

## CHARTER SCHOOLS

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. The Board also recognizes that authorizing charter schools includes a rigorous, comprehensive application process and that charters should be granted to petitioners who demonstrate strong potential for establishing and operating a high quality charter school over the lifetime of the charter, including, but not limited to, the charter school's ability effectively to administer a public school agency.

The Charter Schools Act of 1992 ("Act"), Education Code 47600 et seq., authorizes the establishment of public charter schools. To establish a charter school, petitioners must submit to the Board for approval a petition which includes all components required by law and AR 0420.4. Charter schools are generally exempt from the laws and rules that regulate non-charter public schools and, instead, the parameters for their operation, including the manner in which they education students, maintain transparency, and ensure public accountability, must be set forth in their individual charter petitions. As such, the Board will hold charter school petitioners strictly accountable for compliance with all aspects of the Act, though the District does not repeat each requirement of the Act in its Board Policies or Administrative Regulations.

### Submission of a Petition

One or more persons may submit a petition to the Board for a ~~start-up~~ charter school to be established within the district or for the conversion of an existing district school to a charter school. (Education Code 47605) ~~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 and statements required by law, as specified in the accompanying administrative regulation. The proposed charter shall be attached to the petition when the petition is circulated and for signatures are gathered and shall be submitted to the Board.

The Superintendent or designee shall consult with legal counsel, as appropriate, regarding compliance of the charter proposals and requirements.

**Charter Schools (continued)****Timelines for Board Action**

~~Within 30 60 days of receiving a charter petition to establish a charter school, the Board shall hold a public hearing on the charter provisions, at which time the Board shall consider to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. A petition is deemed received on the day the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (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 Board's timelines for holding a public hearing and acting on requests for charter approval, material revision, or renewal, all run from receipt of the charter document by the Board, at an open public meeting properly agendized in accordance with the requirements of the Ralph M. Brown Act. (Government Code 54950 et seq.)~~

The Board shall either grant or deny the petition within 90 days of receiving the petition, or within 120 days with the mutual consent of the petitioner and the district. (Education Code 47605)

At least 15 days before the meeting at which the Board will grant or deny the charter, the district shall publish all staff recommendations regarding the petition, including any recommended findings and, if applicable, certification from the County Superintendent of Schools regarding the potential fiscal impact of the charter school on the district. During the public hearing, the petitioners shall have equivalent time and procedures to present evidence and testimony in response to the staff recommendations and findings. (Education Code 47605)

The Superintendent or designee will maintain accurate records, in relation to each charter petition, of documents submitted, the Board's proceedings, and the findings upon which a denial decision is made.

**Approval of Petition**

A charter petition The Board shall approve the charter petition if doing so is consistent with shall be granted only if the Board is satisfied that doing so is consistent with sound educational practice, and for new charters, the interests of the community in which the school is proposing to locate. In granting charters, the Board shall consider the academic needs of the students the charter school proposes to serve and shall give preference to schools that demonstrate the capability best able to provide comprehensive learning experiences for students who are identified by the petitioner as academically low-achieving. (Education Code 47605)

**Charter Schools (continued)**

The Board may initially grant a charter for a specified term up to five years. (Education Code 47607)

Prior to authorizing any charter, ~~The~~ Board shall verify that the ~~any approved~~ charter ~~contains~~ includes adequate processes and measures for monitoring and holding the school accountable for complying with applicable laws, including Education Code 47604.1, and for fulfilling the terms of its charter. ~~These~~ Such processes and measures shall include, but not be limited to, fiscal accountability systems, multiple measures for evaluating the educational program, ~~including student outcomes aligned with state priorities as described in Education Code 52060,~~ inspection and observations of any part of the charter school and regular reports to the Board.

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

When a petition is approved by the Board, ~~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 charter petition that:

1. ~~Proposes to o~~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. ~~Convert~~ Authorizes the conversion of a private school to a charter school (Education Code 47602)
3. Offer nonclassroom-based instruction during the moratorium on new charters for such purposes. (Education Code 47612.7)

Regarding all ~~Any other charter petitions, shall be denied only if the Board shall deny a petition only if the Board makes~~ adopts 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.

**Charter Schools (continued)**

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(~~ed~~).
5. The petition does not contain reasonably comprehensive descriptions of all of the charter provisions in Education Code 47605(~~cb~~).
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 Educational Employment Relations Act
7. For a new charter, the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances regarding:
  - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
  - b. Whether the proposed charter school would duplicate a program currently offered within the district, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate.

For a new charter, the district is not positioned to absorb the fiscal impact of the proposed charter school. The district meets this criterion if it has a negative interim certification, or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the district having a negative interim certification.

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)

**Appeals**

If the Board denies a petition, the petitioners may choose to appeal in accordance with applicable laws. (Education Code 47605)

**Charter Schools (continued)**

If the petition is denied by the County Board and the petitioner plans to appeal to SBE, at the request of the petitioner, the Board shall prepare the documentary record, including a transcript of the public hearing at which the Board denied the charter, no later than 10 business days after the petitioner makes the request. The Board delegates responsibility for preparing the documentary record to the Superintendent or Superintendent's designee. (Education Code 47605)

Within 30 days of receipt of an appeal submitted to SBE, the Board may submit a written opposition to SBE detailing, with specific citations to the documentary record, how the Board did not abuse its discretion in denying the petition. (Education 47605)

If either the County Board or SBE remands the petition to the Board because the petition on appeal contains new or different material terms, the Board shall reconsider the petition and shall grant or deny the petition within 30 days. (Education Code 47605)

*Legal References (see next page):*

## **Charter Schools (continued)**

### *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*  
44238.51-42238.53 *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*  
47640-47647 *Special education funding for charter schools*  
47650-47652 *Funding of charter schools*  
49011 *Student fees*  
51745-51749.3 *Independent study*  
52052 *Accountability: numerically significant student 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*

#### UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

#### COURT DECISIONS

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

### **Policy**

adopted: 10/28/1997

Revised: 10/23/2012; 01/27/2015

Revised: 01/23/2018; 09/24/2019

## **WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## **CHARTER SCHOOLS**

### **Petition Signatures**

A petition for the establishment of a start-up charter school within the District must be signed by one of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation

~~If the charter~~ A petition that proposes to ~~calls for an existing public school to be converted an existing public school~~ to a charter school, ~~the petition~~ must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

Any petition circulated to collect signatures shall include a prominent statement explaining that a parent/guardian's signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

### **Submission/Renewal Deadlines**

The Board encourages petitioners who are seeking approval to commence charter school operations at the start of the next school year to initiate the process so that the Board receives the charter in accordance with this regulation prior to November 1st of the preceding school year. In the case of petitions received after that date, the Board reserves the right to consider approval on the basis of a one-year delay in the commencement of the charter school operation if the Board deems such a delay necessary in order for approval of the charter to be consistent with sound educational practice.

The Board discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the Board's time period for action to include any significant holiday periods during which all or most of the district staff has vacation or nonwork time. Specifically, these periods include, but may not be limited to, the Thanksgiving holiday break, winter break, and spring break.

**Charter Schools (continued)**

Renewal requests, including all required documents, shall be submitted no earlier than the final year of the charter school's current Board-authorized charter term, and only after the charter school is able to provide the district the statewide testing results for the penultimate year of its current term, unless otherwise agreed with the district. This timing is necessary in order to provide adequate information regarding the charter school's performance during the current term, specifically including increases in pupil academic achievement, as necessary in considering a renewal request, while also providing adequate time for the consideration of and action on the renewal request.

**Advisory Committee**

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to evaluate a petition or the merits of a proposed educational program. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements.

