

## **MENDOCINO COUNTY OFFICE OF EDUCATION**

### **BOARD POLICY 0420.41     Oversight Of County Charter Schools**

The County Board of Education 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.

(cf. [0420.4](#) - Authorization of County Charter Schools)

#### Designated Charter School Contact

The County Board shall identify a contact person 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 [1042](#). (Education Code [47604.32](#))

The County Board may appoint a designated representative to attend, on its behalf, meetings of the board of directors of any charter school authorized to operate as a nonprofit, public benefit corporation.

The County Board or its designated representative may inspect or observe any part of the charter school at any time. At least once each year, the County Board shall visit each charter school under its authority. (Education Code [47604.32](#), [47607](#))

Whenever the County Board's designated representative visits, inspects, or observes a charter school or any of its programs or facilities, the representative shall provide a report of the findings to the County Board at the next County Board meeting.

#### 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 approval such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to SBE on behalf of the charter school.

#### Provision 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 COE 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. (Education Code [47613](#))

A charter school may separately purchase administrative or other services from the COE or any other source, in accordance with law. (Education Code [47613](#))

#### Monitoring Charter School Performance

The County Board 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 [47604.32](#).

The County Board has the responsibility to monitor each charter school to determine whether the school, both schoolwide 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).

(cf. [0460](#) - Local Control and Accountability Plan)

The County Board 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, annual update of the 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](#))

When any such monitoring is conducted by the County Board's designated representative, the representative shall report the findings to the County Board at the first available County Board meeting.

#### Technical Assistance/Intervention

Whenever one or more numerically significant student subgroups at a charter school meet SBE-established performance criteria in two or more years, the charter school shall receive technical assistance from a COE identified as a geographic lead agency 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: (Education 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 [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, COE, 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 County Board 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 [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 may request assistance from the California Collaborative for Educational Excellence. (Education Code [47607.3](#), [52072](#))

In accordance with law and County Board policy, 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.

(cf. [0420.42](#) - Renewal of County Charter Schools)

(cf. [0420.43](#) - Revocation of County Charter Schools)

### Complaints

To enable any person alleging the school's noncompliance with Education Code [47606.5](#) or [47607.3](#) to file a complaint, each charter school shall establish a complaint process in accordance with the uniform complaint procedures specified in 5 CCR [4600-4670](#). (Education Code [52075](#))

(cf. [1312.3](#) - Uniform Complaint Procedures)

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 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. (Education Code [52075](#))

### School Closure

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 charter school representative 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 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. (Education Code [47604.32](#); 5 CCR [11962.1](#))

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 related to immigration and citizenship status

[17070.10-17070.30](#) 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

[48000](#) Minimum age of admission for kindergarten; transitional kindergarten

[48010-48011](#) Minimum age of admission (first grade)

48207.3 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 notifications

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 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

[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

[51413](#) Diplomas

[51745-51749.6](#) Independent study

[51930-51939](#) California Healthy Youth Act

52051.5-[52052](#) Academic performance index, applicability to charter schools

[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

60850-60859 High school exit examination

[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

[15497.5](#) Local control and accountability plan template

CODE OF REGULATIONS, TITLE 24

101.1 et seq. Part 2 California Building Standards Code

UNITED STATES CODE, TITLE 20

[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

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



Management Resources:

CSBA PUBLICATIONS

Charter Schools: A Guide for Governance Teams, rev. 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, 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>

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