

Morgan Hill USD

Board Policy

Charter School Renewal

BP 0420.42

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board believes that the ongoing operation of a charter school ~~established within the district~~ should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition **thoroughly and** in a ~~thorough and~~ timely manner. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or by the State Board of Education on appeal after initial denial by the Board.

(cf. 0420.4 - Charter School Authorization)

(cf. 0420.41 - Charter School Oversight)

(cf. 0420.43 - Charter School Revocation)

(cf. 0500 - Accountability)

~~No charter school that submits a~~ **The Board shall deny the** renewal petition ~~on or after July 1, 2019 shall be of any charter school~~ operated as, or ~~be operated by,~~ a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

~~A~~ **When a** charter school ~~seeking, concurrently with its~~ renewal of its charter is encouraged to ~~submit a petition for renewal, proposes to expand operations to one or more additional sites or grade levels, the~~ charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the 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.

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~~Each renewal granted by the Board shall be for a period of five years. (Education Code 47607)~~¶

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~~Criteria for Granting or Denying Renewal~~¶

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~~Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and required by District policy for new or reapplication of charter petitions, except that the signature requirement for new petitions is not applicable to petitions for renewal. (Education Code 47607; 5 CCR 11966.4)~~¶

Charter renewals are subject to the same standards and criteria as initial charter authorizations.

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

Criteria for Granting or Denying Renewal

~~In determining whether to grant a charter renewal, the Board shall consider the past academic, financial, and operational performance of the charter school in evaluating the likelihood of future success, along with any plans for improvement. ¶~~

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Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607)

In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. (Education Code 47607)

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

1. Renewal of Five to Seven Years

A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, achieved either of the following: (Education Code 47607)

- a. Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels
- b. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average

2. Renewal of Five Years

a. A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)

(1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school

(2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers

b. ~~for all numerically significant groups of~~ For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students served by at the school, that the closure of the charter school, as defined in Education Code 52052, shall be the most important factor, the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607; ~~5 CCR 11966.4.2~~)

~~The Board shall not grant a renewal until at least 30 days after the charter school submits such documentation of its academic performance as received by the Board at a regular meeting.~~

Denial with Option for Two-Year Renewal

a. ~~(Education Code 47607)~~¶
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The Board shall ~~not deny a renewal petition unless it~~ generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, either of the following applies: (Education Code 47607.2)

(1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels.

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

b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, ~~specific to the particular petition,~~ setting forth specific facts to support ~~one~~ the findings, that:

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

- (2) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above

In addition to all the grounds: ~~(Education Code 47605, 47607; 5 CCR 11966.4~~ stated above for denial of a charter renewal, the Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. Pursuant to Education Code 47607, renewals are generally subject to the same standards and criteria applicable to initial charter authorizations, as specified in Education Code 47605. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the Board finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

Timelines for Board Action

1. ~~The charter school presents an unsound educational program for the students enrolled in the school.~~¶¶
2. ~~The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.~~¶¶
3. ~~The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).~~¶¶
4. ~~The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).~~¶¶
5. ~~The charter school has failed to demonstrate that it meets at least one of the following criteria of academic performance:~~¶¶

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a. ~~Increases in academic achievement for all groups of students schoolwide and among numerically significant student subgroups, as determined using measures identified pursuant to Education Code 52052~~¶

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b. ~~Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school~~¶

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~~Such performance shall be determined based on a review of documented clear and convincing data; student achievement data from assessments, including, but not limited to, state academic achievement tests, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall not grant a renewal until at least 30 days after the submission of any such documentation by the charter school is received by the Board at a regularly scheduled Board meeting. The Superintendent or designee shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for the Board's determination.~~¶

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~~(cf. 6162.51 - State Academic Achievement Tests)~~¶

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c. ~~Qualification for the state's alternative accountability system for schools that serve high-risk students~~¶

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~~Timelines for Board Action~~¶

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~~Within 3060 days of the Board receiving the renewal petition at a regularly scheduled meeting, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)~~

~~Within 60 days of the Board The Board shall either grant or deny the charter renewal within 90 days of receiving the renewal petition at a regularly scheduled meeting, or within 90120 days of with the Board receiving consent of both the renewal petitioner and the Board. (Education Code 47605)~~

~~At least 15 days before the public hearing at which the Board will grant or deny the charter petition at a regularly scheduled meeting if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to renew present evidence and testimony to respond to the charter staff recommendations and findings. (Education Code 47607, 5 CCR 11966.447605)~~

If the Board fails to make a written factual finding when required for denial of the petition

pursuant to ~~items #1-5~~ in the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)
~~(5 CCR 11966.4)~~

The Superintendent or designee shall provide notification to the California Department (CDE) of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

School Closure

If a charter is not renewed and the charter school ceases operation, the Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47603.32)

Legal Reference:

EDUCATION CODE

47600-47616.7 Charter Schools Act of 1992

~~52052 Alternative accountability system~~

52052 Definition of numerically significant student subgroup

56145-56146 Special education services in charter schools

60600-60649 Assessment of academic achievement

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: ~~A Manual~~ Guide for Governance Teams, rev. 2016

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: ~~http://www.charterauthorizers.org~~

U.S. Department of Education: <http://www.ed.gov>

Policy MORGAN HILL UNIFIED SCHOOL DISTRICT
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