

## **CHARTER SCHOOL FACILITIES**

The Monterey County Board of Education (County Board) shall be responsible to provide facilities upon the legally compliant request only of a charter school that the County Board authorized pursuant to Education Code Section 47605.5 or Education Code 47605.6.

Education Code 47605.5 allows a petition to be submitted directly to a county board of education to establish a charter school that will serve students for whom the county office of education would otherwise be responsible for providing direct education and related services.

Education Code 47605.6 permits a county board of education to approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education.

The Monterey County Superintendent of Schools or designee should ensure that all such legally compliant requests are evaluated and processed in accordance with law, Board policy and Administrative regulation.

A request for existing facilities for a particular fiscal year will be considered only if it is submitted before November 1 of the fiscal year preceding the fiscal year for which facilities are requested. Any new charter school that has filed its original petition with the County Board pursuant to Education Code 47605.5 or 47605.6 and has been authorized by the County Board is entitled to be allocated and/or provided access to facilities only if it receives approval of its petition before March 15 of the fiscal year preceding the fiscal year for which facilities are requested.

Facilities provided to qualifying charter schools shall be contiguous, furnished, and equipped. In addition, the facilities must be sufficient to accommodate all of the charter school's students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other Monterey County Office of Education (MCOE) schools.

The County Board shall have no responsibility to provide facilities to a charter school whose original petition was submitted to a school district within the County pursuant to Education Code 47605, regardless of whether the school district or some other agency ultimately authorized the charter. As to such charter schools, the obligation to provide facilities falls upon the school district to which the original petition was submitted. [Education Code 47632(j)(2); 47605(j)(1)(b), 47614]

*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 of 1992, as amended*  
47632(j)(2)      *Definition of "Sponsoring local education agency"*  
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*  
1859.160-1859.171      *Charter school facilities program, new construction*

CODE OF REGULATIONS, TITLE 5

11969.1-11969.10      *Charter school facilities*

COURT DECISIONS

*Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4<sup>th</sup> 986*  
*Sequoia Union High School District v. Aurora Charter High School (2003) 112 Cal.App.4<sup>th</sup> 185*

ATTORNEY GENERAL OPINIONS

80 *Ops.Cal.Atty.Gen.* 52 (1997)

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