Frequently Asked Questions about Charter Schools

These FAQs have been adapted from the California Department of Education website are advisory only.

General Information

Q.1 How does one find the name and location of charter schools?

The names of charter schools authorized by the Los Angeles Unified School District may be found by going to [www.lausd.net](http://www.lausd.net), under Offices click on Innovation and Charter Schools Division. Then click on School Directory.

Q.2 Are charter schools part of the public school system?

Yes. Charter schools are under the jurisdiction of the Public School System, as specified in California Education Code (EC) Section 47615.

Q.3 What is the protocol for filing a complaint about a charter school?

Complaints should first be addressed at the school site by talking with the teacher and, if necessary, the school principal. If the problem is not resolved, the school’s governing board should be contacted, followed by the school’s charter authorizing entity. Charter school receiving federal funds are subject to provisions of the Uniform Complaint Procedures.

Q.4 Is it OK for charter schools to charge for books and instructional materials?

No. For required courses during the school day or during intervention, charter schools may not charge for books and instructional materials. They may charge for supplemental programs, child care and sports.

Q.5 Can students be counseled out of enrolling in or continuing to attend, a charter school?

No. According to California Education Code Section 47605(2)(A and B) (Outside Source), “A charter school shall admit all pupils who wish to attend the school. However, if the number of pupils who wish to attend the charter school exceeds the school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.”

Charter schools may not discriminate against or discourage enrollment of any student with an Individualized Education Program (IEP) who would otherwise be admitted to the charter school.

Q.6 Do charter school receive accreditation?


Only those charter schools that successfully complete an accreditation process receive accreditation. The majority of charter high schools seek accreditation through the Western Association of Schools and Colleges.

Additional information regarding accreditation and specific course approvals may be found at:

- [http://www.acswasc.org/](http://www.acswasc.org/)
- [http://www.ucop.edu/list](http://www.ucop.edu/list)
- [http://ucop.edu/doorways](http://ucop.edu/doorways)

**Governance, Oversight, and Liability**

**Q.1** What is the governance structure of a charter school?

Charter school governance structures vary. Many schools involve the stakeholders, including parents, teachers, administrators, classified staff, and community leaders. California *Education Code (EC) Section 47605(b)(5)(D)* requires the charter include a reasonably comprehensive description of the school’s governance structure.

If a charter school elects to operate as a nonprofit, public benefit corporation, as allowed by *EC Section 47604*, the charter authorizing entity may not be liable for any of the debts or obligations of the charter school. Nonprofit corporations operating charter schools in California are subject to the laws governing nonprofit corporations in the California Corporations Code and all charter school laws.

**Q.2** Are charter schools subject to open meeting requirements?

Yes. Although charter schools are exempt from most laws applicable to school districts, they are not exempt from laws that generally apply to public agencies, including the legal requirement to hold open meetings. California *Government Code Section 54950 et.seq.* (commonly referred to as the “Brown Act”) requires that the deliberations and actions taken by local (public) agencies be conducted openly.

**Q.3** What are the oversight responsibilities of a charter authorizing entity like LAUSD?

The charter authorizing entity is responsible for ensuring the charter school operates in compliance with all applicable laws and terms of its charter. *EC Section 47604.32* identifies the duties of a charter authorizing entity. Specifically, the charter authorizing entity must:

1. Identify at least one staff members as a contact person for the charter school.
2. Visit each charter school at least annually.
3. Ensure that each charter school under its authority complies with all reports required of charter schools by law.
4. Monitor the fiscal condition of each charter school under its authority.
5. Provide timely notification to the department if the charter is revoked or if the charter school will cease operation for any reason.

**General Compliance**

**Q.1** From what laws are charter schools exempt?
Charter schools are generally exempt from California State laws governing school districts, except where specifically imposed by California Education Code (EC) Section 47610.

Some of the laws with which charter schools must comply are:

1. State and federal constitutions.
2. The California Charter Schools Act (EC Section 47600 et. seq.).
3. All federal laws (e.g., Individuals with Disabilities Education Improvement Act, Americans with Disabilities Act, and the Rehabilitation Act).
4. All laws that are a condition of funding for a specific program for which the charter school chooses to participate (e.g., No Child Left Behind [NCLB] Act of 2001).
5. Laws establishing minimum age for school attendance.
6. Laws governing nonclassroom-based programs (whether defined as independent study, home schooling, distance learning, personalized learning, or virtual).
7. Educational Employees Relations Act (California Government Code Section 3540 et. seq.).
8. State pupil testing programs (e.g., Physical Fitness Test, Standardized Testing and Reporting, California High School Exit Examination, California English Language Development Test.)
9. Specific provisions of law related to teachers’ retirement and employee relations.

Q.2 Are two-way bilingual immersion charter schools exempt from Proposition 227 requirements?

Yes. Charter schools are exempt from the legal requirements that were added to the EC Section 300 through Proposition 227. For example, a charter school is not required to obtain annual waivers of consent from parents of English learners who have opted to enroll a child in a two-way immersion program, and is not required to place students in an English language classroom for 30 days prior to placement in a two-way immersion program.

Q.3 Must a school district take a student that has been expelled from a charter school?

A charter school is required to describe its suspension and expulsion procedures in its charter. Once a student is expelled, the student may return to the jurisdiction of the school district that he or she would be eligible to attend prior to enrolling in the charter school. The district may choose to treat a student expelled from a charter school in the same manner as a student expelled from the district.

Q.4 May a charter school offer, provide, or teach religious curricula?

