

CHARTER SCHOOL AUTHORIZATION

It is the objective of the County Board of Education (CBE) that teachers, parents, pupils and community members may petition the CBE to approve a charter school, and that the CBE shall review such petitions in accordance with the letter and spirit of the law. This policy shall also pertain, as applicable, to petitions denied by the Governing Board of a school district and subsequently submitted to the Santa Cruz County Office of Education (SCCOE).

The CBE encourages SCCOE administrators to work cooperatively with parents, teachers, students, community members, and principals in their efforts to design Charter Schools to improve student learning.

These schools shall operate under the provisions of their charters, specific state and/or federal laws, Title 5, California Code of Regulations adopted by the State Board of Education, and general oversight of and agreements with the chartering authority.

While maximizing operational flexibility, the charter school petition shall include compliance-based components or other provisions mandated by law. The County Superintendent of Schools shall establish administrative regulations for the process of submission, review, evaluation, and preparation of written findings for a charter petition submitted to the CBE prior to CBE action. The administrative regulations shall include:

- Specific details for the granting or denying of a charter petition.
- The process for submitting a charter petition.
- Guidelines to determine if a charter petition is consistent with the intent of the law and sound educational practice to accomplish the goals and objectives of the Charter School Act.
- Direction for performing a critical evaluation of the soundness of the proposed educational program and the likeliness of its successful implementation.
- A process to ensure sound fiscal solvency and procedures.
- A plan for effective parental involvement in curricular and extra-curricular (school related) activities.

The CBE 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 not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and regular reports to the CBE.

The CBE believes that the continuing operation of a charter school should be dependent on the school's effectiveness in achieving its mission and goals for student learning, including student achievement for all numerically significant student subgroups served by the charter school.

Denial of Petition

A charter petition shall be denied only if the CBE presents written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

- The charter school presents an unsound educational program for the students to be enrolled in the charter school.
- The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- The petition does not contain the number of signatures required.
- The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
- The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).

The CBE 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 in which the district participates. (Education Code 47605.7, 47647)

Further, the CBE shall deny any petition to authorize the conversion of a private school to a charter school or that proposes to serve students in a grade level that is not served by the SCCOE, unless the petition proposes to serve students in all the grade levels served by the SCCOE. (Education Code 47602, 47605; 5 CCR 11965)

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

41365 Charter school revolving loan fund

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

47640-47647 Special education funding for charter schools

47650-47652 Funding of charter schools

51745-51749.3 Independent study

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

11960-11969 Charter schools

CODE OF REGULATIONS, TITLE 24

101 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

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 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

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 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.charterauthorizers.org>

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

Originally Adopted: May 17, 2018