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FRESNO COUNTY BOARD OF EDUCATION**Philosophy, Goals, Objectives and Comprehensive Plans  
CHARTER SCHOOL RENEWAL**

The County Board believes that the ongoing operation of a charter school should be dependent on the charter school's effectiveness in achieving its mission and goals for student learning and other student outcomes.

No charter school that submits a renewal petition shall be 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.)

Requirements and Timelines for Submitting Appeals of School District Denials of Renewal Petitions and Charter Renewal Petitions for County Board-Authorized Charter Schools

The County Board has the authority to consider appeals of a school district's denial of a renewal petition and renewal petitions for County Board-authorized charter schools in accordance with applicable laws, including the following:

1. *An appeal of a school district governing board's denial of a renewal of an existing charter.* A complete charter appeal packet must be submitted to the County Board no later than 30 calendar days after the school district governing board's denial action. The County Board shall take no action on any appeal submitted to the County Board more than 30 calendar days after the date of the school district governing board's denial action. (Education Code 47605(k).)

When submitting an appeal of a school district's denial of a renewal petition for an existing charter, petitioner(s) shall provide the following:

- 1.1. A complete copy of the charter petition as denied by the school district governing board, including 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.
- 1.2. Evidence of the school district governing board's action to deny the petition and the school district governing board's written factual findings supporting the denial.
- 1.3. A written description of any new or different terms to the petition since the petition was denied by the school district's governing board.

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner(s) may elect to resubmit the petition to the County Board. (Education Code 47605.).

2. *A renewal petition for an existing County Board-authorized charter school.* Unless otherwise agreed to by the County Board, a renewal petition for a charter school

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authorized by the County Board must be submitted to the County Board no later than January 31 of the last year of the term of the existing charter.

When submitting a renewal petition for an existing County Board-authorized charter, petitioner(s) 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.

**Timeline for County Board Consideration**

Petitions to appeal a school district's denial of a renewal petition and renewal petitions for County Board-authorized charter schools are deemed received on the day the petitioner submits the petition to the County Board, or designee, along with a signed certification that the petitioner deems the petition to be complete. Upon submission of a charter petition to the County Board, petitioner(s) shall provide all documents/information requested by the County Board or designee based upon the type of petition submitted, including completed County Board charter forms and related documents.

Petitions to appeal a school district's denial of a renewal petition and renewal petitions for County Board-authorized charter schools received by the County Board shall be considered by the County Board pursuant to Education Code 47605 and 47607 as follows:

1. The County Board shall hold a public hearing to determine the level of support for the renewal petition no later than 60 calendar days after receiving the petition.
2. The County Board shall either grant or deny the renewal petition at a public hearing held no later than 90 calendar days after receiving the petition, or 120 calendar days with the consent of the County Board or designee and petitioner(s). Any request by petitioner(s) for an extension must be made in writing to the County Board prior to the County Board taking a vote to approve or deny the renewal petition.
3. At least 15 days before the public hearing at which the County Board will grant or deny the renewal petition, the County Board shall publish all staff recommendations, including the recommended findings, regarding the renewal petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47607.)

**Consideration of Renewal Petitions**

Appeals of a school district's denial of a renewal petition and renewal petitions for County Board-authorized charter schools shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605, except for renewal petitions for a countywide benefit charter which are governed by the standards and criteria set forth in Education Code 47605.6. A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter, which may be made only with the approval of the County Board in accordance with the applicable standards and criteria. (Education Code 47605, 47607.)

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A charter renewal shall not be denied based on the fiscal impact of the charter school 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(c)(7) and (c)(8). However, the County Board may use either of these bases to deny a proposed expansion constituting a material revision. (Education Code 47607.)

As an additional criterion for determining whether to grant or deny appeals of school district denials of renewal petitions or renewal petitions for County Board-authorized charter schools, the County Board shall consider the past performance of the charter school based on the state and local indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 ("Dashboard"). If the Dashboard indicators are not available for the most recently completed academic year before renewal, the County Board shall consider verifiable data (as defined in Education Code 47607 and 47607.2) provided by the charter school related to the Dashboard indicators for the most recent academic year. In considering charter renewals, the County Board shall follow the renewal standards set forth in Education Code 47607 and 47607.2 for the following categories of charters as follows: (Education Code 47607; 47607.2.)

