

## **CHARTER SCHOOLS**

The Board of Education believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. The Board expects charter developers to create their charter proposals independently from the District as one indication of their readiness to operate a charter school.

### Submission of New Charter Petitions, Material Revisions and Renewals

All requests for new charters, material revisions, charter renewals, and conversions must be filed at a regular meeting of the Board, in forms and formats and by process more specifically defined in the Administrative Regulations. The Board reserves the right to reject incomplete filings or filings which do not comply with the requirements of the Administrative Regulations.

The Board will consider petition signatures that are more than six months old upon petition filing to be stale and will disregard them. Petitioners are strongly encouraged to file no later than November 15 of the year prior to their proposed school opening. In the case of petitions received after that date, the Board reserves the right to consider approval on the basis of a one-year delay in the commencement of charter school operation.

The Board will accept a request to renew a charter not prior to ~~270~~ **365** days from the expiration of the charter. Charter renewal petitions are strongly encouraged to be submitted to the Board no later than 150 days prior to the expiration of the charter. Charter renewal petitions must conform to the form, format and process defined in the Administrative Regulations.

### Charter Provisions

The charter between the District and the charter school is a contract that holds charter schools accountable for meeting measurable pupil outcomes and for other behaviors. Charter schools are obligated to comply with the provisions of federal law, specified state law, their charters, and administrative requirements that are components of Board oversight. Charters may not be unilaterally amended. Material revisions of the provisions of a charter require Board approval. The Superintendent or designee shall develop Administrative Regulations, consistent with Board Policy, for the review and approval of material revisions of the provisions of a charter. The Board may revoke charters with schools that fail to meet any of these requirements by following provisions in the California Charter Schools Act. (cf. Education Code, 47605)

The district shall not require any student to attend a charter school and shall not require any district employee to work at a charter school. (Education Code 47605)

### Evaluation of the Charter Petition

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review a submitted petition and the supporting documentation. Such a committee may be used to evaluate the completeness of the proposal, the merits of the proposed educational program, the level of community support, and any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel as appropriate regarding compliance of the proposal with legal requirements.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

### Monitoring the Charter School

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 and adjusted as necessary. The Superintendent or designee may work with charter school operators to establish workable plans for technical assistance or other contracted services, after a Charter is granted, which the District may provide to charter schools for a fee.

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the Board. The Board may interpret failure to open an approved charter school ~~for more than~~ within two years following Board approval as evidence of inability to implement the charter. ~~school's educational program.~~

The Board shall monitor each charter school to determine whether it makes "adequate yearly progress" as defined by the State Board of Education and federal Title I accountability requirements. If a charter school fails to make adequate yearly progress for two or more consecutive years, the Board shall take action for program improvement in accordance with law, Board policy, and administrative regulations.

### Restructuring of Existing Schools as Charter Schools

The Board may consider converting an existing District school to a charter school when state or federal law requires restructuring of the school because of low performance or when otherwise deemed beneficial by the district and community. At his or her discretion, the Superintendent or designee may work with such charter school petitioners prior to the formal submission of the petition in order to gather information about the proposal and suggest components that would align the petition with the district's vision and goals for student learning. As needed, he/she may work with the petitioners to

establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

All charter schools operating in the District will operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the California Nonprofit Corporation Law and organized under Section 501(c)(3) of the Internal Revenue Service. The Board may choose to exercise its right to place a representative on any charter school's governing board at any time. The Board may select any individual it deems appropriate to serve in this capacity and to determine whether that person will be a voting or nonvoting member on the charter school's board. (c.f. Education Code 47604)

*Legal Reference:*

EDUCATION CODE

17280-17317 *Field Act*

17365-17374 *Field Act, fitness for occupancy*

41365 *Charter school revolving loan fund*

42100 *Annual statement of receipts and expenditures*

42238.51-42238.53 *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, as amended*

47640-47647 *Special education funding for charter schools*

47652 *Funding of first-year charter schools*

48000 *Minimum age of admission (kindergarten)*

48010 *Minimum age of admission (first grade)*

48011 *Minimum age of admission from kindergarten or other school*

51745-51749.3 *Independent study*

52052 *Alternative accountability system*

54032 *Limited English or low-achieving pupils*

56026 *Special education*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement, including:*

60605 *Academic content and performance standards; assessments*

60640-60649 *Standardized Testing and Reporting Program*

60850-60859 *High school exit examination*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

54950-54963 *The Ralph M. Brown Act*

PENAL CODE

667.5 *Definition of violent felony*

1192.7 *Definition of serious felony*

CODE OF REGULATIONS, TITLE 5

11700.1-11705 *Independent study*

11960-11969 *Charter schools*

CODE OF REGULATIONS, TITLE 24

101 et seq. *California Building Standards Code*

UNITED STATES CODE, TITLE 20

6311 *Adequate yearly progress*

6319 *Qualifications of teachers and paraprofessionals*

7223-7225 *Charter schools*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
200.1-200.78 *Accountability*  
300.18 *Highly qualified special education teachers*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

78 Ops.Cal.Atty.Gen. 297 (1995)

*Management Resources:*

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004

The Impact of the New Title I Requirements on Charter Schools, July 2004

WEB SITES

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

California Building Standards Commission: <http://www.bsc.ca.gov>

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

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

Education Commission of the States: <http://www.ecs.org>

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

National School Boards Association: <http://www.nsba.org>

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