

## **MENDOCINO COUNTY OFFICE OF EDUCATION**

### **Board Policy 0420.43 Revocation Of County Charter Schools**

The County 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.

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

(cf. [0420.41](#) - Oversight of County Charter Schools)

The County Board may immediately revoke a charter when the County Board determines, in writing, that a charter school has committed a violation under Education Code [47607](#) that constitutes a severe and imminent threat to the health or safety of students. In such a case, the County Board shall approve and deliver to the charter school's governing body and the California Department of Education (CDE) a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (Education Code [47607](#); 5 CCR [11968.5.3](#))

In addition, the County Board may, using the procedures described below, revoke a charter if it makes a written factual finding specific to that charter school and supported by substantial evidence that the charter school has done any of the following: (Education Code [47607](#))

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any law

The County Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance pursuant to Education Code [47607.3](#) if CCEE has issued either of the following findings: (Education Code [47607.3](#))

1. That the charter school has failed or is unable to implement the recommendations of CCEE
2. That the inadequate performance of the charter school, as based on California School Dashboard, is so persistent or acute as to require revocation of the charter

In determining whether to revoke a charter, the County Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code [52052](#). (Education Code [47607.3](#))

Revocation Procedures

If the County Board is considering a revocation of a charter school, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code [47607](#); 5 CCR [11965](#), [11968.5.2](#))

1. The charter school's alleged violation(s).
2. All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The Notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the County Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the County Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

At least 72 hours prior to any meeting at which the County Board will consider issuing a Notice of Violation, the County Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR [11968.5.2](#))

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the County Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR [11968.5.2](#))

At the conclusion of the remedy period specified in the Notice of Violation, the County Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR [11968.5.2](#))

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body
2. Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the County Board's satisfaction. All evidence relied upon by the County Board for the decision shall be included in the Notice of Intent to Revoke.

If the County Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the County Board and the charter school, the County Board shall issue a final decision on the revocation of the charter. (Education Code [47607](#); 5 CCR [11968.5.2](#))

If the County Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR [11968.5.2](#))

Within 10 calendar days of the final decision, the County Board shall provide a copy of the decision to CDE. (Education Code [47604.32](#); 5 CCR [11968.5.2](#))

## Appeals

If the County Board revokes a charter, the charter school may appeal the revocation to the State Board of Education within 30 days of the County Board's final decision. However, a revocation based upon the findings of CCEE pursuant to Education Code [47607.3](#) may not be appealed. (Education Code [47607](#), [47607.3](#); 5 CCR [11968.5.3-11968.5.5](#))

## School Closure

If a charter school ceases operation due to revocation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code [47605](#) and 5 CCR [11962](#). (Education Code 47603.32)

## Legal Reference:

### EDUCATION CODE

[47600-47616.7](#) Charter Schools Act of 1992, especially:

[47607](#) Charter renewals and revocations

[52052](#) Numerically significant student subgroups; definition

### CODE OF REGULATIONS, TITLE 5

[11960-11969](#) Charter schools, especially:

11968.5-[11968.5.5](#) Charter revocations

### COURT DECISIONS

Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197

## Management Resources:

### CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course

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

### 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>

ADOPTED: February 10, 2020