

CSBA Sample

Exhibit

Philosophy, Goals, Objectives, and Comprehensive Plans

E 0420.41(a)

CHARTER SCHOOL OVERSIGHT

REQUIREMENTS FOR CHARTER SCHOOLS

Note: Pursuant to Education Code 47610, charter schools are exempt from Education Code provisions governing school districts unless otherwise specified in law. The following Exhibit lists some, but not necessarily all, legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Violation of any law may subject the charter school to revocation pursuant to Education Code 47607; see BP 0420.43 - Charter School Revocation.

Charter schools shall be subject to the terms of their charters, any memorandum of understanding with their chartering authority, and other legal requirements that **are** expressly **include applicable to** charter schools, including, but not limited to, requirements that each charter school:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
3. Not charge tuition (Education Code 47605)

Note: Education Code 47605 specifically prohibits a charter school from charging tuition, but does not mention fees or other charges. As clarified in the California Department of Education's (CDE) advisory Pupil Fees, Deposits, and Other Charges, because charter schools are subject to the California Constitution, the free school guarantee of the California Constitution, Article ~~IX~~ **9**, Section 5, applies to charter schools. Charter schools may only charge fees **which are explicitly** authorized by law ~~that have been made explicitly applicable to for~~ charter schools. For example, charter schools may charge fees for meals and field trips pursuant to Education Code 35330, 38082, and 38084 because those provisions apply to charter schools, but charter schools may not necessarily charge other fees authorized by law for school districts. In addition, Education Code 49011 prohibits all public schools from requiring services or donations as a condition of enrollment or continued enrollment.

4. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools
5. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)

Attachment E- E 0420.41 Charter School Oversight

Use CSBA Sample with Suggested Revisions

6. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)

E 0420.41(b)

CHARTER SCHOOL OVERSIGHT (continued)

Note: Education Code 56145 requires charter schools to serve students with disabilities in the same manner as other public schools. Pursuant to Education Code 47646, districts must ensure that each charter school that is deemed to be a public school of the district, and is not its own local educational agency (LEA) for special education purposes, receives an equitable share of ~~state and federal~~ special education funding and ~~for any necessary special education services provided by the district on behalf of disabled for~~ students **with disabilities who are enrolled in the charter school.**

If a charter school is operating as a public school of the district for purposes of ~~providing~~ special education, the district retains responsibility and must determine how ~~best~~ to ensure that ~~all special education~~ students **with disabilities** receive a free appropriate public education (FAPE). However, **as indicated in** the California Office of Administrative Hearings ~~has ruled, ruling in Student v. Horizon Instructional Systems Charter School, that~~ a charter school operating as its own ~~local educational agency-LEA~~ for purposes of special education, including a charter school offering an independent study program, is **the entity solely** responsible for providing ~~special education students with~~ FAPE.

7. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)
8. Admit all students who wish to attend the school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's place of residence, or that of his/her parents/guardians, within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within the school's former attendance area. (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admissions preference for students who are currently enrolled in the public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance, **except for existing students of the charter school,** shall be determined by a public random drawing. ~~However, p~~Preference shall be extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5. (Education Code 47605)

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

- c. Other admissions preferences may be permitted by the chartering district on an individual school basis consistent with law. (Education Code 47605)

E 0420.41(c)

CHARTER SCHOOL OVERSIGHT (continued)

9. Immediately enroll a homeless student, except where such enrollment would conflict with Education Code 47605(d) (Education Code 48850; 42 USC 11431-11435)

Note: Education Code 48859, as amended by SB 445 (Ch. 289, Statutes of 2015), requires all charter schools to comply with state law regarding the enrollment and placement of foster youth.

10. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
11. If the school offers a kindergarten program: (Education Code 48000)
 - a. Offer a transitional kindergarten (TK) program to students whose fifth birthday is from September 2 through December 2

Note: Pursuant to Education Code 48000, charter schools must ensure that credentialed teachers who are first assigned to a TK class after July 1, 2015 possess certain qualifications by August 1, 2020. These requirements include at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the Commission on Teacher Credentialing (CTC).

