to ACOE Staff for the Renewal Site Visit, and
- Collect additional information that may not be available elsewhere in the petition.

Note: Charter schools should submit the most recent data available publicly on the California Dashboard at the time of submission.

Criterion 2

The second criterion considered in reviewing a renewal petition requires an analysis of the following:

- Whether the petition includes a sound educational program;
- Whether the petition contains a reasonably comprehensive description of the 19 elements required for petitions (20 for countywide charter schools);
- Whether the petition contains an affirmation of each of the conditions described in Ed. Code 47605(e); and
- Whether the charter school is likely to continue to successfully implement the program set forth in the petition. Ed. Code 47607(b) provides that renewals are governed by the standards and criteria described in Ed. Code 47605, as applicable to initial petitions.

Soundness of the educational program and capacity for implementation are assessed through the past performance of the existing charter school as indicators of likely future performance, including any applicable benchmarks that have been established. ACOE conducts the analysis of Criterion 2 through [Appendix H: Evaluation Matrix](#). In order for a charter school's renewal petition to be approved, the petition must include reasonably comprehensive descriptions of the following elements:

1. Overview of Educational Program
2. Locally-Defined Pupil Outcomes
3. State Priority Area Goals and Actions

4. Special Education
5. Governance Structure
6. Employee Qualifications
7. School Safety
8. Racial Balance
9. Admissions Policy
10. Financial Audits
11. Suspension and Expulsion Procedures
12. Staff Retirement System
13. Attendance Alternatives
14. Post-Employment Rights of Employees
15. Dispute Resolution Process
16. Closure Procedures
17. Administrative Items
18. Facilities
19. Financial/Operational Plan
20. Charter School Facilities (countywide benefit charter petitions only)

For full descriptions of each of the elements required, please refer to [Appendix H: Evaluation Matrix](#).

Criterion 3

The third criterion considered in reviewing a renewal petition requires an analysis of the following:

- Is the charter school serving all students who wish to attend?
- Does the charter school have substantial fiscal or governance issues? (Ed. Code 47607(e))

ACOE staff will review the renewal petition and the various required elements of the Evaluation Matrix, including the Charter's admissions policies, enrollment policies, governance structure, financial/operational plan, and financial audits, along with analyzing aggregate data reflecting pupil enrollment patterns at the charter school. ACOE staff may request data on enrollment patterns from the California Department of Education (Ed. Code 47607(d)).

In order to determine if the charter school has fiscal concerns, the ACOE's District Business and Advisory Services department will conduct a review of the school's fiscal status and proposed operations, including the personnel and materials required to implement the proposed program. The fiscal review includes the analysis of revenue sources, salaries and benefits, instructional supplies, equipment, facilities, maintenance of facilities, professional development, and contract services.

ACOE's District Business and Advisory Services department will assess whether the assumptions used both for revenue and expenditures are reasonable and realistic. ACOE fiscal staff will examine current funds; the proposed first year operational budget; and financial projections for the first three years of operation and/or the remainder of the petition period, including projected reserves and fund balances.

If the ACBOE finds evidence that the charter school is demonstrably unlikely to successfully implement the program set forth in the renewal petition based on Criterion 3, the ACBOE may deny the renewal of any charter petition, regardless of whether the charter school satisfies the high, middle, or low performance criteria. The ACBOE must provide (or have already provided) the charter school with at least 30 calendar days' notice of the written finding and provide the charter school with an opportunity to correct findings, including providing an opportunity for the charter school to present a proposed corrective plan. (Ed. Code 47607(e)). After providing notice of the finding and opportunity to correct findings, the ACBOE may deny a renewal petition if it finds that either:

- The corrective action proposed by the charter school has been unsuccessful, or
- The findings are sufficiently severe and pervasive as to render a corrective action plan unviable.

Renewal Site Visit

As part of the renewal process, ACOE staff conduct a Renewal Site Visit. The focus and agenda of this visit will be determined by the analysis performed on the evidence submitted for Criteria 1-3 above. The Renewal Site Visit will be scheduled upon receipt of the Renewal Petition Package, for a date following a thorough review of the petition and preceding the deadline for submitting the Summary of Findings to the ACBOE. This visit will be between ACOE Staff and the Charter leadership, though other educational partners may be requested to be present based on the analysis of the petition.

Public Hearing

As part of the charter renewal petition review process, a public hearing will take place at an ACBOE meeting within 60 calendar days of receiving the petition. The public hearing is solely for the County Board to consider the level of support for the charter petition renewal (Ed. Code 47605(b)). ACOE staff will provide the petitioner with guidelines prior to the public hearing.

