

The Role of Board Policies in Charter Authorization and Oversight

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Collaborative Solutions for Charter Authorizers



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Today's Agenda

- * Role of Board Policies in Charter Authorization and Oversight
- * What Board Policies are Needed?
- * Charter School Board Policies
- * Charter Authorizer Board Policies

Education Code 35010

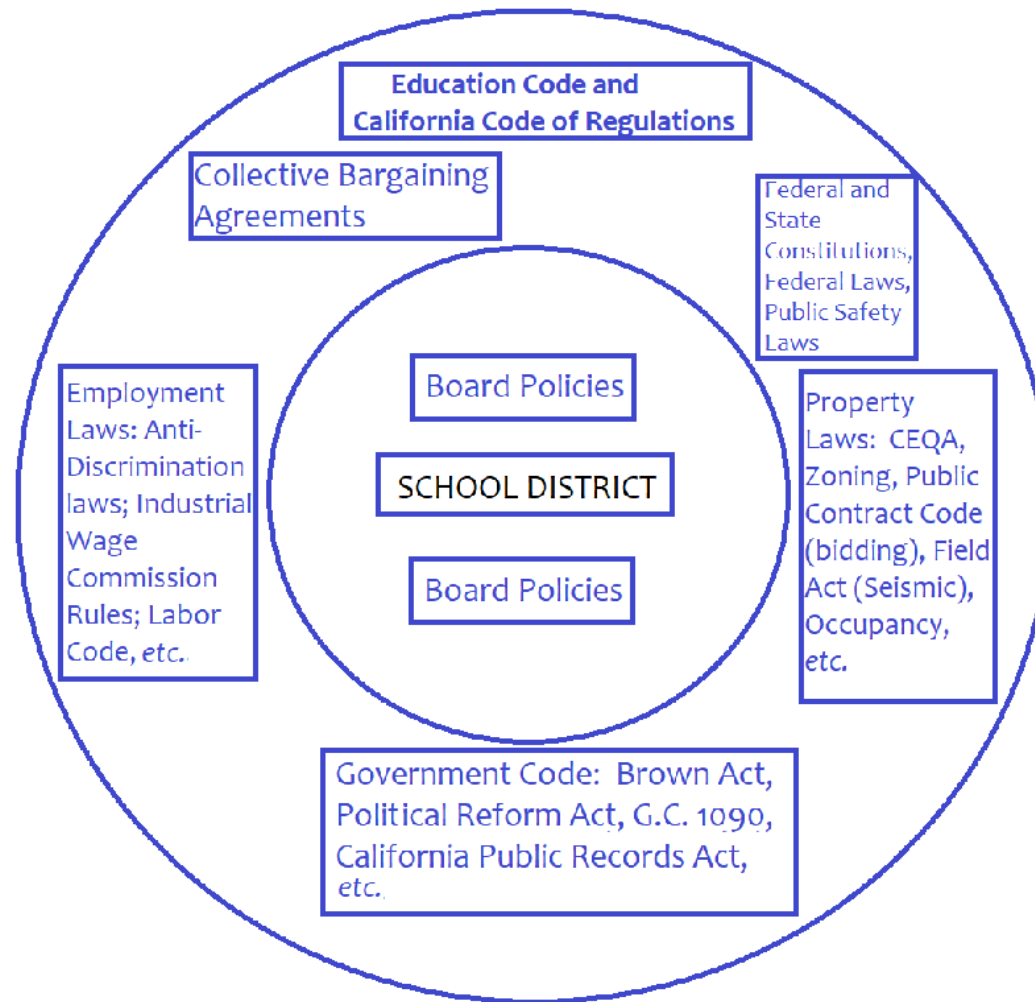
“(a) Every school district shall be under the control of a board of school trustees or a board of education.

(b) The governing board of each school district shall prescribe and enforce rules not inconsistent with law, or with the rules prescribed by the State Board of Education, for its own government.”