- b. Ensure that any credentialed teacher first assigned to teach a TK class after July 1, 2015 meets the qualifications specified in Education Code 48000 by August 1, 2020

Note: The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6319 to eliminate the requirement that teachers who teach core academic subjects meet requirements for "highly qualified" teachers, as defined. Guidance from the U.S. Department of Education (USDOE), Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, clarifies that local educational agencies, including charter schools, will not be required to comply with "highly qualified" teacher requirements beginning in the 2016-17 school year. Thus, hiring practices should be based solely upon state licensure requirements.

12. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)
13. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on **their the school's** behalf who are mandated reporters, within the

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

first six weeks of each school year or within six weeks of employment (Education Code 44691)

Note: Education Code 44830.1 and 45122.1 prohibit charter schools from hiring any person who has been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless that person has received a certificate of rehabilitation and a pardon. Schools also may not retain in employment any temporary, substitute, or probationary employee who has been convicted of a violent or serious felony. See AR 4112.5/4212.5/4312.5 - Criminal Record Check. **Education Code 45125.1 requires a criminal**

E 0420.41(d)

CHARTER SCHOOL OVERSIGHT (continued)

background check for certain employees of an entity contracting with a charter school. See AR 3515.6 - Criminal Background Checks for Contractors.

14. Not hire any person, ~~in either a certificated or classified position,~~ who has been convicted of a violent or serious felony except as otherwise provided by law, **and, if the school contracts with an entity for specified services, verify that any employee of that entity who will have contact with students has had a criminal background check** (Education Code 44830.1, 45122.1, **45125.1**)

Note: Education Code 44030.5 requires charter schools to report to the CTC any change in employment status due to an allegation of misconduct. See AR 4117.7/4317.7 - Employment Status Reports for further information about these reports.

15. Report to the CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
16. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
17. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Note: Education Code 215, as added by AB 2246 (Ch. 642, Statutes of 2016), requires charter schools that serve students in grades 7-12 to adopt a policy on student suicide prevention, intervention, and postvention (i.e., intervention conducted after a suicide) with specified components. See BP/AR 5141.52 - Suicide Prevention for further information regarding these requirements. Also see the CDE's Model Youth Suicide Prevention Policy.

18. **If the school serves students in grades 7-12, adopt a policy on suicide prevention, intervention, and postvention with specified components (Education Code 215)**

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

~~Note: Education Code 51224.7, as added by SB 359 (Ch. 508, Statutes of 2015), requires charter schools that serve students in grade 9 to adopt a mathematics placement policy with specified components.~~

- ~~18.~~ **19.** If the school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy, with specified components (Education Code 51224.7)

~~Note: Education Code 47605 requires charter schools to conduct statewide assessments, including, but not limited to, the California High School Exit Examination (Education Code 60850-60859). However, Education Code 60851.5, as added by SB 172 (Ch. 572, Statutes of 2015), suspends the administration of the exit examination through the 2017-18 school year.~~

E 0420.41(e)

CHARTER SCHOOL OVERSIGHT (continued)

- ~~19.~~ **20.** Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605, 60850-60859)

~~Note: Education Code 60851.6, as added by SB 172 (Ch. 572, Statutes of 2015), requires charter schools to retroactively grant diplomas to students who met all graduation requirements except for passage of the high school exit examination, as provided in item #20 below.~~

- ~~20.~~ **21.** Until July 31, 2018, grant a high school diploma to any student who completed grade 12 in the 2003-04 school year or a subsequent school year and who has met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 60851.6)

~~Note: Education Code 47612.5 specifies, by grade level, the minimum number of instructional minutes that must be offered each fiscal year. Any charter school that fails to meet the requirement will have its state apportionment reduced in proportion to the percentage of instructional minutes that the school fails to offer. Education Code 47612.5 and 47612.6 provide that neither the State Board of Education nor the Superintendent of Public Instruction may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.~~