At the public hearing, the charter school will be provided an opportunity to present the reasoning behind the proposed charter renewal petition. The charter school will be allotted ten minutes to present on the reasoning why the ACBOE should consider approving the charter. ACOE staff will not present any findings, as the petition will still be under review. ACOE staff will ensure that all documentation submitted in a timely manner by the charter school is submitted to the Administrative Assistant to the Board of Education to be included in the board packet.

At this hearing, the County Board will also allow members of the public to speak on the reasoning why the ACBOE should consider approving or denying the proposed charter renewal petition. ACBOE members will listen to the comments being presented, though they will not respond to any public comments. Board members may decide to ask questions regarding the proposed charter renewal following the presentation. The charter school should be prepared to answer any questions that may arise. ACBOE members may also ask that additional information be brought back to the determination.

For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

Summary of Findings

ACOE staff will conduct a thorough evaluation of all submitted documents and will issue a Summary of Findings report to the ACBOE for review. ACOE staff may provide the ACBOE with written factual findings for consideration and adoption when taking action to approve or deny the petition. The Summary of Findings report will be published at least 15 calendar days prior to the determination(Ed. Code 47605(b)).

Determination

Following the public hearing and the review of the petition, the County Board will hold a determination during a regularly scheduled Board meeting (Ed Code 47605(b)). The determination must take place within 90 calendar days of the receipt of the petition, unless both parties have agreed to a 30-day extension in writing. Any information that was requested at the public hearing, must be submitted to ACOE staff in accordance with the calendar deadlines set forth in order to be included in the board packet. This will allow time for the ACBOE to review the documentation, and prepare for the determination.

At the determination, ACOE staff will present their Summary of Findings report to the County Board. At the determination the charter petitioner shall have equivalent time to present after public comment.¹⁵

The County Board will determine whether they will approve or deny the charter petition request based on ACOE staff's Summary of Findings, community input received at the public hearing and other channels and venues (e.g. emails, meetings, etc.), as well as the guidelines delineated in Ed. Code 47605. If the charter petition is approved by the ACBOE, the petitioners shall provide written notice of that approval, including a copy of the petition, to the governing board of the school district in which the charter school will be located, the CDE, and the SBE (Ed. Code 47605(k)(5)).

The Alameda County Office of Education will ensure that the California Department of Education and charter school are notified and all necessary documentation is provided, including the Summary of Findings and the Alameda County Board of Education decision.

¹⁵ For guidance on interactions with ACOE Board members, please refer to the following Board Policies: BP 1100, BP 9010, and BP 9012.

Pursuant to California Education Code section 47605(c), the Alameda County Board of Education may deny a petition if it makes **written factual findings**, specific to the petition, setting forth facts to support one or more of the following findings:



The charter school presents an **unsound educational program** for the pupils to be enrolled in the charter school.



The petitioners are **demonstrably unlikely to successfully implement** the program set forth in the petition. If the finding is due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, then one of the following findings must also be made (Ed. Code 47607(e)):

- The corrective action proposed by the charter school has been unsuccessful, or
- The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.



The petition **does not contain an affirmation of each of the conditions** described in Education Code section 47605(e).



The petition does not contain **reasonably comprehensive descriptions of all of the required elements** set forth in the Charter Schools Act.



The petition **does not contain a declaration** of whether or not the charter school shall be deemed the **exclusive public employer** of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

APPENDIX

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Appendix A: Charter School Request for Material Revision

Charter Name: _____

Date Submitted: _____

Pursuant to Education Code 47607, a material revision to an existing charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Ed. Code 47605, and must include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed (Ed. Code 47607(b)).

Prior to submission, the charter should gather all information outlined below, in order to have the material revision request be deemed as complete upon submission. The following documentation should be submitted as part of the material revision packet.

- **Narrative** - *include the following information:*
 - A description of the proposed material changes
 - sufficient detail and background information as to why the material revision is necessary
 - how it will impact charter and authorizing entity
 - The estimated fiscal impact of the material revision
 - The Charter Governing Board action approving the material revision
 - Narrative summary of new requirements of charter schools enacted into law after the charter was originally granted or last renewed that are relevant to your school.

