

Policy 0420.41: Charter School Oversight

Status: DRAFT

Original Adopted Date: Pending

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.

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. (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. (Education Code 33050)

Provision of District Services

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (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)

The Board may deny a proposed material revision if it finds that the proposed 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, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed 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, 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.

Fees/Charges for Supervisorial Oversight

The district may charge for district supervisorial 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 supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial 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 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)

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	Training for security officers
CA Constitution Article 16, Section 8.5	Public finance; school accountability report card
CA Constitution Article 9, Section 5	Common school system
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	Prohibition against school district employees serving on county board of education
Ed. Code 17070.10-17079.30	Leroy E. Greene School Facilities Act
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 website
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	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 243	Prohibition of discrimination; instructional materials
Ed. Code 32280-32289.5	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 33353	California Interscholastic Federation; standardized incident form
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35120	Student board membership
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

State References

Ed. Code 39843
Ed. Code 41024
Ed. Code 42100
Ed. Code 44030.5
Ed. Code 44237
Ed. Code 44691
Ed. Code 44830.1
Ed. Code 45122.1
Ed. Code 45125.1
Ed. Code 46015
Ed. Code 46015
Ed. Code 46390-46393
Ed. Code 47600-47616.7
Ed. Code 47634.2
Ed. Code 47640-47647
Ed. Code 47651
Ed. Code 48000
Ed. Code 48010
Ed. Code 48206.3-48208
Ed. Code 48850-48859
Ed. Code 48850-48859
Ed. Code 48900
Ed. Code 48901.1
Ed. Code 48907
Ed. Code 48913.5
Ed. Code 48950
Ed. Code 48985
Ed. Code 49005-49006.4
Ed. Code 49010
Ed. Code 49011
Ed. Code 49014
Ed. Code 49061
Ed. Code 49062.5
Ed. Code 49070
Ed. Code 49073.2
Ed. Code 49076.7
Ed. Code 49110
Ed. Code 49381

Description

[Disciplinary action against bus driver; report to Department of Motor Vehicles](#)
[Report of expenditure of state facility funds](#)
[Annual statement of receipts and expenditures](#)
[Reporting change in employment status due to alleged misconduct](#)
[Criminal record summary](#)
[Information on detection of child abuse; annual training](#)
[Certificated employees; conviction of a violent or serious felony](#)
[Classified employees; conviction of a violent or serious felony](#)
[Criminal records summary; employees of contracting entity](#)
[Accommodations for pregnant and parenting pupils](#)
[Accommodations for pregnant and parenting students; parental leave](#)
[Emergency average daily attendance](#)
[Charter Schools Act of 1992](#)
[Nonclassroom-based instruction](#)
[Special education funding for charter schools](#)
[Apportionment of funds; charter schools](#)
[Minimum age of admission for kindergarten; transitional kindergarten](#)
[Minimum age of admission to first grade](#)
[Students with temporary disabilities; individual instruction](#)
[Students in foster care and students experiencing homelessness](#)
[Education of foster youth and homeless students](#)
[Grounds for suspension or expulsion](#)
[Suspension and expulsion; willful defiance](#)
[Exercise of free expression; time, place, and manner rules and regulations](#)
[Suspended students; homework assignments](#)
[Speech and other communication](#)
[Notices to parents in language other than English](#)
[Seclusion and restraint](#)
[Student fees](#)
[Student fees; definition](#)
[Public School Fair Debt Collection Act](#)
[Definitions; directory information](#)
[Student records; name or gender change](#)
[Challenging student records](#)
[Privacy of student and parent/guardian personal information; minutes of board meeting](#)
[Student records; data privacy; social security numbers](#)
[Authority to issue work permits](#)
[Human trafficking prevention](#)

State References

Ed. Code 49406
Ed. Code 49414
Ed. Code 49414.3
Ed. Code 49428
Ed. Code 49428.5
Ed. Code 49430-49434
Ed. Code 49431.9
Ed. Code 49475
Ed. Code 49501.5
Ed. Code 49550-49564.5
Ed. Code 49557.5
Ed. Code 49564.3
Ed. Code 49603
Ed. Code 49700-49701
Ed. Code 51224.7
Ed. Code 51225.1-51225.2
Ed. Code 51225.3
Ed. Code 51225.6

