CCSESA

CHARTING A WAY FORWARD:

Recommendations for Improving Charter School Outcomes and Accountability by Supporting Charter Authorizers

CCSESA Charter Authorizers Task Force - Final Report

About CCSESA

The California County Superintendents Educational Services Association (CCSESA) serves as the statewide organization of the 58 California County Superintendents of Schools with the mission of strengthening the service and leadership capabilities of California's 58 County Superintendents in support of students, schools, districts, and communities. The primary aim of the County Superintendents is to work collaboratively with schools and districts to ensure that every student benefits from a quality educational experience, regardless of their circumstances, including students with disabilities, juvenile offenders, and students at risk of dropping out of school. The 58 County Superintendents are organized statewide to work closely with state agencies to implement new education programs effectively and efficiently in response to statutory requirements and the needs of districts and schools.

Through CCSESA, County Superintendents have developed a regional structure and statewide organization to deliver high quality educational support services to every district and community in the state. CCSESA works with state policymakers including the Governor, Legislature, State Board of Education, California Department of Finance, and California Department of Education to ensure that the statutory responsibilities of the County Superintendents are carried out in a consistent and equitable manner across the state.

Visit ccsesa.org for more information.

This publication was approved by the CCSESA Board of Directors on April 7, 2019.

ACKNOWLEDGEMENTS

The Charter School Authorizers Task Force was chaired by Alameda County Superintendent L. Karen Monroe. Mono County Superintendent Dr. Stacey Adler previously served as Chair when the Task Force was convened and began the work leading to these recommendations. Lead CCSESA staff to the Task Force and lead author was Amanda Dickey, Esq., CCSESA Director of Intergovernmental and Legal Affairs. CCSESA would like to thank the county superintendents who served on CCSESA's Charter Authorizers Task Force, the chairs of CCSESA's steering committees and county office staff who provided invaluable input, and Collaborative Solutions for Charter Schools who helped compile feedback.

EXECUTIVE SUMMARY

AUTHORIZER RESOURCES & TRAINING

Resources for Authorizers	➤ Provide funding for districts and county offices of education impacted by the increase in charter petitions. ➤ Allow authorizers to charge for the actual cost of overseeing a charter school.
Technical Assistance & Guidance for Authorizers	➤ Ensure that authorizers receive adequate training and technical assistance by providing state funding for the Charter Accountability and Resource Support Network (CARSNet). ➤ Through CARSNet, and in collaboration with the Fiscal Crisis and Management Assistance Team (FCMAT) and the Department of Education (CDE), develop guidance for authorizers, including: • A policy, handbook, checklist, and template for the petition review and authorization process. • A handbook, checklist, and template for the annual review of charter schools. • A MOU that outlines fiscal controls and accounting standards, articulates how and when fiscal information and contracts will be shared, clarifies the relationship between the petition and MOU, and sets expectations for Charter Management Organization (CMO). • Guidance on the renewal process, conducting annual fiscal and academic reviews, the steps to take when fiscal discrepancies or academic deficiencies are discovered, and how to enforce the terms of the petition and MOU.

AUTHORIZATION PROCESS

Petition Timeline	➤ Provide additional time for districts and county offices of education to hold a hearing on a charter petition and make a determination. ➤ Revise the charter petition process to accommodate the Prop 39 timeline and allow authorizers to consider whether appropriate facilities are available.
Geographic Location of Charter School Sites	➤ Eliminate the geographic location exceptions in Education Code 47605.1(d). Give existing sites a specified number of years to relocate, become authorized by, or sign an MOU with, the district in which the site is located. ➤ Address the lack of information regarding charter school locations, including resource centers, meeting facilities, and satellite facilities.
Capacity to Authorize	➤ Establish a limit on the number of charters that a district or county office can authorize based on capacity. Allow the State Board of Education to waive this limit in unique circumstances.

