

# Davis Joint USD

## Board Policy

### Charter School Oversight

BP 0420.41

#### Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board of Education recognizes its ongoing responsibility to ~~ensure~~oversee 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 person for each charter school authorized by the Board. (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 and may inspect or observe any part of the charter school at any time. (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.~~

The Superintendent or designee shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

#### 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 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 waivers~~submit such a waiver request to the SBE on behalf of the charter school.

(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 district may charge the charter school may be charged~~ for the actual costs of the reporting services, but shall not ~~be required~~ 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)

#### Material Revisions to Charter

Material revisions to a charter may only 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~~ establish or move 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 of the approved charter.

#### 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~~ the 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. ~~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 shall include, at a minimum, a consideration of whether the school is meeting~~ petition and any applicable memorandum of understanding, and on the charter school's annual review and assessment of 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 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 information obtained from the charter school, including, but not limited to, the charter school's preliminary budget; ~~an~~ annual update, ~~aligned to of the template adopted by the SBE, of school goals, actions, and related expenditures;~~ 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)

The district may charge up to one percent of a charter school's revenue for the actual costs of supervisorial 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 supervisorial oversight up to three percent of the charter school's revenue.~~ up to three percent of the charter school's revenue for actual costs of supervisorial oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. (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 numerically significant student subgroups ~~identified in Education Code 52052~~, 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 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~~ based on the California School Dashboard

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~~ charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with ~~regards~~ regard 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 establish and maintain ~~processes~~policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-~~4687~~4670, 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 charter school ~~closes~~ceases operation 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 of the Board's action, if renewal of the charter is denied, the charter is revoked, or 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 Suicide prevention hotline contact information on student identification cards

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

234.4 Mandated policy on bullying prevention

234.7 Student protections relating to immigration and citizenship status

17070.10-17079.30 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  
47651 Apportionment of funds, charter schools  
48000 Minimum age of admission for kindergarten; transitional kindergarten  
48010-48011 Minimum age of admission (first grade)  
48206.3-48208 Students with temporary disabilities; individual instruction  
48850-48859 Educational placement of foster youth and homeless students  
48907 Students' exercise of free expression; rules and regulations  
48950 Student speech and other communication  
49005-49006.4 Seclusion and restraint  
49011 Student fees  
49014 Public School Fair Debt Collection Act  
49061 Student records  
49073.2 Privacy of student and parent/guardian personal information  
49076.7 Student records; data privacy; Social Security numbers  
49110 Authority to 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, especially:  
49431.9 Advertisement of non-nutritious foods  
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  
51513 Diploma of graduation, without passage of high school exit examination  
51745-51749.6 Independent study  
51930-51939 California Healthy Youth Act  
52052 Accountability; numerically significant student subgroups  
52060-52077 Local control and accountability plans  
52075 Uniform complaint procedures  
56026 Special education  
56145-56146 Special education services in charter schools  
60600-60649 Assessment of academic achievement  
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  
4600-4687 Uniform complaint procedures  
11700.1-11705 Independent study  
11960-11969 Charter schools  
CODE OF REGULATIONS, TITLE 24  
101 et seq. California Building Standards Code

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex

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

Opinion No. 11-201 (2018)

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

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

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

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, 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>

Policy DAVIS JOINT UNIFIED SCHOOL DISTRICT

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