

ADMINISTRATIVE REGULATION
Placentia-Yorba Linda Unified School District

Philosophy/Goals/Objectives

0420.4 - AR

CHARTER SCHOOL AUTHORIZATION

Petition Signatures

A Petition for the establishment of a start-up charter school must be signed by either of the following: (Education Code 47605)

- A number of parents/guardians equivalent to at least one-half of the number of students the charter school estimates will enroll in the charter school for its first year of operation, or
- A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

For a charter petition that proposes to convert an existing public school to a charter school must be signed by at least 50 percent of the permanent status teachers currently employed at the public school to be converted.

Any petition circulated to collect signatures shall include a prominent statement explaining a signature means the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition at the time of circulation of signatures. The required signature pages shall include, in legible format, the names, addresses, and telephone numbers of those persons submitting their signatures in support of the petition, with original signatures, and including the information required by the Charter Schools Act. The petition form must indicate that a copy of the charter school petition was attached such that petitioners were able to review it prior to signing. Parents/guardians signing the petition must have one or more children who are age appropriate for the proposed charter school in its first year of operation. Teachers signing the petition must be properly credentialed to teach in the proposed charter school in its first year of operation. The district may investigate the validity of signatures submitted in support of the charter school petition.

Submission/Renewal Deadlines

The Board is committed to creating a schedule for charter evaluation that allows both charter developers and the district to make thoughtful preparation for the adjustments to budgets, facility allocations and personnel assignments arising from the approval of new charter schools. The Board encourages petitioners who are seeking approval to commence charter school operations at the start of the next school year to initiate the process so that the Board receives the charter in accordance with this regulation prior to November 1st of the preceding school year. In the case of petitions received after that date, the Board reserves the right to consider approval on the basis of a one-year delay in the commencement of the charter school operation if the Board deems such a delay necessary in order for approval of the charter to be consistent with sound educational practice.

The Board discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the Board's time period for action to include any significant holiday periods during which all or most of the district staff has vacation or non-work time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

Renewal requests, including all required documents, shall be submitted no earlier than the final year of the charter school's current Board-authorized charter term, and only after the charter school is able to provide the district the statewide testing results for the penultimate year of its current term, unless otherwise agreed with the district. This timing is necessary in order to provide adequate information regarding the charter school's performance during the current term, specifically including increases in pupil academic achievement, as necessary in considering a renewal request, while also providing adequate time for the consideration of and action on the renewal request. The district Board recommends that a charter school submit its petition for renewal sufficiently early in the last year of the current term to allow the Board's deliberations and decision on the renewal petition to be completed in ample time to allow students and staff to plan appropriately for the following year(s) and to allow the district Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year. Renewal requests, including all required documents, may be submitted only during the last year of the charter's current term, and should be submitted only when the school's California Dashboard data and state-wide testing data from the immediately preceding two years of the charter's operations, including the data from the penultimate year of the charter's current term are available, and by no later than February 1st.

Advisory Committee

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to evaluate a petition or the merits of a proposed educational program. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements.

(cf. 2230 - Representative and Deliberative Groups)

Components of Charter Petition

All charter petitions shall comply with the applicable requirements of Education Code 47605, other state and federal laws, and district policies.

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) as well as reasonably comprehensive descriptions of all required elements, as set forth below.

Education Code 47605

- (A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
- (ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
- (iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and

courses approved by the University of California or the California State University as creditable under the "A to G" admissions criteria may be considered to meet college entrance requirements.

- (B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.
- (C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
- (D) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.
- (E) The qualifications to be met by individuals to be employed by the charter school.
- (F) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:
 - (i) That each employee of the charter school furnishes the charter school with a criminal record summary as described in Section 44237.
 - (ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (J), inclusive, of paragraph (2) of subdivision (a) of Section 32282.
 - (iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.
- (G) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.
- (H) Admission policies and procedures, consistent with subdivision (e).
- (I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

- (J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:
- (i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.
 - (ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:
 - (I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
 - (II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.
 - (iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform the pupil, the pupil's parent or guardian, or the pupil's educational rights holder of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).
- (K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
- (L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- (M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
- (N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.
- (O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

Charter petitioners shall provide information to the Board regarding the proposed operational and potential effects of the school, including, but not limited to: (Education Code 47605)

