Board Policy
Charter School Facilities

BP 7160
Facilities

The Board of Trustees 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.

(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 by the local building enforcement agency 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 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; 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 schools. (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.

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)

Management Resources:
CSBA PUBLICATIONS
The Role of the Charter School Authorizer, Online Course
Charter Schools: A Manual for Governance Teams, rev. 2009
Charter School Facilities and Proposition 39: Legal Implications for School Districts, 2005
OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS
School Facility Program Handbook, May 2008
WEB SITES
CSBA: http://www.csba.org
California Charter Schools Association: http://www.charterassociation.org
California Department of Education, Charter Schools: http://www.cde.ca.gov/sp/cs
Coalition for Adequate School Housing: http://www.cashnet.org
Office of Public School Construction: http://www.opsc.dgs.ca.gov

Policy SAN LEANDRO UNIFIED SCHOOL DISTRICT
adopted: June 24, 2014 San Leandro, California