

**CHARTER SCHOOLS**

The Board of Education acknowledges the intent of the legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. (Education Code 47600, 47664)

The 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.

As needed, the Superintendent or designee may work with charter school petitioners to establish workable plans for technical assistance or contracted services, which the district may provide to the proposed charter school.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplemental 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.

The Board may approve one or more memorandum 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 be employed by 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 as well as multiple measures for evaluating the educational program. The Board shall also monitor each charter school to determine whether it makes “adequately yearly progress” as defined by the State Board of Education and federal Title I accountability requirements. If a charter school fails to make adequately 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.

To assist the Board in its general oversight responsibility, charters shall provide regular reports to the Board related to the charter provisions as further outlined in the administrative regulation and any memorandum of understanding between the district and the charter school.

*Legal Reference: (see next page)*

**CHARTER SCHOOLS** (continued)*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 students**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**Legal Reference continued: (see next page)*

## CHARTER SCHOOLS (continued)

*Legal Reference: (continued)*

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>*