

CVUSD

Administrative Regulations

AR 0420.4

Charter Schools

It is the intent of the Board of Education (“Board”) to fully comply with the Charter Schools Act of 1992, as amended, and other applicable state and federal laws and regulations, by providing opportunities for the establishment of independent charter schools. The Board shall grant charter petitions that present a sound educational program in a format that is demonstrably likely to be successfully implemented.

In order to implement state law while also providing guidance to petitioners and direction to staff, the Board adopts the following:

Components of Charter Petition:

To be considered by the Board, a petition for the establishment of a charter school within the District must, at minimum, include all of the following:

1. Petition Signatures:

Pursuant to Education Code section 47605, the petition must include a number of parents/guardian signatures that is equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation or a number of teacher signatures equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. The signature page shall include assurances that a copy of the proposed charter was attached to the signature page and that potential signors had an opportunity to review the complete petition prior to signing the petition. The District will consider the signatures to apply only to the version of the charter petition originally submitted to the District.

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

(cf. 4116 - Permanent/Probationary Status)

In circulating a petition, the petitioners shall include a prominent statement explaining that a signature on the petition means that the parent/guardian is meaningfully interested in having his/her child(ren) attend the proposed charter school or, in the case of a teacher’s signature, that the teacher is meaningfully interested in teaching at the proposed charter school and holds a valid California teaching credential. Interested parents shall also print their names, addresses, phone numbers, child(ren)’s name(s), current grade(s), school(s), and district of residence. Interested teachers shall also print their names, addresses, phone numbers, and credentials held.

2. The proposed charter shall be attached to the petition. (Education Code 47605)
3. A charter petition shall include affirmations of the conditions described in Education Code 47605(d), including:
 - a. Assurances that the charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations.
 - b. Assurances that the charter school shall not charge tuition or discriminate against any person on the basis of ethnicity, national origin, gender or disability, or any other characteristic listed in Education Code Section 220.
 - c. Assurances that the charter school will admit all pupils who wish to attend the school, unless the number of pupils exceeds the school's capacity.
4. A charter petition shall include reasonably comprehensive descriptions of all of the following: (Education Code 47605, 47611.5)
 - a. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means for a student to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners. If the proposed school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses and credits to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.
 - b. The measurable student outcomes identified for use by the charter school. Student outcomes means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program
 - c. The method by which student progress towards meeting those student outcomes identified in the charter will be measured, as well as a discussion of how the charter school will meet all statewide grade level standards and conduct student testing required by Education Code Section 60605 and any other statewide standards authorized by statute or required pupil assessments applicable to pupils in non-charter public schools, including passage of the High School Exit Examination for graduation, as required.

d. The governance structure of the school, including, but not limited to a detailed discussion of:

1. The status of the school as a non-profit public benefit corporation or a public school, including copies of the Articles of Incorporation and Bylaws. All records of the non-profit public benefit corporation shall be public.

2. Assurance of compliance with the Brown Act.

3. Assurance of compliance with the Political Reform Act, Government Code section 1090, and other laws on conflict of interest, and demonstration of understanding of the impact of compliance with those laws on the proposed governance structure.

4. The process to be followed by the school to ensure parent/guardian involvement and the role of parents, students, staff and community in the governance structure.

e. The qualifications to be met by individuals to be employed by the school.

f. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237 and 47605.

g. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.

h. Admission requirements, if applicable.

i. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.

j. The procedures by which students can be suspended or expelled.

k. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

l. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.

m. A description of the rights of any district employee upon leaving district employment to work in a charter school and of any rights of return to the district after employment at a charter school, subject to District policies, regulations and any applicable collective bargaining agreements. A statement that the charter school shall require its employees to enter into an employment contract that includes the following: charter school employees are not District employees and do not accrue any rights, benefits, or status with the District while employed at the charter school.

n. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions. The dispute resolution process shall not establish additional procedures to revoke a charter nor limit the Board's authority to revoke a charter.

o. 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 the Educational Employment Relations Act, Government Code sections 3540 et seq.

p. The procedures to be used if the charter school closes. The procedures shall ensure an independent final audit of the charter school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

q. A discussion of how the charter school intends to meet the needs of individuals with disabilities including, but not limited to, compliance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973. This discussion shall include descriptions of the means of providing services and ensuring compliance with state and federal law. Unless the charter school has been accepted as a local education agency member of another Special Education Local Plan Area (SELPA), this shall include assurances and a description of how the charter school shall comply with the requirements contained in the Local Plan of the SELPA.

