



What Laws Must Charter Schools Follow?

Education Code section 47610(a) states that charter schools, with certain exceptions, are generally “exempt from the laws governing school districts.” So what laws apply to charter schools? The question is best addressed on a case-by-case basis.

- The exemption is generally interpreted to apply to all laws that apply uniquely to school districts. Therefore, charter schools generally should follow laws of general application to all public entities, such as the Brown Act, California Public Records Act, and the Political Reform Act.
- There are some provisions in the Education Code that apply uniquely to school districts, such as suspension/expulsion procedures, and laws regarding teacher tenure and probationary status. Generally speaking, charter schools are exempt from such laws, unless the terms of the Charter document state that they will comply with them. The Charter document will contain the legal requirements governing the charter school’s suspension/expulsion procedures and employee status.
- Laws of general application, and not just applicable to school districts, apply to charter schools. For example, laws governing all employers, such as anti-discrimination laws, disability discrimination laws, workers compensation and workplace safety, apply to charter schools as employers.
- The Education Code has specifically identified legal requirements that charter schools must follow, including:
 - Credentialing: Charter schools must follow the same credentialing requirements as public schools, but have “flexibility with regard to noncore, noncollege preparatory courses.” (Education Code section 47605(l).)
 - Charter schools must comply with “[a]ll laws establishing minimum age for public school attendance.” (Education Code section 47610(c).)
 - Charter school facilities must comply with the provisions of the Field Act (Education Code section 17280 *et seq.*) or the California Building Standards Code, unless otherwise exempt. (Education Code section 47610(d); 47610.5(b).)
 - However, charter schools must comply with other laws governing the use and location of facilities, including local zoning requirements (unless exempted by a school district), and the California Environmental Protection Act.
 - Charter schools must meet instructional minute requirements (Education Code section 47612.5(a)) and maintain an instructional track of no less than 175 days (Education Code section 47612(d)(3).)
 - If the Charter document makes the State Teachers Retirement Plan or Public Employees’ Retirement System available to employees, the charter school must comply with the requirements stated for participation in those plans.



- Charter schools are subject to the Rodda Act (Government Code section 3540 *et seq.*), the statute governing collective bargaining in public schools. Although a charter school's employees might not elect to unionize, the Rodda Act contains provisions that apply even where employees are not unionized (for example, an employer's obligations with respect to employees who are attempting to organize) that apply to charter schools
- **Many statutes in the Education Code were written, or have been revised, to add applicability to charter schools. Therefore, the best source to determine whether a particular statute or rule applies to a charter school is the language of that statute or rule.**