

Mt. Diablo USD

Board Policy

~~SELPA Charter School~~ Policy Oversight

BP 0420.41

Philosophy, Goals, Objectives and Comprehensive Plans

~~This policy applies to all charter schools that are chartered by the Mt Diablo Unified School District SELPA. This policy also applies to any charter school petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to the Mt. Diablo School District SELPA, (EC4605.5(k)(1)). This policy does not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.~~

~~As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, the charter schools will comply with all requirements of state and federal law regarding provision of special education services (EC 56000 et seq., Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Chapter 331]- Americans with Disabilities Act). This policy does not apply to a charter school that was chartered by, or assigned to, an entity that is not a member of the SELPA.~~

~~As students enrolled in charter schools are entitled to special education services provided in a similar manner to students enrolled in other public schools, charter schools within the SELPA shall not discriminate against any pupil in its admission criteria on the basis of disability.~~

~~Charter petitioners must delineate in their petition or in a Memorandum of Understanding (MOU) the entity responsible for providing special education instruction and services. This document must reference any anticipated transfer of special education funds between the granting entity and the charter school and any provisions for sharing deficits in funding. This document must affirm, in writing, that the district where the students reside, if different from the chartering entity, is not responsible for providing special education services to students who are enrolled in the charter school. The written agreement must also state that prior to final approval of a request to be deemed a Local Education Agency (LEA), the charter school will be deemed a public school within the chartering entity.~~

Approval and Renewal of Charters

Role of the SELPA Director

~~Prior to approval of a new charter school, or renewal of an existing charter school, the SELPA Director shall consult with the Governing Board of the District, or designee, to ensure that the charter school responds to District and SELPA guidelines and timelines as they relate to special education. The SELPA Director shall review all proposed charter petitions, including petitions for renewal, and advise the Board on whether the petition contains reasonable assurances that all eligible students enrolled in the charter school will receive appropriate special education services~~

~~in accordance with state and federal law and the SELPA Local Plan for Special Education (Local Plan):~~

~~Required Contents of Charter Petitions~~

~~Petitions must provide that no student otherwise eligible to enroll in the charter school will be denied enrollment due to a disability or to the charter school's inability to provide necessary services. Each charter petition must also contain a reasonably comprehensive description of the charter school's educational program, as it relates to the provision of special education services, including the following:~~

- ~~1. The specialized instruction and services available at the charter school~~
- ~~2. The procedure for ensuring that students are referred, assessed, and served in a timely manner~~
- ~~3. Assurances that staff members providing special education services are appropriately credentialed~~
- ~~4. Assurances that the facility used by the charter school does not present physical barriers that would limit an eligible student's full participation in the educational and extracurricular programs and that the school will comply with Section 504 of the Rehabilitation Act of 1973 (34 CFR 104) (hereinafter "504")~~
- ~~5. Assurances that disenrollment, suspension, and expulsion procedures comply with the protections of federal and state law afforded to special education and 504 eligible students; and~~
- ~~6. Dispute resolution procedures that will apply to any disputes between educational entities, including the SELPA, regarding the provision of special education services in the charter school.~~

~~Categories of Charter Schools~~

~~For the purpose of providing special education services, charter schools shall be deemed either a public school within the chartering district, or an LEA that receives funds and provides services independent of the chartering entity. All approved charter schools will be deemed public schools within the chartering entity until the charter school has been deemed an LEA and accepted into a SELPA.~~

~~Public School within the School District~~

~~Charter schools that are deemed to be public schools within the chartering entity will participate in state and federal funding in the same manner as other schools or programs within the chartering entity. The chartering entity will be responsible for ensuring that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with all applicable provisions of state and federal law. The~~

~~chartering entity will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the charter school in the same manner as students enrolled in other schools or programs administered by the chartering entity.~~

~~The chartering entity will:~~

- ~~1. — Receive all applicable special education funds as specified in the SELPA Assembly Bill 602 Funding Allocation Plan. The allocation per ADA in the charter school will be the same as that received by the chartering entity~~
- ~~2. — Represent the needs of the charter school in the SELPA governance structure~~
- ~~3. — Be responsible for ensuring that all eligible students enrolled in the charter school are appropriately referred, assessed and served in a timely manner~~
- ~~4. — Be responsible for procuring and funding appropriate special education services, wherever the student may reside; and~~
- ~~5. — Provide necessary special education services or contract for these services with public or nonpublic educational agencies~~