**Components of Charter Petition**

The charter petition shall include affirmations that the charter school will be nonsectarian in its programs, admission policies, employment practices, and operations; will not charge tuition; and will not discriminate against a student on the basis of characteristics listed in Education Code 220. The petition shall also contain reasonably comprehensive descriptions of: (Education Code 47605)

1. A description of the educational program of the proposed school, designed among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21<sup>st</sup> century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

The petition shall include a description of the charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52060 that apply to the grade levels served or the nature of the program operated by the charter school. The petition also shall describe specific annual actions to achieve those goals. The petition may identify additional priorities established by the proposed charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.



**Charter Schools (continued)**

If the proposed charter school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "a-g" admissions criteria may be considered to meet college entrance requirements.

2. The measurable student outcomes identified for use by the charter school. "Student outcomes" means the extent to which all students of the school demonstrate that they have attained the skills, knowledge and attitudes specified as goals in the school's educational program, including outcomes that address increases in student academic achievement both school-wide and for each "numerically significant" subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52060 that apply for the grade levels served or the nature of the program operated by the charter school.
3. The method by which student progress in meeting those student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
4. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
5. The qualifications to be met by individuals to be employed by the charter school.
6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include all the requirements in Education Code 47605(b)(5)(f).
7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the District's territorial jurisdiction.
8. The charter school's student admission policy. The petition shall, in accordance with Education Code 47605(d), specify procedures for determining enrollment when the number of applicants exceed the school's capacity, including requirements for the use of a public random drawing, admission preferences, and priority order of preferences as required by law and subject to Board approval.

**Charter Schools (continued)**

9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Governing Board.
10. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605(b). Such procedures shall also include processes by which the charter school will notify the superintendent of a District and request to be notified by a District about a student when the circumstances specified in Education Code 47605(d) exist.
11. The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security.
12. The public school attendance alternatives for students residing within the District who choose not to attend charter schools.
13. A description of the rights of any District employee upon leaving District employment to work in a charter school, and of any rights of return to the District after employment at a charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.
15. The procedures to be used if the charter school closes.

These procedures shall include, but not be limited to: (5 CCR 11962)

- a. Designation of a responsible entity to conduct closure-related activities
- b. Notification of the closure to parents/guardians, the Board, the county office of education, the special education local plan area in which the school participates, the retirement systems in which the school's employees participate, and the CDE, providing at least the following information:
  - (1) The effective date of the closure
  - (2) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure

**Charter Schools (continued)**

- (3) The students' Districts of residence
- (4) The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements
- c. Provision of a list of students at each grade level, the classes they have completed, and the students' District of residence to the responsible entity designated in accordance with item #15a above
- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the custody of the responsible entity designated in accordance with item #15a above, except for records and/or assessment results that the charter may require to be transferred to a different entity
- e. Transfer and maintenance of personnel records in accordance with applicable law
- f. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school
- g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33
- i. Identification of funding for the activities identified in item #15a-h above

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

- 1. The facilities to be used by the charter school, including where the school intends to locate
- 2. The manner in which administrative services of the charter school are to be provided
- 3. Potential civil liability effects, if any, upon the school and District

**Charter Schools (continued)**

4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

**Charter Approval/Denial**

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of employee and parental support for the charter school as it has been proposed. (Educational Code 47605)

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605)

The Board's timelines for holding a public hearing and acting on requests for charter approval, material revision, or renewal, all run from receipt of the charter document by the Board. The Board does not "receive" a charter upon its delivery to the district office or to a particular district administrator. Rather, the Board will receive such documents at an open public meeting properly agendized in accordance with the requirements of the Ralph M. Brown Act. (Government Code 54950 et seq.) Upon delivery of a charter to the district office, receipt of the charter will be placed on the next regular Board meeting agenda for which meeting the agenda deadline has not passed, and such receipt by the Board shall commence the timelines for action on the request. Specific agenda deadline information may be obtained from the Superintendent or designee prior to submittal.

The District discourages charter petitioners (or operators seeking material revision or renewal) from submitting a charter at a time that would cause the Board's time period for action to include any significant holiday periods during which all or most of the District office staff has vacation or non-work time. Specifically, these periods include, but may not be limited to the Thanksgiving holiday break, winter break, and spring break.

**Location of Charter School**

Unless otherwise exempted by law, the charter petition shall identify a single charter school that will operate within the geographic boundaries of the District. A charter school may propose to operate at multiple sites within the District as long as each location is identified in the petition. (Education Code 47605, 47605.1)

### **Charter Schools (continued)**

A charter school that is unable to locate within the District's jurisdictional boundaries may establish one site outside District boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The District is notified prior to approval of the petition.
2. The County Superintendent of Schools and Superintendent of Public Instruction are notified before the charter school begins operations.
3. The charter school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the charter school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

### **Advisory Committee**

At his/her discretion, the Superintendent or designee may establish a staff advisory committee to review submitted petitions and supporting documentation. Such a committee may be used to evaluate the completeness of proposals, the merits of the proposed educational programs, 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 proposals with legal requirements.

### **Meetings**

All Board members related to the granting, revocation, appeal or renewal of a charter petition shall comply with State open meeting laws specified in Government Code 54950-54962. (Education Code 47605)

Regulation

approved: 10/28/1997

Revised: 10/23/2012; 06/11/2013; 01/27/2015

Revised: 01/23/2018; 09/24/2019

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## CHARTER SCHOOL OVERSIGHT

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a sound high-quality educational program for students enrolled in the charter school. The Board delegates the administrative function of ongoing monitoring and oversight of its charter schools to the Superintendent or designee.

The Superintendent or designee(s) will be responsible for conducting the oversight activities of the Board. The Superintendent or designee(s) will: (Education Code 47604.32)

The Superintendent or designee serves as the principal point of contact between the Board and its charter schools and shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

1. Visit each charter school at least once per fiscal year.
2. Be reasonably familiar with the operations of charter schools authorized by the Board.
3. Monitor ongoing charter school compliance with reporting requirements, including the annual update to the charter school's Local Control and Accountability Plan.
4. Monitor the fiscal condition of each charter school under the Board's authority.
5. Provide timely notification to the California Department of Education (CDE) of changes in a charter school's status as required by Education Code Section 47604.32(e).
6. May receive and determine how to respond to complaints regarding the charter school.
7. The district may inspect or observe any part of a Board-authorized charter school at any time, with or without prior notice. The district may inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel, attendance accounting, and pupil records, and records of any corporations or entities that operate or govern the charter school. Charter schools are subject to the California Public Records Act (CPRA); however, the district's right to inspect and receive records is not based on the CPRA, but rather on the district's oversight role. A Board-authorized charter school shall promptly comply with all reasonable inquiries from the district in accordance with Education Code Section 47604.3. The Superintendent or designee may meet with charter school representatives periodically.

~~The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of the charter school at any time. (Education Code 47604.32, 47607)~~

~~Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the Superintendent may recommend and the Board may appoint a district representative, who may be the district's charter school contact, to serve as a voting or nonvoting member of the corporation's board of directors. The Superintendent or designee shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.~~

**Charter School Oversight (continued)**

The Superintendent or designee may attend meetings of the charter school board whenever possible and may periodically meet with a representative of the charter school.

In the case of any charter school under the district's oversight that chooses to be operated by or as a nonprofit public benefit corporation, the district Board reserves its right pursuant to Education Code 47604(c) to have a representative serve as a voting member of the corporation's board of directors and may exercise such right at any time. Any such representative of the Board shall serve on the corporate board in the district Board or designee's discretion and shall be removed or replaced in the Board or designee's sole discretion.

Board-authorized charter schools shall, on or before June 1 of each year, submit to the district an approved school calendar for the following year establishing that the charter school is complying with the required minimum number of school days and an approved bell schedule establishing that the charter school is complying with the minimum number of instructional minutes. At least one month prior to the commencement of each new semester, the charter school shall provide the district with a list of classes evidencing the class offerings for the semester and the staffing assignments (including copies of all credentials) establishing that all classes are being taught by appropriately qualified and credentialed employees.

