

CHARTER SCHOOLS OVERSIGHT

Purpose and Scope

It is the policy of the Santa Clara County Board of Education to ensure appropriate oversight of all charter schools for which it has oversight responsibility.

County Board of Education Responsibility for Charter School Oversight

A charter for a charter school may be approved by a local school district board of education, by the Santa Clara County Office of Education, or by the State Board of Education. The County Board has the responsibility of providing oversight for any charter school whose charter it approved. If a charter is approved by the State Board of Education, and the State Board asks the County Board to provide oversight of the school, the County Board may or may not consent to provide oversight.

Function	Chartered by Local Board	Chartered by County Board	Chartered by State Board
Oversight of Charter Operation	NO County Board not responsible	YES County Board responsible	YES or NO County Board may or may not consent to be responsible
Revision of Charter	NO County Board may not approve revisions	YES County Board may approve revisions	NO County Board may not approve revisions
Renewal of Charter	NO County Board may not renew	YES County Board may renew	NO County Board may not renew
Revocation of Charter	NO County Board may not revoke	YES County Board may revoke	NO County Board may not revoke
Initiate an Investigation	YES Board Member notify Superintendent	YES Board Member notify Superintendent	YES Board Member notify Superintendent

Charter School Governance and Charter Revision

Charter schools shall be governed at the school level in accordance with their charter provisions and their Memorandum of Understanding (MOU) with the Santa Clara County Superintendent of Schools. Where provisions of the MOU differ from provisions of the charter, and the difference is not a material revision of the charter, the provisions of the MOU shall prevail. Material revisions are changes that alter the meaning of the charter.

The school or the County Superintendent may, at any time, submit material revisions to the charter. Material revisions to charters granted by the County Board may be made only with County Board approval, and shall be reviewed by the same standards and criteria that apply to new charter petitions.

CHARTER SCHOOLS OVERSIGHT (continued)

Investigation of a Charter School

Any member of the County Board may request that the County Superintendent look into any matter that may require an investigation at any charter school in the county. In such cases, the County Superintendent will report back to the full County Board whether or not an investigation is warranted.

Charter Revocation

The County Board shall hold accountable each school it has chartered for fulfilling the terms of its charter and its Memorandum of Understanding, and may revoke a charter at any time if deemed necessary. The County Superintendent shall establish a system for monitoring each charter school to ensure that the conditions of each charter and Memorandum of Understanding are met, and for presenting information to the County Board for determining if charter revocation is necessary. The County Board may revoke any charter that it granted whenever it finds that the charter school has done any of the following:

1. Failed to negotiate a Memorandum of Understanding with the County Superintendent within a specified time limit established by the County Board or the County Superintendent;
2. Failed to provide needed information or access to needed information, or to respond to reasonable inquiries needed by the County Superintendent to properly oversee the operations of the charter school within a specified time limit established by the County Superintendent;
3. Committed a material violation of any of the conditions, standards or procedures set forth in the charter or in the Memorandum of Understanding;
4. Failed to meet or pursue any of the student outcomes identified in the charter;
5. Failed to meet generally accepted accounting principles or engaged in fiscal mismanagement; or
6. Violated any provision of law.

Prior to revocation, the County Board shall direct the County Superintendent to notify the charter school of any violation and give the school a reasonable opportunity to correct the violation unless the County Board determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the students.

CHARTER SCHOOLS OVERSIGHT (continued)**Waivers**

If a charter school whose charter was granted by the County Board submits an application for a waiver of any Education Code provisions, the County Board shall hold a public hearing on the waiver request no later than 90 days following receipt of the request. The County Board shall subsequently prepare a summary of the public hearing to be forwarded with the waiver request to the State Board of Education. If the County Board recommends against approval of the waiver request, it shall set forth reasons for its disapproval in written documentation that shall be forwarded to the State Board of Education.

Finance

The County Superintendent may charge for the actual costs of oversight of a charter school not to exceed any limits imposed in law. The County Board is not required to provide facilities for charter schools, and will not do so. The County Superintendent of Schools shall not place upon the County Office any additional financial liability for the operation of charter schools.

Non-Profit Board of Directors

Should a charter school elect to operate as, or be operated by, a non-profit public benefit corporation, the County Board may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the appointee all rights and responsibilities exercised by any other director of the corporation. In order to avoid any conflict of interest, the policy of this Board shall be that the members of this Board shall not sit on the boards of charter schools it has chartered.

Administrative Regulations

The County Superintendent shall develop such administrative regulations and procedures as may be necessary or prudent to implement this policy.

*Legal Reference:**EDUCATION CODE**47600-47664 – Charter School Act of 1992, as amended*