

## PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

### Charter School Oversight

The Governing Board recognizes its ongoing responsibility to ~~ensure~~oversee that any charter school the Board has 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 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.~~ (Education Code 47604.32, 47607)

~~Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code 47604, the~~ The Superintendent ~~or designee shall recommend~~attend meetings of the charter school board whenever possible and ~~the Board shall appoint~~periodically meet with a ~~district~~ representative, ~~who may be of the district's~~ charter school.

### Waivers

~~contact.~~If the charter school wishes to serve as a voting~~request a general waiver of any state law or nonvoting member of the corporation's board of directors~~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 district may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of the charter school's revenue for supervisory oversight.~~The charter school may. ~~(Education Code 47613)~~

~~*(cf. 7160 - Charter School Facilities)*~~

~~The charter school may separately~~ 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 ~~may be charged~~ for the actual costs of the reporting services, but shall not ~~be required~~ 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)

### ~~Waivers~~

~~If the charter school wishes to request a general waiver of any state law or regulation, it shall request that the Superintendent or designee submit a general waiver request to the State Board of Education (SBE) on its behalf.~~

### Material Revisions to Charter

Material revisions to a charter may only 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 ~~offor~~ 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~~ establish or move 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.~~ (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 ~~regularly report to the Board on~~ monitor the charter ~~school's performance, based on the academic and fiscal accountability measures specified in the approved charter.~~

~~In providing general oversight of a charter school, the Board and the Superintendent or designee shall to~~ determine whether ~~the school~~ 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 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).

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 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 Board shall monitor each charter school~~district may charge up to determine whether it is achieving one percent of a charter school's revenue for the outcomes for student learning set forth in actual costs of supervisory oversight of the charter agreement. In addition, school. However, if the Board shall determine whether 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)

~~makes "adequate yearly progress" as defined by the SBE and federal Title I accountability requirements. If Technical Assistance/Intervention~~

If, in three out of four consecutive school years, a charter school fails to make adequate yearly progress improve outcomes for twothree or more consecutive years, the Board shall take action 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: (Education Code 47607.3)

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

If a charter school receiving federal Title I funding has been identified for program improvement, it shall implement improvement strategies in accordance with law, Board policy, and administrative regulations its existing school improvement plan.

(cf. 0520.2 - Title I Program Improvement Schools)

~~Evaluation data for the charter school shall be considered in the Board's determination of the renewal or revocation of a charter.~~

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 4600-4687, 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 school ~~eloses~~ceases operation for any ~~other~~ reason, the Superintendent or designee shall ~~provide assistance~~, 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 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)

### *Legal Reference:*

#### *EDUCATION CODE*

215 Suicide prevention policy

220 -Nondiscrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act

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  
 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~~  
45125.1 Fingerprinting; employees of contracting entity  
 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~~ Students exercise of free expression; rules and regulations  
 48950 -Student speech and other communication  
~~49061-49011 Student fees~~  
49061 Student records  
 49110 -Authority of issue work permits  
49414 Epinephrine auto-injectors  
49414.3 Administration of opioid antagonist  
49475 Health and safety, concussions and head injuries  
51224.7 Mathematics placement policy  
51225.6 Instruction in cardiopulmonary resuscitation  
 51745-51749.3 -Independent study  
52051.5-52052 ~~Alternative~~ Academic performance index, applicability to charter schools  
52060-52077 Local control and accountability ~~system~~ 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  
69432.9-69432.92 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  
~~54950-54963 The 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

~~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 Adequate yearly progress State plan~~

~~6319 Qualifications of teachers and paraprofessionals~~

~~7223-7225-7221-7221j 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~~

~~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~~ Guide for Governance Teams*, rev. ~~2009~~2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~Model Youth Suicide Prevention Policy, May 2017~~

~~Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016~~

~~California School Accounting Manual~~

*Sample Copy of a Memorandum of Understanding*

*Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory* ~~11-01, November 9, 2011~~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, July 2004: 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.charterauthorizersqualitycharters.org>

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

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