

Policy 7160: Charter School Facilities

Status: ADOPTED

Original Adopted Date: 09/19/2023 | **Last Reviewed Date:** 09/19/2023

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 Title 24 of the California Code of Regulations or the Field Act pursuant to Education Code 17280-17317 and 17365-17374. (Education Code 47610(d), 47610.5(a))

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(b); 5 CCR 11969.1-11969.10, 11969.2(d))

The District shall not be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter schools. (Education Code 47614(b)(1))

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.

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

State References

Description

2 CCR 1859.160-1859.172	Leroy F. Greene School Facilities Program, specifically; Charter school facilities program - https://simbli.eboardsolutions.com/SU/8xtld0zsrncVRhkxGq4yyslshg==
2 CCR 1859.2	Definitions - https://simbli.eboardsolutions.com/SU/ly7nrsAODLy9PW6ohQUB6w==
2 CCR 1859.31	Classroom inventory - https://simbli.eboardsolutions.com/SU/6K0fZmZU1nk4wtl0FdkgSw==
5 CCR 11969.1-11969.10	Charter school facilities
Ed. Code 17070.10-17080	Leroy F. Greene School Facilities Act of 1998 - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds - https://simbli.eboardsolutions.com/SU/TQzJsnFNgK9C4FAujOZt4w==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction - https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjlzroyZQ==
Ed. Code 47600-47616.5	Charter Schools Act - https://simbli.eboardsolutions.com/SU/jplumZHRaxBMyaXh7aUGqfvQ==
Ed. Code 48204	Residency requirements for school attendance - https://simbli.eboardsolutions.com/SU/HqJj3DBOrZilTRB4slsh7hYFg==
Gov. Code 53094	Authority to render zoning ordinances inapplicable - https://simbli.eboardsolutions.com/SU/n1DbVJplus8FwwJTOhLplusYFVhg==

Gov. Code 53097.3

Charter school ordinances -
<https://simbli.eboardsolutions.com/SU/plusaM2CdImeXW2onY6AYuHUw==>

Management Resources References

	Description
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
Court Decision	Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4th 1022
Court Decision	Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185
CSBA Publication	Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. June 2021
CSBA Publication	The Role of the Charter School Authorizer, Online Course
Office of Public School Construction Publication	School Facility Program Handbook, May 2008
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==
Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==
Website	Coalition for Adequate School Housing - https://simbli.eboardsolutions.com/SU/zOaL3RZeoCPBOQ9GOYjpAg==
Website	Department of General Services, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/dID3XYbfsIshOyrnx2UA7B5IQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/abcZzYnsmgjY3gCel33M2g==
0420.41	Charter School Oversight - https://simbli.eboardsolutions.com/SU/Woplus5Qrraq2yrNfUwldKNLA==
0420.41-E PDF(1)	Charter School Oversight - https://simbli.eboardsolutions.com/SU/8V0P3Wp05bNfXocCgF1XbQ==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/wOXVhnJLZGLkUS6bBPI9A==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/KKktAvnC1f5lex7ihvQplusEQ==
1330-E PDF(1)	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/W9bw3qJgmDsYwDTDBL1ApQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/KfplusgxQu4XdQ4fzwoFrKwMQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/jKG6fRU1biZvtOwRvxGHPg==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/zmlXGfIWx6gZGkhPsgHWQ==

3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/fplusuNNjS73kEW0hSTNslshBOEA==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/7wnplusqeqOID9riyjslshxkq9w==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/tqPOAyTAEoe9mpmDUUACEA==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/H5up50t2xz3Bfpn3R6VaOw==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/OgvMIplusanCslshslshV7CGfplusgKCeg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/MOed8E3plusy1u7iJGAQrbFEg==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/S8kmaVYO3O10bZQI2ZTifA==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/QOUUplusvhHMfllhpoEg4VIfA==
7111	Evaluating Existing Buildings - https://simbli.eboardsolutions.com/SU/QOO4RGeUgrSnFSEZoCQ4Jw==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/pJ6GEz2LCKFdqLSYMxkeXw==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/Rslsh2nMINj261HpoatIBIVjg==