

Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.4(a)

CHARTER SCHOOL AUTHORIZATION

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities for ~~district~~ students.— In considering any petition to establish a charter school within the district, the Board shall give ~~thoughtful~~~~careful~~ consideration to the potential of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential.

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. (Education Code 47605, 47606, 53300) ~~or when state or federal law requires restructuring of the school because of low performance.~~

The district shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)

(cf. 0520.2—Title I Program Improvement Schools)

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. **The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements.**

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. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

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. (Education Code 47605)

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. (Education Code 47611.5)

Approval of Petition

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. (Education Code 47605)

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

(cf. 0420.42 - Charter School Renewal)
(cf. 0420.43 - Charter School Revocation)

The Board shall ensure that any approved charter contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. ~~These shall include, but are not~~ **be** limited to, fiscal accountability systems, multiple measures for evaluating the educational program, **including student outcomes aligned with state priorities as described in Education Code 52060**, and regular reports to the Board.

(cf. 0420.41 - Charter School Oversight)

~~The district shall not require any district student to attend the charter school nor shall it require any district employee to work at the charter school. (Education Code 47605)~~

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 governing body and amended as necessary.

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). (Education Code 47605)

Denial of Petition

The Board shall deny any petition to authorize the conversion of a private school to a charter school. **The Board shall also deny any petition for a charter** ~~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. (Education Code 47602, 47605; ~~5 CCR 11965~~)

Any other charter petition shall be denied only if the Board ~~makes~~**presents** written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

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.

~~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: (Education Code 47605) (cont.)~~

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).
6. **The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.**

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 with disabilities** who reside outside the special education local plan area in which the district participates. (Education Code 47605.7, 47647)

(cf. 0430 - Comprehensive Local Plan for Special Education)

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. (Education Code 47605)

Legal Reference:

EDUCATION CODE

200 Equal rights and opportunities in state educational institutions

220 Nondiscrimination

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Field Act

17365-17374 *Field Act, fitness for occupancy*
33126 *School Accountability Report Card*
41365 *Charter school revolving loan fund*
42238.51-42238.2 ~~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*
47640-47647 *Special education funding for charter schools*
47650-47652 *Funding of charter schools*
49011 *Student fees*
51745-51749.6 ~~3~~ *Independent study*
52052 *Numerically significant student subgroup, definition*
52060-52077 *Local control and accountability plan*
~~53300-53303 Parent Empowerment Act~~
56026 *Special education*
56145-56146 *Special education services in charter schools*
CORPORATIONS CODE
5110-6910 *Nonprofit public benefit corporations*
GOVERNMENT CODE
3540-3549.3 *Educational Employment Relations Act*
CODE OF REGULATIONS, TITLE 5
~~4800-4808 Parent Empowerment Act~~
11700.1-11705 *Independent study*
11960-11968.5.5 ~~11969~~ *Charter schools*
CODE OF REGULATIONS, TITLE 24
~~Part 2101 et seq.~~ *California Building Standards Code*
UNITED STATES CODE, TITLE 20
~~6316 Program improvement~~
7223-7225 *Charter schools*
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 in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

~~The Role of the Charter School Authorizer, Online Course~~

Charter Schools: A GuideManual for Governance Teams, rev. February 2016~~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

Charter School Authorization: Guidance and Technical Assistance for Prospective Charter School Authorizers, Webinar 2014

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

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory, July 2004

~~The Impact of the New Title I Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, August 2016~~

~~on Charter Schools Program, January 2014, July 2004~~

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers, May 2000

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.qualitycharterscharterauthorizers.org>

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

PERRIS UNION HIGH SCHOOL DISTRICT
Perris, California

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