- **Requested Revisions to Existing Charter Document** - *include the following information:*

- A red-lined petition in a .doc format
 - Use track changes to strike out language to be deleted, and underline language to be added.
 - Minor editing changes, formatting should not be included
- **AP Material Revision Components Form** - *a completed form must include the following information:*
 - Links the changes outlined in the narrative to the appropriate sections in the red-lined petition
 - Link the appropriate sections to any additional documentation you submitted
- **Public Hearing Presentation** - *include the following information:*
 - A PowerPoint presentation for the initial public hearing (may be a placeholder).
 - The presentation should be no longer than 10 minutes.
 - Revisions to the PowerPoint may be submitted to ACOE up to 12 business days before the date of the initial public hearing.
- **Board Meeting Date Availability** - *indicate your availability below for all the Alameda County Board of Education meeting dates you can attend:*

<input type="checkbox"/> July 9, 2024	<input type="checkbox"/> January 28, 2025
<input type="checkbox"/> July 23, 2024*	<input type="checkbox"/> February 11, 2025
<input type="checkbox"/> August 13, 2024	<input type="checkbox"/> February 25, 2025*
<input type="checkbox"/> August 27, 2024*	<input type="checkbox"/> March 11, 2025
<input type="checkbox"/> September 10, 2024	<input type="checkbox"/> March 25, 2025*
<input type="checkbox"/> September 24, 2024*	<input type="checkbox"/> April 8, 2025
<input type="checkbox"/> October 8, 2024	<input type="checkbox"/> April 22, 2025*
<input type="checkbox"/> October 22, 2024*	<input type="checkbox"/> May 13, 2025
<input type="checkbox"/> November 12, 2024	<input type="checkbox"/> May 27, 2025
<input type="checkbox"/> December 10, 2024	<input type="checkbox"/> June 10, 2025
	<input type="checkbox"/> June 24, 2025*

**Reserved meeting dates held at the discretion of the board.*

Please note: The Public Hearing and the Determination Hearing cannot be held on the same day. Please choose at least two dates for which you are available.

Material Revision requested by:

Print name

Title

Signature: _____ Date: _____



Appendix B: Material Revision Components Form

Applicable to material revision? Yes/No	AP MATERIAL REVISION COMPONENTS	Document Reference	Red Lined Charter Petition Page Reference
	<p>A. Educational Program, Mission or Vision Revision:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the revision. ● Provide a detailed explanation of the proposed changes to the program, mission or vision. ● Provide a comparison in narrative form of the current programming, mission or vision to the proposed and what the impacts will be to student learning. ● If partnering with another organization, include a letter of intent and/or MOU 		
	<p>B. Adding a Classroom-based or Non-classroom based Program:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the addition of the program. ● Provide an explanation of the impact the proposed program will have on student learning. ● Provide a narrative explanation of the financial impact (if any) that will result from the addition of the program. ● Attach a proposed budget accounting for the financial impact of the proposed program. ● Provide evidence of any outside funding that will be used to support proposed programming. 		

	<ul style="list-style-type: none"> ● If any staffing changes will result from the programming changes, you must complete Section J: Staffing Revisions. ● If partnering with another organization, include a letter of intent and/or MOU. 		
	<p>C. Student Enrollment Revision (+ or - 10%):</p> <ul style="list-style-type: none"> ● <i>If this section applies, you must also complete Section E: Facilities Revision and Section J: Staffing Revisions.</i> ● Provide a clear explanation of the reason for the enrollment revision. ● Explain any staffing and programmatic changes that will take place as a result of the proposed enrollment revisions. ● Explain changes to student recruitment that will take place as a result of the proposed enrollment revisions. ● Provide a detailed description of any changes to your facility due to the enrollment decline. ● Provide an overall description of how the proposed enrollment change will impact the budget for the remainder of the petition period. ● Clarify if there are any changes to the charter petition as a result of this proposed enrollment change. <ul style="list-style-type: none"> ○ Changes to Charter Petition - please provide an updated red-line petition and include all legislative changes since the last approval.. ○ No Changes to Charter Petition - please confirm that there are no changes and the approved charter petition is unchanged. ● Provide a chart <u>by grade level</u> that includes the following: <ul style="list-style-type: none"> ○ previous enrollment projected in original charter ○ actualized enrollment ○ new enrollment projections for the next 5 years ○ Total student counts for each grade level and a calculation of the proposed difference. ● Provide a chart by grade level that includes grade level progressions. ● Provide a chart of classroom configurations (elementary/middle) and/or master schedules (middle/high) from prior year, and identify any changes in classroom configurations/master schedules from the prior year. 		