FISCAL OVERSIGHT & ACCOUNTABILITY

Fiscal Transparency of Charter Schools	➤ Require charter schools to disclose to their authorizer all contracts for the sale or lease of real property and all contracts for personal property or services over a specified amount. ➤ Require charter petitions to include a description of the charter school's internal financial controls.
Transparency of Charter Management Organizations	➤ Require a CMO to disclose specified financial information to the authorizer during the petition process, for annual audits, and upon request. ➤ Require a CMO to sign the charter sign petition and MOU, creating a legally enforceable relationship between the CMO and authorizer.

Intermediate Intervention Tools	➤ Establish intermediate intervention tools that authorizers can use when they discover financial inconsistencies or deficiencies at a charter school. These could include annual approval of the charter school's budget and certification of its financial condition.
Pension Liability	➤ Require the State Controller's Office to determine each charter school's pension liability and withhold those funds before they are apportioned to the charter school.

ACADEMIC & COMPLIANCE OVERSIGHT

Academic Oversight of Charter Schools	➤ Adopt proposals in the Governor's budget that would align the charter school LCAP process with the district LCAP process and create greater transparency. ➤ Adopt best practices for providing meaningful academic oversight focused on improving outcomes for charter school students.
Academic Indicators for Renewal	➤ Update statute to replace the Academic Performance Index (API) and the Standardized Testing and Reporting (STAR) assessment with the dashboard and the new state assessment.
Enforcement of Charter School Law	➤ Task a state entity with: • Collecting and reporting data on charter school sites. Require charters to submit an annual report with addresses of all locations. • Monitoring and reporting on parity in racial and special education enrollment. • Monitoring compliance with the "Anderson Union High School district v. Shasta Secondary Home School" ruling. • Conducting "red flag" audits of petitions on various issues, such as geographic exceptions and potentially fraudulent petition signatures. ➤ Provide a state entity with the ability to sanction charter schools and authorizers, after providing adequate due process, that consistently abuse their discretion, e.g. revocation of a specific charter school site, revocation or limitations on the authority to authorize, financial sanctions, etc.

APPEALS PROCESS

Changes to Material Terms of the Petition on Appeal	➤ Give the county office the authority to send a petition back to the district if there are revisions to the material terms of the petition on appeal. Define material terms broadly to include supporting documentation.
Appeals to the County Office of Education	➤ Amend the county office appeals process to align with the principles of efficiency and local control.
Appeals to the State Board of Education	➤ Limit the State Board of Education's role in charter petition appeals.

INTRODUCTION

This report, commissioned by the California County Superintendents Educational Services Association (CCSESA), summarizes policy recommendations and best practices which, if implemented, would support county superintendents in their role as charter authorizers. Some of the recommendations can be locally implemented, while others require a legislative or regulatory change. All of the recommendations would help authorizers ensure that students attending charter schools are receiving the best education possible.

As authorizers of charter schools, County Offices of Education (COEs) recognize that we have a responsibility to ensure that charter petitions are fully vetted according to common standards, and that oversight of approved charter schools is practiced with uniformity, consistency, and scrutiny. It has become clear over the last several years that authorizers need additional tools and resources in order to do their jobs effectively and consistently. Even authorizers that follow best practice can sometimes find themselves with a charter school that is facing public scrutiny and allegations of fiscal mismanagement. These risks are further increased when authorizers struggle with capacity and training.

It has become clear over the last several years that authorizers need additional tools and resources in order to do their jobs effectively and consistently.

County superintendents are committed to ensuring that all public-school students, whether in a traditional school or a charter school, receive an appropriate and sound education. We will review a range of research and recommendations to ascertain and prioritize the issues that impede authorizers the most and identify solutions that will help to ensure county superintendents are empowered with the tools and resources they need to continue to manage all the public schools in their county.

The following issue areas are divided in to five categories. Each section includes a description of the issue and recommendations that, if adopted, would improve charter authorizing and oversight:

1. **Authorizer Resources & Training**
2. **Authorization Process**
3. **Fiscal Oversight & Accountability Tools**
4. **Academic Oversight & Enforcement**
5. **Appeals Process**

1. AUTHORIZER RESOURCES & TRAINING

To ensure that all students receive a high-quality education grounded in best practice, charter school authorizers need to thoroughly review and vet charter petitions and provide effective oversight of existing charter schools. Inadequate resources, a lack of training, and insufficient technical assistance significantly impede authorizers' ability to ensure only high achieving charters operate in California.

a. Resources for Authorizers

Significant resources are needed to properly and thoroughly review charter petitions, which are usually hundreds of pages long.

