

CSBA Sample Board Policy

Philosophy-Goals-Objectives and Comprehensive Plans

BP 0420.4(a)

CHARTER SCHOOLS

Note: The following policy is **optional**. Education Code 47600-47616.5 authorize the establishment of a capped number of public charter schools. Pursuant to Education Code 47606, a district may petition the Superintendent of Public Instruction and the State Board of Education (SBE) to convert all its schools to charter schools and thus become a charter district.

Pursuant to Education Code 47610, charter schools are generally exempted from Education Code provisions governing school districts unless otherwise specified in law. Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Board.

The Superintendent or designee may work with 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.

Note: The following paragraph is **optional**. CSBA's publication [Charter Schools: A Manual for Governance Teams](#) suggests that a staff advisory committee is one method that can be used to obtain input on proposed charters.

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.

(cf. 1220 - Citizen Advisory Committees)

Note: Education Code 47605 requires the Board to grant a charter as long as it is satisfied that granting the charter is consistent with sound educational practice. A charter can be denied only if certain factual findings are made; see the accompanying administrative regulation. Pursuant to Education Code 47605, if the district denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the SBE. 5 CCR 11967.5-11967.5.1 establish criteria for the SBE to use in reviewing and approving charter petitions.

CHARTER SCHOOLS (continued)

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.

Note: The following paragraph is **optional** and may be revised to reflect district practice. Although not required by law, CSBA's publication Charter Schools: A Manual for Governance Teams recommends one or more memoranda of understanding (MOU) to address matters that are related to the charter petition, but are not included in the petition, and to establish expectations by which the charter school can be held accountable. The publication provides examples of issues pertaining to business operations, administrative and support services, special education, and student assessment that might be addressed in an MOU.

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 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)

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.

(cf. 0500 - Accountability)

Note: Under the No Child Left Behind Act (20 USC 6311), charter schools are subject to the same federal Title I accountability requirements as all other public schools in the state, including requirements to make "adequate yearly progress" as defined by the SBE; see BP/AR 0520.2 - Title I Program Improvement Schools. U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, clarifies that the entity which authorizes the charter is responsible for ensuring that the charter school complies with accountability provisions.

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.

(cf. 0520.2 - Title I Program Improvement Schools)

CHARTER SCHOOLS (continued)

Note: The following paragraph is **optional**. The intent and language of the state’s charter school law allow districts to convert their own schools into charter schools. In addition, whenever a school receiving Title I funds has failed to make “adequate yearly progress” for five consecutive years, the federal No Child Left Behind Act (20 USC 6316) requires that the district create a plan for restructuring the school, one option of which is to reopen it as a public charter school.

The Board may consider converting an existing 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.

*Legal Reference:*EDUCATION CODE*17280-17317 Field Act**17365-17374 Field Act, fitness for occupancy**33054 Waivers**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*

Legal Reference continued: (see next page)

CHARTER SCHOOLS (continued)

Legal Reference: (continued)

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.4th 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>

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