

BOARD POLICY
Placentia-Yorba Linda Unified School District

Philosophy/Goals/Objectives

0420.41 - BP

CHARTER SCHOOL OVERSIGHT

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter and is providing a sound educational program for the students enrolled in the charter school.

The Board delegates the administrative function of ongoing monitoring and oversight of its charter schools to the Superintendent or designee.

The Superintendent or designee serves as the principal point of contact between the Board and its charter schools and 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 Superintendent or designee(s) will:

1. Visit each charter school at least once per fiscal year.
2. Monitor ongoing charter school compliance with reporting requirements, including the annual update to the charter school's Local Control and Accountability Plan.
3. Monitor the fiscal condition of each charter school under the Board's authority.
4. Provide timely notification to the California Department of Education (CDE) of changes in a charter school's status as required by Education Code § 47604.32(e).
5. Receive and determine how to respond to complaints regarding the charter school.
6. Inspect or observe any part of a Board-authorized charter school at any time, with or without prior notice. Education Code § 47607(a)(5) The District may inspect and receive copies of all records relating to the operation of the charter school, including financial, personnel, attendance accounting, and pupil records, and records of any entities managing the charter school. Charter schools are subject to the California Public Records Act (CPRA); however, the District's right to inspect and receive records is not based on the CPRA, but rather on the District's oversight role. A Board-authorized charter school shall promptly comply with all reasonable inquiries from the District in accordance with Education Code § 47604.3.

The Superintendent or designee may attend meetings of the charter school board and may periodically meet with a representative of the charter school.

Monitoring Charter School Performance

In the case of any charter school under the district's oversight that chooses to be operated by or as a nonprofit public benefit corporation, the district Board reserves its right pursuant to Education Code § 47604(c) to have a representative serve as a voting member of the corporation's board of directors and may exercise such right at any time. Any such representative of the Board shall serve on the corporate board in the district Board or designee's discretion and shall be removed or replaced in the Board or designee's sole discretion.

Board-authorized charter schools shall, on or before June 1 of each year, submit to the district an approved school calendar for the following year establishing that the charter school is complying with the required minimum number of school days and an approved bell schedule establishing that the charter school is complying with the minimum number of instructional minutes. At least one month prior to the commencement of each new semester, the charter school shall provide the district with a list of classes

evidencing the class offerings for the semester and the staffing assignments (including copies of all credentials) establishing that all classes are being taught by appropriately qualified and credentialed employees.

Approved charter schools shall provide to the District's Office of Charter School Operations on or before July 1 and January 31 of each year of its existing charter, its board meeting schedules and agenda for the following six (6) months demonstrating that the charter school is complying with the Brown Act.

Approved charter schools shall provide to the District's Risk Manager duplicate originals of each policy of insurance and/or each memorandum of coverage required by its charter, including all declarations, forms, and endorsements, within thirty (30) days of the approval of its charter and by July 1 and January 31 of each year thereafter, and at any other time that a policy of insurance and/or memorandum of coverage is changed and at any other time a request is made by the District for such documents.

Approved charter schools shall provide to the District, on or before July 1 of each year of its existing charter, a copy of its current and valid certificate of occupancy or an equivalent document, and shall promptly notify the District if facts arise that could jeopardize the validity of the charter school's certificate of occupancy or if the certificate of occupancy is or will soon be no longer valid.

Approved charter schools shall provide to the District, on or before July 1 of each year of its existing charter, a copy of its most recently updated school safety plan pursuant to Education Code § 47605(c)(5)(F).

Should any approved charter school operate any learning center(s) pursuant to a charter petition approved by the District Board or subsequently approved by the District Board through a material revision, the charter school shall provide to the District's Office of Charter School Operations on or before July 1 of each year of its existing charter the address of any such learning center(s).

In the event that the 911 emergency services are called for any reason to the charter school site by charter school employee, student, or community member on campus, the charter school shall inform the District within 24 hours of the emergency services' arrival to the charter school site.

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 Board approve, and the district submit, a general waiver request to the State Board of Education (SBE) on its behalf. Should the Board approve such a request from a charter school, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

The charter school may purchase administrative or other services from the district, in the district's sole discretion, or from any other source for administrative or other services. (Education Code § 47613(d))

If the district agrees, in its sole discretion, to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between the district and the Charter School.

