

**EL DORADO UNION HIGH SCHOOL DISTRICT
BOARD POLICY**

**Philosophy-Goals-Objectives
and Comprehensive Plans**

**CHARTER SCHOOLS
BP 0420.4**

The Governing Board believes that charter schools may provide one 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, specified state laws, and general oversight of the Board.

The Superintendent or designee may work with charter school petitioners prior to the formal submission of the petition in order to gather information about the proposal and suggest components that would align the petition with the district's vision and goals for student learning. As needed, he/she may work with the petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review a submitted petition and the supporting documentation. Such a committee may be used to evaluate the completeness of the proposal, the merits of the proposed educational program, the level of community support, and any concerns that should be addressed by the petitioners. The Superintendent or designee shall also consult with legal counsel as appropriate regarding compliance of the proposal with legal requirements.

(cf. 1220 - Citizen Advisory Committee)

Note: Education Code 47605 requires that a Board grant a charter as long as it is satisfied that granting the charter is consistent with sound educational practice; a charter can be denied only if certain factual findings are made (see AR 0420.4). Furthermore, if the district denies a charter, petitioners may submit the petition first to the County Board of Education and then, if denied by the County Board, to the State Board of Education. 5 CCR 11967.5-11967.5.1 establish criteria for the SBE to use in reviewing and approving charter petitions.

CRITERIA FOR GRANTING CHARTERS

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 regulations.

The Board may approve 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 shall be annually reviewed by the Board and charter school and adjusted as necessary.

The district shall not require any student to attend a charter school and shall not require any district employee to work at a charter school. (*Education Code 47605*)

The Board shall ensure that any 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 and regular reports to the Board.

(*cf. 0500 - Accountability*)

The Board shall monitor each charter school to determine whether it makes Academic Performance Index goals and “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 2 or more consecutive years, the Board shall take action for program improvement in accordance with law, Board policy, and administrative regulations.

(*0520.2 - Title I Program Improvement Schools*)

The Board may consider converting an existing 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.

Legal Reference:

EDUCATION CODE

- 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*
- 47652 Funding of first-year charter schools*
- 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; Assessments*
 - 606640-606649 Standardized Testing and Reporting Program*
 - 60850-60859 High school exit examination*

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

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*

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

78 *Ops. Cal. Atty. Gen.* 297 (1995)
80 *Ops. Cal. Atty. Gen.* 52 (1997)
89 *Ops. Cal. Atty. Gen.* 166 (2006)

Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Manual for Governance Teams, rev. 2005

CSBA ADVISORIES

Charter School Facilities and Proposition 39: Legal Implications for School Districts,
September 2005

CDE PUBLICATIONS

Special Education and Charter Schools: Questions and Answers, September 10, 2002

USDOE DRAFT NONREGULATORY GUIDANCE

Charter School 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>

CDE, Charter Schools: <http://www.cde.ca.gov/so/cs>

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

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

NSBA: <http://www.nsba.org>

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