

# CSBA Sample Administrative Regulation

**Philosophy-Goals-Objectives and Comprehensive Plans**

AR 0420.4(a)

## **CHARTER SCHOOLS**

Note: The following administrative regulation is **optional**.

### **Petition Signatures**

To be considered by the Governing Board, a petition for the establishment of a charter school within the district must be signed by one of the following: (Education Code 47605)

1. A number of parents/guardians equivalent to at least one-half of the number of students that the charter school estimates will enroll in the charter school for its first year of operation
2. A number of teachers equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation

If the charter petition calls for an existing public school to be converted to a charter school, the petition must be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605)

*(cf. 4116 - Permanent/Probationary Status)*

In circulating a petition, the petitioners shall include a prominent statement explaining that a signature means that the parent/guardian is meaningfully interested in having his/her child attend the charter school or, in the case of a teacher's signature, that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition. (Education Code 47605)

### **Components of Charter Petition**

Note: CSBA's publication Charter Schools: A Manual for Governance Teams recommends specific content that might be included in the descriptions of each component listed in items #1-16 below.

A charter petition shall include affirmations of the conditions described in Education Code 47605(d) as well as descriptions of all of the following: (Education Code 47605, 47611.5)

1. The educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling students to become self-motivated, competent, and lifelong learners.

**CHARTER SCHOOLS** (continued)

Note: The following paragraph is applicable only if the charter school proposes to serve high school students.

- If the proposed school will serve high school students, the petition shall describe the manner in which the charter school will inform parents/guardians about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses approved by the University of California or the California State University as creditable under the "A-G" admissions criteria may be considered to meet college entrance requirements.
2. The measurable student outcomes identified for use by the charter school. *Student outcomes* means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.
  3. The method by which student progress in meeting those student outcomes is to be measured.
  4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
  5. The qualifications to be met by individuals to be employed by the school.
  6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
  7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the district's territorial jurisdiction.
  8. Admission requirements, if applicable.
  9. The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the Board.
  10. The procedures by which students can be suspended or expelled.

**CHARTER SCHOOLS** (continued)

11. The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
12. The public school attendance alternatives for students residing within the district who choose not to attend charter schools.
13. A description of the rights of any district employee upon leaving district employment to work in a charter school and of any rights of return to the district after employment at a charter school.
14. The procedures to be followed by the charter school and the Board to resolve disputes relating to charter provisions.

Note: Education Code 47605 requires charter petitions to contain the declaration specified in item #15 below regarding responsibilities for collective bargaining. If the charter school is not deemed a public school employer for purposes of collective bargaining under Government Code 3540-3549.3, the district where the charter school is located shall be deemed the public school employer for these purposes, pursuant to Education Code 47611.5.

Education Code 47611.5 further provides that, if the charter does not specify that the charter school shall comply with laws and regulations governing tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.

15. A declaration as to whether or not the charter school shall be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
16. The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the school, including plans for disposing of any net assets and for the maintenance and transfer of student records.

Note: Education Code 47605 requires that petitioners provide to the Board additional information listed in items #1-4 below. The Board may add its own additional requirements for information. For example, U.S. Department of Education nonregulatory guidance, [The Impact of New Title I Requirements on Charter Schools](#), suggests that districts, at their discretion, choose to incorporate in the charter the state's definition of "adequate yearly progress" to assist charter schools in understanding their accountability requirements; see "Accountability" below and BP/AR 0520.2 - Title I Program Improvement Schools.

According to CSBA's publication [Charter Schools: A Manual for Governance Teams](#), some districts request a school calendar, information regarding transportation arrangements, staff development procedures, assurances that the school will provide appropriate services for English language learners and students with disabilities, or any other information that will assist the Board in understanding the proposal. Districts that wish to require additional information in the charter may list those items below.

## **CHARTER SCHOOLS (continued)**

Charter school petitioners shall provide information to the Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605)

Note: Education Code 47605 requires that information on school facilities, listed in item #1 below, must specify where the school intends to locate. Unless otherwise exempted, the school must be located within the geographic boundaries of the chartering district; see "Location of Charter School" below.

