

## BYLAWS

### POLICY – REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS REVISED BP 9250

#### **Compensation**

Compensation for County Board of Education members shall be determined by the County Board of Education subject to the applicable limitation in Education Code 1090.

County Board members are not required to accept payment for meetings attended.

Any County Board member who does not attend all County Board meetings during the month is eligible to receive not greater than a percentage of the maximum monthly compensation allowed by law equal to the percentage of meetings the County Board member attended. (Education Code 1090)

A County Board member may be compensated for up to two meetings the County Board member missed when the County Board, by resolution, finds that the County Board member was performing designated County Board functions at the time of the meeting or that the County Board member was absent because of illness, jury duty, or a hardship deemed acceptable by the County Board. (Education Code 1090)

#### **Reimbursement of Expenses**

County Board members shall be reimbursed for actual and necessary expenses for travel, printing, or membership in any state or local organization of governing boards of school districts or county boards of education. County Board members shall also be reimbursed for the actual expenses of attending, with prior approval by the County Board of Education at a board meeting, or, if timely approval is needed, by the County Superintendent of Schools, meetings or conferences of any society, association, or organization to which the County Board subscribes for membership. Meetings or conferences of a society, association, or organization to which the County Board does not subscribe for membership may also be considered for reimbursement of travel expenses with prior approval by the County Board.

All reimbursements shall be made in accordance with County Education Office reimbursement policies. (Education Code 1091, 1094-1096)

Personal expenses shall be the responsibility of individual County Board members.

#### **Health and Welfare Benefits for Current Board Members**

County Board members may participate in the health and welfare benefits program provided for county office of education (COE) employees.

Health and welfare benefits for County Board members shall be no greater than that received by employees with the most generous schedule of benefits. (Government Code 53208.5)

County Board members electing to participate in the County Board's health and welfare benefits program shall have the premiums required for the benefit selected paid to the same extent as COE employees.

County Board members may decline to participate in the County health and welfare benefits program provided for COE employees and instead may elect to be reimbursed \$4,020 per fiscal year (or \$335.00 per month) before taxes for costs of approved health plans that have been paid by them. Health and welfare benefits provided to County Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as extended to employees and as specified in law and the health plan.

### **Health and Welfare Benefits for Former Board Members**

Any former County Board member leaving the County Board after at least one term of office may participate in the health and welfare benefits program at the former County Board member's own expense if coverage is in effect at the time of retirement. (Government Code 53201)

If health and welfare benefits are provided to a former County Board member, it shall be extended, at the former County Board member's expense and at the same level, to the former County Board member's spouse/registered domestic partner and eligible dependent children as authorized by law and the health plan.

<b>Federal</b>	<b>Description</b>
1.403(b)-2	Tax-sheltered annuities, definition of employee
10277-10278	Group and individual health insurance, coverage for dependent children
1090-1096	Stipends and expenses
1373	Health services plan, coverage for dependent children
20322	Elective officers; election to become member
20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
26 CFR 1.403(b)-2	Tax-sheltered annuities, definition of employee
26 USC 403	Tax-sheltered annuities
297-297.5	Rights, protections and benefits under law; registered domestic partners
300	Definition of marriage
42 USC 18011	Right to maintain existing health coverage
53200-53209	Group insurance
54952.3	Simultaneous or serial meetings; announcement of compensation
83	Ops.Cal.Atty.Gen. 181 (2000)
8314	Use of public resources
91	Ops.Cal.Atty.Gen. 37 (2008)

<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Court Decision	Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598
Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578
Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006

Internal Revenue Service Publication Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013

Website [Public Employees' Retirement System](#)

Website [Internal Revenue Service](#)

Website [Institute for Local Government](#)

Website [CSBA](#)

<b>State</b>	<b>Description</b>
18011	Right to maintain existing health coverage
403	Tax-sheltered annuities
Ed. Code 33050-33053	General waiver authority
Ed. Code 33362-33363	Reimbursement of expenses; board member or member-elect
Ed. Code 35012	Board members; number, election and terms
Ed. Code 35044	Payment of traveling expenses of representatives of board
Ed. Code 35120	Course credit for student board members
Ed. Code 35172	Promotional activities
Ed. Code 44038	Cash deposits for transportation purchased on credit
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 20322	Elective officers; election to become member
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan, coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance, coverage for dependent children