1. High-Performing Charters: The County Board shall renew a charter for a period between five (5) and seven (7) years if the charter: (Education Code 47607(c)(2).)
  - 1.1 Is not eligible for technical assistance pursuant to Education Code 47607.3; and
  - 1.2 Meets either of the following criteria for two consecutive years immediately preceding the renewal decision, on at least two measurements of academic performance per year, and for at least two numerically significant student subgroups as defined in Education Code 52052(a)(1) ("subgroup"):
    - 1.2.1 Has received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels; or
    - 1.2.2 For all measurements of academic performance, has received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.
2. Low-Performing Charters:
  - 2.1 The County Board shall generally not renew a charter seeking renewal if either of the following applies for two consecutive years immediately preceding the renewal decision: (Education Code 47607.2(a).)
    - 2.1.1 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; or

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- 2.1.2 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 subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
  - 2.2 However, the County Board may renew a charter that meets either of the criteria described in Section 2.1 above for a period of two (2) years only if the County Board makes written factual findings, setting forth specific facts to support the findings, for both of the following:
    - 2.2.1 The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; and
    - 2.2.2 There is clear and convincing evidence, demonstrated by verified data, showing either of the following:
      - a. Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
      - b. Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
3. Other Charters: For all charter schools that are not classified as High Performing Charters or Low Performing Charters as set forth above, the County Board shall consider whether to grant or deny a renewal charter petition according to the following: (Education Code 47607.2(b).)
  - 3.1 The County Board shall consider both schoolwide performance and the performance of numerically significant subgroups on the state and local indicators included in the Dashboard, giving greater weight to performance on measurements of academic performance. In addition, the County Board shall consider clear and convincing evidence, demonstrated by verified data, showing either of the following:
    - 3.1.1 Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
    - 3.1.2 Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
  - 3.2 Following the consideration set forth in Section 3.1 above, the County Board may:
    - 3.2.1 Grant renewal of the charter for a period of five (5) years;

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- 3.2.2 Deny renewal of the charter only upon making written findings, setting forth specific facts to support the findings, of all the following:
- a. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the students of the school;
  - b. Closure of the charter school is in the best interest of students; and
  - c. The County Board's decision provided greater weight to performance on measurements of academic performance, if applicable.

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above renewal criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County 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 County Board, or designee, 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 County 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(c)(7).)

In addition to all grounds for denial of a charter petition stated above, the County 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. Such findings shall be based on a review of aggregate data reflecting student enrollment patterns at the charter school, any data provided by the California Department of Education, and any substantiated complaints that the charter school has not complied with the required procedures in Education Code 47605(c)(5)(J) or 47605.6(b)(5)(J) as applicable. The County Board may deny renewal of a charter school for such reasons only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The County Board may deny renewal only by finding 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. (Education Code 47607(e).)

If the County Board grants a renewal petition on appeal or a renewal petition for a County Board-authorized charter, it does so contingent upon the charter school entering into the County Board's Memorandum of Understanding – Charter School Authorization (“MOU”) with the County Board.

Charter schools that are approved by the County Board shall operate under the provisions of their respective charters, the MOU, state and federal laws and regulations, and relevant County Board policies. The County Board becomes the chartering authorizer if it grants a charter.

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Except for renewals of countywide benefit charters, any renewal petition denied by the County Board or where the County Board takes no action may be appealed to the State Board of Education. Upon request by the petitioner(s), the County Board or designee shall prepare a documentary record, including transcripts of the public hearing at which the petition was denied, no later than 10 business days of the request. (Education Code 47605, 47605.6, 47607.5.)

**Delegation of Administrative Functions to County Superintendent**

The County Board delegates to the County Superintendent the administrative functions related to charter school petitions, including but not limited to, receiving, reviewing, and reporting on charter petitions, charter petition appeals, renewals, and revocations. The County Superintendent or designee's authority shall include, but not be limited to, receiving charter petitions and all related required documents; preparing a documentary record of public hearings relating to charter petitions; agreeing to extension of timelines pursuant to law and adopted policy or regulations; meeting with charter schools to develop and agree upon alternative renewal metrics pursuant to Education Code 47607(c)(7); notifying charter schools of alternative renewal metrics pursuant to Education Code 47607(c)(7); requesting and receiving data from charter schools pursuant to Education Code 47607(d); providing notice to charter schools of alleged violation(s) pursuant to Education Code 47607(e); developing regulations, forms, and guidance materials and processes; and completing such administrative duties as necessary or proper to effectuate the provisions set forth herein as well as applicable County Superintendent regulation(s).

Upon receipt of a charter petition, the County Superintendent is authorized to establish an ad hoc committee of County Superintendent staff and one County Board member to review the charter petition and prepare a report and recommendation to the County Board.

Adopted: 11/15/2018

Amended: 6/18/2020

**Legal Reference****Education Code**

47600-47616.7 Charter Schools Act of 1992

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 Guide for Governance Teams, rev. 2016

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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>

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