

**CHARTER SCHOOL AUTHORIZATION**

The Board of Trustees recognizes that charter schools may assist the District in offering diverse learning opportunities for students. In considering any petition to establish a charter school within the District, the Board shall give thoughtful consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

The District shall not require any District student to attend the charter school nor shall it require any District employee to work at the charter school. (Education Code 47605)

One or more persons may submit a petition for a start-up charter school to be established within the District or for the conversion of an existing District school to a charter school. (Education Code 47605,)

Any petition for a start-up charter school or conversion charter school shall include all components and signatures required by law and shall be submitted to the Board. The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter petition with legal requirements.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, the Superintendent or designee may also meet with the petitioners to establish workable plans for technical assistance or contracted services which the District may provide to the proposed charter school.

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the District, and parents/guardians. (Education Code 47605)

*(cf. 9320 - Meetings and Notices)*

Within 60 days of receiving a petition, or within 90 days with mutual consent of the petitioners and the Board, the Board shall either approve or deny the request to establish the charter school. (Education Code 47605)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

## **CHARTER SCHOOL AUTHORIZATION** (continued)

### **Approval of Petition**

The Board shall approve the charter petition if doing so is consistent with sound educational practice. In granting charters, the Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving (Education Code 47605)

The Board shall verify that any approved charter contains adequate processes and measures for holding the school accountable for complying with applicable law, including Education Code 47604.1, and for fulfilling the terms of its charter. These shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, including student outcomes aligned with state priorities as described in Education Code 52060, and regular reports to the Board.

*(cf. 0420.41 - Charter School Oversight)*

The District shall not require any District student to attend the charter school nor shall it require any District employee to work at the charter school. (Education Code 47605)

The Board may approve one or more memoranda of understanding to clarify the financial and operational agreements between the District and the charter school. Any such memorandum of understanding shall be annually reviewed by the Board and charter school governing body and amended as necessary.

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

*(cf. 0420.42 – Charter School Renewal)*

*(cf. 0420.43 – Charter School Revocation)*

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent of Schools, the California Department of Education, and the State Board of Education (SBE). (Education Code 47605)

### **Denial of Petition**

The Board shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

**CHARTER SCHOOL AUTHORIZATION** (continued)

2. Authorizes the conversion of a private school to a charter school (Education Code 47602)
3. Proposes to serve students in a grade level that is not served by the District, unless the petition proposes to serve students in all the grade levels served by the District (Education Code 47605;)

Any other charter petition shall be denied only if the Board makes written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll students with disabilities who reside outside the special education local plan area in which the District participates. (Education Code 47605.7, 47647)

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

If the Board denies a petition, the petitioners may choose to submit the petition to the County Board of Education and, if then denied by the County Board, to SBE. (Education Code 47605)

*Legal Reference: (next page)*

**CHARTER SCHOOL AUTHORIZATION (continued)**

*Legal Reference:*

EDUCATION CODE

200 Equal rights and opportunities in state educational institutions  
220 Nondiscrimination  
17078.52-17078.66 Charter schools facility funding; state bond proceeds  
17280-17317 Field Act  
17365-17374 Field Act, fitness for occupancy  
32282 Comprehensive safety plan  
33126 School Accountability Report Card  
41365 Charter school revolving loan fund  
42238.51- 42238.2 Funding for charter Districts  
44237 Criminal record summary  
44830.1 Certificated employees, conviction of a violent or serious felony  
45122.1 Classified employees, conviction of a violent or serious felony  
46201 Instructional minutes  
47600-47616.7 Charter Schools Act of 1992  
47640-47647 Special education funding for charter schools  
47650-47652 Funding of charter schools  
49011 Student fees  
51745- 51749.6 Independent study  
52052 Accountability: Numerically significant student subgroups  
52060-52077 Local control and accountability plan  
56026 Special education  
56145-56146 Special education services in charter schools

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

1090-6910 Prohibitions applicable to specified officers  
3540-3549.3 Educational Employment Relations Act  
6250-6270 California Public Records Act  
54950-54963 Ralph M Brown Act  
81000-91014 Political Reform Act of 1974

CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent study  
11960- 11968.5 Charter schools

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)  
89 Ops.Cal.Atty.Gen. 166 (2006)  
80 Ops.Cal.Atty.Gen. 52 (1997)  
78 Ops.Cal.Atty.Gen. 297 (1995)

*Management Resources: (next page)*

**CHARTER SCHOOL AUTHORIZATION (continued)**

*Management Resources:*

CSBA PUBLICATIONS

*Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018*

*Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016*

*Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016*

*Charter Schools: A Guide for Governance Teams, rev. February 2016*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Sample Copy of a Memorandum of Understanding*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Programs and Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016*

*Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014*

*Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011*

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>