

Mountain View Whisman School District

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**Charter Schools –
A Primer for California
School Districts**

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What is a Charter School?

- An independently run public school given greater flexibility in its operations than a traditional public school in exchange for greater accountability for performance.
- Operates under a “charter,” which is a contract between the school and its authorizing agency.
- Charter both authorizes the school’s existence and outlines the terms and conditions of its operations.

What is an Authorizing Agency?

- Charter schools can be authorized by a school district within which the charter school seeks to locate, the county board of education or the state board of education.

How are Charter Schools Governed?

Charter schools may be “independent” or “dependent.”

- “Independent” charter schools function as independent legal entities and are usually governed by or as non-profit public benefit corporations.
 - Independent charter schools operate independently of the school district in almost all respects, including finances, and have their own governing boards which may include administrators, teachers, parents, community volunteers and other professionals such as attorneys and accountants.
 - Some independent charter schools are affiliated with charter management organizations that operate multiple schools.
- “Dependent” charter schools are established by or remain part of the school district or county office of education that granted their charter.
 - Dependent charter school function under the auspices of the school district’s board of education, and the school district typically administers all funding for the school.
- Bullis Charter School is an “independent” charter school.

Are Charter Schools Public Schools?

- Charter schools are public schools.
- They receive public funds, are tuition-free and are open to any student who wishes to attend.
- They must be non-sectarian in their policies, programs, admission policies, employment practices and all other operations.

How do Charter Schools Differ from Other Public Schools?

- They are exempt from many laws and regulations that apply to other public schools.
- They have greater autonomy in terms of curriculum, textbooks, instructional methods, class schedules, and financial and personnel decisions.
- In exchange for increased autonomy, charter schools must fulfill their obligations under their charters, in addition to complying with applicable laws and regulations.
- Charter schools must demonstrate performance in the areas of academic achievement, financial management and organizational stability.
- If they consistently fail to perform, their charters may be revoked and the schools may be closed.
- Charter schools also provide a means for school choice within the public school system.
- Parents and students can choose a school that meets their educational needs.

Who Can Enroll in a Charter School?

- A charter school is required to admit all students who wish to attend.
- Charter schools may not discriminate against any student on the basis of ethnicity, national origin, gender or disability.
- If more students apply than the school can accommodate, attendance, except for existing students of the school, must be determined by a public random drawing.

Who Can Enroll in a Charter School? (Cont'd.)

- Preferences may be permitted by the chartering authority on an individual charter basis, so long as they:
 - Are approved by the chartering authority at a public hearing and are consistent with applicable law;
 - Do not result in limiting enrollment access to students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, homeless students, or students who are economically disadvantaged; and
 - Do not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
- Bullis Charter School has indicated that it intends to prioritize applicants who qualify for a free or reduced-price lunch.

Who Attends Charter Schools?

- Charter schools generally have similar demographics to students in traditional public schools.

How are Charter Schools Funded?

- Like other public schools, charter schools receive state and local tax dollars based on the number of pupils in attendance in each grade level.
- Charter schools receive most of their funding from states, but federal government does offer some grant funding.
- Additional funding is provided for students with greater needs, such as low-income students and English language learners.
- Public funding generally follows the student to the public school the parents choose, regardless of whether it is a charter school or a traditional district school.

Must Charter School Teachers Hold Teaching Credentials?

- In California, charter schools must hire credentialed teachers for core and college preparatory subjects.

Do Charter Schools Take Money Away from Public Schools?

- Charter schools are public schools.
- When a child leaves a traditional public school for a charter school, the money follows that child.

How is a Charter School Established?

- A charter petitioner may submit a charter petition to a charter authorizing agency to establish a charter school.
- The authorizing agency must review the petition and determine whether it contains the elements required by law, and must determine whether the school possesses the requisite support from parents, teachers and the community.

What Must a Charter Petition Contain to Merit Approval?

To be approved, a charter petition must contain:

- All elements required by law;
- Information regarding the proposed operation and potential effects of the charter school, including, but not limited to:
 - Where the school intends to locate, and
 - A first year operational budget, including start-up costs and cash flow and financial projections for the first three years of operation.

What are the Required Elements of a Charter Petition?

