

Morgan Hill USD

Board Policy

Charter School Authorization

BP 0420.4

Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board recognizes that charter schools may assist the district in offering diverse learning opportunities designed to serve the most socioeconomically disadvantaged and English learners ~~for~~ students. In considering any petition to establish a charter school within the district, the Board shall give thoughtful consideration to the potential of the charter school to provide socioeconomically disadvantaged and English learner students with a high-quality education that enables them to achieve to their fullest potential. Pursuant to Education Code Section 47605, in reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving.

~~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. (Education Code 47605, 47606, 53300)~~

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)

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 shall consult with legal counsel, as appropriate, regarding compliance of the charter ~~proposals~~petition with legal requirements.

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~~the Superintendent or designee may ~~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)

(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~~ petitions that demonstrate the capability to provide comprehensive learning experiences for students who are identified by the petitioner as 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~~ verify that any approved charter contains adequate processes and measures for holding the school accountable for complying with applicable law, including Education Code 47604.1, and for fulfilling the terms of its charter. These shall include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, serving students who are considered academically low achieving, including student outcomes aligned with state priorities as described in Education Code 52060, and regular reports to the Board.

(cf. 0420.41 - Charter School Oversight)

The Board ~~must~~ 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 ~~may~~ shall be annually reviewed by the Board and charter school governing body and amended as necessary.

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)

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~~ California Department of Education, and the State Board of Education (SBE). (Education Code 47605)

Denial of Petition

The Board shall deny any charter petition to ~~authorize~~operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)

2. Authorizes the conversion of a private school to a charter school.~~The~~ (Education Code 47602)

Board ~~shall~~cannot approve a charter school serving students in a grade level not offered by the district unless the charter school also deny any petition for a charter 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)

Any other charter petition shall be denied only if the Board makes 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).
6. The petition does not contain a declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining pursuant to Government Code 3540-3549.3.

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 students with disabilities 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

200_ Equal rights and opportunities in state educational institutions

220 Nondiscrimination

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

32282 Comprehensive safety plan

33126_ School Accountability Report Card

41365 Charter school revolving loan fund

42238.51-42238.2 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

49011 _Student fees

51745-51749.6 -Independent study

52052 NumericallyAccountability: numerically significant student subgroup,
definitions subgroups

52060-52077_ Local control and accountability plan

56026 Special education

56145-56146 Special education services in charter schools

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

3540-3549.3 Educational Employment Relations Act

6250-6270 California Public Records Act

54950-54963 Ralph M. Brown Act

81000-91014 Political Reform Act of 1974

CODE OF REGULATIONS, TITLE 5

11700.1-11705 Independent study

11960-11968.5.5 Charter schools

~~CODE OF REGULATIONS, TITLE 24~~

~~Part 2 California Building Standards Code~~

UNITED STATES CODE, TITLE 20

7223-7225 Charter schools

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)

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

~~Charter Schools in Focus, Issue 2: Ensuring~~Uncharted Waters: Recommendations for
Prioritizing Student Achievement and Effective Oversight, Governance Brief, October 2017in
California's Charter Schools, September 2018

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief,
November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast,
March 2016

Charter Schools: A Guide for Governance Teams, rev. February 2016

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding

~~Charter School Authorization: Guidance and Technical Assistance for Prospective Charter
School Authorizers, Webinar 2014~~

U.S. DEPARTMENT OF EDUCATION ~~GUIDANCE~~PUBLICATIONS

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and
Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles,
and Audit Requirements for Federal Awards, August 2016

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in
Elementary and Secondary Schools, December 2011

~~Applying Federal Civil Rights Laws to Public Charter Schools: Questions and Answers, May
2000~~

WEB SITES

CSBA: <http://www.csba.org>

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

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

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

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

~~Policy MORGAN HILL UNIFIED SCHOOL DISTRICT~~

~~adopted: June 19, 2018 — Morgan Hill, California (3/12 12/17) 5/19~~