

MODESTO CITY SCHOOLS

Board Policy

BP 0420.41

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

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 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 person for each charter school authorized by the Board. (Education Code 47604.32)

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

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

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 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 them.

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

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 for the actual costs of 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)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. 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. (Education Code 47607)

If an approved charter school proposes to expand, establish, or move operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels.

The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605, 47607) The Board shall determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Pursuant to Education Code 47607, the Board may deny a request to expand operations if it finds that the proposed expansion 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:

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

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

3. Whether the expansion would duplicate a program currently offered within the District that has sufficient capacity for the students proposed to be served

Additionally, pursuant to Education Code 47605, the Board may deny a request to expand charter school operations if it finds that the District is not positioned to absorb the fiscal impact of the proposed charter school expansion. The Board shall make this finding if the District has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the District having a negative interim certification pursuant to Education Code 42131, or if the District has a negative interim certification pursuant to Education Code 42131, or is under state receivership.

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. (Education Code 47605.1)

Monitoring Charter School Performance

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in 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 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 petition and any applicable Memorandum of Understanding (MOU), 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.

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the 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)

Fees/Charges for Supervisorial Oversight

The District may charge for District supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue
2. Actual costs up to three percent of the charter school's revenue if the District provides the charter school substantially rent-free facilities

If the District provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the District may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. For actual costs if the District is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

Technical Assistance/Intervention

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

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

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 groups, or for all of the student groups if the school has fewer than three groups, 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 groups of students served by the charter school. (Education Code 47607, 47607.2)

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

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, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the Superintendent of Public Instruction (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 ceases operation for any 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 of the charter school.

Superintendent or designee shall provide notification to the California Department of Education, within ten (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)

Legal References:

EDUCATION CODE

215 Suicide prevention policies

215.5 Student identification cards; inclusion of safety hotlines

220 Prohibition of discrimination

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

Legal References (cont.):

EDUCATION CODE (cont.)

221.61 Posting of Title IX information on web site
221.9 Sex equity in competitive athletics
222 Reasonable accommodations; lactating students
222.5 Pregnant and parenting students; notification of rights
231.5 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
1006 Prohibition against school district employees serving on county board of education
17070.10-17079.30 Leroy F. Greene School Facilities Act
17280-17317 Field Act; approval of plans and supervision of construction
17365-17374 Field Act; fitness for occupancy; liability of board members
32280-32289.5 School Safety Plans
32283.5 Bullying; online training
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act
35179.4-35179.6 Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
35292.6 Stocking of menstrual products
35330 Field trips and excursions; student fees
38001.5 Training for security officers
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
44258.9 Monitoring of teacher assignments
44691 Information on detection of child abuse; annual training
44830.1 Certificated employees, conviction of a violent or serious felony
45122.1 Classified employees; conviction of a violent or serious felony
45125.1 Criminal records summary; employees of contracting entity
46015 Accommodations for pregnant and parenting students; parental leave
46390-46393 Emergency average daily attendance
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 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

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

Legal References (cont.):

4. EDUCATION CODE (cont.)

- 48901.1 Suspension and expulsion; willful defiance
- 48907 Exercise of free expression; time, place and manner rules and regulations
- 48913.5 Suspended students; homework assignments
- 48950 Student speech and other communication
- 48985 Notices to parents in language other than English
- 49005-49006.4 Seclusion and restraint
- 49010 Pupil fees
- 49011 Student fees
- 49014 Public School Fair Debt Collection Act
- 49061 Definitions, directory information
- 49062.5 Student records, name, or gender change
- 49070 Challenging student records
- 49073.2 Privacy of student and parent/guardian personal information; minutes of board meeting
- 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
- 49428.5 Employment of medical personnel
- 49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001
- 49431.9 Prohibition of advertisement of non-nutrition foods
- 49475 Health and safety; concussions and head injuries
- 49501.5 Free breakfast and lunch to all students
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017
- 49564 Meals for needy students
- 49564.3 Provision of federal universal meal service
- 49700-49701 Education of children of military families
- 51224.7 Mathematics placement policy
- 51225.1-51225.2 Exemption from local graduation requirements; acceptance of coursework
- 51225.3 High school graduation requirements
- 51225.6 Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
- 51225.7-51225.8 Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application
- 51413 Diploma of graduation without passage of high school exit examination
- 51744-51749.6 Independent study
- 51925-51929 Mandatory mental health education
- 51930-51939 California Healthy Youth Act
- 52052 Accountability; numerically significant student subgroups
- 52060-52077 Local control and accountability plan
- 52075 Uniform complaint procedures

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

Legal References (cont.):

EDUCATION CODE (cont.)

56026 Special education

56040.3 Availability of assistive technology device

56145-56146 Special education services in charter schools

56365-56366.12 Nonpublic, nonsectarian schools

56521.1-56521.2 Emergency interventions

60600-60648.5 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

BUSINESS AND PROFESSIONS CODE

7583.45 Training for security officers

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

3540-3549.3 Educational Employment Relations Act

3555-3559 Public employee communication, information and orientation

54950-54963 Ralph M. Brown Act

7920.000-7930.215 California Public Records 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

3074.2 Notice of college and career fairs; notice to apprenticeship programs

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

4600-4670 Uniform complaint procedures

11700.1-11705 Independent study

11960-11969.10 Charter schools

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

Legal References (cont.):

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

Management Resources:

COURT DECISIONS

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986

ATTORNEY GENERAL OPINIONS

104 Ops.Cal.Atty.Gen 66 (2021)

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

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. 2021

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020

CALIFORNIA DEPARTMENT OF PESTICIDE REGULATIONS PUBLICATION

School District Integrated Pest Management Plan Template

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATION

Pursuing Victory with Honor, 1999

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

WEB SITES

CSBA: <http://csba.org>

CSBA District and County Office of Education Legal Services: <https://legalservices.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>

U. S. Department of Agriculture: <https://www.usda.gov/>

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Charter School Oversight

Management Resources (cont.):

National Suicide Prevention Lifeline: <https://suicidepreventionlifeline.org/>

National Domestic Violence Hotline: <https://www.thehotline.org/>

California State Teachers Retirement System: <https://www.calstrs.com/>

California Public Employees Retirement System: <https://www.calpers.ca.gov/>

California Department of General Services, Office of Administrative Hearings:
<https://www.dgs.ca.gov/OAH>

California Commission on Teacher Credentialing: <https://www.ctc.ca.gov/>

California Commission on Peace Officer Standards and Training: <https://post.ca.gov/>

California Bureau of Security and Investigative Services: <https://www.bsis.ca.gov/>

California State Controller: <https://www.sco.ca.gov/>

California Department of Pesticide Regulation: <https://www.cdpr.ca.gov/>

California Student Aid Commission: <https://www.csac.ca.gov/>

California Interscholastic Federation: <https://www.csac.ca.gov/>

California Office of the Attorney General: <https://oag.ca.gov/>

Cross References (cf.):

0420.4 – Charter School Authorization

0420.42 – Charter School Renewal

0420.43 – Charter School Revocation

0460 – Local Control and Accountability Plan (N/A)

0500 – Accountability

1312.3 – Uniform Complaint Procedures

1431 – Waivers (N/A)

6162.51 – State Academic Achievement Tests

7160 – Charter School Facilities (N/A)

ADOPTED: September 9, 2019

REVISED: May 15, 2023

October 23, 2023