1. The facilities to be utilized by the school
2. the manner in which administrative services of the school are to be provided
3. potential civil liability effects, if any, upon the school and upon the district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation.
5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

Charter school petitioners shall also provide a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's 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. (Education Code 47605(b)(6))

Required Petition General Information

A petition to the Board shall include the following information:

1. The names and the relevant qualifications, including a thorough description of the education, work experience, credentials, degrees and certifications of the individuals to comprise the directors, administrators and managers of the proposed charter school.
2. The applicable bylaws, articles of incorporation, conflict of interest code, policies, procedures, and other management documents proposed to govern the charter school. These governance documents and the charter shall be consistent with the requirements of Education Code 47604.1
3. The entire charter submission (including any appendices, exhibits, or attachments) shall be sequentially numbered from the first through the last page, and shall include a table of contents that includes references to all appendices/exhibits/attachments.
4. At least seven hard copies (in notebooks or otherwise bound) of the entire submission, including appendices/exhibits/attachments, specifically including the signature pages for an initial charter request.
5. An electronic (Word) version of the charter, and all appendices, and an electronic (Excel) version of the budget and Local Control Funding Formula (LCFF) Calculator, show all calculations/formulas and including a budget narrative and budget assumptions.
6. Additionally, for material revisions or renewal requests, the submittal shall also include:
 - a. The charter shall be updated to include a reasonably comprehensive description of how the charter school is/will comply with any new legal requirements since the charter was most recently granted or renewed and as necessary to reflect the charter school's current program.
 - b. The bound copies shall include a redline indicating all of the revisions from the currently approved version of the charter.

- c. An electronic (Word) version of the currently approved and operating version of the charter.
 - d. An electronic (Word) version of the redline.
 - e. An executive summary of the changes requested or made from the currently approved charter.
7. In addition, for any renewal, the submission must include all of the academic performance information, including the California Dashboard and statewide testing data from the immediately preceding two years of the charter's operations, including the data from the penultimate year of the charter school's current term or the alternative verifiable data provided for in Education Code 47607(c)(6) for that period, and any and all other data, plans, or information necessary to support renewal pursuant to Education Code 47607 and 47607.2.

Any charter school approved by the Board shall at all times maintain clean, electronic (Word) copies of each version of its charter that is approved by the Board and shall maintain such prior approved versions in clean, electronic (Word) format even after submitting a request that a revised version of the charter be approved on renewal or as a material revision, including after such time as the Board may approve any such revised version. In no event shall a charter school make revisions to the approved version of its charter without maintaining a clean, electronic (Word) version of all forms of the charter that have previously been approved by the Board.

It is the Board's expectation that a charter petition submitted for any request for material revision or renewal shall include a reasonably comprehensive description of how the charter school will address, improve, and remediate any issues the charter school has experienced during the preceding term. This includes, but is not limited to, the charter school's academics, finances, and operations, specifically including decreases or failure to achieve increases in pupil academic achievement schoolwide and for all pupil subgroups in any or all academic areas and/or low performance on the state indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 for which the school receives performance levels and/or measurements of academic performance that are the same or lower than the statewide average schoolwide and/or for pupil subgroups, inadequate student enrollment, issues affecting fiscal solvency and stability, failure to comply with generally accepted accounting principles and/or requirements of law, and/or any areas in which the District has issued a letter of concern or otherwise expressed concern to the charter school.

Location of Charter School

Unless otherwise exempted by law, any charter petition shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school may establish a resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in non-classroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

The charter should specifically acknowledge the petitioner's understanding that changing or adding any sites beyond the site(s) specified in the charter or expanding grade levels constitutes a material revision to the charter and the charter school may not so move or expand unless and until it obtains approval of such a material revision. (Education Code 47605(a)(4))

Applicants who have identified a site should include at least the following information:

1. Provide the address and physical description of the site to include the square footage, basic floor plan, strategy for meeting the fire life safety requirements, disabled accessibility requirements, and building code requirements, food/food service facilities, adult and student bathroom facilities, and indoor and outdoor play and physical education spaces.
2. Describe how the school anticipates securing the site, if this has not been done at the time of application.

