

YM&C
YOUNG, MINNEY & CORR, LLP

Catching Up With AB 1505 Requirements for Charter Renewal

Presented by:
 Janelle A. Ruley, Esq.
jruley@mycharterlaw.com
 Lee J. Rosenberg, Esq.
rosenberg@mycharterlaw.com
 (916) 646-1400

THE CHARTER LAW FIRM

YM&C Firm Overview

- Partners have over 100 years of collective experience working with charter schools
- 34 attorneys working with charter schools throughout the state in all areas of charter school law (e.g., employment/labor, special education, nonprofits, litigation, audits, facilities, etc.)
- Represent most of California's charter schools
- Conduct workshops for charter schools in all areas of legal compliance

YM&C

YOUNG, MINNEY & CORR, LLP


Mapping Out Charter Renewal

- Section 1: Charter Submission and Action
- Section 2: Renewal Criteria
- Section 3: Charter Elements
- Section 4: Approval/Denial Standards
- Section 5: Charter Appeals

YM&C


YOUNG, MINNEY & CORR, LLP

**Section 1:
Charter Submission and Action**




YOUNG, MINNEY & CORR, LLP

**Charter Submission and
Chartering Authority Action**




- Charter is **deemed received** by the Board on the day submitted to District office with a **certification of completeness**
- **60 days for public hearing, 90 days for decision**
- Extension of 30 days with mutual agreement
- District Board shall publish staff recommendations, including recommended findings, 15 days before decision meeting
- Decision meeting is a public hearing
- **Equivalent time and procedures to present evidence and testimony** to respond to staff recommendations and findings



YOUNG, MINNEY & CORR, LLP

**Section 2:
Renewal Criteria**



YOUNG, MINNEY & CORR, LLP

Academic Threshold Criteria



- Charter schools are sorted into three categories: high-performing, middle-performing, or low-performing
- Separate designation for DASS schools
- The role of the California Department of Education
- Verified data
- Is your school's category necessarily its destiny?



Renewal Criteria: High-Performing



Shall not deny renewal if either of the following apply for two consecutive years immediately preceding the renewal decision:

- **Criterion 1:** The charter school has received the two highest performance levels schoolwide on **all state indicators** included on the Dashboard **for which it receives performance levels**.
 - To **qualify** for renewal as high-performing, the charter school shall have received schoolwide performance levels on at least **two measurements of academic performance, per year, in each of the two consecutive years immediately preceding the renewal decision**.
- **Criterion 2:** for all **measurements of academic performance**, the charter school has received performance levels schoolwide that are the **same or higher** than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.



Renewal Criteria: “Criterion 2”



Criterion 2 (high- and low-performing):

- “Measurements of academic performance” means indicators included in the Dashboard that are based on statewide assessments in the CAASPP, ELPAC, and college and career readiness indicators.
- To qualify for renewal, the charter school shall have performance levels on at least **two measurements of academic performance for at least two subgroups**.
- A charter school without sufficient performance levels to meet these criteria shall be considered under [middle-performing].



Benefits of High-Performing Status



- The chartering authority that granted the charter **may** renew a charter pursuant to this paragraph for a period of between five and seven years.
- “Only” required to update the petition to include a reasonably comprehensive description of any new legal requirement of charter schools after the charter was originally granted or last renewed and as necessary to reflect the current program.



Making the Best Case For Renewal High-Performing



- Affirm that the high-performing renewal standard applies
 - The chartering authority is responsible for applying the correct renewal standard – ensure they do so
 - Identify the governing law
 - Use visuals to show the standard is met
 - Explain what the graphics show and how the charter school’s performance meets the renewal criteria
 - Cite to the CDE’s classification

Charter School Performance Category Data File						
1. California Department of Education, July 1, 2019						
2. CDE County District School, N/A, 10/1/2019						
3. CDE County District School, N/A, 10/1/2019						
CSID	Region	State	County	School Type	Performance Level	Criteria
1944920100254	0100254	HS	LA	Los Angeles	High Schools of High Performing	Criteria 2
4449195100258	0100258	ES	LA	Santa Cruz	Elementary of High Performing	Criteria 1

