

CHARTER SCHOOL OVERSIGHT Requirements for Charter Schools

The Board of Trustees (“Board”) recognizes its ongoing responsibility to oversee that any charter school it authorizes 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 visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Ed. Code, §§ 47604.32, 47607.)

At his/her discretion, the Superintendent or designee may establish a staff charter review team to conduct an annual visit and document any concerns or highlights in an executive summary that will be shared with the Board. The Superintendent or designee shall also consult with legal counsel, as appropriate, regarding compliance of the charter proposals with legal requirements.

The Superintendent or designee shall identify at least one staff member to serve as a contact for each charter school authorized by the Board. (Ed. Code, § 47604.32.)

The Superintendent or designated charter school contact shall attend meetings of the charter school 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.

Provision of District Services

The charter school may purchase administrative or other services from the District or any other source. (Ed. Code, § 47613.)

Whenever the District agrees to provide administrative or support services to a charter school, the District and charter school shall develop a memorandum of understanding 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 be required to purchase payroll processing services from the District as a condition for creating and submitting these reports. (Ed. Code, § 47611.3.)

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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 petitions for the authorization of charter schools as set forth in Education Code section 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. (Ed. Code § 47607)

If an approved charter school proposes to expand operations to one or more additional sites within the District's boundaries or grade levels, 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 meeting. (Ed. Code, § 47605.) These are examples, but not an exclusive list, of potential changes that may require a material revision to a charter school's charter.

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 each charter school that is authorized by the District 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 section 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 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 report or 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. (Ed. 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 charter school is able to obtain substantially rent-free facilities from the District, the District may charge up to three percent of

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the charter school's revenue for actual costs of supervisory oversight or, if the facility is provided under Education Code section 47614, the pro-rata share facilities costs calculated pursuant to California Code of Regulations, title 5, section 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. If the District is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the District is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Ed. Code, § 47613)

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 of Schools. 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: (Ed. Code, § 45607.3.)

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 section 47605. 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 district: (Ed. Code, § 47607.3.)

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1. Shall provide technical assistance to the charter school 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 section 52074.

In accordance with law, the Board may deny a charter 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.

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 California Code of Regulations, title 5, sections 4600-4670, alleging the school's noncompliance with Education Code sections 47606.5 or 47607.3. (Ed. Code, § 52075.)

A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Ed. 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. (Ed. 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. (Ed. Code, § 47604.32; Cal. Code Regs., tit. 5, § 11962.1.)

Legal Reference:

*EDUCATION CODE215 Suicide prevention policy
215.5 Student identification cards, inclusion of safety hotlines*

CHARTER SCHOOL OVERSIGHT (continued)

- 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*
- 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*
- 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*
- 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*
- 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*
- 48901.1 Suspension and expulsion, willful defiance*
- 48907 Students' exercise of free expression; rules and regulations*
- 48913.5 Suspended students, homework assignments*

CHARTER SCHOOL OVERSIGHT (continued)

48950 *Student speech and other communication*
48985 *Parental notification,*
49005-49006.4 *Seclusion and restraint*
49011 *Student fees*
49014 *Public School Fair Debt Collection Act*
49061 *Student records*
49062.5 *Student records, name or gender changes*
49070 *Challenging student records*
49073.2 *Privacy of student and parent/guardian personal information*
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*
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*
51745-51749.6 *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*
56040.3 *Availability of assistive technology devices*
56145-56146 *Special education services in charter schools*
56365-56366.12 *Nonpublic, nonsectarian schools*
60600-60649 *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*

CORPORATIONS CODE

CHARTER SCHOOL OVERSIGHT (continued)

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

4600-4670 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)

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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

Policy

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California