

**YOUNG, MINNEY & CORR, LLP**

THE CHARTER LAW FIRM



# Preparing for Renewal

Presented by:

Lisa A. Corr, Esq.

[lcorr@mycharterlaw.com](mailto:lcorr@mycharterlaw.com)

OFFICE LOCATIONS:

SACRAMENTO ■ LOS ANGELES ■ SAN DIEGO

# Legal Authority for Renewal



- Education Code § 47607
  - ❖ Renewals governed by “standards and criteria” of Section 47605
  - ❖ Each renewal must be five years
  - ❖ Renewals shall include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

# Legal Authority for Renewal (cont.)



- Education Code § 47607
  - ❖ The authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.
  - ❖ “all groups of pupils served by the charter school” = a numerically significant pupil subgroup

# AB 1137 – Ed. Code 47607



Once a charter school has been in operation for four years, a charter school shall meet at least one of the following criteria before receiving renewal:

- **(1)** Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years both schoolwide and for all groups of pupils served by the charter school.
- **(2)** Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
- **(3)** Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

# AB 1137 (cont.)



**(4) (A)** The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

# AB 1137 (cont.)



**(B)** The determination made pursuant to this paragraph shall be based upon all of the following:

- (i)** Documented and clear and convincing data.
- (ii)** Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.
- (iii)** Information submitted by the charter school.
  - must submit to SPI for recommendation and wait 30 days.

**(5)** Has qualified as an ASAM School.

# SBE Regulations



- SBE Regulations included in the materials
- A petition for renewal must include: (1) “documentation” that the charter school meets at least one renewal criteria; and (2) a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was originally granted or last renewed.

# SBE Regulations (cont.)



- Clarify the timelines surrounding consideration of renewals and appeals of non-renewals
- Automatic approval if the school district does not make written findings for denial within 60 days of submission
- Clarify that signatures are not required for renewal
- A charter school has 30 days to submit an appeal of a non-renewal to the County



# SBE Regulations (cont.)



- Requires that the following be considered: the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any.
- Affirm standard for non-renewal to include standards and criteria for denial of original charter, plus the requirements for renewal under Education 47607
- Allow for renewal appeal to State Board of Education in the event County fails to act in 60 days
- Denies appeal of a countywide charter non-renewal

# Timing for Submission and Renewal



**START EARLY!!**

Submitting To:	Submission Date	Action	Possible Extension
District	No later than a year before expiration. (*YMC suggestion)	60 days from submission	30 days
County Board	30 days from denial by District	60 days from submission	30 days
State Board of Education	180 days from denial or 60 days from no action taken by County	90 days from submission	30 days

# Important Note



- \* The charter submitted at the district level will be the same charter submitted on appeal to the county board and state board (no substantive changes on appeal)

# Non-Renewal



- Renewals are judged by the same standards and criteria as the original charter
- District cannot deny a renewal request unless the district board makes written factual findings specific to the petition:
  - Charter school presents an unsound educational program
  - Petitioners are demonstrably unlikely to successfully implement the program
  - Signatures (not required)
  - Affirmations
  - Petition does not contain a reasonably comprehensive description of the 16 elements
- Minimum renewal criteria described in Section 47607

# Elements of a Charter



The petition must contain reasonable comprehensive descriptions of the following 16 elements:

1. Educational Program
2. Measurable Pupil Outcomes
3. Outcome Measurement
4. Governance Structure
5. Employee Qualifications
6. Health and Safety Policies
7. Racial and Ethnic Balance
8. Admission Requirements
9. Independent Financial Audits

# Elements of a Charter (cont.)



10. Suspension/Expulsion process
11. Employee Retirement Systems
12. Student Attendance Alternatives
13. Return Rights of District Employees
14. Dispute Resolution
15. Collective Bargaining (EERA)
16. Procedures for Closure

# Appeal of Non-Renewal



- Non-renewal may be “appealed” in the same manner as a charter denial in the first instance
  - To the county board of education and then to the State Board of Education
- County and SBE consider appeal on same standards and criteria as school district consideration (not a review of school district or COE decision)



# PRACTICAL TIPS FOR RENEWAL



**YOUNG, MINNEY & CORR, LLP**  
SACRAMENTO • LOS ANGELES • SAN DIEGO



# Meet with the Authorizer to Define the Process



(Prior to drafting renewal charter)

- Does the Authorizer expect major changes to the charter at renewal?
- Does you want to make?
- Does the Authorizer understand you have to update the charter to reflect new laws?
- Are there any specific changes the Authorizer wants to see?
- Does the Authorizer want to see all changes to the charter reflected in track changes?

