CHARTER SCHOOL OVERSIGHT BP 0420.41

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter.

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 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. (Education Code 47604.32, 47607)

The Superintendent may designate someone to attend meetings of the charter school governing body whenever possible.

Monitoring Charter School Performance

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Superintendent or designee and the governing bodies of charter schools authorized by the Board shall review new laws and regulations applicable to charter schools.

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 (MOU), 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, LCAP and 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)

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 Board approve and 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 SBE on behalf of the charter school.

Provision of District Services

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a MOU, 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)

Location of Charter Schools

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries.

Fees/Charges for Supervisorial Oversight

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue

2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

   If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

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: (Education Code 47607.3)

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 47605(c)

   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 County Superintendent 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. (Education Code 47607.3; 52072)

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 inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. 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 school and/or an applicable agreement 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 of the charter school.

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 a charter is denied, a charter is revoked, or a 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)

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	***Description***
5 CCR 11700-11705	*Independent study*
5 CCR 11960-11969.10	*Charter schools*
5 CCR 4600-4670	*Uniform complaint procedures*
Bus. And Prof. Code 7583.45	*Training for security officers*
CA Constitution Article 16, Section 8.5	*Public finance; school accountability report card*
CA Constitution Article 9, Section 5	*Common school system*
Corp. Code 5110-6910	*Nonprofit public benefit corporations*
Ed. Code 1006	*Prohibition against school district employees serving on county board of education*
Ed. Code 17070.10-17079.30	*Leroy F. Greene School Facilities Act*

Ed. Code 17280-17317	*Field Act; approval of plans and supervision of construction*
Ed. Code 17365-17374	*Field Act; fitness for occupancy; liability of board members*
Ed. Code 17586	*Interior locks on buildings*
Ed. Code 200	*Nondiscrimination declaration of purpose*
Ed. Code 210.2	*Educational equity definition*
Ed. Code 215	*Suicide prevention policies*
Ed. Code 215.5	*Student identification cards; inclusion of safety hotlines*
Ed. Code 220	*Prohibition of discrimination*
Ed. Code 220.5	*Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression*
Ed. Code 221.61	*Posting of Title IX information on website*
Ed. Code 221.9	*Sex equity in competitive athletics*
Ed. Code 222	*Reasonable accommodations; lactating students*
Ed. Code 222.5	*Pregnant and parenting students; notification of rights*
Ed. Code 231.5	*Sexual harassment policy*
Ed. Code 234.4	*Mandated policy on bullying prevention*
Ed. Code 234.6	*Bullying and harassment prevention information*
Ed. Code 234.7	*Student protections relating to immigration and citizenship status*
Ed. Code 243	*Prohibition of discrimination; instructional materials*
Ed. Code 244	*Prohibition of discrimination; instructional materials adoption*
Ed. Code 32280-32289.5	*School safety plans*
Ed. Code 32283.5	*Bullying; online training*
Ed. Code 33317.3	*Student transfer reporting*
Ed. Code 33353	*California Interscholastic Federation; standardized incident form*
Ed. Code 33355	*Extreme weather protocols*
Ed. Code 33479-33479.9	*The Eric Parades Sudden Cardiac Arrest Prevention Act*
Ed. Code 35012	*Student board member participation in expulsion hearings*
Ed. Code 35120	*Student board membership*
Ed. Code 35179.4-35179.6	*Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program*
Ed. Code 35183.1	*Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance*
Ed. Code 35292.6	*Stocking of menstrual products*
Ed. Code 35330	*Field trips and excursions; student fees*
Ed. Code 38001.5	*Training for security officers*
Ed. Code 38080-38086	*School meals*
Ed. Code 39831.3	*Transportation safety plan*

