

**Facilities**

**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.

*(cf. 0420.4 - Charter Schools)*  
*(cf. 7110 - Facilities Master Plan)*

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 if it submits its charter petition before November 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to be allocated and/or provided access to facilities only if it receives approval of the petition before March 15 of the fiscal year preceding the year for which facilities are requested. (5 CCR 11969.9) The Superintendent or designee shall ensure that requests received are evaluated and processed in accordance with law, Board policy, and administrative regulation. 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 consider the offer, make a specific finding that the district cannot accommodate the charter school's students at a single school site, and adopt a written statement of reasons explaining the finding. (5 CCR 11969.2)

*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  
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.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

*Charter Schools: A Manual for Governance Teams, rev. 2008*

WEB SITES

*CSBA: <http://www.csba.org>  
California Department of Education, Charter Schools Office: <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>  
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