**Cross References**

**Code Description**

9324 [Minutes And Recordings](#)

ADOPTED BY COUNTY BOARD:	July 3, 1975
REVISED:	April 7, 1994
	November 2, 1995
	October 4, 2001

## Compensation

Compensation for County Board of Education members shall be determined by the County Board of Education ~~subject to the applicable limitation~~ and is currently approved at \$40.00 per each board and committee meeting attended. The established compensation shall not exceed the statutory allowable amount per in Education Code 1090.

County Board members are not required to accept payment for meetings attended.

Any County Board member who does not attend all County Board meetings during the month is eligible to receive not greater than a percentage of the maximum monthly compensation allowed by law equal to the percentage of meetings the County Board member attended. (Education Code 1090)

A County Board member may be compensated for up to two meetings the County Board member missed when the County Board, by resolution, finds that the County Board member was performing designated County Board functions at the time of the meeting or that the County Board member was absent because of illness, jury duty, or a hardship deemed acceptable by the County Board. (Education Code 1090)

## Reimbursement of Expenses

The County Board values professional growth for board members that is relevant to their role and assists them to make fully informed decisions. County Board members shall be reimbursed for actual and necessary expenses for travel, printing, or membership in any state or local organization of governing boards of school districts or county boards of education. County Board members shall also be reimbursed for the actual expenses of attending, with prior approval by the County Board of Education at a board meeting, or, if timely approval is needed, by the County Superintendent of Schools, meetings or conferences of any society, association, or organization to which the County Board subscribes for membership. Meetings or conferences of a society, association, or organization to which the County Board does not subscribe for membership may also be considered for reimbursement of travel expenses with prior approval by the County Board.

All reimbursements shall be made in accordance with County Education Office reimbursement policies. (Education Code 1091, 1094-1096)

Personal expenses shall be the responsibility of individual County Board members.

## Health and Welfare Benefits for Current Board Members

County Board members may participate in the health and welfare benefits program provided for county office of education (COE) employees.

Health and welfare benefits for County Board members shall be no greater than that received by employees with the most generous schedule of benefits. (Government Code 53208.5)

County Board members electing to participate in the County Board's health and welfare benefits program shall have the premiums required for the benefit selected paid to the same extent as COE employees.

County Board members may decline to participate in the County health and welfare benefits program provided for COE employees and instead may elect to be reimbursed \$4,020 per fiscal year (or \$335.00 per month) before taxes for costs of approved health plans that have been paid by them. Health and welfare benefits provided to County Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as extended to employees and as specified in law and the health plan.

### **Health and Welfare Benefits for Former Board Members**

Any former County Board member leaving the County Board after at least one term of office may participate in the health and welfare benefits program at the former County Board member's own expense if coverage is in effect at the time of retirement. (Government Code 53201)

If health and welfare benefits are provided to a former County Board member, it shall be extended, at the former County Board member's expense and at the same level, to the former County Board member's spouse/registered domestic partner and eligible dependent children as authorized by law and the health plan.

<b>Federal</b>	<b>Description</b>
1.403(b)-2	Tax-sheltered annuities, definition of employee
10277-10278	Group and individual health insurance, coverage for dependent children
1090-1096	Stipends and expenses
1373	Health services plan, coverage for dependent children
20322	Elective officers; election to become member
20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
26 CFR 1.403(b)-2	Tax-sheltered annuities, definition of employee
26 USC 403	Tax-sheltered annuities
297-297.5	Rights, protections and benefits under law; registered domestic partners
300	Definition of marriage
42 USC 18011	Right to maintain existing health coverage
53200-53209	Group insurance
54952.3	Simultaneous or serial meetings; announcement of compensation
83	Ops.Cal.Atty.Gen. 181 (2000)
8314	Use of public resources
91	Ops.Cal.Atty.Gen. 37 (2008)

<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Court Decision	Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578
Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006
Internal Revenue Service Publication	Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013
Website	<a href="#">Public Employees' Retirement System</a>
Website	<a href="#">Internal Revenue Service</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">CSBA</a>