Current law does not provide dedicated funding for the costs associated with reviewing charter petitions. Significant resources are needed to properly and thoroughly review charter petitions, which are usually hundreds of pages long. When vetting a charter petition, staff must review financial plans and proposed budgets, evaluate academic plans and goals, examine corporate bylaws, evaluate proposed policies and handbooks, verify signatures, inspect proposed school sites, identify potential conditions for approval or findings for denial, craft a memorandum of understanding (MOU) with the petitioner, and prepare materials and analyses for public hearings. If a charter petition is denied and appealed, county office of education staff must complete the same review process a second time. Local education agencies (LEAs) indicate that it can cost up to $30,000 to process a single petition. The number of petitions submitted to districts and county offices of education have increased in the last decade as the charter school movement in California continues to grow.

If a charter petition is approved, the authorizer becomes responsible for conducting fiscal and academic oversight of the charter school. This includes annually reviewing finances, evaluating academic goals and progress toward goals, reviewing teacher credentials and misassignments, visiting the school site(s), investigating complaints, and assessing whether the charter school is adhering to school policies and handbooks. Districts and county offices of education are permitted to charge no more than 1% of a charter school's revenue for oversight activities. Nearly all authorizers indicate that this amount is insufficient to cover oversight costs.

Nearly all authorizers indicate that 1% amount is insufficient to cover oversight costs.

Recommendations:

- Provide funding for districts and county offices of education impacted by the increase in charter petitions.
- Allow authorizers to charge for the actual cost of overseeing a charter school.

1. AUTHORIZER RESOURCES & TRAINING

b. Technical Assistance & Guidance for Authorizers

Prior to becoming an authorizer, most LEAs have no experience performing the type of review and oversight activities required of charter authorizers. Until the creation of the Charter Accountability and Resource Support Network (CARSNet), there was no training on complex oversight activities, no provider of technical assistance, and no tools or best practice guides available to California authorizers.[1] The state does not currently fund CARSNet and does not offer technical assistance.

As California adopts more robust accountability and transparency laws, authorizers will continue to need greater training and technical assistance.

As California adopts more robust accountability and transparency laws, authorizers will continue to need greater training and technical assistance. Because LEAs are entrusted with enforcement of charter laws, greater accountability cannot be achieved without also providing support for authorizers.

Recommendations:

- Ensure that authorizers receive adequate training and technical assistance by providing state funding for the Charter Accountability and Resource Support Network (CARSNet).
- Through CARSNet, and in collaboration with the Fiscal Crisis and Management Assistance Team (FCMAT) and the Department of Education (CDE), develop guidance for authorizers, including:
  - A policy, handbook, checklist, and template for the petition review and authorization process;
  - A handbook, checklist, and template for the annual review of charter schools;
  - A MOU that outlines fiscal controls and accounting standards, articulates how and when fiscal information and contracts will be shared, clarifies the relationship between the petition and MOU, and sets expectations for Charter Management Organization (CMO);
  - Guidance on the renewal process, conducting annual fiscal and academic reviews, the steps to take when fiscal discrepancies or academic deficiencies are discovered, and how to enforce the terms of the petition and MOU.

[1] CARSNet was created through a federal grant received in 2015. CARSNet is a position-neutral professional development organization that provides training and technical assistance to LEA authorizers. It operates through regional leads, each of which has expert local practitioners on staff. Federal funding for CARSNet expired in March 2018.

2. AUTHORIZATION PROCESS

To ensure that districts and county offices make informed decisions on charter petitions and have the capacity to provide adequate oversight of authorized charter schools, the state should adopt changes to the authorization process.

a. Petition Timeline

Current law provides only 30 days after receipt of a charter petition to conduct a public hearing and 60 days after receipt to approve or deny a charter petition. LEAs universally agree that 60 days is not enough time to complete the lengthy and complex petition review process described in "Resources for Authorizers," synthesize findings, prepare the board to conduct a meaningful public hearing, respond to questions and concerns raised by the board and the public at the hearing, reach agreement on the terms of a MOU, and make revisions to the petition as needed.

