

Twin Rivers USD

Board Policy

Charter School Authorization

REVISED

BP 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

~~The Board of Trustees believes that charter schools provide one opportunity to implement school level reform and to support innovations which improve student learning. These schools shall operate under provisions of their charters, federal laws, specified state laws, and general oversight of the Board.~~

~~In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.~~

The Board of Trustees 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 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 or when state or federal law requires restructuring of the school because of low performance.

(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 may evaluate the completeness of the proposal, the merits of the proposed educational program, the level of community support, and all requirements that should be addressed by the charter. The Superintendent or designee may also consult with legal counsel as appropriate regarding~~ **work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the proposal petition with legal requirements.**

~~As needed, the Superintendent or designee~~ **he/she also may work meet with charter school the** petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.~~Such arrangements may be set forth in 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 may be annually reviewed by the Board and adjusted as necessary.~~

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 granted by the Board 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 as well as, multiple measures for evaluating the educational program. In accordance with law, and the charter provisions, charters shall provide regular reports to the Board to assist the Board in fulfilling its oversight responsibilities.~~

(cf. 0420.41 - Charter School Oversight)

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

~~The Board shall monitor each charter school to determine whether it makes "adequate yearly progress" as defined by the State Board of Education 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.~~

The Board may consider ~~converting an existing~~ **approve one or more memoranda of understanding to clarify the financial and operational agreements between the district and the charter school to a charter school when state or federal law requires restructuring of the school because of low performance or when otherwise deemed beneficial by the district and community.** 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 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 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.**
- 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).**

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 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

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

~~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

47600-47616.7 Charter Schools Act of 1992, ~~as amended~~

47640-47647 Special education funding for charter schools

47650-47652 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~~

52052 Numerically significant student subgroup, definition

53300-53303 Parent Empowerment Act

56026 Special education

56145-56146 Special education services in charter schools

~~60600-60649 Assessment of academic achievement, including:~~

~~60605 Academic content and performance standards; assessments~~

~~60640-60649 Standardized Testing and Reporting Program~~

~~60850-60859 High school exit examination~~

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

~~54950-54963 The Ralph M. Brown Act~~

PENAL CODE

~~667.5 Definition of violent felony~~

~~1192.7 Definition of serious felony~~

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

~~6311 Adequate yearly progress~~

~~6319 Qualifications of teachers and paraprofessionals~~

7223-7225 Charter schools

~~CODE OF FEDERAL REGULATIONS, TITLE 34~~

~~200.1-200.78 Accountability~~

~~300.18 Highly qualified special education teachers~~

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~~ **Guide** for Governance Teams, rev. **2005**

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts, September 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 Building Standards Commission: <http://www.bsc.ca.gov>~~

~~California Charter Schools Association: <http://www.charterassociation.org>~~

<http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

~~Education Commission of the States: <http://www.ees.org>~~

National Association of Charter School Authorizers: <http://www.charterauthorizers.org>

~~National School Boards Association: <http://www.nsba.org>~~

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

Policy TWIN RIVERS UNIFIED SCHOOL DISTRICT

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