Policy 0420.41: Charter School Oversight

Status: DRAFT

Original Adopted Date: 10/16/2012 | Last Revised Date: 05/18/2021 | Last Reviewed Date: 05/18/2021

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 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.

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 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 the SBE on behalf of the charter school.

Provision of District Services

The charter school may purchase 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)-

If an approved charter school proposes to establish or move<u>expand</u> 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 meeting. (Education Code 47605, 47607)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Monitoring Charter School Performance-

The Superintendent or designee shall monitor each

Any charter school that is authorized by the district Board shall be monitored by the Superintendent or designee to determine whether it the charter school complies with all legal requirements applicable to charter schools, including

making all reports required of charter schools by law, as specified in accordance with 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 memorandum of understanding 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)

Fees/Charges for Supervisorial Oversight

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

- Actual costs up to one percent of athe charter school's revenue for the actual costs of supervisorial oversight of the school. However, if the district provides the charter school is able to obtain substantially rent-freewith facilities fromunder Education Code 47614 and charges the district, charter school a pro-rata share of the district may charge facilities cost
- 2. <u>Actual costs</u> up to three percent of the charter school's revenue for actualif the district provides the charter school substantially rent-free facilities
- 3. Actual costs of if the district is assigned supervisorial oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. If the district is given responsibility for supervisorial oversight of athe charter school that wasby SBE when authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisorial oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

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 of Schools. 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 45607.47607.3)

- 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. 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 itemsltems #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 itemsltems #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 district: (Education Code 47607.3)

- 1. Shall provide technical assistance to the charter school based on the California School Dashboard-
- MayCounty 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.

Complaints

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, 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 a memorandum of understandingan MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out<u>of the charter school</u>.

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 the charter is denied, the charter is revoked, or the 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)

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. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card - https://simbli.eboardsolutions.com/SU/5WGQeQCplusFH2CplOCVLEpzQ==

CA Constitution Article 9, Section 5	Common school system - https://simbli.eboardsolutions.com/SU/5LDHgacpLGqiftuxZapslshQg==
Corp. Code 5110-6910	Nonprofit public benefit corporations - https://simbli.eboardsolutions.com/SU/up9YZpTJb4gRf50Hwlslsh9Og==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 215	Suicide prevention policies
Ed. Code 215.5	Student identification cards; inclusion of safety hotlines
Ed. Code 220	Prohibition of discrimination
Ed. Code 221.61	Posting of Title IX information on web site
Ed. Code 221.9	Sex equity in competitive athletics
Ed. Code 222	Reasonable accommodations; lactating students
Ed. Code 222.5	Pregnant and parenting students; notification of rights
Ed. Code 231.5-231.6	Sexual harassment policy
Ed. Code 234.4	Mandated policy on bullying prevention
Ed. Code 234.6	Bullying and harassment prevention information
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179.4-35179.6	Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Ed. Code 35183.1	Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Ed. Code 35292.6	Stocking of menstrual products
Ed. Code 35330	Field trips and excursions; student fees
Ed. Code 38001.5	Training for security officers
Ed. Code 38080-38086	School meals
Ed. Code 39831.3	Transportation safety plan
Ed. Code 39843	Disciplinary action against bus driver; report to Department of Motor Vehicles
Ed. Code 41024	Report of expenditure of state facility funds
Ed. Code 42100	Annual statement of receipts and expenditures
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44237	Criminal record summary
Ed. Code 44258.9	Monitoring of teacher assignments
Ed. Code 44691	Information on detection of child abuse; annual training
Ed. Code 44830.1	Certificated employees; conviction of a violent or serious felony
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony

Ed. Code 45125.1 Criminal records summary; employees of contracting entity Ed. Code 46015 Accommodations for pregnant and parenting students; parental leave Ed. Code 46390-46393 Emergency average daily attendance Ed. Code 47600-47616.7 Charter Schools Act of 1992 Ed. Code 47634.2 Nonclassroom-based instruction Special education funding for charter schools Ed. Code 47640-47647 Ed. Code 47651 Apportionment of funds; charter schools Ed. Code 48000 Minimum age of admission for kindergarten; transitional kindergarten Ed. Code 48010-48011 Minimum age of admission (first grade) Ed. Code 48206.3-48208 Students with temporary disabilities; individual instruction Ed. Code 48850-48859 Education of foster youth and homeless students Ed. Code 48901.1 Suspension and expulsion; willful defiance Ed. Code 48907 Exercise of free expression; time, place and manner rules and regulations Ed. Code 48913.5 Suspended students; homework assignments Ed. Code 48950 Speech and other communication Ed. Code 48985 Notices to parents in language other than English Ed. Code 49005-49006.4 Seclusion and restraint Ed. Code 49011 Student fees Ed. Code 49014 Public School Fair Debt Collection Act Ed. Code 49061 Definitions, directory information Ed. Code 49062.5 Student records, name or gender change Ed. Code 49070 Challenging student records Privacy of student and parent/guardian personal information; minutes of Ed. Code 49073.2 board meeting Ed. Code 49076.7 Student records; data privacy; social security numbers Ed. Code 49110 Authority to issue work permits Ed. Code 49381 Human trafficking prevention Ed. Code 49414 Epinephrine auto-injectors Ed. Code 49414.3 Administration of opioid antagonist Ed. Code 49428 Notification of mental health services Ed. Code 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001 Ed. Code 49431.9 Prohibition of advertisement of non-nutritious foods Ed. Code 49475 Health and safety; concussions and head injuries Ed. Code 49501.5 Free breakfast and lunch to all students Ed. Code 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017 Ed. Code 49564 Meals for needy students Ed. Code 49564.3 Provision of federal universal meal service Ed. Code 49700-49701 Education of children of military families Ed. Code 51224.7 Mathematics placement policy Ed. Code 51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework Ed. Code 51225.3 High school graduation requirements Ed. Code 51225.6 Instruction in cardiopulmonary resuscitation

Completion and submission of the Free Application for Federal Student Aid Ed. Code 51225.7-51225.8 and California Dream Act Application Ed. Code 51413 Diploma of graduation without passage of high school exit examination Ed. Code 51745-51749.6 Independent study Ed. Code 51925-51929 Mandatory mental health education Ed. Code 51930-51939 California Healthy Youth Act Ed. Code 52052 Accountability; numerically significant student subgroups Ed. Code 52060-52077 Local control and accountability plan Ed. Code 52075 Uniform complaint procedures Ed. Code 56026 Special education Ed. Code 56040.3 Availability of assistive technology device Ed. Code 56145-56146 Special education services in charter schools Ed. Code 56365-56366.12 Nonpublic, nonsectarian schools Ed. Code 60600-60648.5 Assessment of academic achievement Ed. Code 64000 Categorical programs included in consolidated application Ed. Code 64001 School plan for student achievement; consolidated application programs Ed. Code 65000-65001 School site councils Cal Grant program; notification of grade point average and high school Ed. Code 69432.9-69432.92 graduation Gov. Code 1090-1099 Prohibitions applicable to specified officers Gov. Code 3540-3549.3 **Educational Employment Relations Act** Gov. Code 3555-3559 Public employee communication, information and orientation Gov. Code 54950-54963 The Ralph M. Brown Act Gov. Code 6250-6270 California Public Records Act Gov. Code 81000-91014 Political Reform Act of 1974 H&S Code 104420 Tobacco Use Prevention Education grant program H&S Code 104559 **Tobacco-free schools** Lab. Code 1198.5 Personnel records related to performance and grievance Lab. Code 3074.2 Notice of college and career fairs Pen. Code 1192.7 Definition of serious felony Pen. Code 667.5 Definition of violent felony Veh. Code 28160 Child safety alert system **Federal References** Description 20 USC 1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex 20 USC 6311 State plan Charter schools