Ed. Code 39843	*Disciplinary action against bus driver; report to Department of Motor Vehicles*
Ed. Code 41024	*Report of expenditure of state facility funds*
Ed. Code 42100	*Annual statement of receipts and expenditures*
Ed. Code 44030.5	*Reporting change in employment status due to alleged misconduct*
Ed. Code 44237	*Criminal record summary*
Ed. Code 44238.9	*District oversight*
Ed. Code 44691	*Information on detection of child abuse; annual training*
Ed. Code 44830.1	*Certificated employees; conviction of a violent or serious felony*
Ed. Code 44841	*CPR certification*
Ed. Code 44939.5	*Certificated applicant screening*
Ed. Code 45122.1	*Classified employees; conviction of a violent or serious felony*
Ed. Code 45125.1	*Criminal records summary; employees of contracting entity*
Ed. Code 46015	*Accommodations for pregnant and parenting pupils*
Ed. Code 46015	*Accommodations for pregnant and parenting students; parental leave*
Ed. Code 46300	*Transitional kindergarten and kindergarten students in attendance calculation*
Ed. Code 46390-46393	*Emergency average daily attendance*
Ed. Code 47600-47616.7	*Charter Schools Act of 1992*
Ed. Code 47634.2	*Nonclassroom-based instruction*
Ed. Code 47640-47647	*Special education funding for charter schools*
Ed. Code 47651	*Apportionment of funds; charter schools*
Ed. Code 48000	*Minimum age of admission for kindergarten; transitional kindergarten*
Ed. Code 48010	*Minimum age of admission to first grade*
Ed. Code 48206.3-48208	*Students with temporary disabilities; individual instruction*
Ed. Code 48850-48859	*Students in foster care and students experiencing homelessness*
Ed. Code 48850-48859	*Education of foster youth and homeless students*
Ed. Code 48900	*Grounds for suspension or expulsion*
Ed. Code 48901.1	*Suspension and expulsion; willful defiance*
Ed. Code 48901.7	*Smartphone policy*
Ed. Code 48901.8	*Social media policy*
Ed. Code 48907	*Exercise of free expression; time, place, and manner rules and regulations*
Ed. Code 48913.5	*Suspended students; homework assignments*
Ed. Code 48950	*Speech and other communication*
Ed. Code 48980.6	*Dual enrollment offerings notification*

Ed. Code 48985	*Notices to parents in language other than English*
Ed. Code 49005-49006.4	*Seclusion and restraint*
Ed. Code 49010	*Student fees*
Ed. Code 49011	*Student fees; definition*
Ed. Code 49014	*Public School Fair Debt Collection Act*
Ed. Code 49061	*Definitions; directory information*
Ed. Code 49062.5	*Student records; name or gender change*
Ed. Code 49070	*Challenging student records*
Ed. Code 49073.2	*Privacy of student and parent/guardian personal information; minutes of board meeting*
Ed. Code 49076.7	*Student records; data privacy; social security numbers*
Ed. Code 49110	*Authority to issue work permits*
Ed. Code 49381	*Human trafficking prevention*
Ed. Code 49400-49417	*Student health; General powers of school boards*
Ed. Code 49406	*TB risk assessment*
Ed. Code 49414	*Epinephrine auto-injectors*
Ed. Code 49414.3	*Administration of opioid antagonist*
Ed. Code 49428	*Notification of mental health services*
Ed. Code 49428.5	*Employment of medical personnel*
Ed. Code 49430-49434	*The Pupil Nutrition, Health, and Achievement Act of 2001*
Ed. Code 49431.9	*Prohibition of advertisement of non-nutritious foods*
Ed. Code 49475	*Health and safety; concussions and head injuries*
Ed. Code 49501.5	*Free breakfast and lunch to all students*
Ed. Code 49531	*Food dyes prohibition*
Ed. Code 49550-49564.5	*Meals for needy students*
Ed. Code 49557.5	*Child Hunger Prevention and Fair Treatment Act of 2017*
Ed. Code 49564.3	*Provision of federal universal meal service*
Ed. Code 49603	*On campus access to employers and military services*
Ed. Code 49700-49701	*Education of children of military families*
Ed. Code 51224.7	*Mathematics placement policy*
Ed. Code 51225.1-51225.2	*Exemption from local graduation requirements; acceptance of coursework*
Ed. Code 51225.3	*High school graduation requirements*
Ed. Code 51225.31	*Graduation exemption for students with disabilities*
Ed. Code 51225.32	*Graduation requirements for students with disabilities*
Ed. Code 51225.38	*Dangers associated with fentanyl*
Ed. Code 51225.6	*Instruction in cardiopulmonary resuscitation; districts that require health education for graduation*
Ed. Code 51225.7-51225.8	*Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application*