**Provision of District Services**

~~The district may charge for the actual costs of supervisorial oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of the charter school's revenue for supervisorial oversight. (Education Code 47613)~~

The charter school may separately purchase administrative or other services from the district, in the district's sole discretion, or any other source. (Education Code 47613)

~~Whenever~~ If the district agrees, in its sole discretion, to provide administrative or support services to a charter school, the district and charter school shall develop a memorandum of understanding or other agreement that ~~which~~ clarifies the financial and operational agreement between the district and charter school.

~~The charter school may separately purchase administrative or other services from the district or any other source. (Education Code 47613)~~

**Charter School Oversight (continued)**

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

**Waivers**

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Should the Board approve such a request from a charter school, ~~Upon approval of the Board,~~ the Superintendent or designee shall submit such a waiver request to the SBE on behalf of the charter school.

**Material Revisions ~~to~~ of an Approved Charter**

The Board shall have the authority and also delegates authority to the Superintendent or his/her designee(s) to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter. Material revisions to a charter may only be made with Board approval.

~~Material revisions to a charter may only be made with Board approval.~~ Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter. (Education Code 47607)

If an approved charter school proposes to expand or move operations to one or more additional sites or expand grade levels, other than a change of location that does not include increasing the total number of site operated by the charter school through acceptance of an offer of facilities from the district pursuant to Education Code section 47614 (known as Proposition 39) the charter school shall request a material revision to its charter and shall notify the Board of those additional or changed locations or grade levels. The Board shall consider approval of the additional or changed locations or expanded grade levels at an open meeting. (Education Code 47605)

~~If an approved charter school proposes to establish or move operations to one or more additional sites, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)~~



## **Charter School Oversight (continued)**

~~The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.~~

### **Oversight Fee**

The district may charge the maximum amount permitted by law for its supervisory oversight of each charter school. This maximum is currently up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, currently, if the charter school is able to obtain substantially rent-free facilities from the district, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight. If the district is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

### **Monitoring Charter School Performance**

~~At the Board's request, the Superintendent or designee will report on the charter school's performance, based on the academic and fiscal accountability measures specified in the approved charter.~~

~~In providing general oversight of a charter school, the Board and the Superintendent or designee shall determine whether the school complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.~~

~~The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)~~

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32

**Charter School Oversight (continued)**

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for each numerically significant student subgroup served by the school, as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter petition and any applicable memorandum of understanding and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), and the charter's progress on all the state indicators included in the evaluation rubrics adopted pursuant to Education Code 52064.5 for which it receives performance levels as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year, as well as other pertinent information that may be available to the Board. (Education Code 47604.32, 47604.33, 47606.5)

~~Evaluation data for the charter school shall be considered in the Board's determination of the renewal or revocation of a charter.~~

~~The district may charge up to one percent of a charter school's revenue for the actual costs of supervisorial oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge up to three percent of the charter school's revenue for actual costs of supervisorial oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. (Education Code 47613)~~

**Technical Assistance/Intervention**

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools in accordance with Education Code 45607.3. (Education Code 45607.3)

**Charter School Oversight (continued)**

In addition, if a charter school meets the criterial set for school districts under Education Code 52072(b)(1), the County Superintendent may request assistance from the California Collaborative for Educational Excellence (CCEE). After consulting with the Superintendent of Public Instruction and with approval of the State Board of Education, the CCEE may provide advice and assistance to the charter school pursuant to Education Code 52074. If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the district: (Education Code 47607.3)

1. ~~Shall provide technical assistance to the charter school based on the California School Dashboard~~
2. ~~May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074~~

~~In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.~~

If a charter school receiving federal Title I funding has been identified for program improvement, it shall implement improvement strategies in accordance with its existing school improvement plan.

The Board shall consider for revocation any charter to which the CCEE has provided technical assistance and about which it has made either finding specified in Education Code 47607.3(d). In such case, the Board shall consider increases in pupil academic achievement for all pupil subgroups served by the charter school in determining whether to revoke the charter. A charter school may not appeal a revocation decision made pursuant to this process.

If a charter school governing body requests technical assistance, the Board shall provide such assistance consistent with Education Code 47607.3(a)(1) or (2). If the charter school has not been identified for technical assistance pursuant to Education Code 47607.3(a), the Board may assess a fee for the assistance, not to exceed the cost of the service.

For charter schools operating before July 1, 2020, the technical assistance provisions of Education Code 47607.3(a), as it read on January 1, 2019, shall apply until June 30, 2022.

## **Charter School Oversight (continued)**

### **Complaints**

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3 or 49010 or any other applicable law. (Education Code 52075)

A complainant who is not satisfied with the decision may appeal the decision to the SPI or California Department of Education (CDE) as applicable. (Education Code 52075, 49013)

If the charter school finds merit in the complaint or the SPI finds merit in the appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075, 49013)

This discussion is not exclusive of all complaint procedure requirements with which charter schools must comply not all types of complaints to which the charter school's uniform complaint procedure applies.

### **School Closure**

In the event that the Board revokes or denies renewal of a charter or the school ceases operation for any reason, the Superintendent or designee shall charter when applicable in accordance with the charter and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee shall provide notifications to the California Department of Education, within 10 calendar days, of the Board's action, if renewal of the charter is denied, the charter is revoked, or the charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

Should a charter school close for any reason, it shall comply with all closure procedures set forth in its charter, any memorandum of understanding, and the requirements of 5 CCR Section 11962.

*Legal Reference (see next page):*

**Charter School Oversight (continued)***Legal Reference:*EDUCATION CODE

215 Suicide prevention policy  
 215.5 Suicide prevention hotline contact information on student identification cards  
 220 Nondiscrimination  
 221.61 Posting of Title IX information on web site  
 221.9 Sex Equity in competitive athletics  
 222 Lactation accommodations for students  
 222.5 Pregnant and parenting students, notification of rights  
 234.4 Mandated policy on bullying prevention  
 234.7 Student protections relating to immigration and citizenship status  
 17070.10-17079.30 Leroy F. Greene School Facilities Act  
 17280-17317 Field Act  
 17365-17374 Field Act, fitness for occupancy  
 32282 Comprehensive safety plan  
 32283.5 Online training on bullying prevention  
 33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act  
 35179.4-35179.6 Interscholastic athletic programs, safety  
 35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance  
 35330 Field trips and excursions; student fees  
 38080-38086 School meals  
 39831.3 Transportation safety plan  
 41024 Report of expenditure of state facility funds  
 42100 Annual statement of receipts and expenditures  
 44030.5 Reporting change in employment status due to alleged misconduct  
 44237 Criminal record summary  
 44691 Information on detection of child abuse  
 44830.1 Certificated employees, conviction of a violent or serious felony  
 45122.1 Classified employees, conviction of a violent or serious felony  
 45125.1 Fingerprinting; employees of contracting entity  
 46015 Accommodations for pregnant and parenting students; parental leave  
 47600-47616.7 Charter Schools Act of 1992  
 47634.2 Nonclassroom-based instruction  
 47640-47647 Special education funding for charter schools  
 47651 Apportionment of funds, charter schools  
 48000 Minimum age of admission for kindergarten; transitional kindergarten  
 48010-48011 Minimum age of admission (first grade)  
 48206.3-48208 Students with temporary disabilities; individual instruction  
 48850-48859 Educational placement of foster youth and homeless students  
 48907 Students' exercise of free expression; rules and regulations  
 48950 Student speech and other communication  
 49005-49006.4 Seclusion and restraint  
 49011 Student fees  
 49014 Public School Fair Debt Collection Act  
 49061 Student records  
 49073.2 Privacy of student and parent/guardian personal information  
 49076.7 Student records; data privacy; Social Security numbers  
 49110 Authority of issue work permits  
 49381 Human trafficking prevention  
 49414 Epinephrine auto-injectors

