

CVUSD

Board Policy

BP 0420.4

Charter Schools

The Board of Education (“Board”) believes that charter schools may provide an 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 professionally governed and delivered by individuals or organizations with expertise in public education. Charter schools shall operate under the provisions of their charters, federal laws and regulations, state laws and regulations, and general oversight of the Board.

Consistent with applicable federal and state law, and Administrative Regulation 420.4, the Superintendent or designee shall coordinate with District staff to review a submitted charter petition and supporting documentation. District staff may 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 may also consult with legal counsel as appropriate regarding compliance of the petition with legal requirements.

(cf. 1220 - Citizen Advisory Committees)

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 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 regulations.

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 shall be annually reviewed by the Board and charter school and adjusted as necessary with mutual consent.

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 and multiple measures for evaluating the educational program. In accordance with law and the charter provisions, charter schools shall also provide regular reports to the Board to enable the Board to conduct its oversight responsibilities.

(cf. 0500 - Accountability)

The Board shall monitor each charter school to determine whether it makes "adequate yearly progress" as defined by the State Board of Education ("SBE") 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)

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.

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)

Legal Reference:

EDUCATION CODE SECTIONS

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 SECTIONS

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

PENAL CODE SECTIONS

667.5 Definition of violent felony
1192.7 Definition of serious felony

CODE OF REGULATIONS, TITLE 5, SECTIONS

11700.1-11705 Independent study
11960-11969 Charter schools

CODE OF REGULATIONS, TITLE 24, SECTIONS

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20, SECTIONS

6311 Adequate yearly progress
6319 Qualifications of teachers and paraprofessionals
7223-7225 Charter schools

CODE OF FEDERAL REGULATIONS, TITLE 34, SECTIONS

200.1-200.78 Accountability
300.18 Highly qualified special education teachers

ATTORNEY GENERAL OPINIONS

89 Ops.Cal.Atty.Gen. 166 (2006)
81 Ops.Cal.Atty.Gen. 140 (1998)
80 Ops.Cal.Atty.Gen. 52 (1997)
78 Ops.Cal.Atty.Gen. 297 (1995)
78 Ops.Cal.Atty.Gen. 253 (1995)

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 Unified School District (2005) 130 Cal.App.4th 986
Knapp v. Palisades Charter High School (2006) 46 Cal.Rptr.3d 295

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>

CVUSD: 6/08

Global Adoption: July 1, 2008