

**Policy 0420.41: Charter School Oversight**

Status: DRAFT

Original Adopted Date: 10/16/2012 | Last Revised Date: 09/12/2023 | Last Reviewed Date: 09/12/2023

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

**The Superintendent may designate someone to attend meetings of the charter school governing body whenever possible.**

#### **Monitoring Charter School Performance**

**Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.**

**The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.**

**The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. The Superintendent or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school. (Education Code 47604.32, 47604.33, 47606.5)**

#### **Waivers**

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the **Board approve and the** district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

#### **Provision of District Services**

**The Upon approval by the Board of an appropriate agreement, the** charter school may purchase **contract with the district or any other source for** administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

## Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

Pursuant to Education Code 47605, ~~the~~ **The Board may deny a request to expand operations** **proposed material revision** if it finds that the proposed ~~expansion~~ **material revision** would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: **(Education Code 47605)**

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served **within reasonable proximity to where the charter school intends to locate**

~~Additionally, pursuant to Education Code 47605, the Board may deny a request to expand charter school operations~~ **proposed material revision** if it finds that the district is not positioned to absorb the fiscal impact of the proposed ~~charter school expansion~~ **material revision**. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, ~~or if the district has a negative interim certification pursuant to Education Code 42131, or~~ **the district** is under state receivership. **(Education Code 47605)**

## Location of Charter Schools

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries. ~~(Education Code 47605.1)~~

## Monitoring Charter School Performance

~~Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.~~

## Fees/Charges for Supervisorial Oversight

~~The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.~~

~~The Board shall monitor the fiscal condition of the charter school based on any financial report or information~~

obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

The district may charge for district supervisory oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue:
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisory oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisory oversight responsibility for the charter school by SBE when authorized on appeal

### **Technical Assistance/Intervention**

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605(c):

This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school:-

Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes:

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

### **Complaints**

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

### School Closure

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter ~~and/or an MOU~~ **school and/or an applicable agreement between the district and the charter school**, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason. Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### State References

	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	<a href="#">Training for security officers</a>
CA Constitution Article 16, Section 8.5	<a href="#">Public finance; school accountability report card</a>
CA Constitution Article 9, Section 5	<a href="#">Common school system</a>
Corp. Code 5110-6910	<a href="#">Nonprofit public benefit corporations</a>
Ed. Code 1006	<a href="#">Prohibition against school district employees serving on county board of education</a>
Ed. Code 17070.10-17079.30	<a href="#">Leroy F. Greene School Facilities Act</a>
Ed. Code 17280-17317	<a href="#">Field Act; approval of plans and supervision of construction</a>
Ed. Code 17365-17374	<a href="#">Field Act; fitness for occupancy; liability of board members</a>
Ed. Code 215	<a href="#">Suicide prevention policies</a>
Ed. Code 215.5	<a href="#">Student identification cards; inclusion of safety hotlines</a>
Ed. Code 220	<a href="#">Prohibition of discrimination</a>
Ed. Code 221.61	<a href="#">Posting of Title IX information on website</a>
Ed. Code 221.9	<a href="#">Sex equity in competitive athletics</a>
Ed. Code 222	<a href="#">Reasonable accommodations; lactating students</a>
Ed. Code 222.5	<a href="#">Pregnant and parenting students; notification of rights</a>
Ed. Code 231.5	<a href="#">Sexual harassment policy</a>
Ed. Code 234.4	<a href="#">Mandated policy on bullying prevention</a>
Ed. Code 234.6	<a href="#">Bullying and harassment prevention information</a>

