

CHARTER SCHOOL AUTHORIZATION

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning when such programs are thoughtfully designed to meet local student needs and are professionally delivered by individuals or organizations with expertise in public education. These schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Board. Only petitions that reflect a seriousness of purpose and display a level of understanding of the complexities of public education operations will be considered for approval by the Governing Board.

One or more persons may submit a petition for a start-up charter school to be established within the district. In addition, an existing district school may be converted to a charter school when deemed beneficial by the district and community or when state or federal law requires restructuring of the school because of low performance.

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. Petitioner shall submit a minimum of 10 paper copies of the petition and all exhibits as well as in electronic pdf format. The district may require petitioner to also submit budget documents and calculations in their original electronic format (Excel, SACS, etc.) for review.

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, he/she also may 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.

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.

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.

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 schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education (CDE) under Education Code 54032.

The Board may initially grant a charter for a specified term not to exceed five years.

The Board may approve one or more Memoranda of Understanding (MOU) to clarify the financial and operational agreements between the District and the charter school. Any such MOU may be reviewed on an ongoing basis 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.

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 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. 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 CDE, and the State Board of Education (SBE).

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.

The Board shall deny any petition to authorize the conversion of a private school to a charter school or that 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.

Any other charter petition shall be denied only if the Board presents written factual findings specific to the petition that one or more of the following conditions exist:

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).

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 disabled students who reside outside the special education local plan area in which the district participates.

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 the SBE.

LEGAL REFERENCES

EDUCATION CODE

220	Nondiscrimination
17078.52-17078.66	Charter schools facility funding; state bond proceeds
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 - 47666	Charter Schools Act of 1992
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	Numerically significant student subgroup, definition
53300-53303	Parent Empowerment Act
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 - 60647	Standardized Testing and Reporting Program
60850 - 60859	High School Exit Examination

CORPORATIONS CODE

5110-6910	Nonprofit public benefit corporations
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GOVERNMENT CODE

1090 & 1091	Conflict of Interest
3540 - 3549.3	Educational Employment Relations Act
6250	Public Records Act
54950 - 54963	Ralph M. Brown Act
87000 et seq.	Political Reform Act

PENAL CODE

667.5	Definition of Violent Felony
1192.7	Definition of Serious Felony

CODE OF REGULATIONS, TITLE 5

4800-4808	Parent Empowerment Act
11700.1 - 11705	Independent Study
11960 - 11969	Charter Schools

CODE OF REGULATIONS, TITLE 24

101 et seq.	California Building Standards Code
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UNITED STATES CODE, TITLE 20

6311	Adequate Yearly Progress
6316	Program Improvement
6319	Qualifications of Teachers and Professionals
7223 - 7225	Charter Schools

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 - 200.78	Accountability
300.18	Highly Qualified Special Education Teachers

COURT DECISIONS

Desert Sands Unified School District and Washington Charter School v. Public Employment Relations Board and California School Employees Association and its Desert Sands Chapter #106, No. BC126357, Superior Court, County of Los Angeles

Wilson v. State Board of Education, (1999) 75 Cal. App.4th 1125; 89 Cal.Rptr.2d 745

Sequoia Union High School District v. Aurora Charter School, (2003) 42 Cal.App.4th 185; 5 Cal.Rptr3d 86

Environmental Charter High School v. Centinela Valley High School District, (2004) 122 Cal.App.4th 139

Ridgecrest Charter School v. Sierra Sands School District, (2005) 130 Cal.App.4th 496

Knapp v. Palisades Charter High School, (2006) 46 Cal.Rptr3d 295

ATTORNEY GENERAL OPINIONS

78 Ops.Cal.Atty.Gen.253 (1995)

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

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

81 Ops.Cal.Atty.Gen.140 (1998)

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

Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2009
Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding
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 Charter Schools Association: <http://www.calcharters.org>
California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>
National Association of Charter School Authorizers: <http://www.charterauthorizers.org>
U.S. Department of Education: <http://www.ed.gov>