

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

Revised 01/24/11

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

The County Board of Education may grant a charter for the operation of a school only if the Board 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 Section 47605. The Board 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 of each of the following conditions:
  1. The charter school shall meet all statewide standards and conduct pupil assessments pursuant to Education Code 60605 and any other mandated statewide standards authorized in statute or pupil assessment applicable to pupils in non-charter public schools. The charter school shall certify that its pupils have participated in the state testing programs specified in Education Code 60600 et seq., as a condition of apportionment of state funding.
  2. The charter school shall consult regularly with its parents and teachers regarding the school's educational program
- 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 13.
  1. A description of the educational program of the school, designed, among other things, to identify those whom the 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.
  2. The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes" means the extent to which all pupils of the school demonstrates that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

3. The method(s) by which pupil progress in meeting those pupil outcomes is to be measured.
4. The location of each charter school facility that the petitioner proposes to operate.
5. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.
6. The qualifications to be met by individuals to be employed by the school.
7. The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Education Code 44237.
8. The means by which the school will achieve a racial and ethnic balance among its 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. The expulsion policy must meet both State and Federal laws relative to mandatory expulsion offenses.
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Pupil 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. A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

VI. Additional requirements for County Charter Schools as authorized by Education Code Section 47605.6(b) listed below as items 1-20:

1. 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.
2. 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.
3. 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.
4. 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.
5. The petitioner(s) should 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, the petition may be denied for failure of the petitioners to comply with Education Code Section 47605.6(a)(1).

6. 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.
7. 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.
8. 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 of the local educational agency that granted the charter school, it shall have an agreement that details the arrangement and is signed by the VCOE, in place prior to the public hearing of 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 Executive Director 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.
9. 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.

10. 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 an amendment to the charter under Education Code Section 47605.6(a)(3).
11. 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.

12. 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 47605.3.
  - 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.
13. Petition Deadlines

Completed petitions must be submitted no later than May 1<sup>st</sup> of the school year preceding the proposed opening of the charter school. Timelines for review will not begin until the submission is considered complete by VCOE as detailed in this administrative regulation and no additional submission of materials relevant to the Board’s review of the petition will be accepted or reviewed by VCOE staff following one week prior to the public hearing.
14. The charter shall include a requirement that there be an MOU between the charter school and the VCOE, which MOU shall be in a form required by that office. In the absence of agreement on the MOU, the charter may be revoked.
15. 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.
16. 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.

17. 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.
18. 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.
19. All contracts for services which exceed two percent (2%) of the annual budget shall be reported to the VCOE before becoming effective.
20. 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, and The Open Meetings (Brown) Act.