	<ul style="list-style-type: none"> ● Provide a detailed description of the number of classrooms available in the facility, the maximum capacity of each classroom and what the intended use is of each classroom. ● Include the above classroom information for both the current status and the proposed revised status. 		
	<p>D. Grade Level Revision</p> <ul style="list-style-type: none"> ● <i>If this section applies, you must also complete Section C: Student Enrollment Revision, Section E: Facilities Revision and Section J: Staffing Revisions.</i> ● Provide a clear explanation of the reason for the grade level revision. ● Provide an explanation of how the grade level revision will impact student recruitment and enrollment. ● Provide in chart and narrative form the current enrollment numbers listed by grade level with totals and the proposed enrollment with grade level revision. ● If students will be displaced, provide a detailed trajectory of what comparable schools they will be transitioned into. ● If a grade level will be added, provide a description of what recruitment and enrollment changes will be needed as a result of this. 		
	<p>E. Facilities Revision:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the facility change. ● Provide information pertaining to the proposed facility/ facilities including: <ol style="list-style-type: none"> 1. Address 2. Capacity 3. Number and type of rooms 4. Attach Leasing agreement 5. District board approved Prop 39, if applicable 6. If private facility, include a certificate of occupancy from the governing city 7. Zoning certificate for educational purposes, and/or conditional use permit. ● Explain changes to student recruitment that will be needed as a result of the facility change. ● Provide a detailed description of the number of classrooms available in the facility, the maximum capacity of each classroom and what the intended use is of each room. 		

	<ul style="list-style-type: none"> ● Provide a chart clearly showing the previous site capacity and the new site capacity. Include totals and a calculation of the proposed difference. ● Provide a copy of all permits that allow the use of the facility for school use. ● A copy of the proposed lease agreement for the current and proposed new locations, which include the current and projected monthly lease payment amounts for the current and two subsequent years. 		
	<p>F. Charter School Name Revision:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the revision. 		
	<p>G. Charter Management Organization Revision (CMO):</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the revision. ● Provide in chart and narrative format an explanation of the proposed leadership structure for the CMO. ● Provide in chart and narrative format an explanation of the proposed leadership structure for the school site. ● Provide in chart and narrative format how the change of the Charter Management Organization will impact the school financially. ● Provide a copy of your draft or tentative MOU with the proposed CMO. ● Provide the updated and approved Board Bylaws that show the CMO revision. 		
	<p>H. Admission or Enrollment Requirement Revision:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the revision. ● Provide a detailed explanation of the impacts that the admission or enrollment revision will have on current and prospective students. 		
	<p>I. Governance Structure Revision:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the revision. ● Provide in chart and narrative format a comparison of the current and proposed governance structures. ● If any staffing changes will result from the governance structure revision, you must complete Section J: Staffing Revisions. 		

	<p>J. Staffing Revision:</p> <ul style="list-style-type: none"> ● Provide a clear explanation of the reason for the staffing revisions. ● Explain changes to staff recruitment that will be needed as a result of the staffing revisions. ● Provide a detailed description of how staffing revisions will impact student learning. ● Provide a detailed description of staffing with Full Time Employees (FTE), including multiple roles the staff will be responsible for, if applicable. ● Include the above staffing information for both the current status and the proposed revised status. ● Provide a chart by grade level/subject matter that includes the following: <ul style="list-style-type: none"> ○ Number of Full Time Employees (FTE) and Part Time Employees (PTE) in the prior year. ○ Number of changes to Full Time Employees and Part Time Employees from the prior year. ● Provide a chart of the charter organizational management structure and confirm any changes. Please provide a narrative description of any shifts in responsibilities. 		
<p>Applicable to material revision?</p> <p>Yes/No</p>	<p>FISCAL COMPONENTS</p>	<p>Document Reference</p>	<p>Red Lined Charter Petition Page Reference</p>
	<p>K. Material Revision Analysis and Scope Limitations</p> <ul style="list-style-type: none"> ● Most current financials on state prescribed forms (all sections of the Alt Form in Excel), for the remainder of the petition period, updated with impact of the material revision. ● General Ledger or Financial Activity to Date (unrestricted/restricted combined) ● Statement of Financial Position (i.e. Balance Sheet and Profit & Loss (Income) Statement) 		
	<p>L. Certification and Audit Status</p>		
	<p>M. Revenues & LCFF Calculator</p> <ul style="list-style-type: none"> ● Include enrollment and Average Daily Attendance projections for the remainder of the petition period 		

