

## FRESNO COUNTY BOARD OF EDUCATION

**Philosophy, Goals, Objectives and Comprehensive Plans  
CHARTER SCHOOL OVERSIGHT, MATERIAL REVISIONS, AND WAIVERS**Oversight and Monitoring

The County Board recognizes its ongoing responsibility to oversee that any charter school the County Board has authorized is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

The County Board or designee shall provide oversight and monitoring of each of the charter schools authorized by the County Board in accordance with applicable law, the applicable charter, and the County Board's Memorandum of Understanding – Charter School Authorization ("MOU"). (Education Code 47604.32, 47604.33, 40606.5, 47607.)

Charter school shall comply with all obligations set forth in applicable law, its charter, and the MOU to enable the County Board to conduct oversight and monitoring of the charter school.

Charter schools authorized by the County Board shall be held accountable for pupil performance, including meeting measurable pupil outcomes and making satisfactory yearly progress on applicable state and federal accountability measures.

In fulfilling its statutory responsibility to monitor, provide oversight, and review authorized charter schools, the County Board shall review the educational effectiveness, statutory compliance, governance and operational structures, fiscal condition, and whether the charter school implements the terms of its charter as authorized. Oversight and monitoring shall be on an ongoing basis.

Technical Assistance/Intervention

Whenever one or more numerically significant student subgroups at a charter school meets State Board of Education ("SBE")-established performance criteria in two or more years, the charter school shall receive technical assistance from the geographical lead agency as identified pursuant to Education Code 52073, or its designee. 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, in accordance with Education Code 47607.3(a). (Education Code 52052, 52064.5, 47607.3)

If the governing body of a charter school requests technical assistance, the County Board, or designee, shall provide technical assistance to the charter school by:

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), including working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard authorized by Education Code 52064.5(f) and other relevant local data, and identifying effective evidence-based programs or practices that address any areas of weakness; or

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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.

If a charter school has not been identified for technical assistance pursuant to Education Code 47607.3(a), the County Board, or designee, may assess the charter school a fee not to exceed the cost of the service(s). (Education Code 47607.3(a) & (g).)

In accordance with law, the County Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, including with regard to the academic achievement of all numerically significant subgroups of students served by the charter school.

### Material Revisions

Material revisions to any charter school authorized by the County Board may be made only with County Board approval. Material revisions shall be governed by the same standards and criteria set forth in Education Code section 47605 (47605.6 for countywide benefit charters) and adopted County Board policies, and 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.) Determination as to whether a revision is material shall be made in accordance with the charter and applicable law.

If a County Board-authorized charter school proposes to change sites, establish an additional site, or add grade levels not included in the approved charter, the charter school shall request a material revision of its charter in accordance with the applicable law and the charter. The County Board shall consider the request for a material revision at an open, public meeting. (Education Code 47605, 47605.6, 47607.)

The County Board shall follow the procedures stated in the section entitled "Timeline for County Board Consideration of Charter Petitions" in Board Policy No. 0420.4, the MOU, and the County Board material revision forms and guidance materials when considering material revisions to the provisions of any County Board-authorized charter school.

### Waivers

If a County Board-authorized charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the SBE on its behalf. Upon approval of the County Board, such a waiver request shall be submitted to the SBE on behalf of the charter school.

### Delegation of Administrative Functions to County Superintendent

The County Board delegates to the County Superintendent or designee the following administrative functions:

1. *Monitoring and providing oversight of County Board-authorized charter schools, including but not limited to, receiving and reviewing reports, developing a defined*

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accountability system for monitoring the educational effectiveness, statutory compliance, governance and operational structures, and fiscal condition of charter schools authorized by the County Board. The County Board hereby authorizes the County Superintendent to identify at least one staff member to serve as a contact person for each charter school authorized by the County Board. The County Board and County Superintendent or designee may inspect or observe any part of a County Board-authorized charter school at any time, and, on behalf of the County Board, attend meetings of the board of directors of any County Board-authorized charter school.

2. *Providing or obtaining provision of technical assistance*, as necessary, to charter schools authorized by the County Board.
3. *Handling of material revisions*, including but not limited to, receiving, reviewing, and reporting on requests for material revisions. The County Superintendent's or designee's authority shall include, but not be limited to, receiving requests for material revisions; agreeing to extension of timelines pursuant to law and adopted policy or regulations; developing regulations, forms, and guidance materials and processes; and completing such administrative duties as necessary or proper to effectuate the provisions set forth herein as well as applicable County Superintendent regulation(s).
4. *Handling of request for waivers*, including but not limited to, receiving and reviewing requests for waivers, reporting on and presenting such waiver requests to the County Board, and submitting such waiver requests to the SBE in accordance with law.

Adopted: 11/15/2018

Amended: 6/18/2020

**Legal Reference**Education Code215.5 Student identification cards, inclusion of safety hotlines

215 Suicide prevention policy

220 Nondiscrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

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

17070.10-17070.30 Leroy F. Greene School Facilities Act

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

32282 Comprehensive safety plan

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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  
48000 Minimum age of admission for kindergarten; transitional kindergarten  
48010-48011 Minimum age of admission (first grade)  
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 notifications  
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 of issue work permits  
49381 Human trafficking prevention  
49414 Epinephrine auto-injectors  
49414.3 Administration of opioid antagonist  
49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001  
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  
51413 Diplomas  
51745-51749.6 Independent study

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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  
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 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  
15497.5 Local control and accountability plan template

**FRESNO COUNTY BOARD OF EDUCATION**Code of Regulations, Title 24

101 et seq. Part 2 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

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

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

California Department of Education Publications

California School Accounting Manual

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. Department of Education Guidance

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

Web Sites

CSBA: <http://www.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>