<b>State</b>	<b>Description</b>
18011	Right to maintain existing health coverage
403	Tax-sheltered annuities
Ed. Code 33050-33053	General waiver authority
Ed. Code 33362-33363	Reimbursement of expenses; board member or member-elect
Ed. Code 35012	Board members; number, election and terms
Ed. Code 35044	Payment of traveling expenses of representatives of board
Ed. Code 35120	Course credit for student board members
Ed. Code 35172	Promotional activities
Ed. Code 44038	Cash deposits for transportation purchased on credit
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 20322	Elective officers; election to become member
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan, coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance, coverage for dependent children

### **Cross References**

#### **Code Description**

9324 [Minutes And Recordings](#)

ADOPTED BY COUNTY BOARD:  
REVISED:

July 3, 1975  
April 7, 1994  
November 2, 1995  
October 4, 2001

## STUDENTS

### POLICY - APPEALS OF EXPULSION DECISIONS

---

BP 5144.3  
ORIGINAL

The County Board of Education, pursuant to provisions of law, will consider appeals of decisions of school district governing boards to expel a student from school. Any such appeal will be processed in accordance with the following rules and procedures. Where the student has been expelled by the County Superintendent of Schools, references herein to the "district" and "district board" shall be deemed to refer to the County Superintendent of Schools.

#### A. PRE-HEARING PROCEDURES:

1. Notice of Appeal for Hearing. The expelled student or the parent or guardian (hereinafter sometimes referred to as Appellant) of an expelled student, may request a hearing to appeal an expulsion, in writing to the Child Welfare and Attendance Supervisor of the Santa Barbara County Education Office, 4400 Cathedral Oaks Road, Post Office Box 6307, Santa Barbara, California 93160-6307. The request shall be filed within thirty (30) days following the decision of the school district governing board.
2. Format for Notice of Appeal. The request for a hearing shall contain, but need not be limited to, the following information:
  - a. Name and address of parent or guardian or legal representative, if any.
  - b. Name of expelled student.
  - c. Grade attended by student.
  - d. School from which expelled.
  - e. The effective date of the expulsion.
  - f. A brief statement describing the actions, if any, taken by the parent or guardian to obtain reconsideration of the expulsion by the school district, including the name(s) of district personnel contacted.
  - g. A brief statement of the reason(s) why the expulsion should be set aside and the student re-enrolled.

PROVISIONS RELATING TO STUDENTS

POLICY -- APPEALS OF EXPULSION DECISIONS

BP 6002

~~2~~

- ~~3. Transcript. It shall be the responsibility of the Appellant to submit a written transcription of the proceedings before the school district for review by the County Board. The school district shall provide the Appellant with the transcript, supporting documents and records within ten (10) school days following the Appellant=s request. The request to the school district for a transcript shall be made simultaneously with the filing of the Notice of Appeal. The cost of the transcript shall be borne by the Appellant except in either of the following situations:
  - ~~a. Where the Appellant's parent or guardian certifies to the school district that he or she cannot reasonably afford the cost.~~
  - ~~b. In a case where the County Board reverses the decision of the local governing board, the County Board shall require that the local board reimburse the Appellant for the cost of such transcriptions.~~~~
- ~~4. Setting Appeal Hearing Date. The Secretary of the County Board of Education shall set the matter for a hearing at a regular or special meeting of the Board to be held within twenty (20) school days of the request for hearing provided that the hearing may commence at a later date upon stipulation of both parties. The County Board shall render a decision in the matter within three (3) calendar days of the hearing.~~
- ~~5. Notice of Hearing. The Child Welfare and Attendance Supervisor shall immediately, but in no case later than ten (10) days prior to the hearing, notify the chief administrative officer of the involved school district (hereinafter sometimes referred to as Respondent) of the date, time and place of the hearing and the matter to be considered.~~

~~The Child Welfare and Attendance Supervisor shall immediately, but in no case later than ten (10) days prior to the hearing, notify the student and his/her parent or guardian and the legal representative, if any, in writing by registered or certified mail, or by personal service, of the date, time and place of the hearing, of the intent of the Board to hold the hearing in closed, executive session, and of the opportunity of the student or his/her parent or guardian to request that the hearing be held as a public meeting. Unless the student or his/her parent or~~



guardian shall, in writing, at least five (5) days prior to the date of the hearing, request that the hearing be held as a public meeting, then