At the request of a charter school, the Superintendent or designee may 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 will charge the charter school for the reporting services, but shall not 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(b))

Material Revisions of an Approved Charter

The Board shall have the authority and also delegates authority to the Superintendent or designee(s) to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter. Material revisions to a charter may only be made with Board approval.

Whether a proposed revision to the charter and/or how the charter school operates is a material revision is a case-by-case determination based on the particular facts. A district authorized charter school needs to provide prior notice before implementing such changes, and if the Superintendent or designee determines that a proposed change is a material revision, it cannot be implemented by the charter school unless and until a material revision is approved by the District Board. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code §§ 47605, 47607)

Material revisions include, but are not limited to: adding additional grades, potentially growing student enrollment beyond capacity, changing the school's mission, purchasing a new facility, adding additional sites, substantive changes to the educational program, substantive changes to the governance structure and/or governance documents.

An individual board member or the Superintendent(or designee) may place an item on an upcoming board agenda to request consensus from the board whether to bring to a future board meeting a request for material revision to a District authorized charter petition in accordance with the requirements of Education Code Section 47607. The Board President and Superintendent will agendize such items in accordance with the district's usual agenda setting practices.

Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools 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, and as necessary to reflect the current program offered by the charter. (Education Code § 47607)

The Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: (Education Code § 47605)

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. (Education Code § 47605)

Any charter school approved by the Board shall at all times maintain clean, electronic (Word) copies of each version of its charter that is approved by the Board and shall maintain such prior approved versions in clean, electronic (Word) format even after submitting a request that a revised version of the charter be approved on renewal or as a material revision, including after such time as the Board may approve any such revised version. In no event shall a charter school make revisions to the approved version of the charter without maintaining a clean, electronic (Word) version of all forms of the charter that have previously been approved by the Board.

Location of Charter Schools

Except when permitted to operate outside district boundaries pursuant to Education Code §§ 47605 and 47605.1, a charter school shall be located within district boundaries.

Oversight Fee

The district may charge the maximum amount permitted by law for its supervisory oversight of each charter school. This maximum is currently up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, currently, if the charter school is able to obtain substantially rent-free facilities from the district, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight. If the district is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Education Code § 47613)

Technical Assistance/Intervention

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent. 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 § 47607.3)

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(c)

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, county office of education, 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 Board to assess the charter school's progress in improving student outcomes.

In addition, 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 subgroups, in regard to one or more state or school priorities identified in the charter the County Superintendent 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. (Education Code §§ 47607.3; 52072)

In accordance with law, the 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 inadequate academic

achievement of all numerically significant subgroups of students served by the charter school. (Education Code §§ 47607, 47607.2)

Complaints

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint in accordance with the uniform complaint procedures as specified in 5 CCR § 4600-4670 to enable any person alleging the school's noncompliance with Education Code § 47606.5 or 47607.3 or 49010 or any other applicable law. (Education Code §§ 52075 and 49103)

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 and 49013)

This discussion is not exclusive of all complaint procedure requirements with which charter schools must comply nor all types of complaints to which the charter school's uniform complaint procedure applies.

School Closure

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee may in the district's sole discretion and when applicable in accordance with the charter and/or an applicable agreement between the district and the charter school, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action if renewal of a charter is denied, a charter is revoked, or a 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)

Should a charter school close for any reason, it shall comply with all closure procedures set forth in its charter, any memorandum of understanding, and the requirements of 5 CCR § 11962.

Legal Reference:

EDUCATION CODE

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

231.231.6 Sexual harassment policy

234.4 Mandated policy on bullying prevention

234.6 Bullying and harassment prevention information

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, as amended
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
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
49061 Student records
48985 Parental notification
49005-49006.4 Seclusion and restraint
49110 Authority of issue work permits
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, 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
51745-51749.3 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, including California Assessment of Student Performance and Progress
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
7920.000-7931.000 California Public Records Act
54950-54963 The 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

101 Ops. Cal.Atty.Gen. 92 (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 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

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

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Aug. 2016

Charter Schools Program: Title V, Part B of the ESEA, April 2011, Nonregulatory Guidance, January 2014

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, Dec. 2011

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

WEB SITES

CSBA: <http://www.csba.org>

California Charter Schools Association: <http://www.ccsa.org>

California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/ch>

National Association of Charter School Authorizers: <http://www.qualitycharters.org>

U.S. Department of Education: <http://www.ed.gov>

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