Because the petition timeline and the timeline to request facilities under Proposition 39 are not aligned, charter schools are often approved whether or not there is an appropriate facility to house the school. This creates frustration and disruption for teachers who plan to teach at the school, parents who plan to enroll students, and administrators who are trying to balance the needs of all students in the district.

County superintendents believe that the decision to open a new charter school is not one that should be made lightly. Establishing a new school, whether traditional or charter, can impact the fiscal and academic success of all students in the community, not just those that attend the charter school. The gravity of this decision is therefore fundamentally inapposite to a charter petition process that allows petitioners to submit a proposal, conduct a hearing, get approved, and open a facility, in as little as two months.

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Recommendations:

- Provide additional time for districts and county offices of education to hold a hearing on a charter petition and make a determination.
- Revise the charter petition process to accommodate the Prop 39 timeline and allow authorizers to consider whether appropriate facilities are available.

2. AUTHORIZATION PROCESS

b. Geographic Location of Charter School Sites

Current law allows a charter school to open a location outside of the authorizing district if an appropriate site is unavailable in the authorizing district or the location is temporarily needed during a construction or expansion project. A State Audit Report recently found that charter schools have used these exceptions to locate at least 495 charter school sites outside of their authorizing district.[2] The State Auditor also found that many of these charter schools had not provided evidence of the need to locate outside of the authorizing district.

County superintendents are responsible for superintending all the schools in their county and investigating charter schools based on information or complaints. Although the Department of Education (CDE) maintains a list of charter schools in California, the list does not include all charter school sites or the location of sites outside of the authorizing district. District and county superintendents regularly report discovering charter school sites in their district/county of which they were unaware.

Recommendations:

- Eliminate the geographic location exceptions in Education Code 47605.1(d). Give existing sites a specified number of years to relocate, become authorized by, or sign an MOU with, the district in which the site is located.
- Address the lack of information regarding charter school locations, including resource centers, meeting facilities, and satellite facilities.

c. Capacity to Authorize

Charter authorizers have significant fiscal and academic oversight responsibilities. This includes annually reviewing finances, evaluating academic goals and progress toward goals, reviewing teacher credentials and misassignments, visiting the school site(s), investigating complaints, and assessing whether the charter school is adhering to school policies and handbooks.

The State Audit Report indicates a relationship between an authorizer's average daily attendance (ADA) and its ability to provide adequate oversight.[3] Authorizers that serve more students in their charter schools than live in their respective districts often authorize charter schools outside of the district without justification, have lower retention and graduation rates, and are less likely to identify fiscal mismanagement early enough to intervene.

The State Audit Report indicates a relationship between an authorizer's average daily attendance (ADA) and its ability to provide adequate oversight.

Recommendation:

- Establish a limit on the number of charters that a district or county office can authorize based on its capacity. Allow the State Board of Education to waive this limit in unique circumstances.

2 State Audit Report 2016-141. https://www.bsa.ca.gov/pdfs/reports/2016-141.pdf
3 Ibid.

3. FISCAL OVERSIGHT & ACCOUNTABILITY TOOLS

Hundreds of California charter schools have closed over the last two decades due to fiscal mismanagement or inadequate financial planning. Every time a school closes, it disrupts students' education and creates instability at the public schools that must absorb displaced students.

a. Fiscal Transparency of Charter Schools

Current law was recently amended to require charter schools to comply with Government Code 1090, the Political Reform Act, and the Brown Act. We believe that these changes will significantly reduce the frequency with which charter board members engage in financial mismanagement and conflicts of interest and applaud the Governor and Legislature's action. To ensure that these new laws have the intended impact, however, authorizers will need additional tools to help them access a charter school's financial information.

