

Policy 7160: Charter School Facilities

Status: ADOPTED

Original Adopted Date: 07/01/2008 | **Last Revised Date:** 03/01/2012 | **Last Reviewed Date:** 03/01/2012

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 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)

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

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

2 CCR 1859.160-1859.172

Description

[Leroy F. Greene School Facilities Program, specifically; Charter school facilities program](#)

2 CCR 1859.2

[Definitions](#)

2 CCR 1859.31	Classroom inventory
5 CCR 11969.1-11969.10	Charter school facilities
Ed. Code 17070.10-17080	Leroy F. Greene School Facilities Act of 1998
Ed. Code 17078.52-17078.66	Charter schools facility funding; state bond proceeds
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 47600-47616.5	Charter Schools Act
Ed. Code 48204	Residency requirements for school attendance
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 53097.3	Charter school ordinances
Management Resources	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
Website	California Charter Schools Association
Website	California Department of Education, Charter Schools
Website	Coalition for Adequate School Housing
Website	Department of General Services, Office of Public School Construction

Cross References

Code	Description
0420.4	Charter School Authorization
0420.4	Charter School Authorization
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
1330	Use Of School Facilities
1330	Use Of School Facilities
3100	Budget
3100	Budget
3280	Sale Or Lease Of District-Owned Real Property
3280	Sale Or Lease Of District-Owned Real Property
3530	Risk Management/Insurance
3530	Risk Management/Insurance
5111.1	District Residency
5111.1	District Residency
5117	Interdistrict Attendance
5117	Interdistrict Attendance
7110	Facilities Master Plan
7111	Evaluating Existing Buildings
9323.2	Actions By The Board
9323.2-E(1)	Actions By The Board