

**Policy 0420.4: Charter School Authorization**

**Status:**  
ADOPTED

**Original Adopted Date:** 04/12/2017 | **Last Reviewed Date:** 04/12/2017

The Board of Education 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.

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 work with charter school petitioners prior to the formal submission of the petition in order to ensure compliance of the petition with legal requirements. As needed, he/she also may meet with the petitioners to establish workable plans for technical assistance or contracted services which the district may provide to the proposed charter school.

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)

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)

The Board 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 Board.

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

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 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)

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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11960-11969.10	Charter schools
Corp. Code 5110-6910	<a href="#"><u>Nonprofit public benefit corporations</u></a>
Ed. Code 1240	<a href="#"><u>County superintendent of schools; duties</u></a>
Ed. Code 17078.52-17078.66	<a href="#"><u>Charter schools facility funding; state bond proceeds</u></a>
Ed. Code 17280-17317	<a href="#"><u>Field Act; approval of plans and supervision of construction</u></a>
Ed. Code 17365-17374	<a href="#"><u>Field Act; fitness for occupancy; liability of board members</u></a>

Ed. Code 200	<a href="#"><u>Equal rights and opportunities in state educational institutions</u></a>
Ed. Code 220	<a href="#"><u>Prohibition of discrimination</u></a>
Ed. Code 32280-32289.5	<a href="#"><u>School safety plans</u></a>
Ed. Code 33126	<a href="#"><u>School accountability report card</u></a>
Ed. Code 41365	<a href="#"><u>Charter school revolving loan fund</u></a>
Ed. Code 42131	<a href="#"><u>Interim certification</u></a>
Ed. Code 42238.02-42238.52	<a href="#"><u>Funding for charter districts</u></a>
Ed. Code 44237	<a href="#"><u>Criminal record summary</u></a>
Ed. Code 44830.1	<a href="#"><u>Certificated employees; conviction of a violent or serious felony</u></a>
Ed. Code 45122.1	<a href="#"><u>Classified employees; conviction of a violent or serious felony</u></a>
Ed. Code 46201	<a href="#"><u>Instructional minutes</u></a>
Ed. Code 47600-47616.7	<a href="#"><u>Charter Schools Act of 1992</u></a>
Ed. Code 47640-47647	<a href="#"><u>Special education funding for charter schools</u></a>
Ed. Code 47650-47655	<a href="#"><u>Funding of charter schools</u></a>
Ed. Code 49011	<a href="#"><u>Student fees; definition</u></a>

Ed. Code 51744-51749.6	<a href="#">Independent study</a>
Ed. Code 51745	<a href="#">Independent study</a>
Ed. Code 52052	<a href="#">Accountability; numerically significant student subgroups</a>
Ed. Code 52060-52077	<a href="#">Local control and accountability plan</a>
Ed. Code 56026	<a href="#">Special education</a>
Ed. Code 56145-56146	<a href="#">Special education services in charter schools</a>
Gov. Code 1090-1099	<a href="#">Prohibitions applicable to specified officers</a>
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 81000-91014	<a href="#">Political Reform Act</a>
W&I Code 224.1	<a href="#">Indian child; definition</a>

**Federal**

**Description**

20 USC 7221-7221j

Charter schools

**Management Resources**

**Description**

Attorney General Opinion

101 Ops.Cal.Atty.Gen. 92 (2018)

Attorney General Opinion

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

Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
California Charter Authorizing Professionals Pub.	Memorandum of Understanding (MOU) Resource, September 2022
Court Decision	Napa Unified School District v. California State Board of Education, Case No. 34-2022-80004051
Court Decision	CSBA'S Education Legal Alliance v. California State Board of Education, Case No. 34-2018-80002834
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. February 2016
CSBA Publication	Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016
CSBA Publication	Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016
U.S. Department of Education Publication	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

U.S. Department of Education  
Publication

Dear Colleague Letter: Guidance Regarding the  
Oversight of Charter Schools Program and Regulatory  
Requirements, August 2016

Website

[CSBA District and County Office of Education Legal  
Services](#)

Website

[National Association of Charter School Authorizers](#)

Website

[California Charter Schools Association](#)

Website

[California Department of Education, Charter Schools](#)

Website

[CSBA](#)

Website

[U.S. Department of Education](#)

## Cross References

### Code

### Description

0420.41

[Charter School Oversight](#)

0420.41-E PDF(1)

[Charter School Oversight](#)

0420.42

[Charter School Renewal](#)

0420.43

[Charter School Revocation](#)

0430

[Comprehensive Local Plan For Special Education](#)

0430

[Comprehensive Local Plan For Special Education](#)

0460	<a href="#"><u>Local Control And Accountability Plan</u></a>
0460	<a href="#"><u>Local Control And Accountability Plan</u></a>
0510	<a href="#"><u>School Accountability Report Card</u></a>
2230	<a href="#"><u>Representative And Deliberative Groups</u></a>
4116	<a href="#"><u>Probationary/Permanent Status</u></a>
4116	<a href="#"><u>Probationary/Permanent Status</u></a>
6146.3	<a href="#"><u>Reciprocity Of Academic Credit</u></a>
6146.3	<a href="#"><u>Reciprocity Of Academic Credit</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6162.51	<a href="#"><u>State Academic Achievement Tests</u></a>
6162.51	<a href="#"><u>State Academic Achievement Tests</u></a>
6178	<a href="#"><u>Career Technical Education</u></a>
6178	<a href="#"><u>Career Technical Education</u></a>
6184	<a href="#"><u>Continuation Education</u></a>
6184	<a href="#"><u>Continuation Education</u></a>

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[Charter School Facilities](#)

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[Charter School Facilities](#)

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[Meetings And Notices](#)

