

Philosophy-Goals-Objectives and Comprehensive Plans

Charter School Oversight

The Board of Education recognizes the District's 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 Board delegates the administrative function of ongoing monitoring and oversight of its charter schools to the Superintendent or designee. The District shall carry out its oversight functions including monitoring each charter school under its oversight in accordance with Education Code 47604.32. The Superintendent or designee shall identify at least one staff member to serve as a contact person for any charter school authorized by the Board. The Superintendent or designee shall visit each charter school at least annually. (Education Code 47604.32)

The Superintendent or designee may inspect or observe any part of a charter school at any time, with or without prior notice. (Education Code 47607) The District may inspect and receive copies of all records relating to the operation of a Board-authorized charter school, including financial, personnel, attendance accounting, and pupil records, and records of any corporations or entities that operate or govern the charter school. Charter schools are subject to the California Public Records Act (CPRA); however, the District's right to inspect and receive records is not based on the CPRA, but rather on the District's oversight role. A Board-authorized charter school shall promptly comply with all reasonable inquiries from the District in accordance with Education Code Section 47604.3.

In the case of any charter school under the District's oversight that chooses to be operated by or as a nonprofit public benefit corporation, the Board of Education reserves its right pursuant to Education Code 47604 to have a representative serve as a voting member of the corporation's board of directors and may exercise such right at any time. Any such representative of the Board of Education shall serve on the corporate board in the Board of Education or designee's discretion and shall be removed or replaced in the Board of Education or designee's sole discretion.

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 of Education, 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 request to purchase administrative or other services from the District or any other source consistent with its charter. Whether to provide such administrative or other services to a charter school shall be determined in the District's sole discretion. (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 a Charter

Material revisions to a charter may only be made with Board of Education 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 expand operations to one or more additional sites and/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 Education of those additional locations and/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 Superintendent or designee shall have the authority to determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

Pursuant to Education Code 47605, the Board may deny a request to expand operations if it finds that the proposed expansion 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:

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

Additionally, pursuant to Education Code 47605, the Board may deny a request to expand charter school operations if it finds that the District is not positioned to absorb the fiscal impact of the proposed charter school expansion.

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 is under state receivership.

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.

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)

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.

BP 0420.41(d)

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 in accordance with the requirements of law. (Education Code 45607.3)

In accordance with law, the Board of Education 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 of the charter school may appeal the decision to the Superintendent of Public Instruction (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)

Revocation

The Board of Education expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter and any memoranda of understanding. The Board may revoke a charter in accordance with law, including providing the due process and following the procedures provided in law and applicable regulations. (Education Code 47607)

BP 0420.41(e)

The Board of Education shall also consider for revocation any charter to which the California Collaborative for Educational Excellence (CCEE) has provided technical assistance and about which it has made either finding specified in Education Code 47607.3(d). In such case, the Board of Education shall consider increases in pupil academic achievement for all pupil subgroups served by the charter school in determining whether to revoke the charter. A charter school may not appeal a revocation decision made pursuant to this process.

If a charter school governing body requests technical assistance, the Board of Education shall provide such assistance consistent with Education Code 47607.3(a)(1) or (2). If the charter school has not been identified for technical assistance pursuant to Education Code 47607.3(a), the Board may assess a fee for the assistance, not to exceed the cost of the service.

For charter schools operating before July 1, 2020, the technical assistance provisions of Education Code 47607.3(a), as it read on January 1, 2019, shall apply until June 30, 2022.

School Closure

In the event that the Board of Education revokes or denies renewal of a charter or the charter school ceases operation for any reason, the District shall, when applicable in accordance with the charter and/or memorandum of understanding 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 of Education'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)

If a charter school ceases operation for any reason, the charter school shall implement the school closure procedures specified in the charter and/or memorandum of understanding in accordance with Education Code 47605 and 5 CCR 11962.

Legal Reference:

EDUCATION CODE

215 Suicide prevention policies

215.5 Student identification cards, inclusion of safety hotlines

220 Prohibition of discrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Reasonable accommodations; lactating students

222.5 Pregnant and parenting students, notification of rights

231.5-231.6 Sexual harassment policy
234.4 Mandated policy on bullying prevention
234.6 Bullying and harassment prevention information
234.7 Student protections relating to immigration and citizenship status
1006 Prohibition against school district employees serving on county board of education
17070.10-17079.30 Leroy F. Greene School Facilities Act
17280-17317 Field Act; approval of plans and supervision of construction
17365-17374 Field Act; fitness for occupancy; liability of board members
32280-32289.5 School safety plans
32283.5 Bullying; online training
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act
35179.4-35179.6 Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
35330 Field trips and excursions; student fees
38001.5 Training for security officers
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
44258.9 Monitoring of teacher assignments
44691 Information on detection of child abuse; annual training
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees, conviction of a violent or serious felony
45125.1 Criminal records summary; employees of contracting entity
46015 Accommodations for pregnant and parenting students; parental leave
46390-46393 Emergency average daily attendance
47600-47616.7 Charter Schools Act of 1992
47607 Charter renewals and revocations
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 Minimum age of admission (first grade)
48206.3-48208 Students with temporary disabilities; individual instruction
48850-48859 Education of foster youth and homeless students
48901.1 Suspension and expulsion, willful defiance
48907 Exercise of free expression; ; time, place and manner rules and regulations
48913.5 Suspended students, homework assignments
48950 Speech and other communication
48985 Notices to parents in language other than English

49005-49006.4 Seclusion and restraint
49010 Pupil fees
49011 Student fees
49014 Public School Fair Debt Collection Act
49061 Definitions; directory information
49062.5 Student records, name or gender changes
49070 Challenging student records
49073.2 Privacy of student and parent/guardian personal information; minutes of board meeting
49076.7 Student records; data privacy; Social Security numbers
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
49428.5 Employment of medical personnel
49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001
49431.9 Prohibition of Advertisement of non-nutritious foods
49475 Health and safety, concussions and head injuries
49501.5 Free breakfast and lunch to all students
49550-49564.5 Meals for needy students
49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
49564.3 Provision of federal universal meal service
49700-49701 Education of children of military families
51224.7 Mathematics placement policy
51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework
51225.3 High school graduation requirements
51225.6 Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
51225.7-51225.8 Completion and submission of Free Application for Federal Student Aid and California Dream Act Application
51513 Diploma of graduation, without passage of high school exit examination
51745-51749.6 Independent study
51925-51929 Mandatory mental health education
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
56040.3 Availability of assistive technology devices
56145-56146 Special education services in charter schools
56365-56366.12 Nonpublic, nonsectarian schools
56521.1-56521.2 Emergency Interventions
60600-60648.5 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

BUSINESS AND PROFESSIONS CODE

7583.45 Training for security officers

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

3540-3549.3 Educational Employment Relations Act

3555-3559 Public employee communication, information and orientation

7920.000-7930.170 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

3074.2 College and Career fairs; notice to apprenticeship programs

PENAL CODE

667.5 Definition of violent felony

1192.7 Definition of serious felony

VEHICLE CODE

28160 Child safety alert system

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

11700.1-11705 Independent study

11960-11969.10 Charter schools

11968.5.1-11968.5.5 Charter revocations

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