Ed. Code 51413	*Diploma of graduation without passage of high school exit examination*
Ed. Code 51744-51749.6	*Independent study*
Ed. Code 51925-51929	*Mandatory mental health education*
Ed. Code 51930-51939	*California Healthy Youth Act*
Ed. Code 52052	*Accountability; numerically significant student subgroups*
Ed. Code 52060-52077	*Local control and accountability plan*
Ed. Code 52075	*Uniform complaint procedures*
Ed. Code 52770	*College and career fairs; community college districts*
Ed. Code 52770	*College and career fairs*
Ed. Code 53234-53235.2	*Ethics training for governing body*
Ed. Code 56026	*Special education*
Ed. Code 56040.3	*Availability of assistive technology device*
Ed. Code 56040.6	*Deaf, hard of hearing student considerations*
Ed. Code 56145-56146	*Special education services in charter schools*
Ed. Code 56365-56366.12	*Nonpublic, nonsectarian schools*
Ed. Code 56521.1-56521.2	*Emergency Interventions*
Ed. Code 60600-60649	*Assessment of academic achievement*
Ed. Code 60900	*Charter school closure*
Ed. Code 64000	*Categorical programs included in consolidated application*
Ed. Code 64001	*School plan for student achievement; consolidated application programs*
Ed. Code 65000-65001	*School site councils*
Ed. Code 69432.9-69432.92	*Cal Grant program; notification of grade point average and high school graduation*
Gov. Code 1090-1099	*Prohibitions applicable to specified officers*
Gov. Code 3540-3549.3	*Educational Employment Relations Act*
Gov. Code 3555-3559	*Public employee communication, information and orientation*
Gov. Code 54950-54963	*The Ralph M. Brown Act*
Gov. Code 7920.000-7930.215	*California Public Records Act*
Gov. Code 81000-91014	*Political Reform Act*
H&S Code 104420	*Tobacco Use Prevention Education grant program*
H&S Code 104559	*Tobacco-free schools*
Lab. Code 1198.5	*Personnel records related to performance and grievance*
Lab. Code 3074.2	*College and career fairs; notice to apprenticeship programs*
Pen. Code 1192.7	*Definition of serious felony*
Pen. Code 667.5	*Definition of violent felony*
Veh. Code 28160	*Child safety alert system*
Federal	***Description***

20 USC 1681-1688	*Title IX of the Education Amendments of 1972; discrimination based on sex*
20 USC 6311	*State plan*
20 USC 7221-7221j	*Charter schools*
34 CFR 200.1-200.78	*Accountability*
42 USC 11431-11435	*McKinney-Vento Homeless Assistance Act*
Management Resources	***Description***
Attorney General Opinion	*104 Ops.Cal.Atty.Gen. 66 (2021)*
Attorney General Opinion	*101 Ops.Cal.Atty.Gen. 92 (2018)*
Attorney General Opinion	*78 Ops.Cal.Atty.Gen. 297 (1995)*
Attorney General Opinion	*89 Ops.Cal.Atty.Gen. 166 (2006)*
Attorney General Opinion	*80 Ops.Cal.Atty.Gen. 52 (1997)*
CA Office of Administrative Hearings Decisions	*Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763*
California Attorney General	*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, December 2024*
California Department of Education Publication	*Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 23-02, November 2023*
California Department of Education Publication	*Model Youth Suicide Prevention Policy for Local Educational Agencies that Serve Kindergarten through Twelfth Grade Students*
California Department of Education Publication	*Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020*
California Department of Education Publication	*California School Accounting Manual*
California Dept. of Pesticide Reg. Publication	*School District Integrated Pest Management Plan Template*
California Interscholastic Federation Publication	*Pursuing Victory with Honor, 1999*
Court Decision	*Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986*
CSBA Publication	*Charter Schools: A Guide for Governance Teams, rev. 2021*
CSBA Publication	*Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017*
CSBA Publication	*Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018*
Multi-Agency Charter SATF's Publication	*Audit Best Practices for Detecting and Curtailing Charter School Fraud, September 2024*
U.S. DOE Guidance	*Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014*

Website	*CSBA District and County Office of Education Legal Services*
Website	*U.S. Department of Agriculture*
Website	*National Suicide Prevention Lifeline*
Website	*National Domestic Violence Hotline*
Website	*California State Teachers Retirement System*
Website	*California Public Employees Retirement System*
Website	*California Department of General Services, Office of Administrative Hearings*
Website	*California Commission on Teacher Credentialing*
Website	*California Commission on Peace Officer Standards and Training*
Website	*California Bureau of Security and Investigative Services*
Website	*California Department of Pesticide Regulation*
Website	*California State Controller*
Website	*California Student Aid Commission*
Website	*National Association of Charter School Authorizers*
Website	*California Charter Schools Association*
Website	*California Department of Education, Charter Schools*
Website	*California Interscholastic Federation*
Website	*California Office of the Attorney General*
Website	*CSBA*
Website	*U.S. Department of Education*

Cross References

Policy	***Description***
0420.4	*Charter School Authorization*
0420.4	*Charter School Authorization*
0420.42	*Charter School Renewal*
0420.43	*Charter School Revocation*
0460	*Local Control And Accountability Plan*
0460	*Local Control And Accountability Plan*
0500	*Accountability*
1312.3	*Uniform Complaint Procedures*
1312.3	*Uniform Complaint Procedures*
1312.3-E(1)	*Uniform Complaint Procedures*
1312.3-E(2)	*Uniform Complaint Procedures*
1431	*Waivers*
6162.51	*State Academic Achievement Tests*
6162.51	*State Academic Achievement Tests*
7160	*Charter School Facilities*
7160	*Charter School Facilities*

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