

# California Charter Schools – What The Law Says

## Pertaining to Religious Instruction

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This document contains portions of California law that pertain to religious instruction in charter schools.  
[Bracketed Comments and Emphasis Added]

### CALIFORNIA STATE CONSTITUTION

ARTICLE 9 SECTION 8. No public money shall ever be appropriated for the support of any sectarian [religious] or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools\* of this State.

### CALIFORNIA EDUCATION CODE

#### CALIFORNIA EDUCATION CODE SECTION 47615

- (a) The Legislature finds and declares all of the following:
- (1) **Charter schools are part of the Public School System**, as defined in Article IX of the California Constitution.
  - (2) **Charter schools are under the jurisdiction of the Public School System** and the **exclusive control** of the officers of the public schools, as provided in this part.
  - (3) Charter schools shall be entitled to full and fair funding, as provided in this part.
- (b) This part shall be liberally construed to effectuate the findings and declarations set forth in this section.

CALIFORNIA EDUCATION CODE SECTION 47605(d)(1)  
**Charter schools shall meet all statewide standards** and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

CALIFORNIA EDUCATION CODE SECTION 47605(e)(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.

CALIFORNIA EDUCATION CODE SECTION 60044  
A governing board shall not adopt any instructional materials for use in the schools that, in its determination, contain:

(a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation, or because of a characteristic listed in Section 220.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

#### CALIFORNIA EDUCATION CODE SECTION 60605(a)(1)

(A) Not later than January 1, 1998, the state board shall adopt statewide academically rigorous content standards, pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in the core curriculum areas of reading, writing, and mathematics to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California educational system. Not later than November 1, 1998, the **state board shall adopt these standards in the core curriculum areas of history/social science and science**.

(B) The state board shall adopt statewide performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science based on the recommendations made by the Superintendent of a contractor or contractors.

### CALIFORNIA CHARTER SCHOOLS ASSOCIATION FAQ

[Author's Note: Below is a description published by the CCSA of the requirements set forth in the California Constitution and Codes.]

**It is strictly against California law for any public school, including charter schools, to offer religious instruction.** Under the California state constitution, all public education must be of a non-sectarian nature and the teaching or funding of any religious or faith based "public" school is strictly prohibited.

Ed. Code 47605(d)(1) states that "a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations."

\* Common Schools: "public school[s]" – Blacks Law Dictionary, 9<sup>th</sup> Edition; the terms "common schools" and "public schools" are synonymous.

This document is not intended to be nor does it constitute the giving of legal advice.