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

ATTORNEY GENERAL OPINIONS
Management Resources:

CSBA PUBLICATIONS
The Role of the Charter School Authorizer, Online Course
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

Originally Adopted: May 17, 2018