~~When the chartering entity is the district, the charter school must be held fiscally responsible for a fair share of any encroachment on district general funds that is created by the provision of special education services throughout the district.~~

~~The district and the charter school may enter into agreements whereby the charter school is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs.~~

~~Charter Schools as Independent LEAs~~

~~If a charter school wishes to be an LEA, they must apply to a district in a multi-district SELPA for authorization of their charter. Should a charter school apply to be an LEA, the SELPA will treat applications by charter schools to be independent LEAs in the same manner that the SELPA treats applications by other districts and LEAs and may refer such applications to neighboring multi-district SELPAs.~~

~~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 and is providing a high-quality educational program for students enrolled in the charter school.~~

~~(cf. 0420.4 - Charter School Authorization)~~

~~(cf. 0500 - Accountability)~~

~~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 or designated charter school contact shall attend meetings of the charter school governing body whenever possible and shall periodically meet with a representative of the charter school.

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 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 the SBE on behalf of the charter school.

(cf. 1431 - Waivers)

Provision of District Services

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

If an approved charter school proposes to establish or move operations to one or more additional sites or grade levels, 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 meeting. (Education Code 47605)

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

Monitoring Charter School Performance

The Superintendent or designee shall monitor each charter school that is authorized by the district to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with 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 memorandum of understanding, 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, 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)

The district may charge up to one percent of a charter school's revenue, or an additional amount to be negotiated, for the actual costs of supervisory oversight of the school. However, if the charter school is able to obtain substantially rent-free facilities from the district, the district may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight or, if the facility is provided under Education Code 47614, the pro-rata share facilities costs calculated pursuant to 5 CCR 11969.7. If the district charges the pro-rata share, it may also charge one percent of the charter school's revenue in oversight fees. If the district is given responsibility for supervisory oversight of a charter school that was authorized by SBE on appeal, the district is not limited to these percentages and may charge for the actual costs of supervisory oversight and for the administrative costs necessary to secure charter school funding. (Education Code 47613)

(cf. 7160 - Charter School Facilities)

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 of Schools. 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. (Education Code 45607.3)

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 district 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)

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.

(cf. 0420.42 - Charter School Renewal)
(cf. 0420.43 - Charter School Revocation)

Complaints

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

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 and/or a memorandum of understanding, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out.

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 the charter is denied, the charter is revoked, or 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)

Legal Reference:

EDUCATION CODE

215 Suicide prevention policy

215.5 Student identification cards, inclusion of safety hotlines

220 Nondiscrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Lactation accommodations for students

222.5 Pregnant and parenting students, notification of rights

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

17070.10-17079.30 Leroy F. Greene School Facilities Act

17280-17317 Field Act

17365-17374 Field Act, fitness for occupancy

32282 Comprehensive safety plan

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

47651 Apportionment of funds, charter schools

48000 Minimum age of admission for kindergarten; transitional kindergarten

48010-48011 Minimum age of admission (first grade)

48206.3-48208 Students with temporary disabilities; individual instruction

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 notification,
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 to issue work permits
49381 Human trafficking prevention
49414 Epinephrine auto-injectors
49414.3 Administration of opioid antagonist
49428 Notification of mental health services
49430-49434 The Pupil Nutrition, Health, and Achievement Act of 2001, especially:
49431.9 Advertisement of non-nutritious foods
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
51513 Diploma of graduation, without passage of high school exit examination
51745-51749.6 Independent study
51930-51939 California Healthy Youth Act
52052 Accountability; numerically significant student subgroups
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](#)

[4600-4670 Uniform complaint procedures](#)

[11700.1-11705 Independent study](#)

[11960-11969 Charter schools](#)

[CODE OF REGULATIONS, TITLE 24](#)

[101 et seq. 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](#)

[Opinion No. 11-201 \(2018\)](#)

[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](#)

[Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018](#)

[Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017](#)

[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

Special Education and Charter Schools: Questions and Answers, September 10, 2002

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Charter Schools Program: Title V, Part B of the ESEA, 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>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

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