Criteria 1	2018				2019			
	Subscore	2018	2019	2018	Subscore	2018	2019	2018
1. Academic Achievement	100%	100%	100%	100%	100%	100%	100%	100%
2. Student Growth	100%	100%	100%	100%	100%	100%	100%	100%
3. Financial Management	100%	100%	100%	100%	100%	100%	100%	100%
4. Community and Family Engagement	100%	100%	100%	100%	100%	100%	100%	100%
5. School Climate	100%	100%	100%	100%	100%	100%	100%	100%
6. Leadership	100%	100%	100%	100%	100%	100%	100%	100%
7. Governance	100%	100%	100%	100%	100%	100%	100%	100%
8. Compliance	100%	100%	100%	100%	100%	100%	100%	100%
9. Safety	100%	100%	100%	100%	100%	100%	100%	100%
10. Other	100%	100%	100%	100%	100%	100%	100%	100%



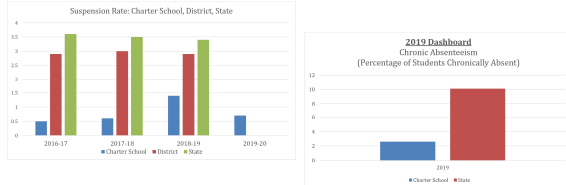
Making the Best Case For Renewal High-Performing



- Presumptive renewal gives rise to a different objective: **arguing for a seven-year renewal term.**
 - Describe how the charter school goes beyond meeting the minimum high-performing criteria
 - Explain why a seven-year term is in the best interest of the charter school, the community, and the chartering authority
 - Contextualize and address any challenging facts, e.g., a high chronic absenteeism rate.
 - Revise and update the petition to demonstrate high competency in all areas.
 - Does the petition demonstrate that the charter school is situated to serve all students and subgroups well over the next seven years?
 - Use the charter petition as an opportunity to provide operational and programmatic clarity for the term ahead



Making the Best Case For Renewal Middle-Performing



Use non-academic Dashboard metrics to bring attention to positive school culture and outcomes

- Suspension rate
- Chronic absenteeism rate
- Graduation rate



Making the Best Case For Renewal Middle-Performing



Address challenges from the last term head on. For example...

- High suspension rate** • Describe new measures being put into place, e.g., restorative justice, PBIS
- Low performance in math** • Describe new curriculum, professional development, intervention strategies
- Slow EL progress** • Describe new strategies, e.g., implementation of SIOP, professional development, approaches to designated and integrated ELD



Renewal Criteria: Verified Data



- If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority **shall** consider **verifiable data provided by the charter school related to the dashboard indicators**, such as data from the CAASPP, for the most recent academic year.
- **“Verified data”** means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced.
- Verified data shall include measures of postsecondary outcomes.
- In November 2020, the SBE established criteria to define verified data and identified an approved list of valid and reliable assessments that shall be used for this purpose; no data sources other than those adopted by the SBE shall be used as verified data.





Making the Best Case For Renewal Verified Data



Data only counts as "verified data" if it is on the State Board of Education's approved list:

Academic Progress	Post-Secondary Indicators
<ul style="list-style-type: none"> mCLASS by Amplify SAT Suite by College Board iReady by Curriculum Associates ELPAC by Educational Testing Service Math Inventory by Houghton Mifflin Harcourt Reading Inventory by Houghton Mifflin Harcourt FastBridge by Illuminate Diagnostic Online Reading Assessment (DORA) by Let's Go Learn Adaptive, Diagnostic Assessment of Mathematics (ADAM)/Diagnostic Online Math Assessment (DOMA) by Let's Go Learn RAPID by Lexia Learning Measures of Academic Progress by NWEA Star Assessments by Renaissance easyCBM by Riverside Insights California Assessment of Student Performance and Progress (English Language Arts/Literacy and Mathematics) 	<ul style="list-style-type: none"> Cal-PASS Plus High School to Community College Transition Report California State University Enrollment Dashboard Student Origin California Department of Education DataQuest College-Going Rate National Student Clearinghouse StudentTracker University of California Admissions by School Source University of California Undergraduate Graduation Rates