## **Charter School Oversight (continued)**

### *Legal References (continued):*

49414.3 Administration of opioid antagonist  
 49428 Notification of mental health services  
 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001, especially:  
 49431.9 Advertisement of non-nutritious foods  
 49475 Health and safety, concussions and head injuries  
 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017  
 49564 Meals for needy students  
 51224.7 Mathematics placement policy  
 51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework  
 51225.6 Instruction in cardiopulmonary resuscitation  
 51513 Diploma of graduation, without passage of high school exit examination  
 51745-51749.3 Independent study  
 51930-51939 California Healthy Youth Act  
 52052 Accountability; numerically significant student subgroups  
 52060-52077 Local control and accountability plans  
 52075 Uniform complaint procedures  
 56026 Special education  
 56145-56146 Special education services in charter schools  
 60600-60649 Assessment of academic achievement  
 64000 Categorical programs included in consolidated application  
 64001 School plan for student achievement, consolidated application programs  
 65000-65001 School site councils  
 69432.9-69432.92 Cal Grant program; notification of grade point average and high school graduation  
CORPORATIONS CODE  
 1090-1099 Prohibitions applicable to specified officers  
 3540-3549.3 Educational Employment Relations Act  
 5110-6910 Nonprofit public benefit corporations  
 54950-54963 Ralph M. Brown Act  
 6250-6270 California Public Records Act  
 81000-91014 Political Reform Act of 1974  
HEALTH AND SAFETY CODE  
 104420 Tobacco Use Prevention Education grant program  
 104559 Tobacco-free schools  
LABOR CODE  
 1198.5 Personnel records related to performance and grievance  
PENAL CODE  
 667.5 Definition of violent felony 1192.7 Definition of serious felony  
 1192.7 Definition of serious felony  
VEHICLE CODE  
 28160 Child safety alert system  
CALIFORNIA CONSTITUTION  
 Article 9, Section 5 Common school system  
 Article 16, Section 8.5 Public finance; school accountability report card  
CODE OF REGULATIONS, TITLE 5  
 4600-4687 Uniform complaint procedures  
 11700.1-11705 Independent study  
 11960-11969 Charter schools

**Charter School Oversight (continued)**

*Legal References (continued):*

CODE OF REGULATIONS, TITLE 24

*101 et seq. California Building Standards Code*

UNITED STATES CODE, TITLE 20

*1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex*

*6311 State plan*

*7221-7221j Charter schools*

UNITED STATES CODE, TITLE 42

*11431-11435 McKinney-Vento Homeless Assistance Act*

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.4<sup>th</sup> 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)*

CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

*Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763*

Policy

adopted: 10/23/2012

Revised: 02/14/2017; 09/24/2019

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

**CHARTER SCHOOL OVERSIGHT**

**REQUIREMENTS FOR CHARTER SCHOOLS**

A charter school and the entity managing the charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district ~~Governing Board~~; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements that each charter school or the entity managing the charter school (This list is not exhaustive, and in no way shall it serve to excuse any charter school's compliance with all requirements of law.):

**Governance**

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 6250-6270), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 and all requirements of Education Code 47604.1. (Education Code 47604.1)
2. The governing body of a charter school shall meet in the location and subject to all the requirements of Education Code 47604.1(c), including posting audio or video recordings of meetings. ~~Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside. In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)~~

**Operations**

3. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
4. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)



**Charter Schools (continued)**

**Admission/Enrollment**

5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making “satisfactory progress” toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
7. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
8. Admit all students who wish to attend the charter school, according to the following criteria and procedures:
  - a. Admission to the charter school shall not be determined according to the student’s or parent/guardian’s place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school’s former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school’s capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5 (Education Code 47605)
  - c. Other admission preferences that are consistent with federal law, the California Constitution and Education Code 200 may be permitted by the Board of the district at a public hearing on an individual school basis consistent with law. ~~may be permitted by the Board of the district on an individual school basis consistent with law.~~ (Education code 47605)

**Charter Schools (continued)**

9. Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation. (Education Code 47605)
10. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student to disenroll, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth. This limitation does not apply to actions taken pursuant to the student discipline procedures specified in the charter and law, but charter schools may not encourage students to disenroll in lieu of discipline. The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its web site the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquiries about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)
- 9.11. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)
- 10.12. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
13. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)
14. If the school offers a kindergarten program: (Education Code 48000), also offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2

**Charter Schools (continued)**

**Nondiscrimination**

- 11.15. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
- 12.16. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7
- 13.17. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)
- 14.18. If the charter school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
- 15.19. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. The charter school shall notify pregnant and parenting students and parent/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
- 16.20. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

**Charter Schools (continued)****Tuition and Fees**

21. Comply with the free school guarantee of the California Constitution, Article 9, Section 5, including, but not limited to, not charge tuition nor require parent(s) to volunteer as condition of enrollment or attendance. (Education Code 47605 and 49010 et seq.)
- ~~17.22.~~ Not charge tuition (Education Code 47605)
- ~~18.23.~~ Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
- ~~19.24.~~ Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school. The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

**School Plans**

- ~~20.25.~~ Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, in consultation with specified stakeholders and using the template adopted by the State Board of Education (SBE). To the extent practicable, data shall be reported in a manner consistent with how information is reported on the California School Dashboard. As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by the SBE, which includes specified information relating to the school's budget. (Education Code 47604.33, 47606.5, 52064, 52064.1)
- ~~21.26.~~ If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)
- ~~22.27.~~ Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan by March 1 each year (Education Code 47605)

**Charter Schools (continued)**

- ~~23.~~28. Develop transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus. In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

**Curriculum and Instruction**

- ~~24.~~29. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
- ~~25.~~30. If the charter school offers a kindergarten program, also offer a transitional kindergarten program to students whose fifth birthday is from September 2 through December 2 (Education Code 48000)
- ~~26.~~31. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
- ~~27.~~32. Comply with the California Healthy Youth Act, including, If the charter school serves students in any of grades 7-12, provide comprehensive sexual health educational and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school, ~~beginning in the 2019-2020 school year~~ (Education Code 51931, 51934)
- ~~28.~~33. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources ~~by January 1, 2020~~ (Education Code 49381)
- ~~29.~~34. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR § 11705)
- ~~30.~~35. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

## **Charter Schools (continued)**

### **High School Graduation**

36. Exempt a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers between schools after the second year of high school, or a student participating in a newcomer program for newly immigrant students in grades 11-12, from any graduation requirements established by the charter school that exceed state requirements, unless the school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)

37. Accept and provide full or partial credit for coursework satisfactorily completed by a Foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a student participating in a newcomer program while attending another school. (Education Code 51225.2)

~~Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)~~

~~Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony. (Education Code 35183.1)~~

### **Special Education**

38. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary. The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

**Charter Schools (continued)**

39. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:
- a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract. (Education Code 56365)
  - b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year. (Education Code 56366.1)

**Student Expression**

40. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications and shall adopt rules and regulations in the form of a written publications code that must include reasonable provisions for the time, place, and manner of conducting such activities (Education Code 48907, 48950)
41. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)

**Staffing**

42. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public school would be required to hold (Education Code 47605) as required for the teacher's certificated assignment. Teachers employed by the charter school during the 2019 – 2020 school year shall have until July 1, 2025 to obtain the required certificate. By July 1, 2020, require all teachers to obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Education Code 44339, 44340, and 44341, prior to working at the charter school. (Education Code 47605, 47605.4)
43. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment. (Education Code 446914)

