



Countywide Charter School Petition Submission Process

The information contained in this document is intended to assist charter school petitioners in submitting a charter petition for a countywide charter school to the Orange County Board of Education (the Board). Orange County Department of Education Charter Schools Unit staff is available to answer questions regarding the process. Contact the Charter Schools Unit at (714) 966-4381 to speak to a representative.

I. SUBMISSION PROCESS

A. Criteria for Submission

EC § 47605.6(a)(1) and (4)

1. The countywide charter petition may be submitted to the Board after each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school¹ and either of the following conditions is met:
 - a. The petition is signed by a number of parents or guardians of pupils residing within the county, equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation. Parent signature pages shall include a prominent statement that a signature on the petition means that the parent/legal guardian is meaningfully interested in having their child/ward attend the charter school; and must include the date signed, printed name, signature, address, phone number, number of children and grade level(s) of children.
 - b. The petition is signed by a number of teachers equivalent to at least one-half of the number of teachers the charter school estimates will be employed at the school during its first year of operation. Teacher signature pages shall include a prominent statement that a signature on the petition means that the teacher is meaningfully interested in teaching at the charter school; and must include the date signed, printed name, signature, phone number, teaching credential type, credential number and expiration date.
2. A complete Countywide Charter School Package (see section II for information on the Countywide Charter School Package) must be submitted along with a *Petitioner Certification* form that the petitioner deems the submitted petition to be complete and a *Petition Intake Information* form.
3. A charter petition is deemed received by the Board for purposes of commencing the timelines on the day the petitioner submits a complete Countywide Charter School

¹ An existing public school may not be converted into a countywide charter school per EC § 47605.6(a)(2).

Package and signed *Petitioner Certification* to Orange County Department of Education, Charter Schools Unit, 200 Kalmus Drive, Costa Mesa, 92626.

B. Charter School Petition Review

EC § 47605.6

Orange County Department of Education staff shall review the charter petition under Education Code section 47605.6. A countywide charter petition may be approved only if the Board finds, in addition to other requirements, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. The Board may impose any additional requirements beyond those required by Education Code section 47605.6 that it considers necessary for the sound operation of a countywide charter school.

C. Public Hearing to Consider Level of Support

EC § 47605.6(b)

The Board will hold a public hearing on the provisions of the charter petition no later than 60 days after receiving a charter petition submission to consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Charter school representatives are allotted 15 minutes to address the board, followed by 15 minutes of public comments. Any documents or digital presentations utilized on that day must be submitted 48 hours before the board meeting.

D. Clarification Meeting

A clarification meeting may occur with the charter school petitioners and the Orange County Department of Education petition review team and may include legal counsel as necessary. The meeting will take place at the Orange County Department of Education, 200 Kalmus Drive, Costa Mesa, 92626, or via teleconference. The published staff recommendation and recommended findings may include information from the meeting. Topics discussed may include the proposed instructional program, services to English learners, special education, operations, governance and finance.

E. Staff Recommendations and Findings

EC § 47605.6(b)

Orange County Department of Education staff recommendations, including the recommended findings, will be published at least 15 days before the public hearing at which the Board will take action to either grant or deny the countywide charter petition: <https://ocde.us/glcp/CharterSchools/Pages/Public-Notices.aspx>.

F. Public Hearing to Grant or Deny Charter Petition**EC § 47605.6(b) & (c)**

Within the guidelines delineated in Education Code section 47605.6, the Board will take action to grant or deny the charter school petition within 90 days of receipt unless both parties have agreed to an extension not to exceed 30 days.

At the public hearing at which the Board will either grant or deny the charter petition, the petitioners shall have equivalent time and procedures, or 10 minutes, whichever is longer, to present evidence and testimony to respond to the staff recommendations and findings.

The Board shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petitioning a school district under Education Code section 47605.