Making the Best Case For Renewal Verified Data



- Plan ahead to have verified data
 - A high-performing charter school one year could be a middle-performing school the next year
 - A middle-performing charter school one year could be a low-performing charter school the next year
 - Verified data for a middle-performing charter school could be outcome determinative
 - Charter schools that serve only elementary or middle grade spans only have one option: showing academic growth
 - The Legislature could modify renewal standards with little opportunity to prepare; the CDE could change or stop publishing its interpretation of the renewal standard
- If a charter school will not have a full year of verified data heading into renewal, it should generally offer the best data it can, e.g., winter to spring or spring to fall academic growth data, and extrapolate to a full year



Renewal Criteria: Low-Performing



- The chartering authority **shall not renew** a charter if **either** of the following apply for **two consecutive years immediately preceding** the renewal decision:
 - Criterion 1:** The charter school has received the two lowest performance levels schoolwide on all the state indicators on the Dashboard for which it receives performance levels; **OR**
 - Criterion 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 subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
- If Criterion 2 is based on the "same" performance levels, the charter school only qualifies for renewal under low-, not high-performing.
- For a charter renewed through the low-performing, the chartering authority **may** grant a renewal for a period of two years.






QUESTIONS ANSWERS

Section 3: Charter Elements

YM&C

YOUNG, MINNEY & CORR, LLP

Charter Elements




“Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and **shall include**, but not be limited to, a **reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.**”

YM&C

YOUNG, MINNEY & CORR, LLP

26

Charter Elements: New Requirements



Element 7/G:


“The means by which the charter school will achieve a balance of **racial and ethnic pupils, special education pupils, and English learner pupils**, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the **general population** residing within the territorial jurisdiction of the school district to which the charter petition is submitted.”

YM&C

YOUNG, MINNEY & CORR, LLP

27


**Charter Elements:
New Requirements**



Also provide **names and relevant qualifications** of all persons whom the **petitioner nominates** to **serve on the governing body** of the charter school.

YM&C 28
YOUNG, MINNEY & CORR, LLP

**Charter Elements:
Updating for New Law**



- Governing law and Affirmations
- Health and Safety
- Admission
- Suspension and Expulsion

YM&C 29
YOUNG, MINNEY & CORR, LLP

**Section 4:
Approval/Denial Standards**

QUESTIONS ANSWERS

YM&C YOUNG, MINNEY & CORR, LLP

Standard for Approval



- Maintained Legislative intent.
- The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice **and with the interests of the community in which the school is proposing to locate.**
- The governing board of the school district **shall consider the academic needs** of the pupils the school proposes to serve.
- A chartering authority may grant one or more subsequent renewals pursuant to [middle- and low-performing].
- Renewals of charters are governed by the **standards and criteria** described in Section 47605.



31
YOUNG, MINNEY & CORR, LLP

Standard for Denial: Academic Criteria



- High-performing: shall not deny.
- Middle-performing: may deny with written findings that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that **closure of the charter school is in the best interest of pupils** and, if applicable, that its decision provided greater weight to performance on measurements of academic performance.



32
YOUNG, MINNEY & CORR, LLP

Standard for Denial: Academic Criteria



Low-performing: shall not renew; may renew if written factual findings that:

- The charter school is taking meaningful steps to address the underlying cause or causes 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.
- There is clear and convincing evidence showing either of the following:
 - The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.
 - Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.



33
YOUNG, MINNEY & CORR, LLP

Standard for Denial: Academic Criteria



DASS: reviewed pursuant to alternative metrics; may deny with written findings that the closure of the charter school is in the best interest of pupils



Standard for Denial: Substantial Factors



Chartering authority may deny high-, middle-, or low-performing, upon a finding:

- Charter school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors.
- Charter school is not serving all pupils who wish to attend.



Standard for Denial: Substantial Factors



- Chartering authority may deny renewal 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.
- Chartering authority may deny renewal only by making either of the following findings:
 - The corrective action proposed by the charter school has been unsuccessful.
 - The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.