	<ul style="list-style-type: none"> ● Include other State, Federal, and Local revenue assumptions. 		
	<p>N. Expenditures & Full Time Employees (FTEs)</p> <ul style="list-style-type: none"> ● Certificated and Non-Certificated FTE projections for the remainder of the petition period 		
	<p>O. Cash Flow</p> <ul style="list-style-type: none"> ● 18-month cash flow projection from the date of the material revision request 		
	<p>P. Multi-Year Projection (MYP) Operating Results and Fund Balances</p> <ul style="list-style-type: none"> ● Financial Activity and projections through current year (unrestricted/restricted combined) ● Statement of Financial Position (i.e. Balance Sheet and Profit & Loss (Income) Statement) through current and subsequent fiscal years to demonstrate charter’s fund balance position within multi-year projections. 		



Appendix C: Charter School Request for New Petitions

Charter Name: _____

Date Submitted: _____

The items listed below are the requested documents for a new charter school petition submission to the Alameda County Office of Education. Submission of this package should include the following:

- 3 Hard Copies in a 3-ring binder
- 1 Electronic Copy (flash drive) including all of the financial documents

After the submission of the new charter petition package is complete, the petitioner(s) may expect the following information from the ACOE review staff:

- Date of Receipt
- Proposed date of the ACBOE Meeting for the Public Hearing
- Proposed date in which the Summary of Findings Report will be published
- Proposed date of the ACBOE Meeting for the Determination
- Proposed date for the Site Visit

The following documentation should be submitted as part of the New Charter School Petition Package:

- **Cover Letter** - *include the following information:*
 - A cover letter signed by the charter school governing board president or designee authorizing the submission of the charter petition request to the

County Board and certifying that the petitioner deems the petition to be complete.

- **Final Copy of the Charter Petition** - *include the following information:*
 - A complete copy of the charter petition which conforms with the law.
 - 3 Hard Copies in a 3-ring binder
 - 1 Electronic Copy (flash drive) including all of the financial documents
- **Signed Certification of Affirmations** - *include the following information:*
 - A signed certification to the Alameda County Office Board of Education setting that petitioner(s) will comply with all applicable laws.
- **Financial Documents** - *include the following information:*
 - An Excel spreadsheet and Local Control Funding Formula (LCFF) calculator in electronic form showing calculations and formulas for budget and financial projections.
 - Assumptions used for all elements of the financial projections, particularly enrollment, Average Daily Attendance (ADA), revenues and expenses in detail.
 - Projected breakdown and documentation supporting all revenue items, including grants and other local revenues.
 - A copy of the Charter's most recent Financial Audit Report.
 - Projected Full-Time Equivalents (FTEs) by fiscal year.
 - Projected Multi-Year Projection (MYP)
 - Projected Cash flow projection by month at least for the first budget period of the MYP and annual for the MYP.
 - Copies of contracts and any documents evidencing leases and rental of locations.
 - Any other document or financial report that will help get a better and clear understanding of the MYP.
- **Additional Documents** - *include the following information:*
 - [Appendix H: Charter School Evaluation Matrix](#) - indicating the page number each item can be located on within the petition
- **Public Hearing Presentation** - *include the following information:*
 - A presentation for the initial public hearing (may be a placeholder).
 - The presentation should be no longer than 10 minutes.

- Revisions to the slide deck may be submitted to ACOE up to 12 business days before the date of the initial public hearing.

New Charter Petition requested by:

Print name: _____ Title: _____

Signature: _____ Date: _____



Appendix D: Charter School Request for Appeal

Charter Name: _____

Date Submitted: _____

The items listed below are the requested documents for a charter school appeal submission to the Alameda County Office of Education. Receipt of this package initiates the timeline for the Alameda County Board of Education to take action (Ed. Code 47605). Submission of this package should include the following:

- 3 Hard Copies in a 3-ring binder
- 1 Electronic Copy (flash drive) including all of the financial documents

After the submission of the renewal package is complete, the petitioner(s) may expect the following information from the ACOE review staff:

- Date of Receipt
- Proposed date of the ACBOE Meeting for the Public Hearing
- Proposed date in which the Summary of Findings Report will be published
- Proposed date of the ACBOE Meeting for the Determination Hearing
- Proposed date for the Site Visit

The following documentation should be submitted as part of the Charter Appeal Package. Regardless of the charter school's Performance Category (High, Middle or Low), all renewals must include the following required appeal documents:

- **Cover Letter** - *include the following information:*
 - A cover letter signed by the charter school governing board president or designee authorizing the submission of the charter appeal request to the County Board and certifying that the petitioner deems the petition to be complete.