## ~~PROVISIONS RELATING TO STUDENTS~~

### ~~POLICY — APPEALS OF EXPULSION DECISIONS~~

~~BP 6002~~

~~3~~

~~the hearing shall be conducted in closed, executive session. At least forty-eight (48) hours before the hearing, the Appellant and the Respondent shall make notification of the names of the presenters at the hearing to the Child Welfare and Attendance Supervisor of the County Education Office.~~

~~6. Record of Appeal. Within seven (7) days after receipt of the notice of the hearing of appeal, the school district shall file with the Child Welfare and Attendance Supervisor a record on appeal consisting of the following:~~

~~a. A certified copy of all notices relating to the expulsion.~~

~~b. A certified copy of all policies, rules and regulations, if any, which the student was found to have violated.~~

~~c. A certified copy of all policies, rules and regulations, of the district relating to the expulsion of students.~~

~~d. A certified copy of all documentary evidence received by the governing board at the hearing.~~

~~e. A certified copy of the minutes of the meeting at which action was taken to expel the student.~~

~~f. Copies of any other pertinent data relating to the expulsion proceedings.~~

~~g. In lieu of certified copies of each document mentioned in subparagraphs (a), (b), (c), (d), and (e), Respondent School Board may attach a "Certification of Entire Record."~~

~~On application by Respondent School Board to the Child Welfare and Attendance Supervisor and for good cause shown, the time for filing the record may be extended. **Failure to file a record within the time allowed, without just cause, shall constitute grounds for reversal of the expulsion order.**~~

PROVISIONS RELATING TO STUDENTS

POLICY -- APPEALS OF EXPULSION DECISIONS

BP 6002

~~4~~

B. HEARING PROCEDURES:

1. Preservation of Record. A record of the oral proceedings shall be preserved. Preservation may be by means of a tape recorder and/or a shorthand reporter. Either party may request a shorthand reporter, the party so requesting to bear the cost of the reporter. If only a tape recorder is used, those present shall be so informed by the Secretary of the County Board, and each person who speaks during the hearing (and each time he/she speaks) shall be required to give his/her name. ~~The minutes of the meeting shall contain a record of all persons present at the hearing.~~
  
2. Conduct of Hearing. The County Board shall hear an appeal of an expulsion order in closed session, unless the Appellant requests, in writing, at least five (5) days prior to the date of the hearing, that the hearing be conducted in a public meeting. The President of the County Board shall preside over the hearing. The order of presentation and the time limits for presentations will be regulated in the sound discretion of the President. Ordinarily, the order of presentation will be as follows:
  - a. ~~Brief summary of case by Child Welfare and Attendance Supervisor.~~
  
  - b. ~~Presentation by Appellant.~~
  
  - c. ~~Presentation by Respondent.~~
  
  - d. ~~Concluding remarks by Appellant.~~
  
  - e. ~~During and after such presentations, members of the County Board may be recognized by the President for the purpose of directing questions to any person who appeared before the Board.~~

PROVISIONS RELATING TO STUDENTS

POLICY -- APPEALS OF EXPULSION DECISIONS

BP 6002

~~-5-~~

- ~~f. At the conclusion of the presentations and the questioning by the Board members, the President will declare the hearing ended and the board shall proceed to closed session for deliberations. If, during such deliberations, any member of the Board wishes to ask additional questions of any person who appeared before the Board, then the President may reopen the hearing for that purpose and both Appellant and Respondent will be given an opportunity to present additional information in response to the Board member's inquiry.~~
- ~~g. At the conclusion of the hearing, the County Board shall arrive at a decision within three (3) school days, unless the student requests a postponement.~~

