

**STATE BOARD OF EDUCATION REGULATIONS
FOR APPLICATION AND REVIEW OF STATEWIDE BENEFIT CHARTER SCHOOL PETITIONS
CALIFORNIA CODE OF REGULATIONS 11967.6, 11967.7 & 11967.8**

CALIFORNIA CODE OF REGULATIONS 11967.6

SUBMISSION OF STATEWIDE BENEFIT CHARTER SCHOOL PETITIONS TO THE STATE BOARD OF EDUCATION

- (a) A petition to establish a statewide benefit charter school pursuant to [Education Code section 47605.8](#) shall:
- (1) Comply with all statutory requirements otherwise applicable to charter schools, except those relating to geographic and site limitations (See [Education Code section 47605.8](#)).
 - (2) If applicable, comply with all requirements of law relative to the provision of independent study.
 - (A) A charter that does not expressly provide for independent study shall not be interpreted as allowing independent study beyond that which is incidental and required to address the temporary needs of particular students.
 - (B) If the independent study (nonclassroom-based instruction) exceeds the percentage specified in [Education Code section 47612.5](#), it shall be funded only in keeping with a determination of funding approved pursuant to [Education Code section 47634.2](#).
 - (3) Describe how an annual independent audit of the statewide benefit charter school will be conducted in keeping with applicable statute and regulation and indicate how the statewide benefit charter school's individual schools will be appropriately included in the audit process.
 - (4) Incorporate a plan that provides for initial commencement of instruction in at least two schools, which shall be in at least two different school districts or two different counties. The plan for instruction shall describe how the instructional services will provide a statewide benefit, as specified in section 11967.6(b) that cannot be provided by a charter school operating in only one school district, or only in one county. Existing charter schools previously approved by a charter authorizer may not be included in a petition to establish a statewide benefit charter school.
 - (5) Include an assurance that the instructional services for similar student populations described in the charter will be essentially similar at each school and, thus, that each pupil's educational experience will be reasonably the same with regard to instructional methods, instructional materials, staffing configuration, personnel requirements, course offerings, and class schedules.
 - (6) Describe how the statewide benefit charter school will participate as a member of a special education local plan area, and ensure a coordinated structure for the provision of necessary programs and services specific to students with Individual Education Programs (IEPs).
 - (7) Demonstrate success in operating charter schools previously approved in California as evidenced by improved pupil academic performance and annual financial audits with no audit findings or exceptions. Data that shall be considered in determining the likelihood of a charter operator to successfully operate a statewide benefit charter school include, but are not limited to, a statewide

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or similar schools ranking of 8 or higher on the Academic Performance Index, evidence of having met growth targets over time, and other alternative indicators of success as defined in the alternative accountability system pursuant to subdivision (h) of [Education Code section 52052](#).

- (8) Describe how local community input for each school included in the plan was solicited (or will be solicited). Satisfaction of this paragraph shall involve the holding of at least one publicly noticed meeting for each school, with a summary of the input received at the meeting(s) being provided.
- (9) Contain sufficient signatures either of parents, guardians, or of teachers in keeping with [Education Code section 47605\(a\)\(1\)](#) for each school proposed in the first year.
- (10) Include an assurance that the school district and county superintendents where each school will be located will be notified at least 120 days prior to commencement of instruction.
- (11) Address all charter elements specified in [Education Code section 47605](#) adapted appropriately for application at the statewide level.
- (12) Contain or address any provisions or conditions specified by the State Board of Education at the time of charter approval.
- (13) Contain a plan for operations of the statewide benefit charter school that describes the distinction between centralized and individual school level responsibilities and includes a staffing plan to implement the activities at the designated level. The plan shall address statewide benefit charter school operations including, but not limited to:
 - (A) Academic program,
 - (B) Facilities and school operations,
 - (C) Legal and programmatic compliance,
 - (D) Financial administration,
 - (E) Governance, and
 - (F) Decision-making authority.
- (14) Provide a list of each school that will be operated by the statewide benefit charter school that includes:
 - (A) A timeline for the commencement of instruction at each school. Commencement of

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instruction must begin during the term of the charter.

