

Fresno Unified Board Policy (BP) 0420.41 Charter School Oversight

The Governing Board recognizes its ongoing responsibility and duty to oversee a charter school authorized by the Board and ensure that the charter school is successfully fulfilling the terms of its charter and is providing a sound 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. (Education Code 47604.32)

The Superintendent or designated charter school contact 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)

When the Board grants a charter school operated as or by a nonprofit public benefit corporation the district shall be entitled to a single representative on the board of directors of the nonprofit public benefit corporation. (Education Code 47604)

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

The district shall ensure that a charter school complies with all reports required of charter schools by law, including the local control and accountability plan and annual update to the local control and accountability plan, and shall monitor the fiscal condition of a charter school. (Education Code 47604.32)

The district shall not be liable for the debts or obligations of a charter school or for claims arising from the performance of acts, errors, or omissions by a charter school when the District complies with all oversight responsibilities required by law. (Education Code 47604)

Waivers

A charter school shall comply with all provisions of the Charter Schools Act but is otherwise exempt from the laws governing school districts except as set forth in Education Code 47610. 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.

(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 to a charter school, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between them.

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. The district 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 of the provisions of a charter petition may be made only with Board approval. Material revisions shall be governed by the standards and criteria described in Education Code 47605. Material revisions shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If a charter school proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the Board of the one or more additional sites or grade levels. (Education Code 47607)

The findings of Education Code 47605(c)(7)-(8) shall not be used by the Board to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For such a material revision, this analysis shall be limited to consideration only of the impact of the proposed material revision. (Education Code 47607)

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

Monitoring Charter School Performance

The Superintendent or designee shall monitor each charter school that is authorized by the district to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools by law in accordance with Education Code 47604.32. Any violations of law by a charter school 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 charter school as defined in Education Code 52052. This determination shall be based on the methods specified in the charter for measuring student outcomes, any applicable provisions in the Memorandum of Understanding between the district and the charter school, and 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 all financial reports and/or information submitted by the charter school, including, but not limited to, the charter school's preliminary budget, the charter school's LCAP, and annual updates to the charter school's LCAP, first and second interim financial reports, and the 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 a charter school for the actual costs of supervisorial of the charter school not to

exceed up to one percent of a charter school's revenue. However, if the charter school is able to obtain substantially rent-free facilities from the district, the district may charge for actual costs of supervisory oversight of the charter school not to exceed three percent of the charter school's revenue. (Education Code 47613)

If the facility obtained by the charter school is provided pursuant to Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7 shall be charged. When the district charges this pro-rata share, the district may also charge for the actual costs of supervisory oversight of the charter school not to exceed one percent of the charter school's revenue. If the district is given responsibility for supervisory oversight of a charter school that was authorized pursuant to Education code 47605(k)(1), the district may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

(cf. 7160 - Charter School Facilities) Technical Assistance/Intervention

Using the evaluation rubric adopted by the SBE, a charter school for which one or more numerically significant student subgroups meet the SBE-established performance criteria in two or more years, the County Superintendent of Schools shall provide technical assistance 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(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. The County Superintendent of Schools, in consultation with the charter school, may solicit another service provider, including, but not limited to, a school district, county office of education, or charter school, 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 paragraphs #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 paragraphs #1 and 2, or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes. (Education Code 45607.3)

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, if the charter school has less than three numerically significant student subgroups: the County Superintendent of Schools may request from the California Collaborative for Educational Excellence. The California Collaborative for Excellence, after consulting with the Superintendent of Public Instruction (SPI), and with the SBE, may provide advice and assistance to the charter school (Education Code 47607.3)

The Board shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance and has made either of the following findings, which shall be submitted to the Board:

1. that the charter school has failed, or is unable, to implement the recommendations of the California

Collaborative for Educational Excellence; or

2. that the inadequate performance of the charter school, based upon the adopted evaluation rubric, is either so persistent or so acute as to require revocation of the charter. The Board shall consider increases in student academic achievement for all numerically significant student subgroups served by the charter school in determining whether to revoke the charter (Education Code 47607.3)

(cf. 0420.42 - Charter School Renewal)
(cf. 0420.43 - Charter School Revocation)

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 set forth in 5 CCR 4600-4670. A complaint that a charter has not complied with the requirements of Education Code 47606.5 and 47607.3 may be filed with the charter school pursuant to the Uniform Complaint Procedures. Complaints may be filed anonymously if the complaint provided evidence or information leading to evidence to support an allegation of noncompliant. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

A complainant not satisfied with the decision of the charter school 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, the charter school shall provide a remedy to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the Board revokes a charter or denies renewal of a charter, or if the charter school ceases operation for any reason, the Superintendent or designee may 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 timely notification to the California Department of Education (CDE), within 10 calendar days of the Board's action if any of the following circumstances occur with regard to a charter school; renewal of the charter is denied; the charter is revoked; or the charter school will cease operation for any reason.

Such notification to the CDE shall at least 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)

Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.

Legal Reference

EDUCATION CODE

215 Suicide prevention policy

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

231.5-231.6 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
 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
 48985 Parental notification,
 49005-49006.4 Seclusion and restraint
 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 to issue work permits
 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
 51745-51749.3 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
 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
 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 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

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

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