Charter schools and non charter public schools may teach about what different world religions believe, but may not teach a religious curriculum. EC Section 47605(d) requires that a charter school be nonsectarian in its programs, admission policies, employment practices, and all other operations.

Q.5 Are charter schools exempt from federal requirements?

No. While EC Section 47610 exempts charter schools from most of the California laws governing school districts, charter schools are not exempt from federal requirements. Some examples of federal laws with which charter schools must comply are the Individuals with Disabilities Education Improvement
Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the No Child Left Behind Act of 2001, and any requirements that are a condition of receiving of federal funding.

Q.6 Must charter schools develop a School Accountability Report Card?

Yes. Article XVI Section 8.5(e) of the California Constitution requires that a "school district maintaining an elementary or secondary school shall develop and cause to be prepared an annual audit accounting for such funds and shall adopt a School Accountability Report Card [SARC] for each school."

Q.7 What health and safety requirements apply to charter schools?

EC Section 47605(b)(5)(F) specifies that the charter must describe the procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures must include the requirement that each employee of the school furnish the school with a criminal record summary as described in EC Section 44237, a full description of a school's health and safety policies which may include a variety of issues, such as immunizations, tuberculosis testing, and disaster procedures. The California Health and Safety Code Section 124085 requires children to have a comprehensive health screening and evaluation upon school entry.

Q.8 Can a charter school charge students for summer school programs?

No. EC Section 47605(d) prohibits a charter school from charging tuition. It may only charge fees for optional programs and activities that are recreational and outside of regular school programs.

Q.9 What accountability provisions of NCLB Act apply to charter schools?

All public schools, including charter schools, must comply with the accountability system of the NCLB Act, and, in California, with the following:

1. Provide instruction that leads to mastery of the state-developed content and academic achievement standards.
2. Participate in the state assessment system.
3. Be subject to the state-developed measures of adequate yearly progress (AYP). In addition, charter schools must be identified for school improvement, corrective action, or restructuring when failing to meet AYP. The NCLB Act requires that all students be proficient by the 2013-14 school year.

Charter School Staffing

Q.1 What qualifications are required of charter school teachers?

California Education Code (EC) Section 47605(l) states that teachers in charter schools are required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. EC Section 47605(l) also states that it is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.
Administrators and non-teaching staff in a charter school are not required to be credentialed.

Q.2 What is a “highly qualified teacher” according to the NCLB Act, and how does this requirement affect charter school teachers?

The NCLB Act applies to teachers employed by public schools, and requires that all public school teachers be highly qualified. Under the NCLB Act, a highly qualified teacher:

1. Holds appropriate state certification.
2. Holds a minimum of a bachelor’s degree.
3. Has demonstrated subject area competence in each of the academic subjects in which the teacher is assigned to teach.

For core, and college preparatory courses, the credentialing requirements are the same for charter school and traditional public school teachers.

Q.3 What are the core academic subject areas?

The NCLB’s definition of core academic subjects is the same for teachers at all levels. NCLB defines core academic subject areas as English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history, and geography. Elementary school teachers must demonstrate competence in reading, writing, mathematics, and other core academic subject areas of the elementary school curriculum.

Q.4 Do teachers assigned to English learners providing core content instruction in charter schools need supplemental certification and authorization to teach English learners?

Yes. Teachers providing core instruction to an English learner must possess the same credentials as required in all California public schools, grades kindergarten through twelve.

Q.5 Is a special education teacher who teaches core academic subjects required to demonstrate subject matter competence in each of the core academic subjects taught regardless of the instructional setting (e.g., learning center, resource specialist program, special day class, self-contained class, itinerant teacher, or rehabilitative program)?

Yes. The NCLB and IDEA teacher requirements apply whether a special education teacher provides instruction in a core academic subject in a regular classroom, a resource room, or any another setting. Whether the teacher provides instruction in the core academic subject is more important than the instructional setting.

Q.6 What instructional activities can be performed by a special education teacher who holds an appropriate teaching credential but has not established subject matter competence?

The instructional activities are:

Reinforcing instruction that the student with disabilities has already received from a teacher who meets the NCLB teacher requirements
Adapting curricula
Using behavioral supports and interventions
Selecting appropriate accommodations for students
Assisting students with study skills or organizational skills
Helping students adjust to the learning environment
Modifying the instructional methods

Note: California requires teachers of students with disabilities to hold an appropriate California special education credential whether or not the individual is teaching core academic subject areas.

Testing and Accountability

Q.1 Can a charter school require each student to participate in state testing?

Charter school pupils are required to participate in all statewide assessments that are applicable to pupils in non-charter public schools. Parents have the right to waive, under specified conditions, state testing requirements for the STAR program. A charter school cannot disregard or take away this parental right.

Q.2 Is there flexibility for how charter schools administer the Standardized Testing and Reporting (STAR) Program?

No. Charter schools are required by California Education Code Section 47605(c) to administer these tests following the same procedures and requirements for test administration as required of non charter schools.

Q.3 What responsibilities do charter schools have to identify students as English learners?

During initial enrollment in a California public school, parents or guardians of all students are required to complete a Home Language Survey (HLS) comprised of four questions. When the HLS indicates a language other than English, the student's English language proficiency is determined using the California English Language Development Test which is administered within 30 calendar days of school enrollment. During initial enrollment, students identified as English learners are further assessed in their primary language to determine proficiencies in listening, speaking, reading, and writing. Results of each student's assessments are to be sent to parents or guardians in a language they understand. Final results of students' designation and English proficiencies are reported annually to the state for each school on the school's Language Census.