

BOARD POLICY
Placentia-Yorba Linda Unified School District

Facilities

7160 - BP

CHARTER SCHOOL FACILITIES

Upon request by a charter school operating within the district, the Governing Board shall provide facilities in accordance with law, Board policy, and administrative regulation. District staff shall provide the board copies of all requests submitted in accordance with Education Code Section 47614 within three (3) days of receipt of such requests.

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 Title 24 of the California Code of Regulations or the Field Act pursuant to Education Code §§ 17280-17317 and 17365-17374. (Education Code §§ 47610, 47610.5(a))

A charter school must be operating in the district as defined in Education Code § 47614 before it submits a request for facilities. A new or proposed charter school operating within the district is eligible to request facilities for a particular fiscal year only as provided for in law. (5 CCR. 11969.9)

Upon timely and legally compliant request submitted pursuant to Education Code § 47614 and its implementing regulations, the Board shall make facilities available to an eligible charter school operating in the district, as defined in law and administrative regulation and the facilities shall comply with applicable legal requirements. The charter school shall distribute a reasonable number of copies of the written request to parents/guardians, school staff, and/or other interested parties, or shall otherwise make the request available for review. (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(b)(1))

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

17070.10-17079.30 Leroy F. Greene School Facilities Act of 1998, including:
17078.52-17078.66 Charter schools facility funding; state bond proceeds
17280-17317 Field Act
17365-17374 Field Act, fitness for occupancy
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 relating to the Leroy F. Greene School Facilities Act of 1998

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)

WEB SITES

CSBA: <https://www.csba.org>

California Charter Schools Association: <https://www.ccsa.org>

California Department of Education, Charter Schools: <https://www.cde.ca.gov/sp/ch/index.asp>

Coalition for Adequate School Housing: <http://www.cashnet.org>

Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

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