

CHARTER SCHOOL OVERSIGHT**Accountability**

The Monterey County Board of Education (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 Board recognizes its ongoing responsibility to ensure that any charter school authorized by the 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 performance will be needed 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 Board that denied the petition or to any local educational agency in the county in which the charter school is located.

Consequently, if the Board and the Monterey County Office of Education (MCOE) complies 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 Ed. Code 47604(c)]

Oversight Responsibilities of the County Board as the Chartering Authority

If the Board grants a charter for the establishment of a charter school to be operated by, or as, a nonprofit public benefit corporation, the Board may have the option to appoint a single representative on the board of directors of the nonprofit public benefit corporation. [Ed. Code 47604(b)] It shall be the policy of the Board that any school representative, who may sit on the charter school board of directors, be a non-voting member avoiding any appearance of a conflict of interest or interfering with the authority of the charter school board.

In addition, the Board shall do all of the following with respect to each charter school under its authority: [Ed. Code 47604.32]

- (a) Identify at least one staff member as a contact person for the charter school.
- (b) Visit each charter school at least annually.
- (c) Ensure that each charter school under its jurisdiction complies with all reports required by charter schools by law.
- (d) Monitor the fiscal condition of each charter school under its jurisdiction.

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- (e) Provide timely notification to the State Department of Education if any of the following circumstances occur or will occur to a charter school for which it is the chartering authority:
- (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.

To assist the Board to fulfill its aforementioned responsibilities, the Superintendent's assistance is requested in recommending the staff member(s) who will be the Board's liaison for each charter school. Conceivably, this staff person could also be the non-voting member on the corporation's board of directors, if the Board wants to exercise its authority in this regard. Additionally, the Board would appreciate the Superintendent's assistance with charter school compliance in submitting the required charter school reports, monitoring its fiscal condition and notifying the State Department of Education of activities described in paragraph (e) above.

Charter School Visitation

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

The Superintendent or designee should 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. This 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 **Oversight Responsibilities of the County Board as the Chartering Authority** 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 [Ed. Code 47613]

The charter school may separately purchase administrative or other services from MCOE. Financial details for such services and the supervisory oversight charges shall

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be stipulated in a Memorandum of Understanding (MOU) approved by the Board and reviewed annually.

Reports to the Board

The Superintendent or designee is requested to regularly report to the 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 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, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33)

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

Material Revisions to Charter

Material revisions to a charter may be made only with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

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

School Closure

In the event that the Board revokes or denies renewal of a charter or the school closes for any other reason, the Superintendent or designee is expected to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

The Superintendent or designee needs to 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. (Education Code 47604.32; 5 CCR 11962.1)

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Legal Reference:

EDUCATION CODE

47600-47616.7 Charter School Act Of 1992
47640-47647 Special education funding for charter schools
60600-60649 Assessment of academic achievement

CORPORATIONS CODE

5110-6910 Nonprofit public benefit corporations

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act
54950-54963 The Ralph M. Brown Act

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

11960-11969 Charter schools

UNITED STATES CODE, TITLE 20

6311 Adequate yearly progress
7223-7225 Charter schools

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

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Management Resources:

CSBA PUBLICATIONS

The Role of the Charter School Authorizer, Online Course
Charter Schools: A Manual for Governance Teams, rev. 2009

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample Copy of a Memorandum of Understanding
Fiscal Management Advisory 11-01, November 9, 2011
Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program, July 2004
The Impact of the New Title I Requirements on Charter Schools, July 2004

Adopted: 10/17/12