

OVERSITE OF COUNTY CHARTER SCHOOLS

Requirements For Charter Schools

A charter school shall be subject to the terms of its charter; any memorandum of understanding with its chartering authority; 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.

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](#) (Education Code 47604.1)
2. 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](#), [47605.6](#))

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 public 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](#), [47605.6](#))

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 county, except as provided for in Education Code [47614.5](#). (Education Code [47605](#), [47605.6](#))

c. Other admission preferences identified in the charter petition, including, but not limited to, siblings of students admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may be permitted on an individual school basis consistent with law. (Education Code [47605](#), [47605.6](#))

9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code [47605\(d\)](#) (Education Code [48850](#); 42 USC [11431-11435](#))

10. Comply with the requirements of Education Code [48850-48859](#) regarding the enrollment and placement of foster youth (Education Code [48853.5](#), [48859](#))

11. 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](#))

Nondiscrimination

12. Not discriminate against any student on the basis of the characteristics listed in Education Code [220](#) (Education Code [47605](#), [47605.6](#))

13. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, 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. 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 (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 inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code [47605](#), [47605.6](#))

14. 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](#)

15. 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](#))

16. 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](#))

17. 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 parents/guardians of the rights and options available to pregnant and parenting students. (Education Code [222](#), 222.5, 46015)

18. 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](#))

Tuition and Fees

19. Not charge tuition (Education Code [47605](#), [47605.6](#))

20. 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

21. 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

22. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE). 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. (Education Code [47604.33](#), [47606.5](#), [52064](#), [52064.1](#))

23. 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)

24. 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](#))

25. Develop a 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

26. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code [47612.5](#))

27. 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](#))

28. 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](#))

29. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code [51931](#), [51934](#))

30. 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 (Education Code [49381](#))

31. 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](#))

32. 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](#))

33. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code [47605.6](#), [47612.5](#), [60605](#))

Special Education

34. 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](#))

35. If the charter school 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](#))

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. 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](#))
38. 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](#))

Student Expression

39. 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 (Education Code [48907](#), [48950](#))

Staffing

40. Require its teachers to hold the certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) required for the teacher's certificated assignment (Education Code [47605](#), [47605.6](#))
41. 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](#))
42. 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](#))

43. If it 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 (Education Code [47610](#))

44. If it is deemed the exclusive public school employer of the employees at the charter school, meet the requirements of Government Code [3540-3549.3](#) related to collective bargaining in public education employment (Education Code [47611.5](#))

Parent/Guardian Involvement

45. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code [47605](#), [47605.6](#))

46. 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](#), [47605.6](#))

47. 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 (Education Code [48985](#))

Nutrition

48. 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](#))

49. 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](#))

50. 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 denied a meal of the student's choice, shamed, or treated differently; and prohibit student discipline from resulting in the denial or delay of a nutritionally adequate meal (Education Code [49557.5](#))

51. 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 CDE to provide lunch and/or breakfast free of charge to all students under a federal universal service provision (Education Code [49564](#))

Student Health

52. 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 (Education Code [215](#))

53. 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 (Education Code 215.5)
54. Notify students and parents/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 (Education Code 49428)
55. 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](#))
56. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to student athletes and their parents/guardians, which must be signed and returned to the school before the student initiates practice or competition. In the event that a student 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](#))
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 of 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)
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](#))
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

60. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention, 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)

63. Neither recommend for expulsion 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 (Education Code 47606.2)

Student and Parent/Guardian Records

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](#))

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)

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 (Education Code [47605](#), [47605.6](#))

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. Update and reissue a former student's records to include the student's updated legal name or gender, 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](#) (Education Code 49062.5, [49070](#))

Facilities

70. 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.

Finance

71. Promptly respond to all reasonable inquiries from 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](#))

72. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code [47612.5](#))

73. 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](#))

74. Annually prepare and submit financial reports to the County Board of Education 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 County 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 COE's audit. The audit report shall also be submitted to the State Controller and CDE. (Education Code [47605](#), [47605.6](#))

75. 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

76. Annually adopt a school accountability report card (Education Code [47612](#); California Constitution, Article 16, Section 8.5)

MENDOCINO COUNTY BOARD OF EDUCATION

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