

The Governing Board recognizes its ongoing responsibility to ensure that any charter school authorized by the 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](#) - Charter School Authorization)

(cf. [0500](#) - Accountability)

The Superintendent or designee shall identify at least one staff member to serve as a contact for each charter school. (Education Code [47604.32](#))

The Board and Superintendent or designee may inspect or observe any part of the charter school at any time. The Superintendent or designee shall visit each charter school at least annually. (Education Code [47604.32](#), [47607](#))

Whenever a charter school operates as or is operated by a nonprofit public benefit corporation as authorized by Education Code [47604](#), the Superintendent shall recommend and the Board shall appoint a district representative, who may be the district's charter school contact, on the corporation's board of directors.

Waivers

If the charter school wishes to request a general waiver of any state law or regulation, 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, the Superintendent or designee shall apply for the waiver.

(cf. [1431](#) - Waivers)

Provision of District Services

The charter school may purchase administrative or other services from the district or any other source. (Education Code [47613](#))

Whenever the district agrees to provide administrative or support services, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

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 charter school may be charged for the actual costs of the reporting services, but shall not be required to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code [47611.3](#))

Material Revisions to Charter

Material revisions to a charter may be made only with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions 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 within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code [47605](#))

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision.

Monitoring Charter School Performance

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code [47604.32](#). Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving, both schoolwide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and shall include, at a minimum, a consideration of whether the school is meeting its Academic Performance Index growth targets established pursuant to Education Code [52052](#) and is making "adequate yearly progress" (AYP) pursuant to 20 USC [6311](#), as applicable.

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget; an annual update, aligned to the template adopted by the SBE, of school goals, actions, and related expenditures; first and second interim financial reports; and final unaudited report for the full prior year. (Education Code [47604.32](#), [47604.33](#), [47606.5](#))

The district 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 district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs of supervisory oversight up to three percent of the charter school's revenue. (Education Code [47613](#))

(cf. [7160](#) - Charter School Facilities)

Technical Assistance/Intervention

If a charter school receiving federal Title I funding fails to make AYP, as defined pursuant to 20 USC [6311](#), for two or more consecutive years, the school shall be identified for program improvement and shall implement improvement strategies in accordance with 20 USC [6316](#).

(cf. [0520.2](#) - Title I Program Improvement Schools)

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 district: (Education Code [47607.3](#))

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code [52064.5](#)
2. 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](#)

In accordance with law, the Board may deny a charter's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regards to the academic achievement of all numerically significant subgroups of students served by the charter school.

(cf. [0420.42](#) - Charter School Renewal)

(cf. [0420.43](#) - Charter School Revocation)

Complaints

Each charter school shall maintain processes to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR [4600-4687](#), alleging the school's noncompliance with Education Code [47606.5](#) or [47607.3](#). (Education Code [52075](#))

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

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 school closes for any other reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or a 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 Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days, 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

[220](#) Nondiscrimination

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[17280-17317](#) Field Act
[17365-17374](#) Field Act, fitness for occupancy
[35330](#) Field trips and excursions; student fees
[38080-38086](#) School meals
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[44237](#) Criminal record summary
[44830.1](#) Certificated employees, conviction of a violent or serious felony
[45122.1](#) Classified employees, conviction of a violent or serious felony
[46201](#) Instructional minutes
[47600-47616.7](#) Charter Schools Act of 1992
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[49475](#) Health and safety, concussions and head injuries
[51745-51749.3](#) Independent study
[52051.5-52052](#) Academic performance index, applicability to charter schools
[52060-52077](#) Local control and accountability plans
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[56026](#) Special education
[56145-56146](#) Special education services in charter schools
[60600-60649](#) Assessment of academic achievement
[60850-60859](#) High school exit examination

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

[3540-3549.3](#) Educational Employment Relations Act
[54950-54963](#) The Ralph M. Brown Act

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

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

[4600-4687](#) Uniform complaint procedures
[11700.1-11705](#) Independent study
[11960-11969](#) Charter schools

CODE OF REGULATIONS, TITLE 24

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101 et seq. California Building Standards Code
UNITED STATES CODE, TITLE 20

[6311](#) Adequate yearly progress

[6319](#) Qualifications of teachers and paraprofessionals

[7223-7225](#) Charter schools

CODE OF FEDERAL REGULATIONS, TITLE 34

[200.1-200.78](#) Accountability

[300.18](#) Highly qualified special education teachers

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

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Manual for Governance Teams, rev. 2009

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 11-01, November 9, 2011

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, April 2011

The Impact of the New Title I Requirements on Charter Schools, July 2004

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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