The Board shall deny a petition for the establishment of a charter school if it finds one or more of the following:

1. The charter school presents an unsound educational program for students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. Charter petition does not contain the required number of signatures required by Education Code section 47605.6(a).
4. The Charter petition does not contain an affirmation of each of the conditions described in Education Code section 47605.6(e)
5. The Charter petition does not contain reasonably comprehensive descriptions of the elements in Education Code section 47605.6(b)(5).
6. The charter 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.
7. Any other basis that the Board finds justifies the denial of the petition.

II. COUNTYWIDE CHARTER SCHOOL PACKAGE

A complete Countywide Charter School Package consists of ten (10) binders and ten (10) flash drives containing the following items with tabs/folders separating each of the sections:

A. Charter School Petitioner Certification and Intake Information Forms

1. Signed *Petitioner Certification* form.
2. Completed *Petition Intake Information* form.

B. Petition Signatures**EC § 47605.6(a)(1)(A) & (B)**

1. The petition is signed by a number of parents or guardians of pupils residing within the county, equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation. Parent signature pages shall include a prominent statement that a signature on the petition means that the parent/legal guardian is meaningfully interested in having their child/ward attend the charter school; and must include the date signed, printed name, signature, address, phone number, number of children and grade level(s) of children, OR
2. The petition is signed by a number of teachers equivalent to at least one-half of the number of teachers the charter school estimates will be employed at the school during its first year of operation. Teacher signature pages shall include a prominent statement that a signature on the petition means that the teacher is meaningfully interested in teaching at the charter school; and must include the date signed, printed name, signature, phone number, teaching credential type, credential number and expiration date.

C. School District Notification**EC § 47605.6(a)(1)(A) & (B)**

Proof that each school district where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school.

D. Countywide Authorization Justification**EC § 47605.6(a)(1)**

Explanation of how the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.

E. Charter Petition**EC § 47605.6(b)(5)(A-P), 47606.2, & 47605.6(e)**

1. **Table of Contents** delineating items in the charter petition.
2. A **charter school petition** containing reasonably comprehensive descriptions of all requirements under Education Code 47605.6(b)(5)(A-P) and 47606.2 and affirmations delineated in Education Code 47605.6(e). (Flash drives must include the charter petition in Microsoft Word format)
3. **Additional Charter Petition Requirements** **EC § 47605.6(h), (l), (m) & (n)**
 - a. The petitioner must provide information regarding the proposed operational and potential effects of the charter school, including, but not limited to, the facilities to

be used by the charter school, how administrative services of the charter school are to be provided and the potential civil liability effects, if any, upon the charter school, any school district where the charter school may operate, and upon the bounty board of education. Education Code section 47605.6(h)

- b. Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit or other document required for the teacher's certificated assignment as described in Education Code section 47605.6(l). These documents shall be maintained on file at the charter school and subject to periodic inspection. Education Code section 47605.6(l)
- c. A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year, as described in Education Code section 47605.6(b)(5)(l) to the county office of education, the Controller, the department by December 15 of each year. Education Code section 47605.6(m)
- d. A charter school may encourage parental involvement but shall notify the parents and guardians of the applicant and currently enrolled pupils that parental involvement is not required to accept or continue enrollment at the charter school. Education Code section 47605.6(n)

4. Nonprofit Public Benefit Corporation Information **EC § 47605.6(h)**

If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the following:

- a. Articles of Incorporation and bylaws for the nonprofit public benefit corporation, charter management organization and sole statutory member, as applicable.
- b. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school's governing body.

5. Budget and Finance **EC § 47605.6(h)**

- a. Financial statements and a proposed operational budget, including startup costs, cash flow and financial projections for the first three years of operation (Flash drives must include Microsoft Office Excel format with formulas and no password protection).
- b. If the budget contains grants, loans or donations, include corresponding award letters, loan agreements and pledge letters.

III. RESOURCES

Orange County Board of Education charter schools board policies:

<https://ocbe.us/Pages/Policies.aspx>

Orange County Board of Education meeting schedule and information:

<https://ocbe.us/Pages/Meetings.aspx>

Orange County Department of Education Charter Schools Unit website:

<https://ocde.us/glcp/CharterSchools/Pages/default.aspx>