- **Narrative** - *include the following information:*
 - A description of the previous petition process to the District, including name of District, date of submission, hearings, and denial determination
 - A description of the petition that was submitted to the District, including
 - sufficient detail and background information as to changes that were made and why
 - how it will impact charter and authorizing entity
 - Narrative summary of new requirements of charter schools enacted into law after the charter was originally granted or last renewed that are relevant to your school.

- **Final Copy of the Revised Charter Petition** - *include the following information:*
 - A complete copy of the charter petition which has been updated to conform with any new laws enacted since the charter was last approved or modified through an approved material revision.
 - 3 Hard Copies in a 3-ring binder
 - 1 Electronic Copy (flash drive) including all of the financial documents

- **Summary of Changes to Previously Approved Charter Petition** - *include the following information:*
 - A red-lined petition in a .doc format
 - Use track changes to strike out language to be deleted, and underline language to be added.
 - Running record of all changes made from original to revised petition
 - Include page numbers for original and new petition
 - Minor editing changes, formatting do not have to be included.
 - Running record of all changes made from charter petition submitted to District and petition submitted to ACOE
 - Include page numbers for changes
 - Minor editing changes, formatting do not have to be included.

- **Signed Certification of Affirmations** - *include the following information:*

- A signed certification to the Alameda County Office Board of Education setting that petitioner(s) will comply with all applicable laws.
- **Financial Documents** - *include the following information:*
 - An Excel spreadsheet and Local Control Funding Formula (LCFF) calculator in electronic form showing calculations and formulas for budget and financial projections.
 - Assumptions used for all elements of the financial projections, particularly enrollment, Average Daily Attendance (ADA), revenues and expenses in detail.
 - Breakdown and documentation supporting all revenue items, especially grants and other local revenues.
 - Full-Time Equivalents (FTEs) by fiscal year in the renewal period.
 - A Multi-Year Projection (MYP) for the duration of the renewal period, in Alternative form.
 - A Cash flow projection by month at least for the first budget period of the renewal MYP and annual for the remaining period of the renewal MYP.
 - Copies of contracts and any documents evidencing leases and rental of locations for the renewal period.
 - A set of most recent financial statements including balance sheet, income statement and cash flow for the Charter.
 - Any other document or financial report that will help get a better and clear understanding of the renewal MYP and projections, including certifications, notes of fulfillment of pending audit findings, and others.
 - A copy of the Charter's most recent Financial Audit Report
- **Additional Documents** - *include the following information:*
 - [Appendix H: Charter School Evaluation Matrix](#) - indicating the page number each item can be located on within the petition
 - Confirmation that a copy of the appeal petition has been provided to the District
- **Public Hearing Presentation** - *include the following information:*
 - A presentation for the initial public hearing (may be a placeholder).
 - The presentation should be no longer than 10 minutes.
 - Revisions to the slide deck may be submitted to ACOE up to 12 business days before the date of the initial public hearing.

Additional Documentation Required for
Middle and Low Performing Charter Schools

Middle and Low Performing Charter Schools must address the following information:

Mandatory:

- Dashboard data from when the charter was established to the present
- Current verifiable academic assessment data (i.e. CAASPP) and California School Dashboard indicators for the most recent two years prior to the end of the charter term pursuant to EC 52052.
- If the most recent Dashboard data is not available, the charter school must provide verifiable data which quantifies the local and state indicators on the dashboard.

Highly Recommended:

- [Appendix F: School Past Performance Tool](#)
- [Appendix F: School Performance Goals Tool](#)
- [Appendix G: Charter Renewal Performance Report](#)

Charter Appeal requested by:

Print name: _____ Title: _____

Signature: _____ Date: _____



Appendix E: Charter School Request for Renewal

Charter Name: _____

Date Submitted: _____

The items listed below are the requested documents for a charter school renewal submission to the Alameda County Office of Education. Receipt of this package initiates the timeline for the Alameda County Board of Education to take action (Ed. Code 47605, 47605.6, 47607, 47607.2). Submission of this package should include the following:

- 3 Hard Copies in a 3-ring binder
- 1 Electronic Copy (flash drive) including all of the financial documents

After the submission of the renewal package is complete, the petitioner(s) may expect the following information from the ACOE review staff:

- Date of Receipt
- Proposed date of the ACBOE Meeting for the Public Hearing
- Proposed date in which the Summary of Findings Report will be published
- Proposed date of the ACBOE Meeting for the Determination
- Proposed date for the Site Visit

The following documentation should be submitted as part of the Charter Renewal Package. Regardless of the charter school's Performance Category (High, Middle or Low), all renewals must include the following required renewal documents:

- **Cover Letter** - *include the following information:*
 - A cover letter signed by the charter school governing board president or designee authorizing the submission of the charter renewal request to the County Board and certifying that the petitioner deems the petition to be complete.

