

## **CHARTER SCHOOL OVERSIGHT**

### **Accountability**

The Monterey County Board of Education (County Board) is obligated by law to monitor the performance of any charter school it authorizes in order to ensure the school's compliance with legal requirements and progress toward meeting measurable outcomes specified in the charter.

The County Board recognizes its ongoing responsibility to ensure that any charter school authorized by the County Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school. Information about the school's academic performance will be provided to the County Board upon request when determining whether or not to grant a renewal of the charter petition or whether a revocation of the charter is warranted.

If the State Board of Education (SBE) approves a petition upon appeal after the County Board has denied the petition, the SBE may, by mutual agreement, designate its supervisory and oversight responsibilities to the County Board that denied the petition or to any local educational agency in the county in which the charter school is located. [Education Code (EC) 47605]

If the County Board and the Monterey County Office of Education (MCOE) comply with all oversight responsibilities required by law, they will not be liable for the debts or obligations of any charter school that operates as or is operated by a nonprofit public benefit corporation. [Corporations Code 5110-6910 and EC 47604(c)]

*(cf. 0420.4 - Charter School Authorization)*  
*(cf. 0500 - Accountability)*

### **Oversight Responsibilities**

The Monterey County Superintendent of Schools (County Superintendent) is requested to identify at least one staff member to serve as a contact and staff liaison for each charter school. [EC 47604.32]

The County Board and County Superintendent or designee may inspect or observe any part of the charter school at any time. [EC 47607]

If the County Board grants a charter for the establishment of a charter school to be operated by, or as, a nonprofit public benefit corporation, the County Superintendent is

requested to recommend and the County Board may, in its discretion, designate a single MCOE representative, to observe any meeting of the charter school's governing board and to report back to the County Board, as requested. Such representative may be the same person appointed by the County Board to serve as the charter school's contact and staff liaison.

Local Control Accountability Plans (LCAP) are required under the Local Control Funding Formula (LCFF), ushered into law in 2013. The LCFF provides additional school funding and gives local governing boards greater control over spending decisions. The LCAPs must detail how each Local Educational Agency (LEA) plans to use the state funding to meet state priorities and local goals to improve student outcomes. The focal point for measuring school academic performance is their performance on the LCFF Evaluation Rubric.

The State of California has determined a use of multiple indicators to measure student outcomes. The LCFF Evaluation Rubrics annually provide LEAs with information regarding the performance of students on the state indicators. State indicators are based upon academic performance in mathematics and English language arts, English Learner progress, graduation rate, suspension rate/chronic absenteeism, and college and career readiness. This information is captured in the LCAP. LEAs are to respond to the performance of all students, along with significant subgroups of low income students, English Learners, and Foster Youth through goals, actions, and services provided. Stakeholders are engaged in reviewing the data and giving input regarding how to best serve their students' needs. This input is then used to develop the LEA's LCAP.

The County Board shall monitor the fiscal condition of the charter school based on financial information including, but not limited to, the charter school's preliminary budget; LCAP related expenditures; first and second interim financial reports; and final unaudited report for the full prior year. [EC 47604.32, 47604.33, 47606.5; 5 CCR 15497.5]

In addition, the County Superintendent or designee is encouraged to undertake the following obligations with respect to each charter school under the County Board's authority:

- (a) Monitor the charter school to determine whether it complies with all legal requirements and management issues 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 County Board.
- (b) Provide timely notification to the California Department of Education (CDE) if any of the following circumstances occur or will occur to a charter school for which it is the chartering authority: [EC 47064.32; 5 CCR 11962.1]

- (1) A renewal of the charter is granted or denied.
- (2) The charter is revoked.
- (3) The charter school will cease operations for any reasons.

**Charter School Visitation**

The County Board and the County Superintendent or designee shall visit each charter school at least annually. More frequent visits are recommended for the County Board's staff liaison in order to monitor charter school operations and to develop better relationships with the charter school staff. [EC 47604.32]

The County Superintendent or designee is encouraged to develop oversight materials such as checklists and rubrics to assist staff in monitoring the performance of the school. These materials can outline what staff will be looking at while visiting schools and what materials the charter school should have ready for staff. These materials will also provide clear direction for the charter school as to the expectations of the County Board.

**Financial Arrangements**

The cost of performing the duties listed in the section on Oversight Responsibilities above and other related costs of supervisory oversight of a charter school are not to exceed one percent of the charter school's revenue. If MCOE is able to provide substantially rent-free facilities to the charter school, the charge for supervisory oversight may be up to three percent of the charter school's revenue. [EC 47613]

*(cf. 7160 - Charter School Facilities)*

The charter school may separately purchase administrative or other services from MCOE or any other source. [EC 47611.3] Whenever MCOE agrees to provide administrative or support services, the MCOE and charter school shall develop a Memorandum of Understanding (MOU) approved by the County Board and reviewed annually, which clarifies the financial and operational agreements between the MCOE and charter school.