**State References**

	<b>Description</b>
Ed. Code 234.7	<a href="#">Student protections relating to immigration and citizenship status</a>
Ed. Code 243	<a href="#">Prohibition of discrimination; instructional materials</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 32283.5	<a href="#">Bullying; online training</a>
Ed. Code 33353	California Interscholastic Federation incident tracking
Ed. Code 33479-33479.9	<a href="#">The Eric Parades Sudden Cardiac Arrest Prevention Act</a>
Ed. Code 35120	<a href="#">Student board membership</a>
Ed. Code 35179.4-35179.6	<a href="#">Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program</a>
Ed. Code 35183.1	<a href="#">Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance</a>
Ed. Code 35292.6	<a href="#">Stocking of menstrual products</a>
Ed. Code 35330	<a href="#">Field trips and excursions; student fees</a>
Ed. Code 38001.5	<a href="#">Training for security officers</a>
Ed. Code 38080-38086	<a href="#">School meals</a>
Ed. Code 39831.3	<a href="#">Transportation safety plan</a>
Ed. Code 39843	<a href="#">Disciplinary action against bus driver; report to Department of Motor Vehicles</a>
Ed. Code 41024	<a href="#">Report of expenditure of state facility funds</a>
Ed. Code 42100	<a href="#">Annual statement of receipts and expenditures</a>
Ed. Code 44030.5	<a href="#">Reporting change in employment status due to alleged misconduct</a>
Ed. Code 44237	<a href="#">Criminal record summary</a>
Ed. Code 44691	<a href="#">Information on detection of child abuse; annual training</a>
Ed. Code 44830.1	<a href="#">Certificated employees; conviction of a violent or serious felony</a>
Ed. Code 45122.1	<a href="#">Classified employees; conviction of a violent or serious felony</a>
Ed. Code 45125.1	<a href="#">Criminal records summary; employees of contracting entity</a>
Ed. Code 46015	<a href="#">Accommodations for pregnant and parenting students; parental leave</a>
Ed. Code 46390-46393	<a href="#">Emergency average daily attendance</a>
Ed. Code 47600-47616.7	<a href="#">Charter Schools Act of 1992</a>
Ed. Code 47634.2	<a href="#">Nonclassroom-based instruction</a>
Ed. Code 47640-47647	<a href="#">Special education funding for charter schools</a>
Ed. Code 47651	<a href="#">Apportionment of funds; charter schools</a>
Ed. Code 48000	<a href="#">Minimum age of admission for kindergarten; transitional kindergarten</a>
Ed. Code 48010	<a href="#">Minimum age of admission to first grade</a>
Ed. Code 48206.3-48208	<a href="#">Students with temporary disabilities; individual instruction</a>
Ed. Code 48850-48859	<a href="#">Education of foster youth and homeless students</a>
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 48901.1	<a href="#">Suspension and expulsion; willful defiance</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place, and manner rules and regulations</a>
Ed. Code 48913.5	<a href="#">Suspended students; homework assignments</a>
Ed. Code 48950	<a href="#">Speech and other communication</a>

**State References**

	<b>Description</b>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Ed. Code 49005-49006.4	<a href="#">Seclusion and restraint</a>
Ed. Code 49010	Student fees
Ed. Code 49011	<a href="#">Student fees</a>
Ed. Code 49014	<a href="#">Public School Fair Debt Collection Act</a>
Ed. Code 49056	Prohibition of denial of recess
Ed. Code 49061	<a href="#">Definitions; directory information</a>
Ed. Code 49062.5	<a href="#">Student records; name or gender change</a>
Ed. Code 49070	<a href="#">Challenging student records</a>
Ed. Code 49073.2	<a href="#">Privacy of student and parent/guardian personal information; minutes of board meeting</a>
Ed. Code 49076.7	<a href="#">Student records; data privacy; social security numbers</a>
Ed. Code 49110	<a href="#">Authority to issue work permits</a>
Ed. Code 49381	<a href="#">Human trafficking prevention</a>
Ed. Code 49406	<a href="#">TB risk assessment</a>
Ed. Code 49414	<a href="#">Epinephrine auto-injectors</a>
Ed. Code 49414.3	<a href="#">Administration of opioid antagonist</a>
Ed. Code 49414.7	Administration of albuterol inhalers
Ed. Code 49428	<a href="#">Notification of mental health services</a>
Ed. Code 49428.5	Employment of medical personnel
Ed. Code 49430-49434	<a href="#">The Pupil Nutrition, Health, and Achievement Act of 2001</a>
Ed. Code 49431.9	<a href="#">Prohibition of advertisement of non-nutritious foods</a>
Ed. Code 49475	<a href="#">Health and safety; concussions and head injuries</a>
Ed. Code 49501.5	<a href="#">Free breakfast and lunch to all students</a>
Ed. Code 49550-49564.5	<a href="#">Meals for needy students</a>
Ed. Code 49557.5	<a href="#">Child Hunger Prevention and Fair Treatment Act of 2017</a>
Ed. Code 49564.3	<a href="#">Provision of federal universal meal service</a>
Ed. Code 49603	<a href="#">On campus access to employers and military services</a>
Ed. Code 49700-49701	<a href="#">Education of children of military families</a>
Ed. Code 51224.7	<a href="#">Mathematics placement policy</a>
Ed. Code 51225.1-51225.2	<a href="#">Exemption from local graduation requirements; acceptance of coursework</a>
Ed. Code 51225.3	<a href="#">High school graduation requirements</a>
Ed. Code 51225.6	<a href="#">Instruction in cardiopulmonary resuscitation; districts that require health education for graduation</a>
Ed. Code 51225.7-51225.8	<a href="#">Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application</a>
Ed. Code 51413	<a href="#">Diploma of graduation without passage of high school exit examination</a>
Ed. Code 51744-51749.6	<a href="#">Independent study</a>
Ed. Code 51925-51929	<a href="#">Mandatory mental health education</a>
Ed. Code 51930-51939	<a href="#">California Healthy Youth Act</a>
Ed. Code 52052	<a href="#">Accountability; numerically significant student subgroups</a>

