

CHARTER SCHOOL OVERSIGHT

The Governing Board recognizes its ongoing responsibility to ensure 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 for each charter school.

The Board and Superintendent or designee may inspect or observe any part of the charter school at any time. The Superintendent or designee shall visit each charter school at least annually.

Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the Superintendent may recommend and the Board may appoint a district representative, who may be the district's charter school contact, on the corporation's board of directors.

WAIVERS

If the charter school wishes to request a general waiver of any state law or regulation, 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 apply for the waiver.

PROVISION OF DISTRICT SERVICES

The charter school may purchase administrative or other services from the district or any other source.

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 charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports.

MATERIAL REVISIONS TO CHARTER

Material revisions to a charter may be made only 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 description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed.

If an approved charter school proposes to expand operations to one or more additional sites within the district's boundaries, 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.

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

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 each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and shall include, at a minimum, a consideration of whether the school is meeting its Academic Performance Index growth targets established pursuant to Education Code 52052 and is making "adequate yearly progress" (AYP) pursuant to 20 USC 6311, as applicable.

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; an annual update, aligned to the template adopted by the SBE, of school goals, actions, and related expenditures; first and second interim financial reports; and final unaudited report for the full prior year.

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 actual costs of supervisory oversight up to three percent of the charter school's revenue.

TECHNICAL ASSISTANCE/INTERVENTION

If a charter school receiving federal Title I funding fails to make AYP, as defined pursuant to 20 USC 6311, for two or more consecutive years, the school shall be identified for program improvement and shall implement improvement strategies in accordance with 20 USC 6316.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the district:

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5

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's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regards to the academic achievement of all numerically significant subgroups of students served by the charter school.

COMPLAINTS

Each charter school shall maintain processes to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3.

A complainant who is not satisfied with the decision may appeal the decision to the SPI.

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.

SCHOOL CLOSURE

In the event that the Board revokes or denies renewal of a charter or the school closes for any other 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, if 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.

LEGAL REFERENCE:

EDUCATION CODE

220	Nondiscrimination
221.9	Sex equity in competitive athletics
222	Lactation accommodations for students
17280-17317	Field Act
17365-17374	Field Act, fitness for occupancy
35330	Field trips and excursions; student fees
38080-38086	School meals
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
46201	Instructional minutes
47600-47616.7	Charter Schools Act of 1992
47634.2	Nonclassroom-based instruction
47640-47647	Special education funding for charter schools
48000	Minimum age of admission for kindergarten; transitional kindergarten
48010-48011	Minimum age of admission (first grade)
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
49011	Student fees
49061	Student records
49110	Authority of issue work permits
49414	Epinephrine auto injectors
49475	Health and safety, concussions and head injuries
51224.7	Mathematics placement policy
51745-51749.3	Independent study
52051.5-52052	Academic performance index, applicability to charter schools
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
60850-60859	High school exit examination
69432.9	Cal Grant program; notification of grade point average

CORPORATIONS CODE

5110-6910	Nonprofit public benefit corporations
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GOVERNMENT CODE

1090-1099	Prohibitions applicable to specified officers
3540-3549.3	Educational Employment Relations Act
54950-54963	The Ralph M. Brown Act
81000-91014	Political Reform Act of 1974

LABOR CODE

1198.5	Personnel records related to performance and grievance
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PENAL CODE

667.5	Definition of violent felony
1192.7	Definition of serious felony

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
15497.5 Local control and accountability plan template

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress
6319 Qualifications of teachers and paraprofessionals
7223-7225 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
300.18 Highly qualified special education teachers

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

The Role of the Charter School Authorizer, Online Course
Charter Schools: A Manual for Governance Teams, rev. 2009

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 12-02, April 24, 2013
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, April 2011
The Impact of the New Title I Requirements on Charter Schools, July 2004

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>