- ~~21.~~ **22.** Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code ~~46201.2,~~ 47612.5)

~~Note: Education Code 47612.5 provides that charter schools offering independent study are subject to Education Code 51745-51749.3. Education Code 51745 requires that no course included among the courses required for graduation may be offered solely through independent study. However, pursuant to 5 CCR 11705, a charter school offering grades 9-12 shall be deemed to be an "alternative school" for purposes of independent study and thus, according to the CDE, would comply with this provision because students in such alternative schools are enrolled voluntarily and, if they wished, could attend any other district high school in which the courses were offered via classroom instruction.~~

- ~~22.~~ **23.** If the school provides independent study, meet the requirements of Education Code 51745-51749.3, except that the school may be allowed to offer courses required for

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

- 23. 24.** Identify and report to the Superintendent of Public Instruction (SPI) any portion of its average daily attendance that is generated through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)
- 24. 25.** If the school offers competitive athletics, annually post on the school's web site or on the web site of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by

E 0420.41(f)

CHARTER SCHOOL OVERSIGHT (continued)

gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)

Note: Education Code 33479.1 and 33479.3, as added by AB 1639 (Ch. 792, Statutes of 2016), require charter schools that elect to conduct athletic activities to provide student athletes and their parents/guardians with information on the nature and warning signs of sudden cardiac arrest. This information is available from the California Interscholastic Federation (CIF) or, if the athletic activity is not governed by the CIF, on the CDE's web site. Additionally, Education Code 33479.5, as added by AB 1639, and CIF bylaws provide for a student's removal from participation in an athletic activity if he/she passes out or faints. See BP/AR 6145.2 - Athletic Competition.

- 25. 26.** If the school offers an athletic program, annually provide ~~an~~ information sheets about concussions~~s/and~~ head injuries **and sudden cardiac arrest** to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition. In the event that an athlete is suspected of sustaining a concussion or head injury, **passes out, or faints during or immediately after participation** in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider and receives written clearance to **do so return to the activity**. (Education Code **33479-33479.5**, 49475)
- 26. 27.** On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)

Note: Education Code 48907 requires charter schools to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the charter school's jurisdiction.

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

- 27. 28.** Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)
- 28. 29.** Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
- 29. 30.** If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)

E 0420.41(g)

CHARTER SCHOOL OVERSIGHT (continued)

- 30. 31.** ~~Electronically submit the grade point average of all students in grade 12 to the Student Aid Commission each academic year for use in the Cal Grant program, after notifying the students and their parents/guardians as applicable, by October 15 of each year, of the opportunity to opt out of being deemed a Cal Grant applicant within a specified period of time of at least 30 days (Education Code 69432.9)~~ **If the school serves high school students, submit to the Student Aid Commission, for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year. However, such information shall not be submitted when students opt out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)**

Note: Education Code 39831.3, as amended by SB 1072 (Ch. 721, Statutes of 2016), requires charter schools to develop a transportation plan that includes procedures to ensure that a student is not left unattended on a bus. See AR 3543 - Transportation Safety and Emergencies for more information regarding transportation safety plans.

In addition, pursuant to Vehicle Code 28160, as added by SB 1072, on or before the beginning of the 2018-19 school year, each school bus, school activity bus, youth bus, and child care motor vehicle, as defined, must be equipped with a "child safety alert system" (i.e., a device located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle).

- 32.** **Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures and standards for designating an adult chaperone, other than the driver, to accompany students on a school activity bus (Education Code 39831.3)**

31. 33. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)

- a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374.
- b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

Note: Education Code 222, as added by AB 302 (Ch. 690, Statutes of 2015), requires charter schools to provide reasonable lactation accommodations to students as provided in item #32 below.

