

**CHARTER SCHOOL OVERSIGHT**

The Board of Education 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.

The Superintendent or designee shall identify at least one staff member to serve as a contact for each charter school. 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 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.

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 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.

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 state law or regulation, it shall request that the Office of Education 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 on behalf of the charter school.

**Provision of Services**

The charter school may purchase administrative or other services from the Office of Education, a school district, or any other source.

Whenever the Office of Education agrees to provide administrative or support services, the Office of Education and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the Office of Education 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 Office of Education as a condition for creating and submitting these reports.

**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 each numerically significant student subgroup 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 any applicable memorandum of understanding, 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 information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year.

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.

The Office of Education 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 Office of Education is able to provide substantially rent-free facilities to the charter school, the Office of Education may charge actual costs of supervisory oversight up to three percent of the charter school's revenue.

**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 numerically significant student subgroups, 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 Office of Education:

1. Shall provide technical assistance to the charter school 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 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.

### **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)

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*220 Nondiscrimination**17280-17317 Field Act**17365-17374 Field Act, fitness for occupancy**35330 Field trips and excursions; student fees**38080-38086 School meals**42100 Annual statement of receipts and expenditures**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**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)**48907 Students' exercise of free expression; rules and regulations**48950 Student speech and other communication**49061 Student records**49110 Authority of issue work permits**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*  
52075 *Uniform complaint procedures*  
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  
*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*

Policy

Adopted: April 9, 2014

Revised: June 12, 2019

Revised: May 19, 2021

**HUMBOLDT COUNTY OFFICE OF EDUCATION**

Eureka, California