

CHARTER SCHOOL OVERSIGHT

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.

(cf. 0420.4 - Charter School Authorization)
(cf. 0500 - Accountability)

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 the charter school at any time. (Education Code 47604.32, 47607)

The Superintendent or designee 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.

(cf. 1431 - Waivers)

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, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

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 new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive

CHARTER SCHOOL OVERSIGHT

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 operations to one or more additional sites, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

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 the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor the 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 petition and any applicable memorandum of understanding, 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 information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, 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 up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the district is able to provide substantially rent-free facilities to the charter school, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory 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. (Education Code 47613)

(cf. 7160 - Charter School Facilities)

Technical Assistance/Intervention

CHARTER SCHOOL OVERSIGHT

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
2. 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

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 the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. 0420.42 - Charter School Renewal)

(cf. 0420.43 - Charter School Revocation)

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, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

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 understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

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.

CHARTER SCHOOL OVERSIGHT

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)

Legal Reference:

EDUCATION CODE

- 215 *Suicide prevention policy*
- 215.5 *Suicide prevention hotline contact information on student identification cards*
- 220 *Nondiscrimination*
- 221.61 *Posting of Title IX information on web site*
- 221.9 *Sex equity in competitive athletics*
- 222 *Lactation accommodations for students*
- 222.5 *Pregnant and parenting students, notification of rights*
- 234.4 *Mandated policy on bullying prevention*
- 234.7 *Student protections relating to immigration and citizenship status*
- 17070.10-17079.30 *Leroy F. Greene School Facilities Act*
- 17280-17317 *Field Act*
- 17365-17374 *Field Act, fitness for occupancy*
- 32282 *Comprehensive safety plan*
- 32283.5 *Online training on bullying prevention*
- 33479-33479.9 *The Eric Parades Sudden Cardiac Arrest Prevention Act*
- 35179.4-35179.6 *Interscholastic athletic programs, safety*
- 35183.1 *Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance*
- 35330 *Field trips and excursions; student fees*
- 38080-38086 *School meals*
- 39831.3 *Transportation safety plan*
- 39843 *Disciplinary action against bus driver; report to Department of Motor Vehicles*
- 41024 *Report of expenditure of state facility funds*
- 42100 *Annual statement of receipts and expenditures*
- 44030.5 *Reporting change in employment status due to alleged misconduct*
- 44237 *Criminal record summary*
- 44691 *Information on detection of child abuse*
- 44830.1 *Certificated employees, conviction of a violent or serious felony*
- 45122.1 *Classified employees, conviction of a violent or serious felony*
- 45125.1 *Fingerprinting; employees of contracting entity*
- 46015 *Accommodations for pregnant and parenting students; parental leave*
- 47600-47616.7 *Charter Schools Act of 1992*
- 47634.2 *Nonclassroom-based instruction*
- 47640-47647 *Special education funding for charter schools*
- 47651 *Apportionment of funds, charter schools*
- 48000 *Minimum age of admission for kindergarten; transitional kindergarten*
- 48010-48011 *Minimum age of admission (first grade)*
- 48206.3-48208 *Students with temporary disabilities; individual instruction*
- 48850-48859 *Educational placement of foster youth and homeless students*
- 48907 *Students' exercise of free expression; rules and regulations*
- 48950 *Student speech and other communication*
- 49005-49006.4 *Seclusion and restraint*
- 49011 *Student fees*
- 49014 *Public School Fair Debt Collection Act*
- 49061 *Student records*
- 49073.2 *Privacy of student and parent/guardian personal information*

CHARTER SCHOOL OVERSIGHT

49076.7 *Student records; data privacy; Social Security numbers*
EDUCATION CODE (continued)
49110 *Authority to issue work permits*
49381 *Human trafficking prevention*
49414 *Epinephrine auto-injectors*
49414.3 *Administration of opioid antagonist*
49428 *Notification of mental health services*
49430-49434 *The Pupil Nutrition, Health, and Achievement Act of 2001, especially:*
49431.9 *Advertisement of non-nutritious foods*
49475 *Health and safety, concussions and head injuries*
49557.5 *Child Hunger Prevention and Fair Treatment Act of 2017*
49564 *Meals for needy students*
51224.7 *Mathematics placement policy*
51225.1-51225.2 *Exemption from local graduation requirements; acceptance of coursework*
51225.6 *Instruction in cardiopulmonary resuscitation*
51513 *Diploma of graduation, without passage of high school exit examination*
51745-51749.6 *Independent study*
51930-51939 *California Healthy Youth Act*
52052 *Accountability; numerically significant student subgroups*
52060-52077 *Local control and accountability plans*
52075 *Uniform complaint procedures*
56026 *Special education*
56145-56146 *Special education services in charter schools*
60600-60649 *Assessment of academic achievement*
64000 *Categorical programs included in consolidated application*
64001 *School plan for student achievement, consolidated application programs*
65000-65001 *School site councils*
69432.9-69432.92 *Cal Grant program; notification of grade point average and high school graduation*
CORPORATIONS CODE
5110-6910 *Nonprofit public benefit corporations*
GOVERNMENT CODE
1090-1099 *Prohibitions applicable to specified officers*
3540-3549.3 *Educational Employment Relations Act*
6250-6270 *California Public Records Act*
54950-54963 *Ralph M. Brown Act*
81000-91014 *Political Reform Act of 1974*
HEALTH AND SAFETY CODE
104420 *Tobacco Use Prevention Education grant program*
104559 *Tobacco-free schools*
LABOR CODE
1198.5 *Personnel records related to performance and grievance*
PENAL CODE
667.5 *Definition of violent felony*
1192.7 *Definition of serious felony*
VEHICLE CODE
28160 *Child safety alert system*
CALIFORNIA CONSTITUTION
Article 9, Section 5 *Common school system*
Article 16, Section 8.5 *Public finance; school accountability report card*
CODE OF REGULATIONS, TITLE 5
4600-4687 *Uniform complaint procedures*
11700.1-11705 *Independent study*
11960-11969 *Charter schools*
CODE OF REGULATIONS, TITLE 24

CHARTER SCHOOL OVERSIGHT

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex

6311 State plan

7221-7221j Charter schools

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.78 Accountability

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

Opinion No. 11-201 (2018)

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

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

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

CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS

Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

Management Resources:

CSBA PUBLICATIONS

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

Charter Schools: A Guide for Governance Teams, rev. 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.calcharters.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>