

Kennon Mitchell, Ph.D., Assistant Superintendent
Educational Services

The purpose of this notice is to inform you that in accordance with the provisions of each charter petition (“Charter”) authorized by the San Bernardino City Unified School District (“District”) Governing Board, Education Code section 47607 *et seq.* and all applicable implementing regulations, as well as state and federal law, each charter school authorized by the District is obligated to ensure that it does not discriminate against any prospective or currently enrolled student on the basis of any of the protected categories set forth in Education Code Sections 47605(d) and 220. The full text of those sections is set forth below.

Education Code Section 47605(d):

(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) 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.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall

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notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

Education Code Section 220:

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.

Additionally, each charter school is obligated to ensure that it utilizes only the policies and procedures set forth in its respective Charter and/or any Memorandum of Understanding authorized by the District Governing Board in imposing any disciplinary action up to and including expulsion or otherwise involuntarily removing a student from the charter school for any cause.

Furthermore, this correspondence is to notify each charter school board and administration, that the use of grade point averages and/or other academic performance criteria for initial or continued enrollment are not conditions for admission, expulsion, or other dismissal that have been authorized by the District Governing Board for any charter school under the District's oversight. Accordingly, any criteria for admission or dismissal from a charter school under the District's oversight that are based on academic performance must be deleted from student handbooks, school policies, regulations, practices and/or any other information that is provided to parents/guardians. Furthermore, such criteria shall not be utilized in admission determinations or decisions regarding continued enrollment at any District authorized charter school(s).

Furthermore, each District-authorized charter school is hereby specifically directed not to counsel or encourage students or parents/guardians, either verbally or in writing, to dis-enroll or otherwise leave the school on the basis that the child's disability would be better served at another school or the School does not provide the services or placement necessary for the child. Each charter school is obligated to enroll a student that applies without regard to their disability or academic performance. Enrolled students who qualify for services pursuant to the Individuals with Disabilities Education Improvement Act or Section 504 of the Rehabilitation Act of 1973 are to be provided services as set forth in the IEP and/or 504 plan.

The District expects full compliance with and adherence to the directives set forth in this letter. If the District becomes aware of any violations of these directives, appropriate measures will be taken in accordance with the terms of the applicable Charter, Education Code Section 47607, and the implementing regulations. If you have any questions or comments regarding these directives and/or their implications on your Charter please contact my office immediately.