20 USC 7221-7221j 34 CFR 200.1-200.78 42 USC 11431-11435

Management Resources References

Attorney General Opinion

Description

Accountability

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

McKinney-Vento Homeless Assistance Act

Attorney General Opinion	101 Ops.Cal.Atty.Gen. 92 (2018)
Attorney General Opinion	78 Ops.Cal.Atty.Gen. 297 (1995)
Attorney General Opinion	89 Ops.Cal.Atty.Gen. 166 (2006)
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 52 (1997)
CA Department of Education Publication	California School Accounting Manual
CA Office of Administrative Hearings Decision	Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
California Dept. of Pesticide Reg. Publication	School District Integrated Pest Management Plan Template
California Interscholastic Federation Publicatio	n Pursuing Victory with Honor, 1999
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. 2016
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	U.S. Department of Agriculture - https://simbli.eboardsolutions.com/SU/RslshJVkZjGiBHO8TX9tA3tqQ==
Website	National Suicide Prevention Lifeline - https://simbli.eboardsolutions.com/SU/yAd89LtBVSINaH2aImpg2Q==
Website	National Domestic Violence Hotline - https://simbli.eboardsolutions.com/SU/d1fBFpjoslsh4vvBXfU68zMWg==
Website	California State Teachers Retirement System - https://simbli.eboardsolutions.com/SU/dDkW9gdO2YplusqCVo1qG2vslshw==
Website	California Public Employees Retirement System - https://simbli.eboardsolutions.com/SU/BtrWsDRenb5z2ZZethXOCw==
Website	California Department of General Services, Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	California Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/Eg0pluss7NDrgK1KmPo9MgqplusA==
Website	California Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/T42f3sLyPIGPzJCTWmplusqxA==
Website	California Bureau of Security and Investigative Services - https://simbli.eboardsolutions.com/SU/7cVjGFeMAXplusS8IdHUhceYQ==
Website	California State Controller - https://simbli.eboardsolutions.com/SU/P16GQ6rhv8oslqGWli7phA==
Website	California Department of Pesticide Regulation - https://simbli.eboardsolutions.com/SU/oAOBdjd0jGZedpcK5jhJiw==
Website	California Student Aid Commission - https://simbli.eboardsolutions.com/SU/YTrTIONffiZjZQWhb3fewg==
Website	National Association of Charter School Authorizers - https://simbli.eboardsolutions.com/SU/9nzhOG5X2VVH42kMJnO6kg==
Website	California Charter Schools Association - https://simbli.eboardsolutions.com/SU/aplushtDM8pluszN2tpwTckx11kA==

Website	California Department of Education, Charter Schools - https://simbli.eboardsolutions.com/SU/PdGgkCs2YZ3fwPslshslshoGe7iQ==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Cross References	Description
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/dcWdZ2dbilxcpdsA9LIdFw==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/T5zsMmXECDVZNZynYGLCMw==
0420.42	Charter School Renewal - https://simbli.eboardsolutions.com/SU/P2sAZrvS7Nu4UUdFPwCrqA==
0420.43	Charter School Revocation - https://simbli.eboardsolutions.com/SU/RVMgtPWiq2o6slsh4KcojlXZQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/Oa8UxEDuhq6BH2zsd274XA==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/8eaD94eHfiVAA8KyIGL0hw==
0500	Accountability - https://simbli.eboardsolutions.com/SU/xCytvVrcYFBnFGHmu2mBFQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpxRIZplusOj2ImuhfqbA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tINfVHZyg==
1431	Waivers - https://simbli.eboardsolutions.com/SU/tg2z7nhLud5eoqNkSu6ftQ==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NUVRB6a69j7omFVQPA0iVw==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/DvplusGs109QPJTzyqtV9Jopw==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/9ZdPeVMoaiWkVrcHdkiBrA==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/0OggerwUdsRB1YJEbWEeaw==