- (B) The general location of each school and the school district and county in which each school is to be located.
 - (C) A description of the potential facilities to be used at each school.
 - (D) The approximate number of pupils that can safely be accommodated by each school facility.
- (b) "Instructional services of a statewide benefit", as referenced in [Education Code section 47605.8\(b\)](#), shall include, but not be limited to, the following factors:
- (1) Unique factors and circumstances related to the statewide benefit charter school's educational program that can only be accomplished as a statewide benefit charter and not as a single district- or single county-authorized charter, including specific benefits to each of the following:
 - (A) The pupils who would attend the statewide benefit charter school,
 - (B) The communities (including the school districts and the counties) in which the individual schools would be located (e.g., in terms of pupil demographics and performance),
 - (C) The state, to the extent applicable, and
 - (D) The statewide benefit charter school itself (e.g., in fund raising, community partnerships, or relationships with institutions of higher education).
 - (2) Neither an administrative benefit to a charter operator, nor a desire by a charter operator to provide services in more than one district and county, shall be considered sufficient in and of itself to constitute a statewide benefit.
- (c) A statewide benefit charter school, regardless of the number of individual schools, is treated as a school district for all purposes, including but not limited to, compliance monitoring, data reporting and collection, student performance data, oversight, and apportionments. For purposes of compliance monitoring and oversight, the State Board, in its review, will look at each individual school's independent progress in meeting federal and state growth targets.
- (d) Following its submission, a petition to establish a statewide benefit charter school may be modified or new schools added that were not included in the original petition only with the approval of the State Board of Education.

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- (e) Each statewide benefit charter school shall provide an annual report to the State Board of Education reflecting student achievement data, performance benchmarks, and other pertinent data supporting stated charter goals.

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EVALUATION OF FACILITIES FOR STATEWIDE BENEFIT CHARTER SCHOOLS

- (a) The statewide benefit charter school shall notify the California Department of Education at least 60 days prior to proposed commencement of instruction at each individual school, including submission of all documentation required in section 11967.6(a)(14). Within 30 days of the receipt of a complete and documented notice pursuant to this section, the California Department of Education shall evaluate the facilities for the proposed educational program for compliance with local building permits and codes and notify the statewide benefit charter school and any affected local education agency of its determination. The charter school or any affected local education agency may appeal the Department's determination within 10 calendar days of the date of the determination, and the matter will be placed on the agenda of the next regularly scheduled meeting of the State Board of Education. If no action is taken by the State Board of Education, the California Department of Education's determination shall stand. A school may not open in a facility without a positive determination.
- (b) A school in its first year of operation may only commence instruction between July 1 and September 30 of the year in which it proposes to commence operation.

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FUNDING FOR STATEWIDE BENEFIT CHARTER SCHOOLS

- (a) A statewide benefit charter school approved pursuant to [Education Code section 47605.8](#) shall be direct-funded pursuant to Chapter 6 of Part 26.8 of the Education Code (commencing with section 47630), with the following exceptions:
 - (1) A statewide benefit charter school's general-purpose entitlement pursuant to [Education Code section 47633](#) shall be funded entirely from state aid.
 - (2) A statewide benefit charter school does not have a "sponsoring local education agency" as defined in [Education Code section 47632](#).
- (b) The warrant for a statewide benefit charter school shall be drawn in favor of the State Superintendent of Public Instruction and a county office of education as follows:
 - (1) The State Board of Education may designate a county office of education as the office responsible for establishing the appropriate funds or accounts in the county treasury for the statewide benefit charter school and for making the necessary arrangements for the statewide benefit charter school's participation in the State Teachers' Retirement System and/or the Public Employees' Retirement System. The county office may charge the statewide benefit charter

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school for the actual cost of services.

- (2) In designating a county office of education, the State Board shall give preference to the county office of education of the county that the statewide benefit charter school identifies as the principal location of its business records.
- (3) If the county office of education in the county that the statewide benefit charter school identifies as the principal location of its business records declines to accept the responsibility for the statewide benefit charter school, the State Board of Education may designate another county office of education by mutual agreement.