**State References**

Ed. Code 52060-52077

Ed. Code 52075

Ed. Code 52770

Ed. Code 56026

Ed. Code 56040.3

Ed. Code 56145-56146

Ed. Code 56365-56366.12

Ed. Code 56521.1-56521.2

Ed. Code 60600-60649

Ed. Code 64000

Ed. Code 64001

Ed. Code 65000-65001

Ed. Code 69432.9-69432.92

Gov. Code 1090-1099

Gov. Code 3540-3549.3

Gov. Code 3555-3559

Gov. Code 54950-54963

Gov. Code 7920.000-7930.215

Gov. Code 81000-91014

H&amp;S Code 104420

H&amp;S Code 104559

Lab. Code 1198.5

Lab. Code 3074.2

Pen. Code 1192.7

Pen. Code 667.5

Veh. Code 28160

**Description**[Local control and accountability plan](#)[Uniform complaint procedures](#)

College and career fairs

[Special education](#)[Availability of assistive technology device](#)[Special education services in charter schools](#)[Nonpublic, nonsectarian schools](#)

Emergency Interventions

[Assessment of academic achievement](#)[Categorical programs included in consolidated application](#)[School plan for student achievement; consolidated application programs](#)[School site councils](#)[Cal Grant program; notification of grade point average and high school graduation](#)[Prohibitions applicable to specified officers](#)[Educational Employment Relations Act](#)[Public employee communication, information and orientation](#)[The Ralph M. Brown Act](#)[California Public Records Act](#)[Political Reform Act](#)[Tobacco Use Prevention Education grant program](#)[Tobacco-free schools](#)[Personnel records related to performance and grievance](#)[College and career fairs; notice to apprenticeship programs](#)[Definition of serious felony](#)[Definition of violent felony](#)[Child safety alert system](#)**Federal References**

20 USC 1681-1688

20 USC 6311

20 USC 7221-7221j

34 CFR 200.1-200.78

42 USC 11431-11435

**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex

State plan

Charter schools

Accountability

McKinney-Vento Homeless Assistance Act

**Management Resources References**

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

**Description**

104 Ops.Cal.Atty.Gen. 66 (2021)

101 Ops.Cal.Atty.Gen. 92 (2018)

78 Ops.Cal.Atty.Gen. 297 (1995)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

**Management Resources References****Description**

CA Office of Administrative Hearings Decisions	Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
California Department of Education Publication	<a href="#">Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020</a>
California Department of Education Publication	<a href="#">California School Accounting Manual</a>
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publication	<a href="#">Pursuing Victory with Honor, 1999</a>
Court Decision	Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
CSBA Publication	Charter Schools: A Guide for Governance Teams, rev. 2021
CSBA Publication	Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
CSBA Publication	Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
U.S. DOE Guidance	Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Agriculture</a>
Website	<a href="#">National Suicide Prevention Lifeline</a>
Website	<a href="#">National Domestic Violence Hotline</a>
Website	<a href="#">California State Teachers Retirement System</a>
Website	<a href="#">California Public Employees Retirement System</a>
Website	<a href="#">California Department of General Services, Office of Administrative Hearings</a>
Website	<a href="#">California Commission on Teacher Credentialing</a>
Website	<a href="#">California Commission on Peace Officer Standards and Training</a>
Website	<a href="#">California Bureau of Security and Investigative Services</a>
Website	<a href="#">California Department of Pesticide Regulation</a>
Website	<a href="#">California State Controller</a>
Website	<a href="#">California Student Aid Commission</a>
Website	<a href="#">National Association of Charter School Authorizers</a>
Website	<a href="#">California Charter Schools Association</a>
Website	<a href="#">California Department of Education, Charter Schools</a>
Website	<a href="#">California Interscholastic Federation</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

**Cross References****Description**

0420.4	<a href="#">Charter School Authorization</a>
0420.4	<a href="#">Charter School Authorization</a>
0420.42	<a href="#">Charter School Renewal</a>
0420.43	<a href="#">Charter School Revocation</a>



**Cross References**

0460  
0460  
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**Description**

[Local Control And Accountability Plan](#)  
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[Uniform Complaint Procedures](#)  
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