C. SCOPE OF REVIEW BY COUNTY BOARD:

- ~~1. The County Board shall determine the appeal upon the record of the Respondent School Board. The County Board shall not receive any evidence other than that contained in the record of the proceedings of the Respondent School Board unless the County Board conducts a *de novo* hearing under Education Code section 48923.~~
- ~~2. The review by the County Board of the decision of Respondent School District shall be limited to the questions:
  - ~~a. Whether the Respondent School Board acted without or in excess of its jurisdiction.~~
  - ~~b. Whether there was a fair hearing before the Respondent School Board.~~
  - ~~c. Whether there was a prejudicial abuse of discretion in the hearing. Abuse of discretion is established by any of the following situations:
    - ~~— (1) If school officials have not satisfied the procedural requirements imposed by the California Education Code.~~
    - ~~— (2) If the decision to expel a pupil is not supported by the findings prescribed by Section 48915 of the Education Code.~~~~~~

~~———— (3) If the findings are not supported by the evidence.~~

~~PROVISIONS RELATING TO STUDENTS~~

~~POLICY~~ APPEALS OF EXPULSION DECISIONS ~~—————~~ BP 6002

~~-6-~~

~~d. ——— Whether there is relevant and material evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the Respondent School Board.~~

~~D. ———~~ DECISION OF COUNTY BOARD:

~~1. ——— If the County Board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the Respondent School Board, it may do either of the following:~~

~~———— a. ——— Remand the matter to the district governing board for reconsideration and may in addition order the pupil reinstated pending the reconsideration.~~

~~———— b. ——— Grant a hearing *de novo* upon reasonable notice thereof to the pupil and to the district governing board. The hearing shall be conducted in conformance with the County Board's rules and regulations.~~

~~2. ——— If the County Board determines that the decision of the Respondent School Board is not supported by the findings required to be made by Education Code section 48915, but evidence supporting the required findings exists in the record of the proceedings, the County Board shall remand the matter to the district governing board for adoption of the required findings.~~

~~3. ——— In all other cases, the County Board shall enter an order either affirming or reversing the decision of the governing board. In any case in which the County Board enters a decision reversing the local board, the County Board may direct the local board to expunge the record of the student and the records of the district of any references to the expulsion action and such expulsion shall be deemed not to have occurred.~~

~~PROVISIONS RELATING TO STUDENTS~~

~~POLICY~~ APPEALS OF EXPULSION DECISIONS

BP 6002

~~-7-~~

~~E.~~ FINALITY OF ORDER OF COUNTY BOARD:

~~The decision of the County Board of Education shall be final and binding upon the student and the parent or guardian of the student, and upon the governing board of the school district. The final order of the County Board shall be in writing and copies thereof shall be delivered to the student and the parent or guardian and to the governing board by personal service or by certified mail. The order shall become final when rendered.~~

~~ADOPTED BY COUNTY BOARD:~~ July 3, 1975  
~~REVISED:~~ March 4, 1976  
January 5, 1978  
June 7, 1984  
January 6, 1994  
April 7, 1994  
November 2, 2000  
February 3, 2011



## STUDENTS

### **POLICY - STUDENT EXPULSION APPEALS**

BP 5144.3  
REVISED

When expelled by the governing board of a school district that is within the jurisdiction of the County Board, a student or the student's parent/guardian may appeal the expulsion to the County Board within 30 days after the district governing board's action. The appeal shall be filed in writing and shall include the following information:

1. Name of the expelled student.
2. Contact address and telephone number of the student and/or the student's parent/guardian.
3. School district from which the student was expelled.
4. Date of the district governing board's action to expel the student.
5. Ground(s) on which the appeal is based.

The student or the student's parent/guardian shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board in accordance with Education Code 48919. If the transcript and supporting documents are not requested at the same time the appeal is filed, the County Board shall direct the student or the student's parent/guardian to request the documents from the district immediately and shall inform the student or the student's parent/guardian that the district is required by law to provide the documents within 10 school days after the request is made. The County Board shall also inform the student or the student's parent/guardian that the County Board is required by Education Code 48921 to decide the appeal based upon the record of the hearing before the district governing board and applicable documentation or regulation, and that without them, the County Board may have to request the student or student's parent/guardian to agree to delay the hearing.