- **Narrative** - *include the following information:*
 - A description of the changes to the petition
 - sufficient detail and background information as to why the changes were made
 - how it will impact charter and authorizing entity
 - Narrative summary of new requirements of charter schools enacted into law after the charter was originally granted or last renewed that are relevant to your school.

- **Final Copy of the Revised Charter Petition** - *include the following information:*
 - A complete copy of the charter petition which has been updated to conform with any new laws enacted since the charter was last approved or modified through an approved material revision.

- **Summary of Changes to Previously Approved Charter Petition** - *include the following information:*
 - *(Highly Recommended)* A red-lined petition in a .doc format
 - Use track changes to strike out language to be deleted, and underline language to be added.
 - *(Recommended)* Running record of all changes made from original to revised petition
 - Include page numbers for original and new petition
 - Minor editing changes, formatting do not have to be included.

- **Signed Certification of Affirmations** - *include the following information:*
 - A signed certification to the Alameda County Office Board of Education setting that petitioner(s) will comply with all applicable laws.

- **Financial Documents** - *include the following information:*
 - An Excel spreadsheet and Local Control Funding Formula (LCFF) calculator in electronic form showing calculations and formulas for budget and financial projections.

- Assumptions used for all elements of the financial projections, particularly enrollment, Average Daily Attendance (ADA), revenues and expenses in detail.
 - Breakdown and documentation supporting all revenue items, especially grants and other local revenues.
 - Full-Time Equivalents (FTEs) by fiscal year in the renewal period.
 - A Multi-Year Projection (MYP) for the duration of the renewal period, in Alternative form.
 - A Cash flow projection by month at least for the first budget period of the renewal MYP and annual for the remaining period of the renewal MYP.
 - Copies of contracts and any documents evidencing leases and rental of locations for the renewal period.
 - A set of most recent financial statements including balance sheet, income statement and cash flow for the Charter.
 - Any other document or financial report that will help get a better and clear understanding of the renewal MYP and projections, including certifications, notes of fulfillment of pending audit findings, and others.
 - A copy of the Charter's most recent Financial Audit Report
- **Additional Documents** - *include the following information:*
 - [Appendix H: Charter School Evaluation Matrix](#) - indicating the page number each item can be located on within the petition
- **Public Hearing Presentation** - *include the following information:*
 - A presentation for the initial public hearing (may be a placeholder).
 - The presentation should be no longer than 10 minutes.
 - Revisions to the slide deck may be submitted to ACOE up to 12 business days before the date of the initial public hearing.

Additional Documentation Required for Middle and Low Performing Charter Schools

Middle and Low Performing Charter Schools must address the following information:

Mandatory:

- Dashboard data from when the charter was established to the present

- Current verifiable academic assessment data (i.e. CAASPP) and California School Dashboard indicators for the most recent two years prior to the end of the charter term pursuant to EC 52052.
- If the most recent Dashboard data is not available, the charter school must provide verifiable data which quantifies the local and state indicators on the dashboard.

Highly Recommended:

- [Appendix F: School Past Performance Tool](#)
- [Appendix F: School Performance Goals Tool](#)
- [Appendix G: Charter Renewal Performance Report](#)

Charter Renewal requested by:

Print name: _____ Title: _____

Signature: _____ Date: _____



Appendix F: School Performance Data Tools

SCHOOL PAST PERFORMANCE TOOL

Use the link below to access the School Performance Data Tool. Make a copy of the tool for your use.

[School Past Performance Data Tool](#)

SCHOOL PERFORMANCE GOALS TOOL

Use the link below to access the School Performance Data Tool. Make a copy of the tool for your use.

[School Performance Goals Tool](#)



Appendix G: Charter Renewal Performance Report

Instructions: Make a copy of this form for your use.

CHARTER RENEWAL PERFORMANCE REPORT – OPEN RESPONSES

1. Instruction

Describe any unique schoolwide instructional practices that have positively impacted student outcomes.

--

2. Areas of Success

Describe any unique areas of success beyond traditional academic measures.

