

## **EXHIBIT 1 - Administrative Regulation 0420.4**

*Revised 10/26/2020*

### **SUMMARY OF REQUIRED COMPONENTS OF A SCHOOL CHARTER**

The Ventura County Board of Education (VCBE) may grant a charter for the operation of a school only if the VCBE 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 petition to a school district pursuant to Education Code 47605. The VCBE may grant a charter if it is satisfied that the charter is consistent with sound educational practice and meets all of the following requirements:

- I. The charter school presents a sound educational program for the pupils to be enrolled in the charter school.
- II. The petitioners are demonstrably likely to successfully implement the program set forth in the petition.
- III. The petition contains the number of signatures required.
- IV. The petition contains an affirmation that the charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability, in addition to the other requirements imposed by Education Code 47605.6(e).
- V. The petition contains reasonably comprehensive descriptions of all of the elements in Education Code 47605.6(b)(5) listed below as items 1 through 16.
  1. A description of 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 the educational program must include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. The petition shall include the annual goals of 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 Section 52060(d), that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. If the proposed charter school will enroll high school pupils, the petition shall include the requirements prescribed in Section 47605.6(b)(5)(A).

2. The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes" means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes 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 groups of pupils served by the charter school, as defined in Education Code Section 52052(a). The pupil outcomes shall align with the state priorities, as described in Section 52060(d).
3. The method(s) 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.
4. The location of each charter school facility that the petitioner proposes to operate.
5. 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.
6. The qualifications to be met by individuals to be employed by the charter school.
7. The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the charter school furnish the charter school with a criminal record summary as described in Education Code 44237.
8. The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
9. The manner in which annual, independent, financial audits shall be conducted, which shall be in accordance with regulations established by the State Board of Education and employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.
10. 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 Section 47605.6(b)(5)(J).

11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.
13. Admission policy and procedures, consistent with Section 47605.6(e).
14. The public-school attendance alternatives for pupils residing within the county who choose not to attend the charter school.
15. The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employ of the charter school.
16. 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 public records.

VI. Additional requirements for County Charter Schools as authorized by Education Code Section 47605.6 listed below as items 1 through 23.

1. The charter school shall meet all statewide standards and conduct pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.
2. The charter school shall on a regular basis consult with their parents and teachers regarding the charter school's educational program.
3. The petition shall provide a declaration of whether or not the charter school shall be deemed the exclusive public-school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).
4. The charter school shall employ an attendance accounting process that is approved by the Ventura County Office of Education (VCOE). The attendance accounting process shall additionally be approved by the State of California using the same requirements that exist for all other K-12 public schools. Approvals shall be in writing prior to the first day of operation and any change to the attendance accounting process shall be approved in advance of the change.

5. Annual audits of the charter school shall, in addition to any other standard, be based on any part of the K-12 public school audit guidelines that the VCOE determines should be applied to the charter school. Under no circumstances should an audit take place for the charter school, if the charter school uses independent study that does not use the K-12 public school audit guidelines for independent study.
6. If the charter school uses independent study, the method for determining student to teacher ratio pursuant to California Education Code Section 51745.6 shall be approved by the VCOE prior to the first day of instruction. The student to teacher ratio, pursuant to CCR Title 5 Section 11704, shall not exceed the student to teacher ratio of the largest unified school district in Ventura County rounded down to the nearest whole number. The definition of a “full time equivalent teacher” shall be based on “instructional time” (hours worked and days worked) but will not be based on number of students served. Only fully credentialed teachers working in a direct instructional capacity shall be included in the calculation. At the end of each year, the list of teachers containing the number of full days worked and salary will be provided to the County Superintendent as part of the student to teacher ratio calculation.
7. If the charter school uses any form of non-classroom based instruction, the written policies for independent study (California Education Code Section 51747) shall be approved by the VCOE in addition to the charter school board prior to offering any instruction through non-classroom based instruction. No change shall be made to that policy without first being approved by the VCOE.
8. The petitioner(s) shall submit, with the petition, a copy of the notification provided to the school districts where the petitioner proposes to operate a school facility. The timeline for review of the petition will not commence until the notice has been given and a copy of the notice has been received by the VCOE. If the public hearing cannot be scheduled for a date at least thirty (30) days after notice was given to the affected school districts, and within sixty (60) days of receipt, If proper notice is not provided the petition may be denied for failure of the petitioners to comply with Education Code Section 47605.6(a)(1).
9. The charter school shall maintain insurance policies for all applicable coverages that are in accordance with the requirements of and acceptable to the Ventura County Schools Self-Funding Authority (VCSSFA). Verification and approval of these policies shall take place prior to the beginning of each school year.
10. No provision of the charter petition shall limit the authority that is granted to the VCOE or the VCBE based on statute or regulation at the time the charter was granted or any subsequent statute or regulation.