No later than 10 days prior to the hearing, the County Superintendent or designee shall serve upon the student, or the student's parent/guardian, and the district governing board, by certified mail return receipt requested, a notice of the hearing which shall include details such as the date, time, and place of the hearing. The notice shall contain a statement that the hearing shall be in closed session unless the student requests in writing, at least five days prior to the hearing, that the hearing be conducted in open session.

## **Conduct of Appeal Hearing**

Every expulsion appeal hearing shall be conducted in accordance with the following procedures:

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the County Board shall hear an appeal of an expulsion order in closed session, unless the student requests in writing at least five days prior to the hearing that the hearing be conducted in open session. (Education Code 48920)

If such a request is made, the hearing shall be public unless another student's privacy rights would be violated, or as may otherwise be prohibited under other applicable law. Legal counsel shall be consulted if a hearing will be conducted in which other students are named.

Regardless of whether the expulsion hearing is held in closed or open session, the County Board may meet in closed session to deliberate on the appeal. If the County Board admits one of the parties or their representative(s) to the closed session, the other party or their representative(s) shall also be allowed to attend the closed session. (Education Code 48920)

2. Record of Hearing: A record of the expulsion appeal hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48919)

## **Scope of Review**

The County Board shall determine an appeal based on the record of the hearing before the district governing board and other applicable documentation and/or regulations. No evidence other than that contained in the record of proceedings of the district governing board shall be heard unless a de novo proceeding is granted pursuant to Education Code 48923, as described in the section "Final Order of the County Board" below. (Education Code 48921)

The County Board's review shall be limited to: (Education Code 48922)

1. Whether the district governing board acted without or in excess of its jurisdiction.

A district governing board may be determined to have acted without or in excess of its jurisdiction in certain situations including, but not limited to, where an expulsion hearing is not commenced within time periods required by law, an expulsion order is not based upon any act enumerated in Education Code 48900 or, as applicable, in Education Code 48900.2, 48900.3, 48900.4, or 48900.7, or a student's act is not related to school activity or attendance.

2. Whether there was a fair hearing before the district governing board.
3. Whether there was a prejudicial abuse of discretion in the hearing before the district governing board.

Abuse of discretion is established if:

- a. School officials did not meet the procedural requirements of Education Code 48900-48926.
  - b. The decision to expel the student is not supported by the findings prescribed by Education Code 48915.
  - c. The findings are not supported by the evidence.
4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced before the district governing board or which was improperly excluded at that hearing.

### **Final Order of the County Board**

The County Board shall render its final decision within three school days of the hearing unless the student requests a postponement. (Education Code 48919)

The County Board's decision on every expulsion appeal shall be limited as follows: (Education Code 48923)

1. Where the County Board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced before the district governing board or which was improperly excluded at the hearing, the County Board may remand the matter to the district governing board for reconsideration and may order the student reinstated pending the reconsideration or may grant a hearing de novo.
2. A de novo hearing means a new hearing by the County Board to determine all the issues previously considered by the district governing board. The de novo hearing shall be conducted in accordance with the procedures established by the County Board.
3. If the County Board determines that the district governing board's decision is not supported by findings required to be made by Education Code 48915 but evidence supporting such findings exists in the record of the proceedings, the County Board shall remand the matter to the district governing board for adoption and inclusion of the required findings.



4. In all other cases, the County Board shall either affirm or reverse the decision of the district governing board.

The County Board may not reverse the decision of a district governing board based on a finding of an abuse of discretion unless the County Board also determines that the abuse of discretion was prejudicial. (Education Code 48922)

If the County Board reverses the district governing board's decision, it may direct the district governing board to expunge all references to the expulsion action from the district and student's records, and the expulsion shall be deemed not to have occurred.