Standard for Denial: Not Serving All Pupils



As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to [high-, middle-, or low-performing], the chartering authority may make a finding that the charter school is **not serving all pupils who wish to attend** and, upon making such a finding, specifically identify the evidence supporting the finding.



Standard for Denial: Not Serving All Pupils



- The chartering authority **may** request, and the CDE shall provide, aggregate data reflecting enrollment patterns at the charter school:
 - The cumulative enrollment for each school year of the charter school's term.
 - For each year of the charter term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments on the CAASPP, for any such pupils who were enrolled in the charter school the prior school year.
 - For each year of the charter term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on CAASPP, for any such pupils.
- When determining whether to grant renewal, the chartering authority **shall** review this specific data from CDE, generalized data from CDE, and any substantiated complaints that the charter school has not complied with [suspension, expulsion, and involuntary removal procedures].



Standard for Denial: Fiscal Impact Inapplicable




- Section 47605(c)(7) and (8) **shall not** be used to deny a renewal of an existing charter school but may be used to deny a proposed expansion constituting a material revision.
- Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605.






**Section 5:
Charter Appeals**




YOUNG, MINNEY & CORR, LLP

Charter Appeals




- *De novo* review by the County Board of Education.
- State Board of Education review only on an **abuse of discretion** standard.
- 30 days to appeal a denied establishment charter and a denied renewal charter.
- 180 days for judicial review if the county or SBE fail to act.




41
YOUNG, MINNEY & CORR, LLP

Charter Appeals



Appeal to the County:

- At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district.
- The county board of education shall review the petition pursuant to Section 47605(b) and (c).
- If the denial of the petition was made pursuant to finding for denial #8, the county board of education shall also review the school district's findings.
- If in San Francisco, Modoc, Lassen, or Amador, SBE reviews with county standards.



42
YOUNG, MINNEY & CORR, LLP

Charter Appeals: Remand to the District



- If the appeal contains new or different material terms, the county board of education shall immediately remand the petition to the district board for reconsideration, which shall grant or deny the petition within 30 days.
- "Material terms" of the petition means the **signatures, affirmations, disclosures, documents, and descriptions** described in Section 47605 (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.
- If the district board denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.



Charter Appeals: State Board of Education



- Must include findings and documentary record from the district **and** county.
- Written submission must detail specific citations to the documentary record regarding how the district, **or** county, **or** both abused their discretion.
- Board of district and county must prepare the documentary record, including transcripts, no later than 10 business days after request.
- Provide a copy of the appeal to the district and county.
- If new or different material terms, State Board shall immediately remand to **district** for reconsideration (30 days).



Charter Appeals: State Board of Education



Appeal to the State Board of Education:

- District or county may submit written opposition within 30 days of appeal with specific citations to the documentary record explaining how the entity did not abuse its discretion.
- ACCS shall hold a public hearing to review appeal and documentary record; ACCS shall submit a recommendation to the SBE whether there is sufficient evidence to hear the appeal or to summarily deny.
- If no ACCS recommendation, the SBE shall either hear the appeal or summarily deny review based on the documentary record.
- SBE may reverse district and county action only upon determination that there was an abuse of discretion.
- If SBE reverses denial, it will designate, in consultation with petitioner, authorization to the district or county.







THE CHARTER LAW FIRM

YOUNG, MINNEY & CORR, LLP

916.646.1400 • INFO@MYCHARTERLAW.COM • WWW.MYCHARTERLAW.COM



**THANKS FOR
ATTENDING TODAY!**

SACRAMENTO OFFICE:
655 UNIVERSITY AVENUE
SUITE 150
SACRAMENTO, CA 95825

LOS ANGELES OFFICE:
5200 LANKERSHIM BLVD.
SUITE 210
NORTH HOLLYWOOD, CA 91601

SAN DIEGO OFFICE:
591 CAMINO DE LA REINA
SUITE 210
SAN DIEGO, CA 92108

WALNUT CREEK OFFICE:
500 YGNACIO VALLEY ROAD
SUITE 100
WALNUT CREEK, CA 94596