11. Special Education

- a. The charter school shall establish LEA status for purposes of special education and shall not commence operation until confirmation of LEA status within a SELPA is provided to the VCOE. If the charter school elects to operate as a public school under the VCOE for special education purposes, it shall have an agreement that details the arrangement, signed by the VCOE, and in place prior to the public meeting to consider the charter authorization by the VCBE.
- b. Should any charter school LEA desire to use a contract provider for special education functions including identification, assessment, service provisions, Individualized Education Program development or reviews, or any other compliance areas, the charter school will submit the proposed contract to the Assistant Superintendent of the Ventura County SELPA, and to VCOE or other oversight agency, who will review the proposed contract to assure it contains the levels of detail and direction of responsibility for such duties as required by special education Federal and State laws. The contract/MOU or other agreement shall include as much detail as required to outline and maintain compliance in all areas of required monitoring and Federal, State, SELPA and local district reporting requirements and staffing issues, as well as pertains to provisions of services. Such contracts shall also include all financial agreements and be aligned with the SELPA funding model plan for distribution of special education funding. No contract is valid without the prior written approval of the SELPA and the VCOE or other oversight agency.

12. Oversight

- a. The VCOE, at the expense of the charter school, shall oversee and monitor all charter school operations, and report on same to the VCBE.
- b. The VCOE may enter into an agreement with a third party, as an expense to the charter school, to oversee, monitor and report to the VCBE based on aspects of the charter school's operation determined by the VCOE.
- c. All financial reporting shall be performed using the State of California Standardized Account Code Structure (SACS) and attendant reporting forms including State adopted criteria and standards, annual budget, interim reports, and multi-year projections, all of which shall conform to the timelines required of K-12 school districts.
- d. The charter school must maintain a budget that is viable in its totality for the duration of the charter and maintain a reserve for economic uncertainties consistent with CDE Criteria and Standards for School District Budgets (Exhibit 5).

- e. The charter school shall be required to contract for an annual independent financial audit employing generally accepted accounting principles. The charter school shall select an audit firm with demonstrated experience in education finance acceptable to VCOE.
- f. All public funds generated by the charter school shall be deposited into the County Treasury, and the charter school shall maintain a positive cash balance at all times.
- g. If the charter school contemplates incurring debt, including loans from the State Treasury, it will be required to submit appropriate financial records and repayment plans to VCOE and obtain VCBE approval prior to applying for such loans.
- h. Charter Schools authorized by VCBE will present an annual report to the Board detailing its progress on items agreed upon and detailed in the memorandum of understanding.

13. Sites

- a. “Sites” include school sites, resource centers, meeting space or other satellite facilities.
- b. The charter school may not establish a charter school site either inside or outside the boundaries of Ventura County without approval by the VCBE and a material revision to the charter under Education Code Section 47605.6(a)(3).

14. Any material revision to the charter without approval of the VCBE shall be considered a material violation of the charter and grounds for revocation of the charter. Any revision to the charter shall be considered a material revision, unless the VCOE has determined, in writing, that the change is not a material revision.

15. The resolution of disputes between the charter school and the VCOE (as the oversight representative of the VCBE), including those pursuant to California Education Code Section 47605.6(b)(5)(L), shall be handled in the following manner:

- a. The dispute shall be identified in written format by the administrator of the charter school and the staff member identified as the contact person for the VCOE pursuant to California Education Code Section 47604.32(a). If the dispute could lead to revocation of the charter, this written overview of the dispute shall specifically note such.

- b. VCOE and the individual identified as the representative of the charter school board shall meet and make a good faith attempt to resolve the dispute. Failure of the charter school to promptly respond shall, in itself, be grounds for revocation of the charter pursuant to California Education Code Section 47607(e).
- c. If the VCBE determines it has cause to revoke the charter, it shall notify the charter school and give the school a reasonable opportunity to cure the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. The VCBE shall determine the definition for “a reasonable opportunity to cure the violation”, based on the characteristics of the problem.

16. Petition Deadlines

Completed petitions must be submitted no later than March 1<sup>st</sup> of the school year preceding the proposed opening of the charter school.

- 17. The charter shall include a requirement that there be Memorandum of Understanding (MOU) between the charter school and the VCBE. If the VCBE approves the charter petition, the execution of the MOU between the VCBE and petitioners shall be required at the VCBE meeting in which the charter petition is approved. In the absence of agreement on the MOU, the charter shall be revoked.
- 18. The initial term of the approved charter is subject to the sole discretion of the VCBE and may be granted for a period of between one and five years.
- 19. The charter school may form and operate as or by a non-profit public benefit corporation, formed under and pursuant to the non-profit corporation laws of the State of California. If so, it shall apply for and receive tax-exempt status from both the Federal Government and the State of California and shall provide proof of that status to VCOE prior to commencing operations.
- 20. The budget structure used by the charter school, during the petition review process and during operations if a charter is granted, shall be based on, in the format applicable to, standard California public schools, clearly separating costs for certificated and classified staff, and shall separate instructional from non-instructional staff.

21. The charter shall provide a description of the procedures to be used if the charter school closes. In addition, the charter shall specify that, upon closure, the assets of the charter school, remaining after payment of liabilities, shall be distributed to a public agency. The identification of remaining assets shall be the responsibility of the charter school, and the distribution of those assets shall be the responsibility of the VCBE. Given the fact that these funds were intended to benefit K-12 students in Ventura County, the decisions by the VCBE should be consistent with that intent.
22. All contracts for services which exceed two percent (2%) of the annual budget shall be reported to the VCOE before becoming effective.
23. Charter school officers, employees and board members shall be subject to and operate within the provisions of Government Code Sections 1090, et seq, the Political Reform Act, The Open Meetings (Brown) Act, and the Public Records Act.