**Charter Schools (continued)**

- ~~32.44.~~ Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check (Education Code 44830.1, 45122.1, 45125.1)
- ~~33.45.~~ Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
46. If the charter school chooses to make the state teachers' retirement plan available to its employees, meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (STRS). If the charter school offers its employees coverage by STRS or the Public Employees' Retirement System, or both, provide all applicants for positions at the charter school with the information required by Education Code 47611. (Education Code 47610 and 47611)
- ~~34.~~ ~~Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)~~
- ~~35.47.~~ Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

**Parent/Guardian Involvement**

- ~~36.48.~~ On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
- ~~37.49.~~ Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)

**Nutrition**

- ~~38.50.~~ ~~Beginning with the 2019-2020 school year, p~~Provide each eligible student with one nutritionally adequate free or reduced-price meal during each school day, except as provided for a charter school that offers nonclassroom-based instruction (Education Code 47613.5)



**Charter Schools (continued)**

- 39.51. If the charter school participates in the National School Lunch and/or Breakfast program, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)
- 40.52. If the charter school participates in the National School Lunch and/or Breakfast program, notify parents/guardians within 10 days of their child's meal account reaching a negative balance; ensure that a student with unpaid school meal fees is not shamed, treated differently, or served a meal that differs from other students; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code 49557.5)
- 41.53. If the charter school participates in the National School Lunch and/or Breakfast program and is a very high poverty school, as defined, apply to the California Department of Education (CDE) to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code 49564)

**Student Health**

42. ~~If the charter school serves students in grades 7-12, a~~Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate policy for grades K-6, and review the policy at least every five years. with specified components, review the policy at least every five years, and, if the school issues student identification cards, print the telephone number of the National Suicide Prevention Lifeline on those cards (Education Code 215, 215.5)
54. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards.
- 43.55. Notify students and parent/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community in the manner required by Education Code 49428 (Education Code 49428)
44. ~~Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment~~ (Education Code 44691)

**Charter Schools (continued)**

- ~~45.~~56. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)
- ~~46.~~57. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event a sudden cardiac arrest and other medical emergencies, acquire at least one automated external defibrillator (AED) for the school, and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
- ~~47.~~58. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
- ~~48.~~59. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

**Student Conduct/Discipline**

- ~~49.~~60. Adopt a policy on bullying and cyberbullying prevention by December 31, 2019, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)
61. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy. (Education Code 231.5, 231.6)
62. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

**Charter Schools (continued)**

63. Neither recommend for expulsion nor expel a student in grades K-12 nor suspend a student in grades K-8 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties. (Education Code 48901.1)
64. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension. If a homework assignment that is so requested and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class. (Education Code 47606.2)

50.

**Student and Parent/Guardian Records**

- 51.65. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)
- 52.66. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)
- 53.67. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information and simultaneously provide this information to the district. (Education Code 47605)
68. If the charter school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)
69. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update and reissue a former student's records to include the student's updated legal name or gender. (Education Code 49062.5, 49070)

**Charter Schools (continued)****Parent/ Guardian Involvement**

- 70. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs. (Education Code 47605)
- 71. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school. (Education Code 47605)
- 72. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language, which may be responded to in such primary language. (Education Code 48985)
- 73. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection. (Education Code 47612.5)
- 74. If the school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

**Facilities**

- 54.75. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
  - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
  - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building standards Code, including, but not limited to, the federal government.

**Charter Schools (continued)****Finance**

76. If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e). (Education Code 47612.5, 51747.3; 5 CCR § 11705)
- 55-77. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)
- 56-78. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
- 57-79. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)
- 58-80. Annually prepare and submit financial reports to the district Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
  - b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
  - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
  - d. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
  - e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

**Charter Schools (continued)**

~~59:~~81. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

**Accountability**

~~60:~~82. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article 16, Section 8.5)

Exhibit  
adopted: 10/23/2012  
Revised: 02/14/2017; 09/12/2017  
Revised: 09/25/2018; 09/24/2019

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**CHARTER SCHOOL RENEWAL**

The Governing Board believes that the ongoing operation of a charter school ~~established within the district~~ should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the Board shall review the petition thoroughly and in a timely manner. The Board shall consider renewal petitions only of charters originally authorized by the Board itself or pursuant to Education Code 47605.9 for charters that were previously approved by the State Board of Education on appeal after initial denial by the Board.

The Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

~~Each renewal granted by the Board shall be for a period of five years. (Education Code 47607)~~

**Submission of Renewal Petition**

The Board recommends that a charter school submit its petition for renewal to the Board sufficiently early before the expiration of the term of the charter to allow the Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year. The timing of submittal and the form and number of copies of the renewal submission shall conform with the provisions of AR 0420.4

~~No charter school that submits a renewal petition on or after July 1, 2019 shall be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)~~

~~A charter school seeking renewal of its charter is encouraged to submit its petition for renewal to the Board sufficiently early before the term of the charter is due to expire.~~

The signature requirement applicable to new charter petitions is not applicable to petitions for renewal. (5 CCR 11966.4)

## **Charter School Renewal (continued)**

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current programs offered by the charter. ~~The petition also shall include documentation that the charter school meets at least one of the criteria for academic performance specified in Education Code 47607(b), as listed in item #5 in the section "Criteria for Granting or Denying Renewal" below.~~ (Education Code 47607; 5 CCR 11966.4)

### **Criteria for Granting or Denying Renewal**

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is unlikely to serve the interests of the entire community in which the school is located, as described in Education Code 47605. ~~The Board shall consider the past performance of the charter school's academics, finances, and operations in evaluating the likelihood of future success, along with plans for improvement, if any.~~ (Education Code 47607; 5 CCR 11966.4)

In determining whether to grant a charter renewal, the Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year ~~consider the past academic, financial, and operational performance of the charter school in evaluating the likelihood of future success, along with any plans for improvement. Increases in academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor.~~ (Education Code 47607)

~~The Board shall not deny a renewal petition unless it makes a written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following grounds: (Education Code 47605, 47607; 5 CCR 11966.4)~~

- ~~1. The charter school presents an unsound educational program for the students enrolled in the school.~~
- ~~2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.~~



**Charter School Renewal (continued)**

3. ~~The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).~~
4. ~~The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b).~~
5. ~~The charter school has failed to meet at least one of the following criteria of academic performance:~~
  - a. ~~Increases in academic achievement for all groups of students schoolwide and among numerically significant student subgroups, as determined using measures identified pursuant to Education Code 52052.~~
  - b. ~~Academic performance at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school.~~

~~Such performance shall be determined based on a review of documented clear and convincing data; student achievement data from assessments, including, but not limited to, state academic achievement tests, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall not grant a renewal until at least 30 days after the submission of any such documentation by the charter school. The Superintendent or designee shall submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for the Board's determination.~~
  - e. ~~Qualification for the state's alternative accountability system for schools that serve high risk students.~~

~~Within 30 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input.~~

~~Within 60 days of receiving the renewal petition, or within 90 days if extended by mutual written agreement of the Board and the charter school, the Board shall either grant or deny the request to renew the charter. (Education Code 47607; 5 CCR 11966.4)~~

~~If the Board fails to make a written factual finding pursuant to items #1-5 in the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition. (5 CCR 11966.4)~~

**Charter School Renewal (continued)**

Following the Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as specified in Education Code 47607 and 47607.2 and generally summarized below:

1. Renewal of Five to Seven Years

- a. A renewal shall be granted for a period of five to seven years to a charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 and that, for two consecutive years immediately preceding the renewal, achieved either of the following: (Education Code 47607)
  - (1) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels; or
  - (2) For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

2. Denial with Option for Two-Year Renewal

- a. The Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, either of the following applies: (Education Code 47607.2)
  - (1) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels.
  - (2) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
- b. However, the Board may grant a two-year renewal to any such charter school if the Board makes written factual findings, setting forth specific facts to support the findings, that:

**Charter School Renewal (continued)**

- (1) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school; and
- (2) There is clear and convincing evidence showing either of the following:
  - (a) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
  - (b) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

3. Renewal of Five Years

A renewal for five years may be granted to charters for which the criteria in sections 1 and 2 above do not apply.

