

The California Charter Schools Act: A Brief Overview for the Board of Education

Presented at the Ad-Hoc Policy Discussion Thursday, October 16, 2008

Objective

 Provide a basic overview of the CA Charter Schools Act

- Notes:
- This provides a framework; not a comprehensive review of all parts of the law
- Considers recent Board member inquiries
- Sources: CA Education Code; CA Department of Education; CA Legislative Analyst

A Charter School is:

- A public school
- Composed of any combination of grades K-12
- Created by a group of stakeholders (teachers, parents and/or community leaders, districts, community-based organizations, etc.)
- Sponsored by a district or county board of education, or the State Board of Education
- Defined by its charter, a legally binding agreement between the petitioners and authorizing board, which contains specific goals and operating procedures

A Charter School is:

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- Generally exempt from most laws governing school districts
- Required to participate in STAR program and subject to federal and state accountability measures
- Nonsectarian in its programs, admission policies, employment, and operations
- Prohibited from charging tuition
- Required to be non-discriminatory on the basis of ethnicity, national origin, gender, or disability

The Purpose of Charter Schools

In accordance with the intent of the California Charter Schools Act, charter schools are intended to:

- Improve pupil learning
- Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving
- Encourage the use of different and innovative teaching methods
- Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site
- Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system
- [Be held] accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems
- Provide rigorous competition within the public school system to stimulate continual improvements in all public schools

Ref: Education Code § 47601

Establishing a Charter School

- Anyone may submit a charter petition to start a charter school (the Education Code specifies required elements to be addressed in a charter petition)
- New petitions must be signed by either 50% of "meaningfully interested" parents or teachers
- Conversion school petitions must be signed by 50% of permanent teachers
- The proposed charter must be attached to the petition
- The Board "shall not deny a petition" unless it makes factual findings that one or more of the following conditions exist:
 - The charter school presents an unsound educational program for the pupils to be enrolled in the charter school
 - The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
 - The petition does not contain the number of signatures required
 - The petition does not contain the affirmations required
 - The petition does not contain a "reasonably comprehensive" description of all 16 Elements specified in the Education Code

Ref: Education Code § 47605(a)

Charter School Legislative Cap

- The cap on charter schools for the State is currently set at 1,250 (for the 2009-09 fiscal year), and it increases by 100 each July 1
- Currently, there are over 800 active charter schools operating in 49 California counties and serving over 220,000 students
- Background
 - In 1992, when the CA Charter Schools Act was passed, the legislature originally set a cap
 of 100 charter schools statewide, with a district wide cap of ten charter schools
 - The district wide cap was intended to
 - prevent a small set of very large school districts from developing the majority of schools
 - promote the creation of charter schools across an array of both small and large school districts
 - ensure that no single school district would need to oversee and monitor a large number of charter schools
- Legislation Changes Charter Cap
 - In 1998, statewide cap increased to 250 charter schools for the 1998-99 school year, allowing 100 additional charter schools to open each year thereafter
 - It also entirely eliminated the district wide cap

Ref: Education Code § 47602; CA Legislative Analyst Report, January 2004

Applicable Laws for Charter Schools

- Except where specifically required, charter schools are generally exempt from California State laws governing school districts, whether or not these laws are in the California Education Code
- Some of the laws with which charter schools must comply are:
 - State and federal constitutions
 - The California Charter Schools Act (Education Code Section 47600 et. Seq.)
 - All federal laws (e.g., Individuals with Disabilities Education Improvement Act, Americans with Disabilities Act, and the Rehabilitation Act)
 - Laws that generally apply to governmental entities but not specifically to school districts (e.g., open meeting laws, employment laws, conflict of interest, contracting laws, and health and safety laws)

Applicable Laws for Charter Schools

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- Some of the laws with which charter schools must comply are:
 - All laws that are specifically a condition of funding for a specific program for which the charter school chooses to participate (e.g., No Child Left Behind)
 - Laws establishing minimum age for school attendance
 - Laws governing non-classroom-based independent study programs (whether defined as independent study, home schooling, distance learning, or otherwise)
 - Educational Employees Relations Act (Government Code Section 3540 et. seq.)
 - State pupil testing programs (e.g., Physical Fitness Test (PFT), Standardized Testing and Reporting (STAR), California High School Exit Examination (CAHSEE), California English Language Development Test (CELDT)
 - Specific provisions of law related to teachers retirement and employee relations

Ref: Education Code § 47610; CA Department of Education

Discussion

Thank you.

Questions?