Conflicts of interest often arise when a charter school contracts with a charter management organization (CMO) or an administrative services provider, or leases or purchases real property. Current law does not require a charter school to share these contracts with their authorizer. Similarly, fiscal mismanagement and fraud is more likely to occur when a charter school does not have internal fiscal controls that can be monitored by the authorizer. Current law does not require a charter school to adopt internal fiscal controls.

Recommendations:

- Require charter schools to disclose to their authorizer all contracts for the sale or lease of real property and all contracts for personal property or services over a specified amount.
- Require charter petitions to include a description of the charter school's internal financial controls.

b. Transparency of Charter Management Organizations

The National Alliance for Charter Schools estimates that approximately one-quarter of charter schools are now managed by a CMO or contract with a CMO, a trend which continues to grow in California. Current law was recently amended to prohibit for-profit CMOs from operating or managing the day-to-day operations of a charter school. While we applaud this step forward, we encourage the Legislature to address barriers that continue to allow non-profit CMOs to block authorizers' access to financial information, such as fees charged and services provided, contracts and ongoing obligations, grants, loans, and leases. When a charter school transfers the majority of their revenue to a CMO and that CMO prevents the authorizer from obtaining a true picture of their financial status or stability, the authorizer cannot provide adequate oversight or intervene to prevent fiscal mismanagement or closure. Similarly, when an authorizer does discover that a CMO is mismanaging funds or violating the terms of the petition or the MOU, if the authorizer has not created a legal relationship with the CMO, the authorizer cannot enforce the terms against the CMO. Over the last four years, more than a dozen California CMO-operated charter school sites have closed due to fiscal mismanagement or fraud.

Recommendations:

- Require a CMO to disclose specified financial information to the authorizer during the petition process, for annual audits, and upon request.
- Require a CMO to sign the charter sign petition and MOU, creating a legally enforceable relationship between the CMO and authorizer.

3. FISCAL OVERSIGHT & ACCOUNTABILITY TOOLS

c. Intermediate Intervention Tools

Authorizers regularly express the need for intermediate intervention tools that can be used when fiscal mismanagement is discovered

When financial inconsistencies or deficiencies are discovered, current law provides authorizers with only two enforcement tools: (1) request a FCMAT investigation; and/or (2) non-renew or revoke the charter school. Because non-renewal and revocation disrupt students' education and are generally viewed as an extreme reaction to poor accounting practices, they are often avoided. Authorizers regularly express the need for intermediate intervention tools that can be used when fiscal mismanagement is discovered at a charter school, but academic achievement and graduation rates remain high.

When a district is unable to meet its financial obligations, has inadequate reserves, or is showing signs of fiscal distress, the superintendent has a number of intermediate intervention tools. The superintendent can conditionally approve or disapprove a district's budget, which allows the superintendent to offer budget revisions, assign a budget advisor, and/or appoint a committee to review the budget revisions. The superintendent may also certify the fiscal condition of the district as qualified or negative, which allows the superintendent to assign a fiscal expert to the district, conduct a study of the budgetary conditions and internal controls of the district, require the district to encumber all contracts and obligations, and/or withhold compensation of board members and the superintendent. If the fiscal condition continues, the superintendent can take additional steps such as imposing budget revisions to ensure the district can meet financial obligations, staying or rescinding actions that are inconsistent with the district's ability to meet obligations, or appointing a fiscal advisor. Since implementing these fiscal oversight tools 20 years ago, the number of districts in fiscal distress has declined dramatically.[4]

Recommendation:

- Establish intermediate intervention tools that an authorizer can use when it discovers financial inconsistencies or deficiencies at a charter school. These could include annual approval of the charter school's budget and certification of its financial condition.

d. Pension Liability

Current law allows charter schools to opt-out of the California State Teachers' Retirement System (STRS) and the California Public Employees' Retirement System (PERS). The number of new charter schools that choose to participate in STRS has gone from 90% in 2013 to 67% in 2015.[5] Because charters represent more than 10% of California schools, declining participation in the pension system could jeopardize the stability of the system for teachers and administrators at traditional public schools. Current law also allows STRS and PERS to hold the county office liable for a charter school's unpaid pension obligations, even when the county office is not the charter authorizer. This creates a significant unfunded liability risk for all county offices that have charter schools within their borders.