- a. The Board shall consider schoolwide performance and performance of all pupil subgroups on the state indicators include on the Dashboard and the performance of the charter school on the local indicators included in the Dashboard. The Board shall provide greater weight to performance of measurements of academic performance in determining whether to grant renewal.
- b. The Board shall also consider if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
  - (1) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school; or
  - (2) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

**Charter School Renewal (continued)**

- b. For any such charter school, the Board may deny the renewal petition upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

In addition to all the grounds stated above for denial of a charter, the Board may deny renewal of any charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The renewal shall be denied if the Board finds either that the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

When determining whether to grant renewal, the Board shall review data reflecting pupil enrollment patterns and data provided by CDE and any substantiated complaints that the charter school has not complied with Education Code 47605(c)(5)(J).

A charter school that is eligible for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

**Charter School Renewal (continued)**

**Timelines for Board Action**

Within 60 days of receiving the renewal petition, the Board shall hold a public hearing to review documentation submitted by the charter school and obtain public input. A petition is deemed received on the day that the petitioner submits a petition to the district office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The Board shall either grant or deny the charter renewal within 90 days of receiving the renewal petition, or within 120 days if extended by mutual consent of the Board and the charter school. The Board hereby grants authority to the Superintendent or designee to agree in writing to an extension of time to act on a renewal request. (Education Code 47605)

At least 15 days before the meeting at which the Board will grant or deny the charter renewal, the Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the Board denies a renewal petition, the charter school may submit its application for renewal to the County Board of Education within 30 days of the Board's written factual findings supporting the denial. (Education Code 47605, 47607.5)

**Charter School Renewal (continued)**

**School Closure**

If a charter is not renewed and the charter school ceases operation, the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR § 11962. (Education Code 47603.32)

*Legal Reference:*

EDUCATION CODE

47600-47616.7 *Charter Schools Act of 1992*

52052 *Definition of numerically significant student subgroup*

56145-56146 *Special education services in charter schools*

60600-60649 *Assessment of academic achievement*

CODE OF REGULATIONS, TITLE 5

11960-11969 *Charter schools*

UNITED STATES CODE, TITLE 20

7223-7225 *Charter schools*

Policy

adopted: 06/11/2013

Revised: 11/13/2018

**WEST COVINA UNIFIED SCHOOL DISTRICT**

West Covina, California

## CHARTER SCHOOL REVOCATION

The Governing Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter and any memoranda of understanding. The Board may revoke a charter in accordance with the law.

The Board may revoke a charter ~~before the date it is due to expire whenever the Board makes a written factual finding, supported by~~ if it finds through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

When the Board determines, in writing, that any of these violations under Education Code 47607 constitutes a severe and imminent threat to the health or safety of students, the Board may immediately revoke the school's charter. When such a determination is made, the Board shall approve and deliver to the charter school's governing body, the County Board of Education, and the California Department of Education (CDE) a "Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety" as detailed in 5 CCR § 11965 and 11968.5.3. (Education Code 47607; 5 CCR §§ 11965 and 11968.5.3)

In all other circumstances, the Board may revoke a charter after providing the due process and using the procedures set forth in Education Code Section 47607 and its implementing regulations. (Education Code 47607 and 5 CCR § 11968.5.2)

The Board shall also consider ~~revocation of a charter, whenever~~ revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE), had provided after providing advice and assistance ~~to the charter school pursuant to Education Code 47607.3, if CCE has issued submits to the Board~~ either of the following findings:  
(Education Code 47607.3)

**Charter School Revocation (continued)**

1. That the charter school has failed or is unable to implement the ~~recommendations of the CCEE's~~
2. That the inadequate performance of the charter school, as based on an ~~evaluation rubric adopted by the State Board of Education (SBE)~~, the California School Dashboard is so persistent or acute as to require revocation of the charter

~~In determining whether to revoke a charter, the Board shall consider increases in student academic achievement for all "numerically significant" groups of students served by the charter school, as defined in Education Code 52052, as the most important factor. (Education Code 47607 and 47607.3)~~

~~At least 72 hours prior to any Board meeting at which the Board will consider issuing a Notice of Violation, the Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)~~

~~If the Board takes action to issue a Notice of Violation, it shall deliver the Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)~~

1. ~~The charter school's alleged violation(s)~~
2. ~~All evidence relied upon by the Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that if occurred within a reasonable period of time before the Notice of Violation is issued.~~
3. ~~The period of time that the Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.~~

~~By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the Board a detailed written response and supporting evidence addressing each identified violation, including the refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)~~

~~Within 60 calendar days of the conclusion of the remedy period, the Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.58.2)~~



### **Charter School Revocation (continued)**

1. ~~Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body~~
2. ~~If there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the Board's satisfaction, continue revocation of the charter by issuing a Notice of Intent to Revoke to the charter school's governing body~~

~~If the Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the Board and the charter school, the Board shall issue a final decision to revoke or decline to revoke the charter. (Education Code 47607; 5 CCR 11968.5.2)~~

~~If the Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)~~

~~Within 10 calendar days of the Board's final decision, the Superintendent or designee shall provide a copy of the final decision to the California Department of Education (CDE) and the County Board of Education. (Education Code 47604.32; 5 CCR 11968.5.2)~~

### **Severe and Imminent Threat**

~~The procedures specified above shall not be applicable when the Board determines, in writing, that any violation under Education code 47607 constitutes a severe and imminent threat to the health or safety of students. In such circumstances, the Board may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body, the County Board, and the CDE. (Education Code 47607; 5 CCR 11968.5.3)~~

### **Appeals**

~~In the event that the Board revokes the charter, the charter school may, within 30 days of the Board's final decision, appeal the revocation to the County Board. Either the charter school or the district may subsequently appeal the County Board's decision to the SBE. However, a revocation based upon the findings of the CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607; 47607.3; 5 CCR 11968.5.3-11968.5.5)~~

## **Charter School Revocation (continued)**

If the revocation decision is reversed on appeal, the agency that granted the charter shall continue to be the chartering authority. (Education Code 47607)

### **School Closure**

Should a school's charter be revoked or should the charter school cease operating for any reason, the district shall notify the California Department of Education within 10 calendar days of the official action closing the charter school. If a charter school ceases operation due to revocation or for any other reason, the charter school shall implement the school closure procedures specified in the charter and/or memorandum of understanding in accordance with Education Code 47605 and 5 CCR § 11962. (Education Code 47603.32 and 5 CCR § 119621.1)

#### *Legal Reference:*

##### EDUCATION CODE

*47600-47616.7 Charter Schools Act of 1992, especially:*

*47607 Charter renewals and revocations*

*52052 Numerically significant student subgroup; definition*

##### CODE OF REGULATIONS, TITLE 5

*11960-11969 Charter schools, especially:*

*11968.5-11968.5.5 Charter revocations*

Policy  
adopted: 06/11/2013  
Revised: 01/27/2015

**WEST COVINA UNIFIED SCHOOL DISTRICT**  
West Covina, California

**CHARTER SCHOOL FACILITIES**

The Governing Board believes that all students, including those attending charter schools, should have access to adequate facilities that are safe and support student learning.

Facilities to be used by a charter school shall be specified in the school's charter pursuant to Education Code 47605 and also may be addressed in a written memorandum of understanding between the district and charter school.