5. Recognition that although generally exempt from state laws pertaining to school districts, charter schools are still a part of the public school system and must still comply with certain laws. These may include, but are not limited to: the U.S. Constitution and federal laws, including but not limited to all anti-discrimination and civil rights statutes, the No Child Left Behind Act, Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act; the State Constitution, and certain California laws; i.e., the Brown Act (Public Meeting Law), the Public Records Act, conflict of interest laws, Government Code §1090 and the Political Reform Act, Government Code §§87000 et. seq., laws relating to the minimum age for public school attendance and fingerprinting of employees. The charter school shall also comply with all the provisions set forth in its charter and the terms of any MOU with the District.

6. The proposed school calendar, staff development procedures, assurances that the school will provide appropriate services for English Language Learners, and any other information that will assist the Board in understanding the charter school proposal.

7. Information regarding the proposed operation and potential effects of the school, including, but not limited to a description of: (Education Code 47605)

a. The facilities to be used by the school, including where the school intends to locate.

(cf. 7160 - Charter School Facilities)

b. The manner in which administrative services of the school are to be provided, including, if applicable, the name, address and qualifications of any consultants and/or management company that the petitioner has engaged or proposes engaging.

c. Potential civil liability effects, if any, upon the school and district. In order to minimize such effects, the Board recommends that charter schools should be operated as or by nonprofit corporations that comply with laws applicable to public entities.

d. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation.

e. Adequate processes and measures for holding the charter school accountable for fulfilling the terms of its charter and complying with all applicable laws.

8. Location of Charter School

Unless otherwise exempted by law, any charter petition submitted to the Board shall identify a single charter school that will operate within the geographic boundaries of the District. A charter school may propose to operate at multiple sites within the District as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the District's jurisdictional boundaries may establish one site outside District boundaries but within the county, provided that: (Education Code 47605, 47605.1)

a. The District and district of location is notified prior to approval of the petition.

b. The County Superintendent of Schools and Superintendent of Public Instruction (SPI) are notified before the charter school begins operations.

c. The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

a. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.

b. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

All charter schools shall be subject to these requirements by June 30, 2005, or upon the expiration of a charter that was in existence on January 1, 2003, whichever is later. Until the later of these dates, any charter school that provided educational services before July 1, 2002, shall be subject to these requirements only for new educational services or school sites it establishes or acquires. (Education Code 47605.1)

Recommended Charter Petitioner Submission Procedure and Timeframe

Charter petitioners shall present petitions to the Board at a public meeting of the Board. Petitions shall be submitted in final form and shall contain all of the information the charter petitioners intend for consideration by the District. Information or documentation provided after the original submission may not be accepted or considered as part of the petition review process, at the sole discretion of the District.

For purposes of this regulation, submission and receipt of a petition means the date of presentation of the petition to the Board at a public meeting, not the date the petition was received by the District.

The Board recommends that a complete petition be submitted by no later than December 31 for consideration to open a charter school on or after July 1 of the next school year. Petitions received between January 1 and April 15 shall generally be deemed more suitable for consideration for a starting date in the subsequent calendar year. For example, the Board recommends that a petition received by December 31, 2002 propose a starting date on or after July 1, 2003 while a petition received between January 1, 2003 and April 15, 2003 propose a starting date on or after July 1, 2004.

To structure review and analysis of charter petitions, the Board recommends generally that petitions not be submitted between April 15th and August 1st.

Charter Consideration Process

The District shall conduct a comprehensive review of all charter petitions presented for compliance with applicable laws and regulations. Upon receipt of a charter school petition at a public meeting of the Board, the District shall date stamp the cover page of the submitted application and forward the application to the Superintendent or designee.

The Board, Superintendent, and District staff shall generally follow the procedures below for review of charter petitions:

1. Within five (5) days of submission, the Superintendent's designee shall review the application for completeness. The petition shall minimally include the items listed in this regulation and as required by Education Code Section 47605. Any petition that does not include all required elements may be returned to the petitioner with a brief description of the missing elements, and a copy of Board Policy and Administrative Regulation 0420.4.