Applicants who have not identified a site should:

1. Describe the community or communities in which the school plans to locate its facilities.
2. Provide a physical description of the minimum requirements for any site to be used by the school, including a basic description of the minimum required square footage, number of classrooms and additional teaching and office spaces, fire life safety requirements, disabled accessibility requirements, food/food service facilities, adult and student bathroom facilities, and indoor and outdoor play and physical education spaces.
3. Ensure the petitioners understand that future identification of a site that would limit the school's ability to reach its intended student population as identified in the charter petition would constitute a material amendment of the charter requiring submission and approval of the amendment by the Board.

Ensure the charter school will notify the district, and provide copies of occupancy permits, at least 30 days in advance of occupancy of every site to be leased, purchased, or controlled by the school for instructional purposes

Evaluating Applications

When a charter is submitted for Board consideration, district staff may conduct an initial evaluation of the charter for procedural compliance, including verification that the charter contains the required number of valid signatures. Should the district staff determine that the charter does not meet the prerequisites for submittal of a charter, including but not limited to inclusion of the required valid signatures, the district staff may return the petition to the petitioner without Board action. Nothing herein shall serve to excuse a petitioner's failure to comply with all requirements for charter submittal or approval, and the fact that district does not return a petition without action shall not be interpreted as a determination that the charter meets the mandatory legal prerequisites for Board action or foreclose the Board from making findings relative to each and every cause for denial of a charter.

District staff will evaluate the completeness of a petition including the merits of a proposed educational program and the requirements under state and federal law. District staff may consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements. The Superintendent or designee, in his/her discretion, may assign the evaluation of the charter petition to one or more employees, consultants, or legal advisors. The district or its outside consultants may use a variety of evaluation tools to assess a charter, including, but not limited to, a rubric or matrix, but no tool or evaluation instrument is binding on either the district staff's recommendation or the Board's action on a charter, and district staff and/or the Board may give different weight to different criteria, charter

components, facts, and findings. Based on this evaluation, district staff may make a recommendation to the Board regarding approval or denial of the charter or charter renewal prior to the Board's final action on the petition.

District staff will provide the Board copies of all new or renewal charter petitions and supporting materials submitted within three (3) business days of submission. Additionally, District staff will provide the board copies of all notifications submitted in accordance with Education Code § 47605.6 of the intent to submit a countywide charter and potentially establishing a site within district boundaries as well as copies of countywide charter petitions submitted to the Orange County Board of Education for the establishment of a countywide petition. Additionally, the District shall forward a copy of these petitions for distribution to employee associations.

Charter Approval/Denial

The Board recognizes the seriousness and complexity of and the time required for staff's task in reviewing and analyzing a charter petition (initial petition, request for material revision, and/or renewal) and determining and publishing recommendations and recommended findings in accordance with the standards and requirements of the Charter Schools Act. As such, absent extenuating circumstances, the Board expects the District to make use of the full time allotted in the Charter Schools Act for the scheduling of the public hearing, publication of staff's recommendations and recommended findings, and board action on any charter petition submitted to the board. Such actions generally should not be unnecessarily rushed or combined at the same board meeting.

The Board will follow the timelines set forth in the Charter Schools Act, as they may change from time to time. District Board Policy and Administrative Regulation relative to charter schools include reference to the current timelines established by law, but any such timelines shall automatically be deemed to be revised consistent with any changes to the Charter Schools Act or other applicable law.

The Board delegates to the Superintendent or designee authority to waive or extend the timelines in a charter, law, applicable California regulation, or district policy or regulation relative to consideration or action on the matter, including, but not limited to, timelines for consideration or action on initial charters, material revisions, and/or renewals of charters.

The Charter Schools Act requires charter petitioners to provide signed certifications with charter petition submittals. The district may maintain appropriate forms to be used by charter school petitioners/operators for such signed certifications, and the Superintendent or designee may update and revise these certification forms in a manner consistent with the law and policy.

The District Board's timelines for holding a public hearing and acting on requests for charter approval, material revision, or renewal, all run from receipt of the charter document by the Board. A petition is deemed received on the day the petitioner submits a petition to the district office, along with the signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

At least 15 days before the meeting at which the district Board will grant or deny the charter, the District Board shall publish all staff recommendations, including the recommended findings, regarding the petition. During the meeting, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605.)