Each charter petition must contain reasonably comprehensive descriptions of each of the following **15 required elements**:

1. A description of the educational program of the school, the charter school's annual goals, and if the proposed charter will serve high school students, a description of how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements;
2. The measurable student outcomes identified for use by the school;
3. The method by which student progress in meeting those student outcomes is to be measured;
4. The governance structure of the school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement;
5. The qualifications to be met by individuals employed by the school;

What are the Required Elements of a Charter Petition? (Cont'd.)

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6. Procedures to ensure health and safety of students and staff;
7. The means by which the school will achieve racial and ethnic balance among its pupils, reflective of the general population residing in the district;
8. Admission requirements, if applicable;
9. The manner in which financial audits will be conducted, and the manner in which audit exceptions and deficiencies will be resolved;
10. The procedures by which students may be suspended or expelled;

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What are the Required Elements of a Charter Petition? (Cont'd.)

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11. Provisions for employee coverage under the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security;
12. The public school alternatives for students residing within the school district who choose not to attend charter schools;
13. A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school;
14. The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter; and
15. The procedures to be used if the charter school closes, including a final audit of the charter school to determine disposition of all assets and liabilities of the charter school and plans for the maintenance and transfer of pupil records.

What is the Timeline for a School District's Approval of a Charter Petition?

- Governing board of a school district must hold a public hearing for a proposed charter within 30 days of receiving a charter petition.
- During the hearing, the governing board of the school district must consider level of support for petition by teachers employed by the school district, other employees of the district and parents.
- School district must approve or deny the charter within 60 days of receipt of the petition.
 - This 60-day deadline may be extended by 30 days upon agreement between parties.

What is the Maximum Term of a Charter?

- A charter may be granted for a period not to exceed five years.

Can a School District Deny a Charter Petition?

The authorizing agency **must** approve the petition **unless** it provides written factual findings supporting one or more of the following conclusions:

- The charter school presents an unsound educational program;
- The petitioners are demonstrably unlikely to successfully implement their program;
- The petition does not contain the signatures of 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 and/or the signatures of the parents or legal guardians of 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;

Can a School District Deny a Charter Petition? (Cont'd.)

- The petition does not contain affirmations of the specific requirements of charter school law, such as that the school shall be nonsectarian in its programs, admission policies, employment practices and all other operations; shall not charge tuition; and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic defined as a hate crime;
- The petition does not contain reasonably comprehensive descriptions of the 15 elements mandated by the Education Code; or
- The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school.

What Happens if a School District Denies a Charter Petition?

- If a school district denies a petition, the petitioner may elect to submit the petition to the county board of education.
- If the county board of education denies the petition, the petitioner may file a petition for the establishment of a charter school with the state board of education.
- A petition submitted either to a county board of education or the state board of education must still meet all otherwise applicable petition requirements.

What is a School District's Role in Working with Charter Schools as a Charter Authorizer?

As a charter authorizer, a school district is responsible for:

- Reviewing petitions for the establishment of new charter schools;
- Reviewing petitions for renewal of charters;
- Reviewing material revisions of charters; and
- Oversight of charter schools under its authority.

Can a Charter School Authorized by a COE or the SBE Locate in a School District that Denied its Charter?

- Even if a school district denies a charter school's petition, if the county Board of Education (Office of Education) or the State Board of Education approves the charter school's petition, the charter school must still locate within the geographic boundaries of that school district.

Is a School District Required to Provide Facilities for All Charter School Students?

- First, if a charter school applies to the school district for facilities, the charter school must submit a written facilities request to the district on or before November 1 of the preceding fiscal year.
- A school district is required to make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of 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 public schools of the district.
- A school district is not required to provide facilities for students not residing in the district.
- Charter schools may choose to acquire private facilities if they do not request facilities from the school district.

If a Charter School is Offered Space on a School District Campus, How Is the Space Allocated?

- Public school facilities must be shared fairly by all public school students, including those in charter schools.
- This means that a school district must provide classroom space to a charter school in the same ratio of classrooms to average daily attendance as that provided to students at district-operated schools with similar grade levels that serve students living in the high school attendance area.

What Information is a Charter School Required to Provide in a Written Facilities Request?