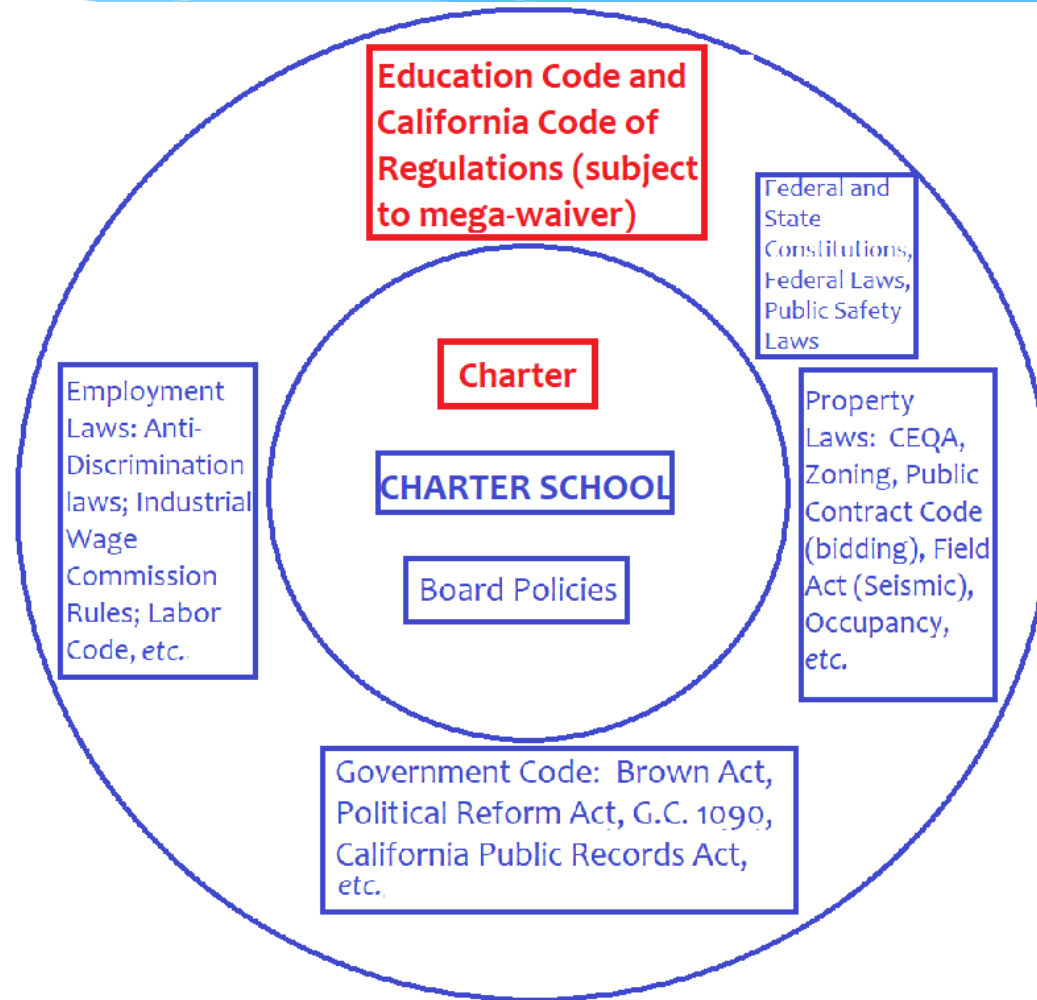
Policymaking Powers

- * “It is, of course, true that under the rule-making power the Board has no power to adopt rules that contravene or are inconsistent with the statute.” (*Tucker v. San Francisco Unified School Dist.* (1952) 111 Cal.App.2d 875)
- * “[T]he governing board of any school district may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.” (Education Code section 35160)

The Role of Board Policies



The Role of Board Policies



Educational Program/Pupil Outcomes

Element	Supplemental Authority
Description of educational program	Charter School LCAP.
Measurable pupil outcomes	Charter School LCAP; Statewide assessments and standards under E.C. 60605 (E.C. 47605(c).)
Method for assessing pupil progress	Charter School LCAP; Statewide assessments and standards under E.C. 60605 (E.C. 47605(c).)