Recommendation:

- Require the State Controller's Office to determine each charter school's pension liability and withhold those funds before they are apportioned to the charter school.

4 School District Oversight and Intervention, LAO. https://lao.ca.gov/reports/2012/edu/school-district-fiscal-oversight-and-intervention/school-district-fiscal-oversight-and-intervention-043012.pdf

5 California Public Pension Crisis in Bad and Getting Worse, Sacramento Bee. https://www.sacbee.com/news/politics-government/the-state-worker/article199324794.html

4. ACADEMIC & COMPLIANCE OVERSIGHT

Many charter schools provide unique academic opportunities that challenge and engage persistently low-achieving students; many others do not. To ensure that all charter schools fulfill the legislative intent to increase the achievement of at-risk pupils, the state should consider adopting changes that would create greater equity in enrollment and increase academic accountability.

a. Academic Oversight of Charter Schools

The Governor's January 2019 budget proposal directly addresses a number of our concerns with regards to academic oversight of charter schools. The proposal would require every charter school to: (1) hold a public hearing before adopting its Local Control and Accountability Plan (LCAP); (2) adopt revisions to its LCAP at a public hearing; (3) address all eight state priorities in its LCAP, annual goals, and pupil outcomes; (4) submit its adopted LCAP to its authorizer and the county superintendent; (5) prominently post its LCAP on its website homepage; (6) based on specified criteria, translate documents and notices to parents. CCSESA strongly supports the adoption of all these proposals.

> Academic oversight should be a continuous process throughout the life of a charter.

As charter schools implement these changes, authorizers should also consider adopting best practices to improve academic outcomes for charter school students. Academic oversight should be a continuous process throughout the life of a charter. Best practice requires authorizers to annually review, evaluate, and provide feedback on academic outcomes to each charter school. If academic goals are not being met, this should be clearly communicated in writing. The decision to revoke or non-renew a charter school should never be a surprise to either party.

Recommendations:

- Adopt proposals in the Governor's budget that would align the charter school LCAP process with the district LCAP process and create greater transparency.
- Adopt best practices for providing meaningful academic oversight focused on improving outcomes for charter school students.

b. Academic Indicators for Renewal

When determining whether to renew a charter school, the primary question for authorizers is whether the charter school has met its academic goals. To make this determination, the authorizer must consider the academic performance of the charter school, whether charter has met the minimum required state academic indicators, academic gains made by subgroups, academic performance of other comparable public schools, other schools in the district, the student demographics of the charter school and any other information submitted by the charter school. The current academic indicators defined in statute are the Academic Performance Index (API) and the Standardized Testing and Reporting assessment. Both of these indicators are no longer used by the state of California.

Recommendation:

- Update statute to replace the Academic Performance Index (API) and the Standardized Testing and Reporting (STAR) assessment with the dashboard and the new state assessment.

4. ACADEMIC & COMPLIANCE OVERSIGHT

c. Enforcement of Charter School Law

An ACLU report found that at least 253 charter schools had policies in place that were "plainly exclusionary"

Current law prohibits adopting enrollment preferences that limit enrollment of students with disabilities (SWDs), English learners (ELs), low-performing students, and economically disadvantaged students. An ACLU report found that at least 253 charter schools had policies in place that were "plainly exclusionary" in violation of state anti-discrimination laws.[6] Hundreds of others had policies that opened the door to implicit discriminatory practices. Current law requires charter petitions to include a description of how the charter school will achieve a racial and ethnic balance that is similar to the district in which the school is located. The Associated Press, the University of California, and dozens of others have found that charter schools are increasing racial and ethnic segregation in California and throughout the nation.[7] While charter schools appear to be making progress toward enrolling an equitable percentage of high-need students, they continue to under-enroll ELs and economically disadvantaged students, and have lower concentrations of unduplicated pupils.[8]

Current law restricts the location of a charter school site to the authorizing district with only limited exceptions. The State Auditor has discovered more than 495 charter school sites located outside of the authorizing district.[9]

When laws that are intended to protect the civil rights of students and the autonomy of districts are being disregarded on such a large scale, it becomes clear that a state entity is needed to monitor and enforce compliance.

