

**Regulation 0420.4: Charter School Authorization**      **Status:** ADOPTED

**Original Adopted Date:** 10/01/2015 | **Last Revised Date:**  
03/01/2023 | **Last Reviewed Date:** 03/01/2023

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.

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 may designate someone to attend meetings of the charter school governing body whenever possible.

### **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 and any applicable 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.

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)

### **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. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

## **Provision of District Services**

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (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.

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)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand 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, public meeting. (Education Code 47605, 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)

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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
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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. 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, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

### **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.

### **Fees/Charges for Supervisorial Oversight**

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

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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. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal
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### **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)

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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
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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 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 to file a complaint with the charter school. (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 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 school 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)

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| <b>State</b>                | <b>Description</b>   |
|-----------------------------|--|
| 5 CCR 11960-11969.10        | Charter schools  |
| Corp. Code 5110-6910        | <u>Nonprofit public benefit corporations</u>                             |
| Ed. Code 1240               | <u>County superintendent of schools; duties</u>                          |
| Ed. Code 17078.52-17078.66  | <u>Charter schools facility funding; state bond proceeds</u>             |
| Ed. Code 17280-17317        | <u>Field Act; approval of plans and supervision of construction</u>      |
| Ed. Code 17365-17374        | <u>Field Act; fitness for occupancy; liability of board members</u>      |
| Ed. Code 200                | <u>Equal rights and opportunities in state educational institutions</u>  |
| Ed. Code 220                | <u>Prohibition of discrimination</u>                                     |
| Ed. Code 32280-32289.5      | <u>School safety plans</u>   |
| Ed. Code 33126              | <u>School accountability report card</u>                                 |
| Ed. Code 41365              | <u>Charter school revolving loan fund</u>                                |
| Ed. Code 42131              | <u>Interim certification</u>   |
| Ed. Code 42238.02-42238.52  | <u>Funding for charter districts</u>                                     |
| Ed. Code 44237              | <u>Criminal record summary</u>   |
| Ed. Code 44830.1            | <u>Certificated employees; conviction of a violent or serious felony</u> |
| Ed. Code 45122.1            | <u>Classified employees; conviction of a violent or serious felony</u>   |
| Ed. Code 46201              | <u>Instructional minutes</u>   |
| Ed. Code 47600-47616.7      | <u>Charter Schools Act of 1992</u>                                       |
| Ed. Code 47640-47647        | <u>Special education funding for charter schools</u>                     |
| Ed. Code 47650-47655        | <u>Funding of charter schools</u>  |
| Ed. Code 49011              | <u>Student fees</u>  |
| Ed. Code 51744-51749.6      | <u>Independent study</u>   |
| Ed. Code 51745              | <u>Independent study</u>   |
| Ed. Code 52052              | <u>Accountability; numerically significant student subgroups</u>         |
| Ed. Code 52060-52077        | <u>Local control and accountability plan</u>                             |
| Ed. Code 56026              | <u>Special education</u>   |
| Ed. Code 56145-56146        | <u>Special education services in charter schools</u>                     |
| Gov. Code 1090-1099         | <u>Prohibitions applicable to specified officers</u>                     |
| Gov. Code 3540-3549.3       | <u>Educational Employment Relations Act</u>                              |
| Gov. Code 54950-54963       | <u>The Ralph M. Brown Act</u>  |
| Gov. Code 7920.000-7930.215 | <u>California Public Records Act</u>                                     |
| Gov. Code 81000-91014       | <u>Political Reform Act</u>  |
| W&I Code 224.1              | <u>Indian child; definition</u>  |
| <b>Federal</b>              | <b>Description</b>   |
| 20 USC 7221-7221j           | Charter schools  |

**Management Resources**

Attorney General Opinion  
 Attorney General Opinion  
 Attorney General Opinion  
 Attorney General Opinion  
 California Charter Authorizing  
 Professionals Pub.  
 Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

CSBA Publication

CSBA Publication

U.S. Department of Education Publication

U.S. Department of Education Publication

Website

Website

Website

Website

Website

Website

**Description**

101 Ops.Cal.Atty.Gen. 92 (2018)  
 78 Ops.Cal.Atty.Gen. 297 (1995)  
 89 Ops.Cal.Atty.Gen. 166 (2006)  
 80 Ops.Cal.Atty.Gen. 52 (1997)  
 Memorandum of Understanding (MOU) Resource, September  
 2022  
 Napa Unified School District v. California State Board of  
 Education, Case No. 34-2022-80004051  
 CSBA'S Education Legal Alliance v. California State Board of  
 Education, Case No. 34-2018-80002834  
 Ridgecrest Charter School v. Sierra Sands Unified School District  
 (2005) 130 Cal.App.4th 986  
 Uncharted Waters: Recommendations for Prioritizing Student  
 Achievement and Effective Governance in California's Charter  
 Schools, September 2018  
 Charter Schools: A Guide for Governance Teams, rev. February  
 2016  
 Charter Schools and Board Member Responsibilities, Education  
 Insights Legal Update Webcast, March 2016  
 Charter Schools in Focus, Issue 1: Managing the Petition Review  
 Process, Governance Brief, November 2016  
 Charter Schools Program: Title V, Part B of the ESEA,  
 Nonregulatory Guidance, January 2014  
 Dear Colleague Letter: Guidance Regarding the Oversight of  
 Charter Schools Program and Regulatory Requirements, August  
 2016  
[CSBA District and County Office of Education Legal Services](#)  
[National Association of Charter School Authorizers](#)  
[California Charter Schools Association](#)  
[California Department of Education, Charter Schools](#)  
[CSBA](#)  
[U.S. Department of Education](#)

**Code**

0420.41  
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**Description**

[Charter School Oversight](#)  
[Charter School Oversight](#)  
[Charter School Renewal](#)  
[Charter School Revocation](#)  
[Comprehensive Local Plan For Special Education](#)  
[Comprehensive Local Plan For Special Education](#)  
[Local Control And Accountability Plan](#)  
[Local Control And Accountability Plan](#)  
[School Accountability Report Card](#)  
[Representative And Deliberative Groups](#)  
[Probationary/Permanent Status](#)  
[Probationary/Permanent Status](#)  
[Reciprocity Of Academic Credit](#)  
[Reciprocity Of Academic Credit](#)  
[Independent Study](#)  
[Independent Study](#)  
[State Academic Achievement Tests](#)  
[State Academic Achievement Tests](#)  
[Career Technical Education](#)  
[Career Technical Education](#)  
[Continuation Education](#)  
[Continuation Education](#)  
[Charter School Facilities](#)  
[Charter School Facilities](#)  
[Meetings And Notices](#)