

**CLASSIFICATION: Philosophy, Goals, Objectives, and  
Comprehensive Plans****ADOPTED: 9/9/20****SUBJECT: Oversight of County Charter Schools****PAGE: 1 of 6**

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The County Board of Education (County Board) recognizes its ongoing responsibility to oversee that any charter school authorized by the County Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

#### Designated Charter School Contact

The County Board shall identify a contact person who will be responsible for administering the requirements and obligations outlined in this administrative regulation for each charter school authorized by the County Board. The contact may be the county superintendent of schools or designee or another person employed or contracted by the County Board pursuant to Education Code section 1042.

The County Board or its designee may inspect or observe any part of the charter school at any time. At least once each year, County Board members, and/or its designee, shall visit each charter school under its authority.

#### Waivers

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the State Board of Education (SBE) on its behalf. If the County Board approves such a request, the County Board shall ask the county superintendent of schools or designee to submit the waiver request to SBE on behalf of the charter.

#### Provisions of Services to a Charter School

The County Board 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 San Diego County Office of Education (SDCOE) is able to provide substantially rent-free facilities to the charter school, the County Board may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight. "Revenue of the charter school" means the amount received in the current fiscal year from the local control funding formula calculated pursuant to Section 42238.02, as implemented by Section 42238.03.

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A charter school may separately purchase administrative or other services from SDCOE or any other source, in accordance with law.

Monitoring Charter School Performance

The County Board or designee has the responsibility to monitor any charter school it authorized to determine whether the charter school complies with all legal requirements applicable to charter schools, including the making of all reports required of charter schools in accordance with Education Code section 47604.32.

The County Board or designee has the responsibility to monitor each charter school to determine whether the school, both school wide and for all groups of students served by the school, is achieving the measurable student outcomes set forth in its 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 County Board or designee has the responsibility to monitor the fiscal condition of each charter school based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, the school's LCAP and annual update, first and second interim financial reports, the prior year financial audit and final unaudited actuals for the full prior year. The County Board or designee may request the following documents to be included with each of the financial reports: cash flow, multi-year financial projection, Local Control Funding Formula (LCFF) calculation, budgeting assumptions, or any other information necessary to determine the charter school's financial condition.

The County Board or designee will measure the charter school's Reserve for Economic Uncertainty (REU) by using the following criteria:

<b>Size of Charter School</b>	<b>Amount of Reserve for Economic Uncertainty</b>
ADA 0 to 300	The greater of 5% of total expenditures or \$69,000
ADA 301 to 1,000	The greater of 4% of total expenditures or \$69,000
ADA 1,001 to 30,000	3% of total expenditures

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ADA 30,001 to 400,000	2% of total expenditures
ADA 400,001 and over	1% of total expenditures

The County Board or designee may conduct other oversight duties at its direction to monitor other areas of the charter school in order to ensure that the charter school is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school. Other areas that the County Board or designee may monitor as part of their oversight duties by may include, but are not limited to, governance, facilities, curriculum, and/or special education.

Technical Assistance/Intervention

Whenever one or more numerically significant student subgroups at a charter school authorized by the County Board meet SBE-established performance criteria in two or more years, the charter school shall receive technical assistance from SDCOE or its designee. 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:

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 provided, 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.

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3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items 1 and 2 above or substantially similar activities, or from a service provider selected by SDCOE to work with the charter school to complete the activities described in items 1 and 2 above or substantially similar activities, and ongoing communication with the County Board or designee to assess the charter school's progress in improving student outcomes.

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 section 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 County Superintendent or designee may request assistance from the California Collaborative for Educational Excellence.

In accordance with law and County Board policies and administrative regulations, the County 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.

#### Complaints

To enable any person to file a complaint alleging the school's noncompliance with Education Code sections 47606.5 or 47607.3, each charter school shall establish a complaint process in accordance with the uniform complaint procedures specified in Title 5, sections 4600-4670, of the California Code of Regulations.

A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the Superintendent of Public Instruction (SPI). If the charter school finds merit in the complaint or the SPI finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/guardians.

#### School Closure

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In the event that the County Board revokes or denies renewal of a charter or the school ceases operation for any reason, the County Board's designee shall, in accordance with the charter and/or any applicable 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 County Board or designee shall provide notification to the California Department of Education, within 10 calendar days of denying renewal of or revoking the charter, or 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.

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Derivation: Adopted 9/9/20

Board Policy: 0310

Administrative Regulation: 0310.1, 0310.2, 0310.4, 0310.5, 0310.6

Legal Reference: Education Code

220, 1042, 1240, 44237, 47600 - 47616.7, 52052, 52066 - 52069

Government Code

1090 - 1099, 3540 - 3549.3, 6250 - 6270, 54950 - 54963, 81000 - 91014

California Code of Regulations, Title 5

11960 - 11969

Court Decisions

*Ridgecrest Charter School v. Sierra Sands Unified School District*, (2005) 130

Cal.App.4th 986

California Office of Administrative Hearings Decisions

*Student v. Horizon Instructional Systems Charter School*, (2012) OAH Case No.

2011060763

Attorney General Opinions

72 Ops. Cal. Atty. Gen. 25, 26 - 27 (1989)

Management Resources:

Websites:

California Charter Schools Association <http://www.calcharters.org>

California Department of Education, Charter Schools <http://www.cde.ca.gov/sp/cs>

California School Boards Association <http://www.csba.org>

National Association of Charter School Authorizers <http://www.charterauthorizers.org>

United States Department of Education <http://www.ed.gov>