

WEST CONTRA COSTA USD

BP 0420.4 Charter Schools

**Philosophy, Goals, Objectives and Comprehensive Plans**

**The Governing Board 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.**

**Education Code 47600-47616.7 authorize the establishment of a capped number of public charter schools, which are generally exempt from Education Code provisions governing school districts unless otherwise specified by law. To establish a charter school, petitioners must submit to the Governing Board for approval a petition which includes all components, required by law.**

**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.**

Charter schools shall operate under the provisions of their charters, federal laws, specified state laws, and general oversight of the Governing 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.**

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.

**Meetings and Notices**

**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 47606)**

**The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)**

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 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, multiple measures for evaluating the educational program, and ~~regular~~ annual reports to the Board. ~~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.~~

**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)**

## **Special Education**

**As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools charter schools within the Special Education Local Plan Area (SELPA) shall comply with all requirements of state and federal law regarding provision of special education services. (Education Code section 56000 et.seq. Individuals with Disabilities Act. 20 U.S.C. Chapter 33)**

**As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in public schools, charter schools within the SELPA shall not discriminate against any student in its admission criteria on the basis of disability.**

**Charter petitioners must delineate in their petition or in a Memorandum of Understanding (MOU) the entity responsible for providing special education instruction and services. This document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. The written agreement must also state that prior to final approval the charter school will be deemed a public school within the chartering entity.**

### **Required Contents of Charter Petitions**

**Prior to approval of a new charter school, or renewal of an existing charter school, the SELPA Director shall consult with the Governing Board of the District or designee, to ensure that the charter school responds to District and SELPA guidelines and timelines as they relate to special education. The SELPA Director shall review all proposed charter petitions, including petitions for renewal and advise the Governing Board on whether the petition contains reasonable assurances that all eligible students enrolled in the Charter School will receive appropriate special education services in accordance with state and federal law and the SELPA Local Plan for Special Education (Local Plan).**

**Petitions must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to disability or to the charter school's inability to provide necessary services. Each charter petition must also contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:**

- 1. The specialized instruction and services available at the charter school;**
- 2. The procedure for ensuring that students are referred, assessed, and served in a timely manner;**
- 3. Assurances that staff members providing special education services are appropriately credentialed;**

- 4. Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular programs and that the school will comply with Section 504 of the Rehabilitation Act of 1973 (3334CFR 104)(hereinafter "504")**
- 5. Assurances that inactivation, suspension, and expulsion procedures comply with the protections of federal and state law afforded to special education and 504 eligible students; and**
- 6. Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.**

### **Categories of Charter Schools**

**For the purpose of providing special education services, charter schools shall be deemed either a public school within the chartering district, or an LEA that receives funds and provides services independent of the chartering entities. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA and accepted into a SELPA. If a charter school wishes to be an LEA, they must apply to a district in a multi-district SELPA for authorization of their charter. Should a charter school apply to be an LEA, the SELPA will treat applications by charter schools to be independent LEAs in the same manner that the SELPA treats applications by other districts and LEAs and may refer such applications to neighboring multi-district SELPAs.**

### **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; 5CCR 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 476059(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.**

**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~~

~~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~~

~~476000-47616.7 Charter Schools Act of 1992, as amended~~

~~47640-47647 Special education funding for charter schools~~

~~47652 Funding of first year charter schools~~

~~48000j 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~~

~~56026 Special education~~

~~56145-56146 Special education services in charter schools~~

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

~~60640-60649 Assessment of academic achievement, including:~~

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

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

~~60850-6859 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~~

~~300.18 Highly qualified special education teachers~~

## ~~COURT DECISIONS~~

~~Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4<sup>th</sup> 986~~

## ~~ATTORNEY GENERAL OPINIONS~~

~~89 Ops.Ca.Atty.Gen.166 (2006)~~

~~80 Ops.Cal.Atty.Gen.52 (1997)~~

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

~~Management Resources:~~

## ~~CSBA PUBLICATIONS~~

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

## ~~CSA ADVISORIES~~

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

## ~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~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>~~

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

~~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 WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT~~

~~Adopted: August 2, 2000, Richmond, California~~

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