2. Within ten (10) days of receipt of a complete petition, the Superintendent's designee shall transmit a copy of the petition for review by the business, personnel, curriculum/instruction and special education departments. Legal counsel may also be engaged to review the petition.

3. Within thirty (30) days of receiving a complete petition to establish a charter school, the Board shall hold a public hearing on the proposed charter. Notice of the public hearing shall be provided five (5) days in advance to the petitioner. At the public hearing, the Board shall consider the level of support for the petition by teachers and other employees of the district, as well as parents/guardians. The charter petitioner may be asked to make a brief presentation to the Board at this time. (Education Code 47605)

(cf. 9320 - Meetings and Notices)

4. Within sixty (60) days of receipt of a complete petition, District staff shall analyze the petition based on compliance with Board Policy, Administrative Regulation, and The Charter Schools Act, as amended, and other applicable state and federal law. Staff shall draft a recommendation regarding approval or denial of the petition with specific reasons therefor. During the time in which a petition is being evaluated, District staff and petitioners may draft a Memorandum of Understanding ("MOU") that clarify matters in the charter, address those matters not provided in the charter, and set forth the charter school's and District's responsibilities regarding the operation of the charter school.

5. Within sixty (60) days of receiving a petition, the Board shall consider staff recommendations and determine whether to grant or deny the petition to establish a charter school. With mutual consent of the District and petitioners, a 30-day extension may be granted for this decision making process. (Education Code 47605)

Charter Approval:

The Board shall only grant a petition for establishment of a charter school to a petitioner that provides substantial evidence that the proposed school presents a sound educational program, comports with sound educational practice, and that petitioners are demonstrably likely to successfully implement the program as set forth in the petition. The determination of what constitutes a sound educational program, sound educational practices, and whether petitioners are demonstrably likely to successfully implement the program shall rest solely with the District. To this end, the District may require petitioners to submit documentary or testimonial evidence of expertise in school operations, acceptable and legal practices, policies and protocols that exceeds the standards of other district, counties, or the State of California, but that shall be within the scope of the District's discretion as a charter authorizer.

In granting charter petitions, 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)

Upon approval, petitioner shall provide written notice of approval of the approval and a copy of the petition to the County Superintendent of Schools, the California Department of Education; and to the State Board of Education, who may issue a charter school number. (Education Code Section 47605).

1. Charter Term

An initial approval of a charter may be granted for a term not to exceed five years. (Education Code Section 47607). District may require that the term be concurrent with the regular school or fiscal year to ensure that disruption to the educational program and charter students is minimized by mid-year non-renewals.

2. Memorandum of Understanding

The District recognizes the benefits and importance of memorializing agreements with charter schools regarding the provision of administrative services, where applicable, and respective operational responsibilities. The charter school petitioner shall be required to enter into a Memorandum of Understanding (MOU) with the district. The MOU shall clarify matters in the charter, address those matters not provided for in the charter, and set forth the charter school's and district's responsibilities regarding the operation of the charter. If the Superintendent is recommending approval of the charter, the MOU may be presented at the Board meeting when charter approval is under consideration. The term of the MOU shall coincide with the term of a charter.

3. Facilities Requests

The District and charter school shall comply with the requirements of Education Code § 47614 et seq. and the regulations at 5 Cal. Code Regs 11969 et seq. and applicable case law regarding the charter school's use of a district facility. Any agreement for the provision of a district facility, where applicable, shall memorialize the expectations and legal responsibilities of the parties and contain the information required by 5 Cal. Code Regs 11969.9.

(cf. 7160 – Charter School Facilities)

4. Insurance, Indemnity, and Hold Harmless

The charter school shall purchase and maintain liability insurance in a form acceptable to the District naming the District as an additional endorsed insured, and provide a hold harmless and indemnification agreement.

Charter Denial:

A charter petition shall be denied only if the Board makes 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 signatures attached to the petitioner do not meet minimum requirements.
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), and listed in the "Components of Charter Petition" section above.

The Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

The Board shall not approve any charter petition 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 47605)

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 (SELPA) in which the District participates. (Education Code 47605.7, 47647)

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)

If the Board denies a petition, petitioners may submit the petition to the County Board of Education for review pursuant to Education Code Section 47605(j).