1. The facilities to be used by the school, including where the school intends to locate

*(cf. 7160 - Charter School Facilities)*

2. The manner in which administrative services of the school are to be provided
3. Potential civil liability effects, if any, upon the school and district
4. Financial statements that include a proposed first-year operational budget, including start-up costs and cash-flow and financial projections for the first three years of operation

### **Location of Charter School**

Note: Education Code 47605 and 47605.1 establish geographic and site requirements for charter schools. Pursuant to Education Code 47605, a charter school granted by either the County Board of Education or the State Board of Education (SBE) following initial denial by the district also must locate within the geographic boundaries of the district that denied the petition.

The Attorney General has opined, in 89 Ops.Cal.Atty.Gen. 166 (2006), that online charter schools are subject to the restrictions and conditions placed upon independent study programs, including the condition that students must reside in the charter school's home county or an adjacent county, and therefore may not receive state funding for the instruction of students who do not reside in the county where the school is chartered or in an adjacent county.

Unless otherwise exempted by law, any charter petition submitted to the Board on or after July 1, 2002, shall identify a single charter school that will operate within the geographic boundaries of the district. A charter school may propose to operate at multiple sites within the district as long as each location is identified in the petition. (Education Code 47605, 47605.1)

A charter school that is unable to locate within the district's jurisdictional boundaries may establish one site outside district boundaries but within the county, provided that: (Education Code 47605, 47605.1)

1. The district is notified prior to approval of the petition.

**CHARTER SCHOOLS** (continued)

2. The County Superintendent of Schools and Superintendent of Public Instruction (SPI) are notified before the charter school begins operations.
3. The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

A charter school may establish a resource center, meeting space, or other satellite facility located in an adjacent county if both of the following conditions are met: (Education Code 47605.1)

1. The facility is used exclusively for the educational support of students who are enrolled in nonclassroom-based independent study of the charter school.
2. The charter school provides its primary educational services in, and a majority of the students it serves are residents of, the county in which the school is authorized.

All charter schools shall be subject to these requirements by June 30, 2005, or upon the expiration of a charter that was in existence on January 1, 2003, whichever is later. Until the later of these dates, any charter school that provided educational services before July 1, 2002, shall be subject to these requirements only for new educational services or school sites it establishes or acquires. (Education Code 47605.1)

**Charter Approval/Denial**

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of support for the petition by teachers, other employees of the district, and parents/guardians. (Education Code 47605)

*(cf. 9320 - Meetings and Notices)*

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school. (Education Code 47605)

<p>Note: 5 CCR 11967.5.1 contains criteria that the SBE must consider in reviewing charter applications. Although these regulations do not apply to districts, districts may find the criteria useful in determining how they might evaluate whether a petition meets the conditions specified in items #1-5 below.</p>
---

The Board shall grant the charter if doing so is consistent with sound educational practice. A charter shall be denied only if the Board presents written factual findings specific to the petition that one or more of the following conditions exist: (Education Code 47605)

**CHARTER SCHOOLS** (continued)

1. The charter school presents an unsound educational program for the students to be enrolled in the charter school.
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
3. The petition does not contain the number of signatures required.
4. The petition does not contain an affirmation of each of the conditions described in Education Code 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605(b) listed in "Components of Charter Petition" above.

The Board shall not grant any charter that authorizes the conversion of a private school to a charter school. (Education Code 47602)

Note: Education Code 47605 provides that a district cannot approve a charter school serving students in a grade level not offered by the district, unless the charter also serves all the grade levels offered by the district. Thus, an elementary district cannot approve a charter for a high school, but can approve a charter for a K-12 school since it includes all grade levels served by the district.
---

The Board shall not approve any charter petition that proposes to serve students in a grade level that is not served by the district, unless the petition proposes to serve students in all the grade levels served by the district. (Education Code 47605)

The Board shall not deny a petition based on the actual or potential costs of serving students with disabilities, nor shall it deny a petition solely because the charter school might enroll disabled students who reside outside the special education local plan area (SELPA) in which the district participates. (Education Code 47605.7, 47647)

The approval or denial of a charter petition shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board. (Education Code 47611.5)

In granting charter petitions, the Board shall give preference to schools best able to provide comprehensive learning experiences for academically low-achieving students according to standards established by the California Department of Education (CDE) under Education Code 54032. (Education Code 47605)

The Board may initially grant a charter for a specified term not to exceed five years. (Education Code 47607)

## **CHARTER SCHOOLS** (continued)

It shall be the responsibility of the petitioners to provide written notice of the Board's approval and a copy of the charter to the County Superintendent, the CDE, and the State Board of Education (SBE). (Education Code 47605)

### **Material Revisions**

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 as set forth in Education Code 47605 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)

If, after receiving approval of its petition, a charter school proposes to establish operations at one or more additional sites within the district's boundaries, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations. The Board shall consider approval of the additional locations at an open meeting. (Education Code 47605)

### **Renewals**

Note: The following two <b>optional</b> paragraphs may be revised to reflect timelines and procedures required by the district.
---

A charter school seeking renewal of its charter shall submit a written request to the Board at least 120 days before the term of the charter is due to expire.