--

3. Diversity of student enrollment

What are the strategies and processes that you have put in place to ensure your school enrolls a diverse student population (e.g. racial/ethnic balance, representation of English Learners, students with disabilities, or of homeless status)?

--

4. Student engagement

--

What opportunities are there for students to be involved in decision-making and the governance of the school?

What is an example of a change you have made to the school based on student feedback?

5. Family engagement

How do families voice concerns?

What opportunities are there for families to be involved in decision-making and the governance of the school?

What is an example of a change you have made to the school based on family feedback?

6. Teacher engagement

What opportunities are there for teachers to be involved in decision-making and the governance of the school?

What is an example of a change you have made to the school based on teacher feedback?

7. Performance of key student groups

How is your education program addressing the needs of the below student groups? What is working well? What most needs improvement?

- (a) English learners*
- (b) students with disabilities*
- (c) students in need of remediation*
- (d) advanced students performing above grade level, and*
- (e) any other student groups you are paying particular attention to*

--

8. Governance

Beyond board meetings, how does the governing board interact with students, parents, and/or teachers?

Does the governing board evaluate the school leader? If so, how?

Provide an example of a recent issue or policy that the board is working on.

--

9. Innovation

What are 2-3 innovative practices at your school that would be challenging to implement in a district school setting?

--

10. Verified Data (only applicable to schools meeting the middle or low renewal tier criteria; ACOE may follow up with further requests around this data, including the raw data.)

For data that the school considers to be meeting the Ed Code definition^[7] of “verified data,” please include a summary of the results from your school’s verified data.

Please also describe how and to what extent the data shows (a) evidence that the school achieved measurable increases in academic achievement (defined by at least one year’s progress for each year in the school) and/or (b) evidence of strong postsecondary outcomes (defined by college enrollment, persistence, and completion rates equal to similar peers).

For additional information, please refer to the [Verified Data Guidance](#) document.

--

[1] "Verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced (see Ed Code 47607.2(c)(1))

CHARTER RENEWAL PERFORMANCE REPORT – DATA REQUEST

Demand/Waitlist Information (only for incoming grade levels: K, 6, 9)

Year of Current Charter Term	Date of Lottery	Grade Level	# of Applicants	# of Available Spaces	# of Students on Waitlist (as of first day of school)
<i>EXAMPLE</i>	<i>4/1/18</i>	<i>K</i>	<i>180</i>	<i>100</i>	<i>30</i>
		<i>6</i>	<i>115</i>	<i>100</i>	<i>5</i>
		<i>9</i>	<i>90</i>	<i>100</i>	<i>0</i>
Year 1		K			
		6			
		9			
Year 2		K			
		6			
		9			
Year 3		K			
		6			
		9			
Year 4		K			
		6			
		9			
Year 5		K			

		6			
		9			

Pupil Mobility

Student Group	Number of Students				Percent of Total Enrollment			
	Year 1	Year 2	Year 3	Year 4	Year 1	Year 2	Year 3	Year 4
Students who joined the school after the first day of school								
Students who left the school during the school year								

Expulsions

Student Group	Year 1	Year 2	Year 3	Year 4
Schoolwide				
Asian				
Black or African American				
Filipino				
Hispanic or Latino				
Native American or Alaskan Native				
Native Hawaiian or Pacific Islander				

White				
Two or More Races				
Race Not Reported				
Male				
Female				
Homeless Students				
English Learners				
Students with Disabilities				

Graduation Information (High Schools only) - For Year 4 of current charter term

Cohort Graduation Rate	
Cohort Dropout Rate	

If official data is not yet available for Year 4, please provide preliminary/unofficial numbers.

Post-Graduation Plans (High Schools only, if available)

Data should be from 3-6 months after graduation for each year.

	Year 1	Year 2	Year 3	Year 4
% attending 4-year college				
% attending 2-year college				
% attending vocational/ technical training				

% joined military				
% working exclusively				

Teacher Recruitment/Retention (for each year of current charter term)

	Year 1	Year 2	Year 3	Year 4	Year 5
Total # of classroom teachers					
# of new classroom teacher hires					
# of classroom teachers retained from prior year					
# of classroom teachers that left their position prior to the end of the school year (e.g. resigned, quit, terminated)					
# of currently vacant classroom teaching positions (FTEs)					



Appendix H: Evaluation Matrix

Use the link below to access the Evaluation Matrix. Make a copy of the tool for your use.

[Evaluation Matrix](#)



Appendix I: Annual Oversight Items

Use the link below to access the Annual Oversight Items:

[Annual Oversight Items](#)