Material Revisions to Charter

Material revisions to a charter shall only be made only with Board approval and shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and this Regulation. These criteria shall include, but not be limited to: a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the District's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

Charter Renewals:

A charter school seeking renewal of its charter shall submit a written request to the Board at least 180 days before the term of the charter is due to expire. Unless otherwise agreed to by the parties, at least 120 days before the term of the charter is due to expire, the Board shall conduct a public hearing regarding the renewal.

At least 90 days before the term of the charter is due to expire, the Board shall either grant or deny the request for renewal. Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

Renewal petitions should not merely restate the information provided in the original petition. A renewal petition shall also contain sufficient academic performance data to enable the District to ascertain whether the charter school has met applicable performance and operations standards and criteria.

When a charter school seeks renewal, the Board shall evaluate the charter school's performance and determine whether to renew the charter for an additional term. The Board shall review the school's ability to demonstrate reasonable progress toward the goals specified in its current charter, including but not limited to, evidence of student achievement and other student outcomes; compliance with legal requirements; fiscal management; parent/guardian, student and staff satisfaction with the program; and the ability of the school's governance structure to provide access and accountability to the public. The Board may require that the school amend its charter to address new issues before granting renewals. An operational history that evidences consistent or serious failure to meet requirements of the charter, the MOU, or any other agreement between the charter and the District shall be grounds for non-renewal of the charter, notwithstanding academic performance and high levels of parental and community interest in the program.

In addition, beginning on January 1, 2005, or after a charter school has been in operation for four (4) years, whichever is later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal: (Education Code 47607)

1. The charter school attains its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
2. The charter school ranks in deciles 4-10 inclusive on the API in the prior year or in two of the last three years.
3. The charter school ranks in deciles 4-10 inclusive on the API for a demographically comparable school in the prior year or in two of the last three years.

4. The Board determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of District schools, taking into account the composition of the student population that is served at the charter school.

The Board's determination shall be based on documented, clear, and convincing data; student achievement data from the Standardized Testing and Reporting Program, and any other available assessments, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for its determination. Pursuant to Education Code Section 47605, the Superintendent of Public Instruction will make recommendations to the District following a review of materials submitted. The Superintendent of Public Instruction's review may be the basis for a revocation of the charter by the State Board of Education.

A charter renewal may not be granted to a charter school prior to 30 days after the school submits related materials.

5. The charter school qualifies for an alternative accountability system pursuant to Education Code 52052(h).

Each renewal shall be for a period of five years. (Education Code 47607)

If the Board does not grant a renewal, the charter school may submit its application for renewal to the County Board of Education pursuant to Education Code Section 47605 (j).

Charter Revocation:

The Board may revoke a charter whenever it finds, in writing, through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
2. Failed to meet or pursue any of the student outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement.
4. Violated any other provision of law.

Prior to revocation, the Board shall notify the charter school of any violation(s) listed in items #1-4 above and give the school a reasonable opportunity to correct or remedy the violation(s) unless the Board determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

If the charter school does not successfully remedy the above violation(s) after the Board notification referenced above, the Board shall provide the charter school with a written notice of intent to revoke the charter and notice of facts in support of revocation. No later than 30 days after providing the notice of intent to revoke the charter, the Board shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, unless the Board and the charter school agree to a 30-day extension, the Board shall issue its final decision as to whether or not to revoke the charter. The Board shall not revoke a charter unless the action is supported by written factual findings supported by substantial evidence specific to the charter school. A decision to revoke a charter shall be reported to the County Board of Education and the CDE. (Education Code 47607)

Pursuant to Education Code 47607, the charter school may appeal the revocation to the County Board within 30 days of the Board's final decision. The County Board may reverse the revocation if it determines that the District's findings are not supported by substantial evidence, in which case the district may appeal the reversal to the SBE. If the County Board upholds the District's revocation or does not issue a decision within 90 days of receipt, the charter school may appeal to the SBE. If either the County Board or the SBE reverses the revocation, the District remains the chartering authority.