As applicable, charter school facilities shall comply with the California Building Standards Code adopted by the local building enforcement agency pursuant to 24 CCR 101 et seq. or the Field Act pursuant to Education Code 17280-17317 and 17365-17374. (Education Code 47610, 47610.5)

Upon request, the Board shall make facilities available to an eligible charter school operating in the district, as defined in law and administrative regulation. In accordance with law, such facilities shall be contiguous, furnished, equipped, and sufficient to accommodate all the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other district schools. The Board shall make reasonable efforts to provide the charter school with facilities near where the charter school wishes to locate and shall not move the charter school unnecessarily. If the district's preliminary proposal or final notification of space does not accommodate the charter school at a single school site, the Board shall make a specific finding that the charter school could not be accommodated at a single site and shall adopt a written statement of reasons explaining the finding. (Education Code 47614; 5 CCR 11969.1-11969.10)

The district shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools. (Education Code 47614)

The Superintendent or designee may assist eligible charter schools in applying for state facilities funding for new construction or rehabilitation of facilities pursuant to Education Code 17078.52-17078.66 and/or for rent and lease expenditures pursuant to Education Code 47614.5.

*Legal Reference (see next page):*

## Charter School Facilities (continued)

### Legal Reference:

#### EDUCATION CODE

17070.10-17080 Leroy F. Greene School Facilities Act of 1998, including:

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

46600 Interdistrict attendance agreements

47600-47616.5 Charter Schools Act

48204 Residency requirements for school attendance

#### GOVERNMENT CODE

53094 Authority to render zoning ordinance inapplicable

53097.3 Charter school ordinances

#### CODE OF REGULATIONS, TITLE 2

1859.2 Definitions relating to the Leroy F. Greene School Facilities Act of 1998

1859.31 Classroom inventory

1859.160-1859.172 Charter school facilities program, new construction

#### CODE OF REGULATIONS, TITLE 5

11969.1-11969.110 Charter school facilities

#### COURT DECISIONS

Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4<sup>th</sup> 1022

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

Sequoia Union High School District v. Aurora Charter High School, (2003) 112 Cal.App.4<sup>th</sup> 185

#### ATTORNEY GENERAL OPINIONS

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

#### WEB SITES

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

California Charter Schools association: <https://www.ccsa.org/>

California Department of Education, Charter Schools: <https://www.cde.ca.gov/sp/ch/index.asp>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

**CHARTER SCHOOL FACILITIES****Definitions**

*Average daily classroom attendance (ADA) or classroom ADA* is ADA for classroom-based apportionment as used in Education Code 47612.5. (5 CCR § 11969.2) A school district may allow a charter school to include nonclassroom-ADA in average daily classroom attendance, but only: (1) to the extent of the instructional time that the students generating the nonclassroom-based ADA are actually in the classroom under the direct supervision and control of an employee of the charter school; and (2) if the school district and charter school agree upon the time(s) that facilities devoted to students generating nonclassroom-based ADA will be used. (5 CCR § 11969.2)

*In-district classroom ADA* is classroom ADA attributable to in-district students. (5 CCR § 11969.2)

*In-district students* are those charter school students who are entitled to attend a district school. Students eligible to attend district schools based on an inter-district attendance agreement or parent/guardian employment shall be considered students of the district where they reside. (5 CCR § 11969.2)

*Operating in the district* means the charter school is either currently providing public education to in-district students or has identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year, regardless of whether the district is or is proposed to be the chartering entity and whether or not the charter school has a facility inside the district's boundaries. (Education Code 47614; 5 CCR § 11969.2)

*Reasonably equivalent facilities* are facilities that are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Reasonable equivalency shall be determined based on a comparison group of district schools with similar grade levels selected in accordance with 5 CCR § 11969.3, the capacity of facilities in accordance with 5 CCR § 11969.3, and the condition of facilities, as described below in the section "Submission and Review of Facilities Requests." (5 CCR §§ 11969.2, 11969.3)

**Charter School Facilities (continued)**

*Furnished and equipped* means the facilities include reasonably equivalent furnishing necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools established under 5 CCR § 11969.3(a) and that the facilities have equipment that is reasonably equivalent to the comparison group schools. *Equipment* means property that does not lose its identity when removed from its location and is not changed materially or consumed immediately (e.g., within one year). *Equipment* has relatively permanent value and its purchase increases the total value of the district's physical properties. Examples include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and certain intangible assets such as major software programs. Furnishings and equipment acquired for a school site with non-district resources are excluded when determining reasonable equivalence. (5 CCR § 11969.2)

*Contiguous facilities* are those facilities contained on a school site or immediately adjacent to a school site. If the in-district classroom ADA of the charter school cannot be accommodated on any single district school site, contiguous facilities also include facilities located at more than one site, provided that the district minimizes the number of sites assigned and considers student safety. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. (5 CCR §§ 11969.2, 11969.3)

*Conversion charter school* is a charter school established through the conversion of an existing public school. (Education Code 47605)

**Eligibility for District Facilities**

A charter school shall be operating in the district, as defined above, before it submits a request for facilities. A new or proposed charter school operating in the district is eligible to request facilities for a particular fiscal year only if it submits its charter petition before November 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to be allocated and/or provided access to facilities only if it receives approval of its charter petition before March 15 of the fiscal year preceding the year for which facilities are requested. (5 CCR § 11969.9)

**Charter School Facilities (continued)****Submission and Review of Facilities Requests**

The following procedures shall apply to a charter school's request for facilities:

1. On or before November 1, a charter school shall submit a written request for facilities to the Superintendent or designee for the next fiscal year. The request shall include: (Education Code 47614; 5 CCR §§ 11969.2, 11969.9)
  - a. Reasonable projections of in-district and total ADA and in-district and total classroom ADA, based on ADA claimed for apportionment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year
  - b. A description of the methodology for the projections
  - c. If relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy
  - d. The charter school's operational calendar
  - e. Information regarding the district's school site and/or general geographic area in which the charter school wishes to locate
  - f. Information on the charter school's educational program that is relevant to assignment of facilities, if any

~~In submitting a facilities request, the charter school shall use a form specified by the district.~~ The charter school shall distribute a reasonable number of copies of the written request to parents/guardians, school staff, and/or other interested parties, or shall otherwise make the request available for review.

2. On or before December 1, the district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA, express any objections in writing, and state the projections the district considers reasonable. If the district does not express any objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge and the district shall base its offer of facilities on those projections. (5 CCR § 11969.9)

**Charter School Facilities (continued)**

3. On or before January 2, the charter school shall respond to any objections expressed by the district and to the district's attendance projections provided pursuant to item #2 above. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to item #2. If the charter school does not respond by January 2, the district's projections provided pursuant to item #2 are no longer subject to challenge and the district shall base its offer of facilities on those projections. (5 CCR § 11969.9)
4. The district shall determine what facilities it will offer to the charter school, ensuring that the facilities are reasonably equivalent to other district facilities. (5 CCR § 11969.3)

If a charter school was established through the conversion of an existing public school pursuant to Education Code 47605(a)(2), the condition of the facility previously used by the district shall be considered to be reasonably equivalent for the first year the charter school uses the facility. (5 CCR § 11969.3)

For any other charter school, reasonable equivalency shall be based on the following criteria as detailed in 5 CCR § 11969.3: (5 CCR § 11969.3)

- a. A comparison group of district schools with similar grade levels
- b. If a charter school's grade-level configuration is different from the configuration of the district's schools, the district shall not pay for the modification of a school site to accommodate the charter school's configuration.
- c. Capacity, including equivalency of the ratio of teaching stations (classrooms), specialized classroom space, and nonteaching space to ADA
- d. Condition of facilities, as determined by assessing such factors as age of facilities (from last modernization), quality of materials, and state of maintenance, including:



**Charter School Facilities (continued)**

- (1) School site size
  - (2) Condition of interior and exterior surfaces
  - (3) Condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes
  - (4) Availability and condition of technology infrastructure
  - (5) Condition of the facility as a safe learning environment, including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use
  - (6) Condition of the facility's furnishing and equipment
  - (7) Condition of athletic fields and/or play area space
5. On or before February 1, the district shall prepare a written preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. In evaluating and accommodating the charter school's request, the charter school's in-district students shall be given the same consideration as students in the district's schools, subject to the requirement that the facilities provided must be contiguous. At a minimum, the preliminary proposal shall include: (5 CCR ~~11969.2, 11969.3,~~ § 11969.9)
  - a. The projections of in-district classroom ADA on which the proposal is based
  - b. The specific location(s) of the space
  - c. All conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space
  - d. The projected pro rata share amount and a description of the methodology used to determine that amount
  - e. A list and description of the comparison group schools used in developing the district's preliminary proposal and a description of the difference between the preliminary proposal and the charter school's request submitted pursuant to item #1 above
6. On or before March 1, the charter school shall respond in writing to the district's preliminary proposal made pursuant to item #5 above and shall express any concerns, including differences between the preliminary proposal and the charter school's request, and/or make a counter proposal. (5 CCR § 11969.9)

**Charter School Facilities (continued)**

7. On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school pursuant to item #6 above, the district shall submit, in writing, a final notification of the space to be offered to the charter school. The notification shall include a response to the charter school's concerns and/or counter proposal, if any. The final notification shall specifically identify: (5 CCR § 11969.9)
  - a. The teaching stations, specialized classroom spaces, and nonteaching station spaced offered for the exclusive use of the charter school and the teaching stations, specialized classroom spaces, and nonteaching spaces to which the charter school is to be provided access on a shared basis with district-operated programs
  - b. Arrangements for sharing any shared space
  - c. The assumptions of in-district classroom ADA for the charter school upon which the allocation is based, and if the assumptions are different than those submitted by the charter school pursuant to item #3 above, a written explanation of the reasons for the differences
  - d. The specific location(s) of the space
  - e. All conditions pertaining to the space
  - f. The pro rata share amount
  - g. The payment schedule for the pro rata amount, which shall take into account the timing of revenues from the state and from local property taxes
8. By May 1 or within 30 days after the district notification pursuant to item #7 above, whichever is later, the charter school shall notify the district in writing whether or not it intends to occupy the offered space. (5 CCR § 11969.9)

The charter school's notification may be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the district by this deadline that it intends to occupy the offered space, then the space shall remain available for district programs and the charter school shall not be entitled to use facilities of the district in the following fiscal year. (5 CCR § 11969.9)

**Charter School Facilities (continued)****Availability of Facilities**

The space allocated to the charter school by the district, or the space to which the district provides the charter school access, shall be furnished, equipped, and available for occupancy at least 10 working days prior to the first day of instruction of the charter school. For good cause, the district may reduce the period of availability to a period of not less than seven working days. (5 CCR § 11969.9)

The district shall not be required to use unrestricted general fund revenues to rent, buy or lease facilities for charter school students. The district may charge the charter school a pro rata share of its facilities costs that the district pays with unrestricted general fund revenues. (Education Code 47614; 5 CCR § 11969.9)

Space allocated for use by the charter school, subject to sharing arrangements, shall be available for the charter school's entire school year regardless of the district's instructional year or class schedule. The charter school shall not sublet or use the facilities for purposes other than those that are consistent with Board policies and district practices without permission of the Superintendent or designee. (5 CCR § 11969.9)

For a conversion charter school, the school site identified in the school's charter shall be made available to the charter school for its second year of operation and thereafter upon annual request for facilities from the district pursuant to this administrative regulation. If, as a result of a material revision of the charter, either the location of the conversion charter school is changed or the district approves the operation of additional sites by the school, then the school may request, and the district shall provide, facilities in accordance with law, the revised charter, and this administrative regulation. (5 CCR § 11969.3)

**Written Agreement Regarding Facilities Operations**

The district and charter school shall negotiate an agreement regarding the use of and payment for the space which contains, at a minimum, the information included in the district's final notification pursuant to item #7 in the section "Submission and Review of Facilities Requests" above. (5 CCR § 11969.9)

A reciprocal hold-harmless/indemnification provision shall be established between the district and the charter school. The charter school shall maintain general liability insurance naming the district as an additional insured in order to indemnify the district for any damage and losses. The district shall maintain first party property insurance for the facilities allocated to the charter school. (5 CCR § 11969.9)

**Charter School Facilities (continued)**

Responsibilities for facility maintenance and improvements shall be as follows: (5 CCR §§ 11969.4, 11969.9)

1. The district shall be responsible for:
  - a. Modifications necessary to maintain the facility in accordance with applicable building codes pursuant to Education Code 47610 or 47610.5
  - b. Replacement of district-provided furnishings and equipment in accordance with district schedules and practices
  - c. Projects eligible to be included in the district's deferred maintenance plan
2. The charter school shall be responsible for the ongoing operations and maintenance of facilities, furnishings, and equipment.

The charter school shall not sublet or use the facilities for purposes other than those that are consistent with district policies and practices without permission of the Board and Superintendent or designee. (5 CCR § 11969.5)

Facilities, furnishings, and equipment provided to a charter school by the district shall remain the property of the district. (5 CCR § 11969.4)

The district may charge the charter school, in accordance with 5 CCR § 11969.7, for a pro rata share of the district's facilities costs for activities related to keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition. Such activities include maintaining safety in buildings, on grounds, and in the vicinity of schools; plan maintenance and operations; facilities acquisition and construction; and facilities rents and leases. (Education Code 47614; 5 CCR § 11969.2)

The charter school shall report actual in-district and total ADA and classroom ADA to the district every time that the charter school reports ADA for apportionment purposes. If the charter school generates less ADA than projected, the following provisions shall apply to any overallocated space: (Education Code 47614; 5 CCR §§ 11969.3, 11969.8, 11969.9)

1. The charter school shall reimburse the district for the overallocated space as set forth in 5 CCR § 11969.8, unless the district agrees, in response to the notification by the charter school of overallocation, to exercise its sole discretion to use the overallocated space for district programs.

**Charter School Facilities (continued)**

2. In the case of a conversion charter school, the overallocated space shall not be subject to reimbursement under the following circumstances:
  - a. The school notifies the district, by February 1 of its first year of operation, that it will have overallocated space in the following fiscal year. In such cases, the district may occupy all or a portion of the space identified. A charter school that wants to recover space surrendered to the district shall apply to the district and the district shall evaluate the application in accordance with law and this administrative regulation.
  - b. Based on the State Board of Education's waiver of attendance area requirements in Education Code 47605(d)(1), the district makes a decision, between November 1 and June 30, to change the school's attendance area in the forthcoming fiscal year.

**Mediation of Disputes**

If a dispute arises between the district and a charter school pursuant to Education Code 47614 or 5 CCR §§ 11969.1-11969.10, both parties may agree to settle the dispute using mediation, in accordance with the following procedures: (5 CCR § 11969.10)

1. If both parties agree to mediation, the initiating party shall select a mediator, subject to the agreement of the responding party. If the parties are unable to agree on a mediator, the initiating party shall request the CDE to appoint a mediator within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.
2. Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall send a notice to the responding party and the mediator. The notice shall include the following information:
  - a. Name, address, and phone numbers of designated representatives of the parties
  - b. A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute
  - c. The specific sections of the statute or regulations that are in dispute
  - d. The specific resolution sought by the initiating party

**Charter School Facilities (continued)**

3. Within seven days of receiving the notice, the responding party shall file a written response.
4. The mediation shall be entirely informal in nature. Each party shall share copies of exhibits upon which its case is based with the other party. The relevant facts shall be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses.
5. Any agreement reached by the parties shall be in writing and shall not set a precedent for any other case.
6. The mediation shall be terminated if the district and the charter school fail to meet within the specified timelines, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares an impasse.
7. The costs of the mediation shall be divided equally between the parties and paid promptly.