At the request of a charter school, the County 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 MCOE as a condition for creating and submitting these reports. [EC 47611.3]

**Reports to the County Board**

The County Superintendent or designee is requested to regularly report to the County Board on the charter school's performance, based on the academic and fiscal accountability measures specified in the approved charter and whether the school is complying with all the legal requirements applicable to charter schools. These reports will assist the County Board in monitoring 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, its LCAP and annual updates to the LCAP, first and second interim financial reports, and final unaudited report for the full prior year. [EC 47604.32, 47604.33]

Evaluation data for the charter school shall be considered in the County Board's determination of the renewal or revocation of a charter.

*(cf. 0420.42 - Charter School Renewal)*

*(cf. 0420.43 - Charter School Revocation)*

**Waivers**

If the charter school wishes to request a general waiver of any state law or regulation, it shall request that the County Superintendent to submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the County Board, the County Superintendent or designee is asked to apply for the waiver.

*(cf. 1431 - Waivers)*

**Material Revisions to Charter**

Material revisions to a charter may be made only with County Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions 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. [EC 47605, 47607]

If an approved charter school proposes to expand operations to one or more additional sites, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations. The County Board shall consider approval of the additional locations at an open meeting. [Ed. Code 47605]

The County Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision.

**Complaints**

Each charter school shall maintain processes to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. If the charter school finds merit in the complaint, a remedy shall be provided to all affected students and parents/guardians. [EC 52075]

*(cf. 1312.3 - Uniform Complaint Procedures)*

If the complainant is not satisfied with the charter school's decision, the complainant may appeal the decision to the State Superintendent of Public Instruction (SPI). The complainant will receive a written appeal decision within 60 days of the SPI's receipt of the appeal. [EC 52075]

**School Closure**

In the event that the County Board revokes or denies renewal of a charter or the school closes for any other reason, the County Superintendent or designee is expected, when applicable in accordance with the charter and/or a memorandum of understanding, to provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The County Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days, 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. [EC 47604.32; 5 CCR 11962.1]

*Legal Reference:*

EDUCATION CODE

- 220 *Nondiscrimination*
- 221.9 *Sex equity in competitive athletics*
- 222 *Lactation accommodations for students*
- 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*
- 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*

46201	<i>Instructional minutes</i>
47600-47616.7	<i>Charter Schools Act of 1992</i>
47640-47647	<i>Special education funding for charter schools</i>
47634.2	<i>Nonclassroom-based instruction</i>
48000	<i>Minimum age of admission for kindergarten; transitional kindergarten</i>
48010-48011	<i>Minimum age of admission (first grade)</i>
48850-48859	<i>Educational placement of foster youth and homeless students</i>
48907	<i>Students' exercise of free expression; rules and regulations</i>
48950	<i>Student speech and other communication</i>
49061	<i>Student records</i>
49110	<i>Authority of issue work permits</i>
49414	<i>Epinephrine auto-injectors</i>
49475	<i>Health and safety, concussions and head injuries</i>
51224.7	<i>Mathematics placement policy</i>
51745-51749.3	<i>Independent study</i>
52051.5-52052	<i>Academic performance index, applicability to charter schools</i>
52060-52077	<i>Local control and accountability plans</i>
52075	<i>Uniform complaint procedures</i>
56026	<i>Special education</i>
56145-56146	<i>Special education services in charter schools</i>
56026	<i>Special education</i>
60600-60649	<i>Assessment of academic achievement</i>
60850-60859	<i>High school exit examination</i>

CORPORATIONS CODE

5110-6910	<i>Nonprofit public benefit corporations</i>
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GOVERNMENT CODE

3540-3549.3	<i>Educational Employment Relations Act</i>
54950-54963	<i>The Ralph M. Brown Act</i>

LABOR CODE

1198.5	<i>Personnel records related to performance and grievance</i>
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PENAL CODE

667.5	<i>Definition of violent felony</i>
1192.7	<i>Definition of serious felony</i>

CALIFORNIA CONSTITUTION

<i>Article 9, Section 5 Common school system</i>	
<i>Article 16, Section 8.5 Public finance; school accountability report card</i>	

CODE OF REGULATIONS, TITLE 5

4600-4687	<i>Uniform complaint procedures</i>
11700.1-11705	<i>Independent study</i>
11960-11969	<i>Charter schools</i>
15497.5	<i>Local control and accountability plan template</i>

CODE OF REGULATIONS, TITLE 24

101 et seq.	<i>California Building Standards Code</i>
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UNITED STATES CODE, TITLE 20

6311	<i>State plan</i>
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7221-7221(j) *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

*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*

Adopted: 10/17/12

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