

## **CHARTER SCHOOLS**

The Governing Board believes that charter schools may provide an 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 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.

### **Criteria for Granting Charters**

In determining whether to grant or deny a charter, the Board shall determine whether the proposed charter adequately addresses all the provisions required by law and administrative regulations.

The Board also shall assess community support for the charter school and the ability of the school to provide opportunities not currently available at district schools. The charter school petitioner shall provide the Board with information about:

1. How its program will serve low-achieving and other special needs students.
2. The facilities to be used by the school.
3. The financial relationship between the charter school and the district.
4. The way in which the school's administrative services and other noninstructional services will be provided.
5. Potential civil liability effects upon the school and the district.
6. Any additional information required by the Board regarding proposed operations and potential effects which may result from granting the charter.

The Board shall ensure that the proposed charter contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include fiscal accountability systems as well as clear performance standards and multiple measures by which the charter school will be held accountable for meeting its educational and other goals for students. To assist the Board in its general oversight responsibility, charters shall provide for regular reports to the Board.

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. (Education Code 47605)

**CHARTER SCHOOLS** (continued)**Charter Renewals and Revocations**

When the term of a charter is due to expire, the Board shall evaluate the charter school's performance and determine whether to renew the charter for an additional term. Renewal shall be subject to the school's ability to demonstrate reasonable progress toward the goals specified in its 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 renewal.

(cf. 0500 - Review and Evaluation)

During the term of any charter, the Board may offer assistance as warranted and/or may revoke the charter if deemed necessary in accordance with state law and administrative regulations.

## Legal Reference:

## EDUCATION CODE

41365 Charter school revolving loan fund

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

47600-47616.5 Charter Schools Act of 1992

51747.3 Apportionments for independent study

54032 Limited English or low-achieving pupils

60605 Academic content and performance standards; assessments

60640-60647 Standardized Testing and Reporting Program

## GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act

## PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

## CODE OF REGULATIONS, TITLE 5

11700.1 Independent Study; additional definitions applicable to charter schools

11704 Independent Study; pupil teacher ratio for charter schools

11960 Regular average daily attendance in charter schools

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

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

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

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, Case No. BC126357, Superior Ct, County of Los Angeles

Evensen v. Vicki L. Barber et al, (1996) No. PV 94-0465, Superior Court, County of El Dorado

**CHARTER SCHOOLS (continued)**

Management Resources:

CDE MANAGEMENT ADVISORIES

1221.93 Apportionments for Charter Schools, 93-10

1224.93 Frequently asked questions regarding charter schools

0623.97 Charter Law Changes That Took Effect January 1, 1997

**CHARTER SCHOOLS**

**Requirements for Charter Petitions**

To be considered by the Governing Board, a charter school petition shall contain the signatures of at least 10 percent of the teachers currently employed by the district or at least 50 percent of the teachers currently employed at one school within the district. (Education Code 47605)

Petitions shall stipulate that: (Education Code 47605)

1. The charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations; shall not charge tuition; and shall not discriminate against any student on the basis of ethnicity, national origin, gender or disability.
2. Admission to a charter school shall not be determined according to the student's place of residence, or that of his/her parent/guardian, 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.

In addition, charter petitions shall include descriptions of the following charter provisions: (Education Code 47605)

1. A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means 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.
2. 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.
3. The method by which student progress in meeting those student outcomes is to be measured.
4. The governance structure of the school, including but not limited to the process to be followed by the school to ensure parental involvement.
5. The qualifications to be met by individuals to be employed by the school.
6. 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.

**CHARTER SCHOOLS** (continued)

7. 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.
8. Admission requirements if applicable.
9. The manner in which an annual audit of the financial and programmatic operations of the school is to be conducted.
10. The procedures by which students can be suspended or expelled.
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security.
12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.
13. 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.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

No district employee shall be required to work at a charter school. (Education Code 47605)

No student shall be required to attend a charter school. (Education Code 47605)

Charter schools shall meet the statewide performance standards and conduct the student assessments required by Education Code 60605 and 60640. (Education Code 47605)

(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)

Charter schools shall be subject to state law prohibitions regarding the employment of any person, in either a certificated or classified position, who has been convicted of a violent or serious felony. (Education Code 44830.1, 45122.1)

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

Private schools may not be converted to charter schools. (Education Code 47602)

## **CHARTER SCHOOLS (continued)**

### **Charter Approval/Denial**

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of employee and parental support for the charter school as it has been proposed. (Education Code 47605)

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605)

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

Upon approval of the Board, the petitioner shall provide written notice of the Board's approval and a copy of the charter to the State Board of Education. (Education Code 47602)

### **Revisions**

Material revisions to a charter may be made only with Board approval. (Education Code 47607)

### **Renewals**

At least 60 days before the expiration date, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 30 days before the expiration date, the Board shall either grant or deny the request for renewal.

Each renewal shall be for a period not to exceed five years. (Education Code 47607)

### **Revocations**

The Board may revoke a charter whenever it finds 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 petition.
2. Failed to meet or pursue any of the student outcomes identified in the charter petition.
3. Failed to meet generally accepted accounting standards of fiscal management.
4. Violated any provision of law.

**CHARTER SCHOOLS** (continued)

**Meetings**

All Board meetings related to the granting, appeal, renewal or revocation of a charter petition shall comply with state open meeting laws specified in Government Code 54950-54962. (Education Code 47608)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)