At least 90 days before the term of the charter is due to expire, the Board shall conduct a public hearing to receive input on whether or not to extend the charter. At least 60 days before the expiration date, the Board shall either grant or deny the request for renewal.

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 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)

In addition, beginning on January 1, 2005, or after a charter school has been in operation for four years, whichever is later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal: (Education Code 47607)

1. The charter school attains its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

**CHARTER SCHOOLS** (continued)

2. The charter school ranks in deciles 4-10 on the API in the prior year or in two of the last three years.
3. The charter school ranks in deciles 4-10 on the API for a demographically comparable school in the prior year or in two of the last three years.
4. The Board determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school students would otherwise have been required to attend, as well as the academic performance of district schools, taking into account the composition of the student population that is served at the charter school.

Note: Pursuant to Education Code 47607, the Superintendent of Public Instruction (SPI) will make recommendations to the district following a review of materials submitted to him/her in accordance with the following paragraph. This review may be the basis for a revocation of the charter by the SBE.

The Board's determination shall be based on documented, clear, and convincing data; student achievement data from the Standardized Testing and Reporting Program, and any other available assessments, for demographically similar student populations in comparison schools; and information submitted by the charter school. The Board shall submit to the SPI copies of supporting documentation and a written summary of the basis for its determination.

A charter renewal may not be granted to a charter school prior to 30 days after the school submits related materials.

5. The charter school qualifies for an alternative accountability system pursuant to Education Code 52052(h).

Each renewal shall be for a period of five years. (Education Code 47607)

Note: Education Code 47607.5 provides that, if a district does not grant a renewal, the charter school may submit its application for renewal to the County Board and then the SBE using the same procedures that apply when a district denies an original petition pursuant to Education Code 47605. Pursuant to Education Code 47605, when a charter school that was granted its charter by the SBE seeks renewal of its charter, it must first submit its petition for renewal to the district that initially denied the charter. If the Board denies the renewal, the school may then petition the SBE for renewal.

**Revocations**

Note: Education Code 47607 authorizes the Board to revoke a charter when certain substantiated findings are made, as described in the following section. In addition, Education Code 47604.5 authorizes the SBE to revoke the charter of any charter school, whether or not the SBE is the chartering authority, if it makes certain findings relating to gross financial mismanagement, illegal or improper use of funds, or substantial and sustained departure from measurably successful practices.

**CHARTER SCHOOLS** (continued)

The Board may revoke a charter whenever it finds, through a showing of substantial evidence, that the charter school has done any of the following: (Education Code 47607)

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter
2. Failed to meet or pursue any of the student outcomes identified in the charter
3. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement
4. Violated any provision of law

Prior to revocation, the Board shall notify the charter school of any violation(s) listed in items #1-4 above and give the school a reasonable opportunity to remedy the violation(s) unless the Board determines, in writing, that the violation(s) constitutes a severe and imminent threat to the health or safety of the students. (Education Code 47607)

Note: AB 2030 (Ch. 757, Statutes of 2006) amended Education Code 47607 to require the Board to hold a hearing and to prepare written factual findings supported by substantial evidence prior to the revocation of a charter. The law does not define what type of "substantial evidence" is necessary. However, an example might be found in Ridgecrest Charter School v. Sierra Sands Unified School District in which the court determined that a district's facilities offer to a charter school was insufficient because the district did not provide a thorough and factual explanation of its rationale for the allocation of space. In preparing its written factual findings, a district should ensure that the findings address all legal requirements and are sufficiently detailed to allow for effective review by a court. District legal counsel should be consulted as appropriate.