The hearing at which the District Board will take action on a charter petition will be audio or video recorded in order to maintain an accurate record of the proceedings and the findings upon which the district Board's decision is based, which can be transcribed if required by law. (Education Code 47605.)

In granting charter petitions, the District Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to California Department of Education standards. (Education Code 47605.)

Prior to authorizing any charter, the District Board shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the Superintendent, and inspections and observations of any part of the charter school.

Upon approval of any initial charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the State Superintendent of Public Instruction, the State Board of Education (SBE)(Education Code 47605) When any charter petition/appeal is renewed, revoked, or will cease operation for any reason, the district shall notify the Charter Schools Division of the California Department of Education, and all other legally required agencies.

Denial of Petition

The district Board shall consider the academic needs of the pupils the school proposes to serve and shall grant a charter for the operation of a charter petition if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school proposes to locate and the charter complies with the requirements of the Charter Schools Act, including the information described in District Board policy and this regulation. The District Board may deny any such charter if it makes written factual findings, specific to the petition, in support of one or more of the statutory causes for denial.

Conditions of Approval

If the District Board approves the establishment or renewal of a charter, the governing board of the charter school shall, prior to commencing operations under the term of that charter, fulfill all the conditions of approval imposed by the District Board, which may include, but are not limited to the following:

1. Making changes to the petition;
2. Signing a memorandum of understanding (MOU) and/or other agreement(s) with the District that includes adherence to all requirements established therein;
3. Finalizing the curriculum to be used and the scope and sequence of all subjects to be offered;
4. Providing verifiable written evidence of membership in a SELPA if the charter school will serve as a local educational agency for purposes of compliance with the Individuals with Disabilities Education Act;
5. Providing evidence of insurance that meets the District's standards and requirements;
6. Agreeing to indemnification, defense, and hold harmless provisions for the protection of the District Board and District staff as well as the charter school's students, employees, and stakeholders, that meet the District's standards and requirements;
7. Completion of a site visit; and/or

8. Providing the appropriate facilities documentation to operate the school, including but not limited to, certificate of occupancy, facility or conditional use permit, fire inspection, CDS code, documentation from State, etc.

Additionally, the charter school shall commence operations within the timeframe specified in the approval action and commence instruction by September 30 of the first year of operation.

The District Board may require a charter petitioner, either upon consideration of an initial petition or at the time of renewal, to make technical amendments and/or clarifications to the charter, which technical amendments may be made in the charter itself or set forth in an MOU or other agreement. Should the charter school and District Board enter into an MOU or other agreement, the MOU/agreement's provisions shall necessarily prevail over any conflicting provisions of the charter.

The charter school's failure to fulfill the conditions of authorization is grounds for withdrawal or termination of the approval and/or revocation of the charter.

Material Revisions of an Approved Charter

The Board shall have the authority and also delegates authority to the Superintendent or designee(s) to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter. Material revisions to a charter may only be made with Board approval.

Whether a proposed revision to the charter and/or how the charter school operates is a material revision is a case-by-case determination based on the particular facts. A district authorized charter school needs to provide prior notice before implementing such changes, and if the Superintendent or designee determines that a proposed change is a material revision, it cannot be implemented by the charter school unless and until a material revision is approved by the District Board. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code §§ 47605, 47607)

Material revisions include, but are not limited to: adding additional grades, potentially growing student enrollment beyond capacity, changing the school's mission, purchasing a new facility, adding additional sites, substantive changes to the educational program, substantive changes to the governance structure and/or governance documents.

An individual board member or the Superintendent (or designee) may place an item on an upcoming board agenda to request consensus from the board whether to bring to a future board meeting a request for material revision to a District authorized charter petition in accordance with the requirements of Education Code Section 47607. The Board President and Superintendent will agendaize such items in accordance with the district's usual agenda setting practices.

Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code § 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed, and as necessary to reflect the current program offered by the charter. (Education Code § 47607)

Approved by:

Will Gray, Executive Director
Responsible Division Head

09/09/25
Date

Dr. Kym LeBlanc-Esparza
Superintendent

09/09/25
Date