# Meet with the Authorizer to Define the Process (cont.)



- What financial documents does the Authorizer want to see with the renewal charter, if any?
- Does the MOU need updating and renewal as well?
- Are we expecting any opposition?
- Are there any new policies/regulations of the Authorizer to consider?
- Timing? Consider holidays etc.

# Do Your Homework



(Start at least two years prior to expiration)

- Check the charter for anything you said that you would do and confirm that it has been done (examples policy development, parent surveys, performance audits). If not, get it done prior to submission
- Strategic Planning
- Check the charter for any major changes in practice – prepare to update the charter to reflect these changes

# Do Your Homework (cont.)



- Monitor and compile your achievements on an ongoing basis.
- Consider how strong (or weak) your case is for renewal. Hire consultants as needed: statisticians, PR specialists, lobbyists, financial, legal
- Watch for Authorizer action on other renewals and learn from process

# Do Your Homework (cont.)



- Maintain the strongest possible relationship with the Authorizer
- Put your best person as lead on renewal
- Prepare your stakeholders for renewal early
- Invite the granting agency to school events, or a special event to highlight schools success in preparation for renewal (or have a student invite)
- Become a fixture at Authorizer Board meetings.

# Make Your Best Play

(Drafting Tips for a Strong Renewal Charter)



- Start with a Brag Section – VERY IMPORTANT
  - Define and tell your own story: this is what we said we would do, this is what we did, this is what we've learned, and goals for the next 5 years
  - Show multiple pieces of evidence of success, such as standardized tests, authentic assessments, parent engagement, parent surveys, teacher retention, student attendance, graduations rates, growth rates, waiting lists
- Revise the charter to reflect major changes in practice

# Make Your Best Play

(Drafting Tips for a Strong Renewal Charter Contd.)



- Revise the charter to reflect new laws
- Revise the charter to reflect new authorizer policy or preference (if not otherwise illegal or impossible or undesirable (and you are willing to object))
- Review pupil outcomes to determine whether they need to be adjusted (preferably upward)
- Include academic data to show the charter school has met renewal requirements

# Make Your Best Play

(Drafting Tips for a Strong Renewal Charter Contd.)



- If you have a “skinny charter” and you think you will be appealing to county or state, the charter will have to be “fleshed out” to meet more contemporary levels of detail.
- Attention to detail (consistency is key)
- Help the reader (use headers – often)
- Support conclusions with empirical evidence
- Avoid the patchwork quilt effect (don’t rely on other charters without fully incorporating)
- Appearance matters (color graphics, pictures of those kiddos, presentation, font, consistency)



# Make Your Best Play

(Drafting Tips for a Strong Renewal Charter Contd.)



- Keep the reader interested
- Don't lose control of the document (version control, page numbers)
- Include legal citations to show reader the section of law to which you are responding
- Include table of contents to allow reader to find legally required elements, page number their rubric if they provide one
- Draft with an eye toward appeal

# Quarter Backing Tips

(How to Aggressively Manage the Renewal Process after submission of the renewal)



- Meet with granting agency ahead of public meetings
- Lobby district board members
- Demonstrate strong public support (crowd the board room with representative supporters) – feed your parents to get them there.
- Create a strong visual effect (T-shirts, ribbons)
- Script and control communications with granting agency administration and board as much as possible

# Quarter Backing Tips

(How to Aggressively Manage the Renewal Process Contd.)



- Act as a unit – assign a strong leader to lead the renewal discussions
- Represent the community of your district during public meetings
- Be sensitive and understand your impact upon the district
- Don't assume the granting agency knows the law OR your charter (use every moment to educate)
- Don't get lulled into a false sense of security – seek to confirm verbal assurances in writing

# QUESTIONS AND RESPONSES

## THANKS FOR ATTENDING TODAY!



**YOUNG, MINNEY & CORR, LLP**

SACRAMENTO ■ LOS ANGELES ■ SAN DIEGO



**SACRAMENTO OFFICE:**

701 UNIVERSITY AVENUE  
SUITE 150  
SACRAMENTO, CA 95825

**LOS ANGELES OFFICE:**

5250 LANKERSHIM BLVD.  
SUITE 610  
NO. HOLLYWOOD, CA 91601

**SAN DIEGO OFFICE:**

591 CAMINO DE LA REINA  
SUITE 910  
SAN DIEGO, CA 92108

**CONTACT:**

TEL 916.646.1400  
INFO@MYCHARTERLAW.COM  
WWW.MYCHARTERLAW.COM