Student Issues

Element	Supplemental Authority
Means to achieve race/ethnic balance	Recruiting materials, Parent/Student Handbook
Admission requirements, if applicable	Application materials, Parent/Student Handbook
Student suspension & expulsion procedures	Student discipline policy, Parent/Student Handbook
Public school attendance alternatives	District board policies

Employee Issues

Element	Supplemental Authority
Employee qualifications	Employee Handbooks, Job Descriptions, Organizational Chart
Staff coverage by State Teachers' Retirement System, Public Employees' Retirement System or Social Security	Employee Handbook; Employment Contracts
District employee leave & return rights	District Board Policies and Collective Bargaining Agreements

Operational

Element	Supplemental Authority
Governance structure of the school	Articles of Incorporation, Board Bylaws, Conflict of Interest Policy
Health & safety procedures	Specific Policies
Manner in which annual independent financial audits shall be conducted	Generally Accepted Accounting Principles; California School Accounting Manual
Dispute resolution process	Charter
Procedures for closure of school	Charter; Regulations (Cal. Admin. Code tit. 5, § 11962)

Health and Safety

Cal. Admin. Code tit. 5, s 11967.5.1(f)(6) - Reasonably comprehensive description of the following:

“(6) The procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(b)(5)(F), at a minimum:

(A) Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.

(B) Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.

(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.

(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.”



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Health and Safety

“[CHARTER SCHOOL] shall develop a school safety plan, which shall include the following topics set forth in Education Code section 32282(a)(2), and which shall be updated by March 1 every year:

- (A) Child abuse reporting procedures;
- (B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities;
- (C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations;
- (D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079;
- (E) A discrimination and harassment policy consistent with the prohibition against discrimination set forth in Education Code section 200”

Health and Safety

“[CHARTER SCHOOL] shall develop a school safety plan, which shall include the following topics set forth in Education Code section 32282(a)(2), and which shall be updated by March 1 every year:

- (F) The provisions of any schoolwide dress code, pursuant to Section Education Code 35183 that prohibits pupils from wearing “gang-related apparel,” if the school has adopted that type of a dress code;
- (G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school;
- (H) A safe and orderly environment conducive to learning at the school;
- (I) The rules and procedures on school discipline adopted pursuant to Education Code sections 35291, 35291.5, 47605, and 47605.6;
- (J) Procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions. The procedures to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community.”

Health and Safety

- * Epinephrine Auto-Injectors (Ed. Code 49414)
- * Administration of Medication (Ed. Code 49414.7)
- * Pupil Participation in competitive athletics (Ed. Code 221.9)
- * Concussions/Head Injuries (Ed. Code 49475)
- * Signs of sudden cardiac arrest (Ed. Code 33479)

Health and Safety

- * Suicide Prevention Policy (Ed. Code 215)
- * Safe Place to Learn Act (Ed. Code 234)
- * Gun-Free Schools Act
- * Tobacco Use Prevention (Health and Safety Code 104495)
- * Transportation (Ed. Code 39831.3)
- * Data Privacy (Ed. Code 49073-49079.7)
- * Child Abuse Reporting (Ed. Code 33133.5)

Health and Safety

- * Charter School employee training:
 - * School safety plan
 - * Emergency procedures
 - * Student health
 - * Sexual Harassment (Gov't Code 12950.1)
 - * Child Abuse Reporting (Ed. Code 44691)

Employee Matters

- * Employee screening:
 - * Immunization and Tuberculosis (Ed. Code 49406)
 - * Criminal Background Check (Ed. Codes 44830.1 and 45122.1)
 - * Reporting certificated employee misconduct to C.C.T.C. (Ed. Code 44030.5, 44939.5)
 - * Employee reference checks



*AUTHORIZER POLICIES

Petition Submission and Review

- * Petition Submission and Review (AB 1505)
 - * Means of submission
 - * Number of Copies
 - * Paper/Electronic
 - * Petition signatures
 - * Verification process
 - * Petitioner Capacity Interviews
 - * Site visits (to other charter schools)

Oversight

- * Site Visits
- * Charter School audits
- * Reports to Board
- * Submission of reports (in conjunction with MOU)
 - * Academic Performance
 - * Financial Operations
 - * Employee and Credentialing
 - * Governance

Facilities

- * District policies on use and occupation of District facilities
 - * Use of District custodial/maintenance
 - * Site use guidelines
 - * Community use (Civic Center Act)
 - * Dates of use/occupation

THANK YOU FOR ATTENDING!

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