Ed. Code 51225.7-51225.8

Ed. Code 51413
Ed. Code 51744-51749.6
Ed. Code 51925-51929
Ed. Code 51930-51939
Ed. Code 52052
Ed. Code 52060-52077
Ed. Code 52075
Ed. Code 52770
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

Description

[TB risk assessment](#)
[Epinephrine auto-injectors](#)
[Administration of opioid antagonist](#)
[Notification of mental health services](#)
[Employment of medical personnel](#)
[The Pupil Nutrition, Health, and Achievement Act of 2001](#)
[Prohibition of advertisement of non-nutritious foods](#)
[Health and safety: concussions and head injuries](#)
[Free breakfast and lunch to all students](#)
[Meals for needy students](#)
[Child Hunger Prevention and Fair Treatment Act of 2017](#)
[Provision of federal universal meal service](#)
[On campus access to employers and military services](#)
[Education of children of military families](#)
[Mathematics placement policy](#)
[Exemption from local graduation requirements; acceptance of coursework](#)
[High school graduation requirements](#)
[Instruction in cardiopulmonary resuscitation; districts that require health education for graduation](#)
[Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application](#)
[Diploma of graduation without passage of high school exit examination](#)
[Independent study](#)
[Mandatory mental health education](#)
[California Healthy Youth Act](#)
[Accountability; numerically significant student subgroups](#)
[Local control and accountability plan](#)
[Uniform complaint procedures](#)
[College and career fairs; community college districts](#)
[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](#)

State References

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&S Code 104420
 H&S Code 104559
 Lab. Code 1198.5
 Lab. Code 3074.2
 Pen. Code 1192.7
 Pen. Code 667.5
 Veh. Code 28160

Federal References

20 USC 1681-1688
 20 USC 6311
 20 USC 7221-7221j
 34 CFR 200.1-200.78
 42 USC 11431-11435

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 CA Office of Administrative Hearings Decisions
 California Department of Education Publication
 California Department of Education Publication
 California Dept. of Pesticide Reg. Publication
 California Interscholastic Federation Publication
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 U.S. DOE Guidance

Description

[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](#)

Description

Title IX of the Education Amendments of 1972; discrimination based on sex
[State plan](#)
 Charter schools
 Accountability
 McKinney-Vento Homeless Assistance Act

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)
 Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
[Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020](#)
[California School Accounting Manual](#)
 School District Integrated Pest Management Plan Template
[Pursuing Victory with Honor, 1999](#)
 Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
 Charter Schools: A Guide for Governance Teams, rev. 2021
 Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017
 Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018
 Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

Management Resources References

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

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Website

Website

Website

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Website

Website

Description[CSBA District and County Office of Education Legal Services](#)[U.S. Department of Agriculture](#)[National Suicide Prevention Lifeline](#)[National Domestic Violence Hotline](#)[California State Teachers Retirement System](#)[California Public Employees Retirement System](#)[California Department of General Services, Office of Administrative Hearings](#)[California Commission on Teacher Credentialing](#)[California Commission on Peace Officer Standards and Training](#)[California Bureau of Security and Investigative Services](#)[California Department of Pesticide Regulation](#)[California State Controller](#)[California Student Aid Commission](#)[National Association of Charter School Authorizers](#)[California Charter Schools Association](#)[California Department of Education, Charter Schools](#)[California Interscholastic Federation](#)[California Office of the Attorney General](#)[CSBA](#)[U.S. Department of Education](#)**Cross References**

0420.4

0420.4

0460

0500

1312.3

1312.3

1431

7160

7160

Description[Charter School Authorization](#)[Charter School Authorization](#)[Local Control And Accountability Plan](#)[Accountability](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Waivers](#)[Charter School Facilities](#)[Charter School Facilities](#)