While an appeal is pending, a charter school whose revocation is based on items #1-2 above will continue to qualify as a charter school for funding and all other purposes of the Charter School Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

Requirements for Charter Schools

In providing general oversight of a charter school, the Board shall determine whether the school meets continues to meet legal requirements applicable to charter schools. Each charter school shall, at minimum:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not charge tuition (Education Code 47605)
3. Not discriminate against any student on the basis of ethnicity, national origin, gender, or disability, or any other category set forth in Education Code section 220. (Education Code 47605)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)
(cf. 5111 - Admission)
5. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

6. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

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

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

7. Admit all students who wish to attend the school, according to the following criteria and procedures:

a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within this state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

However, if a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, except that preferences shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. In the event of a drawing, the Board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand. (Education Code 47605)

c. Other admissions preferences may be permitted by the Board on an individual school basis as consistent with law.

8. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

(cf. 4112.2 - Certification)

9. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the SBE (20 USC 6319; 34 CFR 300.18)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

10. Not hire any person, in either a certificated or classified position, who has been convicted of a violent or serious felony except as otherwise provided by law (Education Code 44830.1, 45122.1), nor retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony.

(cf. 4112.5 /4312.5 - Criminal Record Check)
(cf. 4212.5 - Criminal Record Check)

11. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)

12. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

13. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

(cf. 4222 - Teacher Aides/Paraprofessionals)

14. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or student assessments applicable to noncharter public schools (Education Code 47605, 47612.5)

(cf. 6011 - Academic Standards)
(cf. 6162.51- Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

15. Offer at least the number of instructional minutes set forth in Education Code 46201 and 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

(cf. 6111 - School Calendar)

16. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

(cf. 6158 - Independent Study)

17. Identify and report to the SPI any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2)

18. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

19. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
20. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
21. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
 - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.
22. Promptly respond to all reasonable inquiries from the District, the county office of education, or the SPI, including, but not limited to, inquiries regarding its financial records (Education Code 47604.3)
23. Annually prepare and submit financial reports to the District Board and the County Superintendent in accordance with the following reporting cycle:
 - a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
 - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
 - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
 - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the state Controller and the CDE. (Education Code 47605)

Administrative and Other District Services

The District may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the District is able to provide substantially rent-free facilities to the charter school, the District may charge actual costs up to three percent of the charter school's revenue for supervisory oversight as defined under Education Code section 47632(a) and (b). (Education Code 47613)

The charter school may separately purchase administrative or other services from the district or any other source. (Education Code 47613)

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the District as a condition for creating and submitting these reports. (Education Code 47611.3)

Pursuant to Education Code section 41365, if a charter school defaults on a loan made directly to the school through the revolving loan fund, the charter school shall be solely liable for repayment of the loan.

Charter School Accountability and District Oversight:

For each charter school under the Board's authority, the Superintendent shall: (Education Code 47604.32, 47604.33)

1. Identify at least one staff member as a contact person for the charter school; and
2. Visit the charter school at least annually; and
3. Ensure that the charter school complies with all reports required of charter schools by law; and
4. Monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the reports listed above in "Requirements for Charter Schools;" and
5. Provide timely notification to the CDE if a renewal of the charter is granted or denied, the charter is revoked, or the charter school will cease operation for any reason.

The Board and the Superintendent or designee may inspect or observe any part of the charter school at any time. (Education Code 47607)

The Board shall monitor each charter school to determine whether it makes “adequate yearly progress” as defined by the State Board of Trustees 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 District shall not be liable for the debts or obligations of charter schools operated by or as nonprofit public benefit corporations, or for claims arising from the performance of acts, error, or omissions by the charter schools, if the District has complied with all oversight responsibilities required by law, including, but not limited to those required by Education Code Section 47604.32 and subdivision (m) of Education Code Section 47605.

Employer-Employee Relationship

If the charter school is not deemed the exclusive public school employer of the charter school employees for purposes of Government Code Section 3540.1, the District shall be deemed the employer for those purposes. If the District is deemed the exclusive employer of the charter school’s employees, such employees would not become members of any District employee associations without formal recognition of such membership of the Public Employment Relations Board.

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 – 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 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;
60640-60647 Standardized Testing and Reporting Program
60850-60859 High School Exit Examination

GOVERNMENT CODE

1090 & 1091 Conflict of Interest
3540-3549.3 Educational Employment Relations Act
6250 Public Records Act
54950-54963 The 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

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 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)

CVUSD (6/08)

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