E 0420.41(h)

CHARTER SCHOOL OVERSIGHT (continued)

32. 34. Provide reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding (Education Code 222)

33. 35. Ensure the availability and proper use of emergency epinephrine auto-injectors by: (Education Code 49414)

- a. Providing school nurses or other voluntary, trained personnel with at least one regular and one junior device for elementary schools and, for secondary schools, one regular device if there are no students who require a junior device
- b. Distributing a notice at least once per school year to all staff requesting volunteers and describing the training that volunteers will receive
- c. Providing defense and indemnification to volunteers for any and all civil liability from such administration

Note: Education Code 49414.3, as added by AB 1748 (Ch. 557, Statutes of 2016), authorizes charter schools to make emergency naloxone hydrochloride or another opioid antagonist available to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. See BP/AR 5141.21 - Administering Medication And Monitoring Health Conditions.

36. If the school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, comply with the

requirements of Education Code 49414.3, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

- 34. 37.** Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding the school's financial records (Education Code 47604.3)
- 35. 38.** Annually prepare and submit financial reports to the district Governing Board and the County Superintendent of Schools in accordance with the following reporting cycle:
- a. By July 1, a preliminary budget for the current fiscal year. For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)
 - b. By July 1 each year, an update of the school's goals and the actions to achieve those goals as identified in the charter, developed using the local control and

E 0420.41(i)

CHARTER SCHOOL OVERSIGHT (continued)

accountability plan template **adopted by the State Board of Education in 5 CCR 15497.5**. This report shall include a review of the progress toward the goals, an assessment of the effectiveness of the specific actions toward achieving the goals, a description of changes the school will make to the specific actions as a result of the review and assessment, and a listing and description of expenditures for the fiscal year implementing the specific actions. (Education Code 47604.33, 47606.5, **52064 ; 5 CCR 15497.5**)

When conducting this review, the governing body of the school may consider qualitative information including, but not limited to, findings that result from any school quality reviews conducted pursuant to Education Code 52052 or any other reviews. To the extent practicable, data shall be reported in a manner consistent with how information is reported on a school accountability report card. The update shall be developed in consultation with teachers, principals, administrators, other school personnel, parents/guardians and students. (Education Code 47606.5)

- c. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
- d. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

- e. By September 15, a final unaudited report for the full prior year. The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)
- f. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit. The audit report shall also be submitted to the State Controller and the California Department of Education. (Education Code 47605)

Note: Education Code 221.61, as added by SB 1375 (Ch. 655, Statutes of 2016), requires charter schools to post specified information related to the prohibition against discrimination under Title IX (20 USC 1681-1688) on school web sites. Required information includes the name and contact information of the Title IX coordinator for the school, the rights of a student and the public and the responsibilities of the charter school under Title IX, and a description of how to file a complaint under Title IX. See AR 5145.3 - Nondiscrimination/Harassment.

39. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school web site or on the web site of the charter operator (Education Code 221.61)

E 0420.41(j)

CHARTER SCHOOL OVERSIGHT (continued)

Note: Pursuant to 5 CCR 4600, direct-funded charter schools are subject to state requirements to adopt uniform complaint procedures for investigating and resolving specified types of complaints in accordance with 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures for further information about types of complaints addressed through these procedures, required notifications, timelines, and other requirements.

~~36.~~ 40. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)

~~37.~~ 41. Annually adopt a school accountability report card (Education Code 47612; California Constitution, Article ~~XVI~~ 16, Section 8.5)

Note: Districts should consult with legal counsel regarding the applicability of state law other than the Education Code to charter schools.

In addition, charter schools shall comply with the state and federal constitutions, applicable federal laws, and state laws that apply to governmental agencies in general, such as the Brown Act requirements in Government Code 54950-54963 and the conflict of interest laws in Government Code 1090-1099 and 87100-91014.

Attachment E- E 0420.41 Charter School Oversight
Use CSBA Sample with Suggested Revisions

(4/15 5/16) 7/17

Policy Reference UPDATE Service

Copyright 2017 by **California School Boards Association**, West Sacramento, California 95691
All rights reserved.