Recommendations:

- Task a state entity with:
  - Collecting and reporting data on charter school sites. Require charters to submit an annual report with addresses of all locations.
  - Monitoring and reporting on parity in racial and special education enrollment.
  - Monitoring compliance with the *"Anderson Union High School district v. Shasta Secondary Home School"* ruling.
  - Conducting "red flag" audits of petitions on various issues, such as geographic exceptions and potentially fraudulent petition signatures.
- Provide a state entity with the ability to sanction charter schools and authorizers, after providing adequate due process, that consistently abuse their discretion, e.g. revocation of a specific charter school site, revocation or limitations on the authority to authorize, financial sanctions, etc.

6 Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment, ACLU. https://www.aclusocal.org/sites/default/files/field_documents/report-unequal-access-080116.pdf.

7 US charter schools put growing numbers in racial isolation, Associated Press. https://apnews.com/e9c25534dfd44851a5e56bd57454b4f5. Choice Without Equity: Charter School Segregation and the need for Civil Rights Standards, University of California Los Angeles. https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report.

8 Charter Schools and California's Local Control Funding Formula, PPIC. https://www.ppic.org/publication/charter-schools-and-californias-local-control-funding-formula/

9 State Audit Report 2016-141. https://www.bsa.ca.gov/pdfs/reports/2016-141.pdf

5. APPEALS PROCESS

California's statewide accountability system is designed around the principle that locally elected bodies are best suited to make decisions about, and provide oversight of, a community's education system. Charter schools are no exception to this rule.

a. Changes to Material Terms of the Petition on Appeal

Authorizers have expressed concern that petitioners change or add content to a petition on appeal to the county office and State Board of Education (SBE). Although changes to the petition that substantially change the content (referred to as "material revisions") are not allowed, current law does not give authorizers the authority to return the petition to the district.

Current law also does not provide a clear definition of a material revision. While the content of a petition may not change, authorizers agree that additional documentation providing evidence of a charter schools financial situation or ability to achieve academic goals can fundamentally change the viability of a petition and may alter a board's decision.

Recommendation:

- Give the county office the authority to send a petition back to the district if there are revisions to the material terms of the petition on appeal. Define material terms broadly to include supporting documentation.

b. Appeals to the County Office of Education

Current law requires the county board of education to review petitions on appeal "de novo," or as if they are being seen for the first time. Given the significant resources that are needed to review a charter petition and the ambiguity around material revisions, the current appeals process is neither efficient nor effective. County offices are responsible for hearing various kinds of appeals, including appeals of expulsions and interdistrict transfers, and note that effective appeals processes do the following: (1) respect the autonomy of local decision-making bodies while also protecting against errors, bias, and abuse; (2) do not waste resources by allowing parties to relitigate the same issues in multiple venues; and (3) do not allow petitioners to change the facts of the case or withhold evidence until the appeal.

Recommendation:

- Amend the county office appeals process to align with the principles of efficiency and local control.

c. Appeals to the State Board of Education

Like the county office, current law requires the State Board of Education (SBE) to review charter petitions "de novo" on appeal. A petition must be denied by both the district and county board before it reaches the SBE. Nevertheless, the SBE approves more than 70% of the petitions it receives. Data on charter school closures provided by the Department of Education indicates that charter schools approved by the SBE are significantly more likely to fail (38%) than those that are approved by a district board (28%) or county board (24%).

> The SBE approves more than 70% of the petitions it receives.

Recommendation:

- Limit the State Board of Education's role in charter petition appeals.

California County Superintendents Educational Services Association

The 58 county superintendents of schools are state constitutional officers who collectively work to ensure the equitable implementation of curriculum and services for more than 6 million California students. CCSESA's mission is to strengthen the service and leadership capabilities of California's 58 county superintendents in support of students, schools, districts, and communities.

CCSESA

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