A charter school must provide the following in a written request for facilities to a school district:

- A reasonable projection of in-district and total average daily attendance and in-district and total classroom average daily attendance in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment for the forthcoming fiscal year (must be broken down by grade level and by the school in the school district that the student would otherwise attend);
- A description of the methodology used for the projections;

What Information is a Charter School Required to Provide in a Written Facilities Request? (Cont'd.)

- If the school is not yet open, or to the extent that an operating charter school projects a substantial increase in in-district average daily attendance, 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;
- The charter school's operational calendar; and
- Information regarding the district school site and/or general geographic area in which the charter school wishes to locate.

How Many Students Must a Charter School Have to Entitle it to School District Facilities?

- A charter school must project an in-district average daily classroom attendance of at least 80 students if it wishes to locate in school district facilities.

When Does the School District Notify a Charter School Where it Will be Located?

- On or before February 1, the school district must provide the charter school with a preliminary proposal regarding the space to be allocated to the charter school.
- The charter school is provided an opportunity to respond in writing by March 1, expressing any concerns and addressing any differences between the preliminary proposal and its facilities request and making any counterproposals.
- On or before April 1, the school district must provide the charter school with a written final notification of space which responds to any charter school concerns and counterproposals and identifies the facilities to be allocated to the charter school.

When Does the School District Notify a Charter School Where it Will be Located? (Cont'd.)

- The final notification of space identifies the classroom space and non-teaching station space to be provided, as well as shared use space and arrangements for sharing, the average daily attendance assumptions upon which the allocation is based, the specific location or locations of the space, all conditions pertaining to the space, the charge to the charter school for use of the space and the payment schedule.
- The school district must make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate.

What Happens After a Charter School Receives a Final Notification of Space?

- The charter school must advise the school district, in writing, by May 1 as to whether it intends to occupy the space.
- If the charter school agrees to occupy the space, the parties enter into a facilities use agreement detailing the terms and conditions of their arrangement.

Do Charter Schools Pay Rent for the Use of School District Facilities?

- A school district may charge a charter school a pro rata share, based on the ratio of space allocated by the school district to the charter school divided by the total space of the district, of those school district facilities costs which the school district pays for with unrestricted general fund revenues.
- These costs may include, for example, insurance, maintenance and operations, grounds costs and debt service.
- A school district shall not otherwise charge a charter school for use of the facilities.

If a Charter School is Co-Located on a Campus with a District School, Do They Share Space?

- District schools must share space fairly with charter school students.
- Charter schools are allocated space that they may use exclusively as well as space that they must share with the district school.
- Charter schools may elect not to use all of the space they are allocated.
- Administrators for the school district and charter schools must negotiate schedules for use of shared use space.

What Types of Space on a School District Campus is Shared with Charter Schools?

Shared use space may include:

- Specialized classroom space such as science and computer laboratories, and
- Non-teaching station space such as libraries, multi-purpose rooms and play area space.

How Are Charter Schools Monitored to Ensure Compliance With Their Charters and Existing Law?

- A school district authorizing a charter school must monitor the charter school's progress and attainment of measurable pupil outcomes, as well as compliance with all applicable laws and regulations, the terms of the charter and financial reporting requirements.
- Specifically, the Education Code requires a school district, as an authorizer of charter schools, to:
 - Identify at least one staff member to serve as a contact person for the charter school;
 - Visit the charter school at least annually;
 - ...

How Are Charter Schools Monitored to Ensure Compliance With Their Charters and Existing Law? (Cont'd.)

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- Ensure that the charter school complies with all reporting required by law, including the charter school's required annual update;
- Monitor the fiscal condition of the charter school; and
- Provide timely notification to the Department of Education if a renewal of the charter is granted or denied, the charter is revoked or the charter school will cease operation for any reason.

Is a Chartering Authority Compensated for the Costs of Oversight?

- Charter schools authorized by school districts must pay the authorizing district an oversight fee.
- Charter authorizing entity may charge a charter school for the actual costs of supervisorial oversight, not to exceed one percent of the revenue of the charter school.
- If the charter authorizing entity provides substantially rent-free facilities for use by the charter school, however, the charter authorizing entity may charge for the actual costs of supervisorial oversight, not to exceed three percent of the charter school's revenue.

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