The decision of the County Board shall be final and binding upon the student and the district governing board. The student and the district governing board shall be notified of the final order of the County Board, in writing, either by personal service or by certified mail. The order shall become final when rendered. (Education Code 48924)

ADOPTED BY COUNTY BOARD:	July 3, 1975
REVISED:	March 4, 1976
	January 5, 1978
	June 7, 1984
	January 6, 1994
	April 7, 1994
	November 2, 2000
	February 3, 2011



## PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS

### **POLICY – AUTHORIZATION OF COUNTY CHARTER SCHOOLS**

BP 0420.4  
NEW

The County Board recognizes that charter schools are an integral part of the California education system. In considering any petition to establish a charter school within its jurisdiction, the County Board shall give thoughtful consideration to the ability of the charter school to provide students with a high-quality education that enables them to achieve to their fullest potential. A petition to establish a charter school shall be submitted directly to the County Board in either of the following circumstances:

1. When the petition seeks to establish a charter program that will serve students who would otherwise receive direct education and related services from the county office of education (COE). (Education Code 47605.5)
2. When the petition seeks to establish a charter program that will serve as a countywide charter, to provide instructional services that are not generally provided by the COE. (Education Code 47605.6)

The County Board may also consider a charter school petition that was previously denied by the governing board of a school district, in accordance with BP 0420.44 - Appeals of District Decisions Regarding Charter Schools.

All meetings of the County Board at which the granting of a charter petition is to be discussed shall be subject to the Brown Act. (Education Code 47608)

The County Board shall request and consider recommendations of the County Superintendent or designee regarding the completeness of a charter petition, any concerns that should be addressed by petitioners, any proposed arrangement to provide COE services to the charter school, and the development of memoranda of understanding (MOUs) to clarify financial and operational arrangements.

#### **Required Petition Signatures**

To be considered by the County Board, a charter petition must be signed by either of the following: (Education Code 47605, 47605.5, 47605.6)

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 school for its first year of operation.

2. A number of teachers equivalent to at least one-half of the total number of teachers that the charter school estimates will be employed at the school during its first year of operation.

The petition shall include a prominent statement explaining that a parent/guardian's signature means the parent/guardian is meaningfully interested in having a child attend the charter school, or a teacher's signature means that the teacher is meaningfully interested in teaching at the charter school. (Education Code 47605, 47605.6)

A petition that calls for an existing public school to be converted to a COE charter school must also be signed by at least 50 percent of the permanent status teachers currently employed at the school. (Education Code 47605, 47605.6)

### **Components of the Charter Petition**

All charter petitions shall comply with the applicable requirements of Education Code 47605 or 47605.6, other state and federal laws, and County Board policies. A copy of the proposed charter shall be attached to the petition. (Education Code 47605, 47605.6)

The charter petition shall include affirmations of the conditions described in Education Code 47605(e) or 47605.6(e) as applicable, as well as reasonably comprehensive descriptions of: (Education Code 47605, 47605.6)

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.
2. The petition shall include a description of the charter school's annual goals for all students and for each numerically significant subgroup of students identified pursuant to Education Code 52052, including ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. These goals shall be aligned with the state priorities listed in Education Code 52066 that apply to the grade levels served. The petition also shall describe specific annual actions to achieve those goals. The petition may include additional priorities established by the charter school, goals aligned with those priorities, and specific annual actions to achieve those goals.

If the proposed charter school will serve high school students, the petition shall describe the manner in which the 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.

3. 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, including outcomes that address increases in student academic achievement both schoolwide and for each numerically significant subgroup of students served by the charter school. The student outcomes shall align with the state priorities identified in Education Code 52066 that apply for the grade levels served by the charter school.
4. The method by which student progress in meeting the identified student outcomes is to be measured. To the extent practicable, the method for measuring student outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
5. The governance structure of the charter school, including, but not limited to, the process to be followed by the school to ensure parent/guardian involvement.
6. The qualifications to be met by individuals to be employed by the charter school.
7. The procedures that the charter school will follow to ensure the health and safety of students and staff, including the following requirements:
  - a. Each charter school employee shall furnish the school with a criminal record summary as described in Education Code 44237.
  - b. The charter school shall develop a school safety plan which includes the topics listed in Education Code 32282(a)(2)(A)-(J).
  - c. The charter school's safety plan shall be reviewed and updated by March 1 each year.
8. The means by which the charter school will achieve a balance of racial and ethnic students, special education students, and English learner students, including redesignated fluent English proficient students, that is reflective of the general population residing within the COE's territorial jurisdiction.
9. Admission policies and procedures.
10. 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 County Board's satisfaction.