If the charter school does not successfully remedy the above violation(s), the Board shall provide the charter school with a written notice of intent to revoke the charter and notice of facts in support of revocation. No later than 30 days after providing the notice of intent to revoke the charter, the Board shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, unless the Board and the charter school agree to a 30-day extension, the Board shall issue its final decision as to whether or not to revoke the charter. The Board shall not revoke a charter unless the action is supported by written factual findings supported by substantial evidence specific to the charter school. A decision to revoke a charter shall be reported to the County Board of Education and the CDE. (Education Code 47607)

Note: Pursuant to Education Code 47607, as amended by AB 2030 (Ch. 757, Statutes of 2006), the charter school may appeal the revocation to the County Board within 30 days of the Board's final decision. The County Board may reverse the revocation if it determines that the district's findings are not supported by substantial evidence, in which case the district may appeal the reversal to the SBE. If the County Board upholds the district's revocation or does not issue a decision within 90 days of receipt, the charter school may appeal to the SBE. If either the County Board or the SBE reverses the revocation, the district remains the chartering authority.

**CHARTER SCHOOLS** (continued)

Education Code 47605 further provides that, while an appeal is pending, a charter school whose revocation is based on items #1-2 above will continue to qualify as a charter school for funding and all other purposes of the Charter School Act and may continue to hold all existing grants, resources, and facilities in order to ensure that the education of students enrolled in the school is not disrupted.

**Requirements for Charter Schools**

Note: Although charter schools are generally exempted from Education Code provisions governing school districts, state law does delineate a number of requirements for charter schools. The following section lists some, but not necessarily all, legal requirements that apply to charter schools. In addition, charter schools are subject to applicable federal laws, the state and federal constitution, other state laws that apply to governmental agencies in general (i.e., employment, open meeting), and the terms of their charters.

In providing general oversight of a charter school, the Board shall determine whether the school meets the legal requirements applicable to charter schools. Each charter school shall:

1. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)
2. Not charge tuition (Education Code 47605)
3. Not discriminate against any student on the basis of ethnicity, national origin, gender, or disability (Education Code 47605)
4. Adhere to all laws establishing minimum age for public school attendance (Education Code 47610)

*(cf. 5111 - Admission)*

5. 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)

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 receives an equitable share of state and federal special education funding and/or any necessary special education services provided by the district on behalf of disabled students in the charter school.

6. Serve students with disabilities in the same manner as such students are served in other public schools (Education Code 47646, 56145)

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

**CHARTER SCHOOLS** (continued)

7. 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 this 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)
- However, 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 shall be determined by a public random drawing, except that preferences 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. In the event of a drawing, the Board shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet student demand. (Education Code 47605)
  - c. Other admissions preferences may be permitted by the Board on an individual school basis as consistent with law.
8. Require its teachers to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold (Education Code 47605)

(*cf.* 4112.2 - Certification)

<p>Note: According to U.S. Department of Education nonregulatory guidance, <a href="#">The Impact of the New Title I Requirements on Charter Schools</a>, teachers who teach core academic subjects in charter schools, in addition to meeting state charter school laws regarding teacher qualifications, must meet the requirement of the No Child Left Behind Act (20 USC 6319) for "highly qualified" teachers; see BP/AR/E 4112.24 - Teacher Qualifications Under the No Child Left Behind Act. 34 CFR 300.18, as amended by 71 Fed. Reg. 156, clarifies that, with regard to special education teachers in a charter school, "highly qualified" means that the teacher meets the certification requirements set forth in the state's charter school law.</p>
--

**CHARTER SCHOOLS** (continued)

9. Require its teachers of core academic subjects to satisfy requirements for "highly qualified teachers" as defined by the SBE (20 USC 6319; 34 CFR 300.18)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

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 4112.5/4312.5 - Criminal Record Check and AR 4212.5 - Criminal Record Check.

10. 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 (Education Code 44830.1, 45122.1)

*(cf. 4112.5 /4312.5 - Criminal Record Check)*

*(cf. 4212.5 - Criminal Record Check)*

11. Meet the requirements of Education Code 47611 regarding the State Teachers' Retirement System (Education Code 47610)
12. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)

Note: According to U.S. Department of Education nonregulatory guidance, The Impact of the New Title I Requirements on Charter Schools, charter schools that receive Title I funds and have paraprofessionals working in programs supported by Title I funds must comply with requirements of the No Child Left Behind Act (20 USC 6319) regarding paraprofessional qualifications; see BP/AR/E 4222 - Teacher Aides/Paraprofessionals.

