

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 sound 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. These functions include identifying at least one staff member to serve as a contact person for any charter school authorized by the Board and visiting each charter school under the District's oversight 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)

BP 0420.41(b)

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 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, including concurrently with a request for 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. (Education Code 47605 and 47607)

The Superintendent or designee shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Costs of Supervisorial Oversight

The District may charge up to one percent of a charter school's revenue for the actual costs of supervisorial 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 the charter school's revenue for actual costs of supervisorial 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.

If the District is given responsibility for supervisorial 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 supervisorial oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

Technical Assistance/Intervention

A charter school may be identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria. Whenever a charter school is so identified for technical assistance, the County Superintendent of Schools shall provide the charter school with technical assistance 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.

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 4600-4670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

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)

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.

The Superintendent or designee shall provide notification to the CDE, 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 policy

215.5 Student identification cards, inclusion of safety hotlines

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
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
48010-48011 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
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

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
11968.5.1-11968.5.5 Charter revocations

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

Adopted: 10-20

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California