

## Philosophy, Goals, Objectives, and Comprehensive Plans

BP 0420.41(a)

### CHARTER SCHOOL OVERSIGHT

The Governing Board recognizes its ongoing responsibility to oversee that any charter school ~~authorized by~~ the Board ~~has authorized~~ 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 ~~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 ~~board~~ 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)

BP 0420.41(b)

## **CHARTER SCHOOL OVERSIGHT (continued)**

### **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 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 ~~each~~ the 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, 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.

BP 0420.41(c)

## CHARTER SCHOOL OVERSIGHT (continued)

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

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups identified in Education Code 52052, 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 using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5 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

~~If a charter school receiving federal Title I funding has been identified for program improvement, it shall implement improvement strategies in accordance with its existing school improvement plan.~~

~~*(cf. 0520.2 - Title I Program Improvement Schools)*~~

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 4600-46874670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

BP 0420.41(d)

## CHARTER SCHOOL OVERSIGHT (continued)

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.

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

*Legal Reference : ( see next page)*

## CHARTER SCHOOL OVERSIGHT (continued)

*Legal Reference :( continued)*

44030.5 Reporting change in employment status due to alleged misconduct  
44237 Criminal record summary  
44691 Information on detection of child abuse  
EDUCATION CODE (continued)  
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](#)  
49076.7 Student records; data privacy; Social Security numbers  
49110 Authority ~~to~~ [of](#) 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  
51745-51749.3 ~~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](#)

*Legal Reference continued: (see next page)*

BP 0420.41(f)

## CHARTER SCHOOL OVERSIGHT (continued)

*Legal Reference: (continued)*

[\*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

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

*Legal Reference continued: (see next page)*

BP 0420.41(g)

## CHARTER SCHOOL OVERSIGHT (continued)

*Legal Reference: (continued)*

### 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

~~*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 ~~12-02, April 24, 2013~~ 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*, ~~April 2011~~ 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>

Policy

Adopted: January 9, 2014

Revised: January 26, 2017

Revised:

CSBA MAINTENANCE MANUAL UPDATES

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