

Fresno Unified Board Policy (BP) 7160

Charter School Facilities

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 shall also be addressed in a written memorandum of understanding between the district and charter school.

(cf. 0420.4 - Charter School Authorization)
(cf. 0420.41 - Charter School Oversight)

As applicable, charter school facilities shall comply with the California Building Standards Code adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located 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 applicable 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 public schools of the district. The Board shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate and shall not move the charter school unnecessarily. If the district's preliminary proposal or final notification regarding the 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)

(cf. 7110 - Facilities Master Plan)

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

(cf. 3100 - Budget)

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.

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

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
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
1859.31 Classroom inventory
1859.160-1859.172 Charter school facilities program, new construction
CODE OF REGULATIONS, TITLE 5
11969.1-11969.10 Charter school facilities
COURT DECISIONS
Bullis Charter School v. Los Altos School District, (2011) 200 Cal.App.4th 1022
Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986
Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4th 185
ATTORNEY GENERAL OPINIONS
80 Ops.Cal.Atty.Gen. 52 (1997)

Policy FRESNO UNIFIED SCHOOL DISTRICT
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Policy Section: 7000 Facilities