13. If applicable, meet federal requirements for qualifications of paraprofessionals working in programs supported by Title I funds (20 USC 6319)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

14. Meet all statewide standards and conduct the student assessments required by Education Code 60605 and 60851 and any other statewide standards or student assessments applicable to noncharter public schools (Education Code 47605, 47612.5)

*(cf. 6011 - Academic Standards)*

*(cf. 6162.51- Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

**CHARTER SCHOOLS** (continued)

Note: Education Code 47612.5 specifies the minimum number of instructional minutes that must be offered each fiscal year by grade level. Pursuant to Education Code 47612.5, if a charter school fails to meet that requirement, its state apportionment will be reduced in proportion to the percentage of instructional minutes that the school failed to offer. Education Code 47612.5 and 47612.6 provide that neither the SBE nor the SPI may waive the required number of instructional minutes but may waive the fiscal penalties under specified conditions.

15. Offer at least the number of instructional minutes set forth in Education Code 47612.5 for the grade levels provided by the charter school (Education Code 47612.5)

*(cf. 6111 - School Calendar)*

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 California Department of Education, 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.

16. Meet the requirements of Education Code 51745-51749.3 if it provides independent study, except that it may be allowed to offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)

*(cf. 6158 - Independent Study)*

Note: Pursuant to Education Code 47634.2 and CCR 11963.2, charter schools offering nonclassroom-based instruction will receive 70 percent of the level of funding to which the charter school would otherwise be entitled, unless the SBE determines that a different percentage is appropriate.

17. Identify and report to the 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)
18. On a regular basis, consult with parents/guardians and teachers regarding the school's educational programs (Education Code 47605)
19. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
20. 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

**CHARTER SCHOOLS** (continued)

- 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)
21. By January 1, 2007, 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.
  22. Promptly respond to all reasonable inquiries from the district, the county office of education, or the SPI, including, but not limited to, inquiries regarding its financial records (Education Code 47604.3)
  23. Annually prepare and submit financial reports to the district Board and the County Superintendent 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 December 15, an interim financial report for the current fiscal year reflecting changes through October 31. (Education Code 47604.33)
    - c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31. (Education Code 47604.33)
    - d. 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)
    - e. 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 CDE. (Education Code 47605)

**CHARTER SCHOOLS** (continued)**Administrative and Other District Services**

The district may charge for the actual costs of supervisory oversight of a charter school not to exceed one percent of the charter school's revenue. If the district is able to provide substantially rent-free facilities to the charter school, the district may charge actual costs up to three percent of the charter school's revenue for supervisory oversight. (Education Code 47613)

The charter school may separately purchase administrative or other services from the district or any other source. (Education Code 47613)

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System and the 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 the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Note: Education Code 41365 provides that if a charter school defaults on a loan made directly to the school through the revolving loan fund, the charter school shall be solely liable for repayment of the loan.

**Waivers**

Note: Education Code 33054 provides that, if the Board fails to hold the hearing specified below, the charter school would then be permitted to hold the hearing prior to submitting the waiver request directly to the SBE.

If a charter school submits to the district an application for a waiver of any state Education Code provisions, the Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request. (Education Code 33054)

The Superintendent or designee shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the SBE. If the Board recommends against approval of the waiver request, it shall set forth the reasons for its disapproval in written documentation that shall be forwarded to the SBE. (Education Code 33054)

**District Oversight**

Note: Education Code 47604 provides that a district must comply with all oversight responsibilities required by law, including, but not limited to, those described in this section, in order to not be liable for the debts or obligations of a charter school operated by or as a nonprofit public benefit corporation.

For each charter school under the Board's authority, the Superintendent shall: (Education Code 47604.32, 47604.33)

**CHARTER SCHOOLS** (continued)

1. Identify at least one staff member as a contact person for the charter school

Note: CSBA's publication Charter Schools: A Manual for Governance Teams recommends more frequent visits than the minimum required by Education Code 47604.32 (see item #2 below), perhaps three times during the school year, in order to monitor school operations more closely and develop relationships with the staff at the charter school.

2. Visit the charter school at least annually
3. Ensure that the charter school complies with all reports required of charter schools by law
4. Monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the reports listed above in "Requirements for Charter Schools"
5. Provide timely notification to the CDE if a renewal of the charter is granted or denied, the charter is revoked, or the charter school will cease operation for any reason

The Board and the Superintendent or designee may inspect or observe any part of the charter school at any time. (Education Code 47607)

(11/03 3/06) 11/06