11. The procedures by which students can be suspended or expelled for disciplinary reasons or otherwise involuntarily removed for any reason, including an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements as specified in Education Code 47605 and requirements pertaining to the provision of homework assignments to suspended students as specified in Education Code 47606.2.
12. 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.
13. The public school attendance alternatives for students who choose to not attend the charter school.
14. A description of the rights of any COE employee upon leaving COE employment to work in the charter school and of any rights of return to the COE after employment at the charter school.
15. The procedures to be followed by the charter school and the County Board to resolve disputes relating to charter provisions.
16. A declaration as to whether or not the charter school will be deemed the exclusive public school employer of the school's employees for purposes of collective bargaining under Government Code 3540-3549.3.
17. Consistent with 5 CCR 11962, the procedures to be used if the charter school closes, including, but not limited to:
  - a. Designation of a responsible entity to conduct closure-related activities.
  - b. Notification to parents/guardians, the County Board, the special education local plan area in which the charter school participates, the retirement systems in which the school's employees participate, and the California Department of Education (CDE), providing at least the following information:
    - i. The effective date of the closure.
    - ii. The name(s) and contact information of the person(s) to whom reasonable inquiries may be made regarding the closure.
    - iii. The students' districts of residence.
    - iv. The manner in which parents/guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.

- c. Provision of a list of students at each grade level, the classes they have completed, and their districts of residence to the responsible entity designated in accordance with item #17a above.
- d. Transfer and maintenance of all student records, all state assessment results, and any special education records to the responsible entity designated in accordance with item #17a above, except for records and/or assessment results that the charter may require to be transferred to a different entity.
- e. Transfer and maintenance of personnel records in accordance with applicable law.
- f. Completion of an independent final audit within six months after the closure of the charter school that includes an accounting of all financial assets and liabilities pursuant to 5 CCR 11962 and an assessment of the disposition of any restricted funds received by or due to the school.
- g. Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed pursuant to 5 CCR 11962.
- h. Completion and filing of any annual reports required pursuant to Education Code 47604.33.
- i. Identification of funding for the activities identified in item #17a-h above.

Charter school petitioners shall provide information to the County Board regarding the proposed operation and potential effects of the school, including, but not limited to: (Education Code 47605, 47605.6)

1. The facilities to be used by the charter school, including where the school intends to locate.
2. The manner in which administrative services of the charter school are to be provided.
3. Potential civil liability effects, if any, upon the charter school and the COE.
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.
5. If the charter school is to be operated by or as a nonprofit public benefit corporation, the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.

## **Location of Charter School**

A charter petition submitted directly to the County Board may only establish charter school operations within the geographical boundaries of the County Board's jurisdiction. A charter school may propose to operate at multiple sites within those geographic boundaries as long as each location is identified in the petition. This requirement does not apply to charter schools that provide instruction exclusively to juvenile court school students or that provide instruction exclusively in partnership with certain other federal, state, or county programs exempted by Education Code 47605.1. (Education Code 47605, 47605.1)

## **Approval of Petition**

Within 60 days of the receipt of the charter petition, the County Board shall hold a public hearing on the provisions of the charter, at which time the County Board shall consider the level of support for the petition by teachers, other COE employees, parents/guardians, and, for a proposed countywide charter school, the school district(s) where the charter school petitioner proposes to place school facilities. A petition is deemed received on the day the petitioner submits a petition to the COE office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605, 47605.6)

The County Board shall either grant or deny the petition at a public hearing held within 90 days of receiving the petition, or within 120 days with the consent of both the petitioner and the County Board. (Education Code 47605, 47605.6)

At least 15 days before the public hearing at which the County Board will grant or deny the charter, the County Board shall publish all staff recommendations, including the recommended findings, regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605, 47605.6)

The hearing may be audio or video recorded and transcribed in order to maintain an accurate record of the proceedings and the findings upon which the County Board's decision is based.

A petition for a COE charter school shall be granted only if the County Board is satisfied that doing so is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate. The County Board shall consider the academic needs of the students the school proposes to serve. (Education Code 47605)

In granting charter petitions, the County Board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to academically low-achieving students according to CDE standards. (Education Code 47605, 47605.6)

Prior to authorizing any charter, the County Board shall verify that the charter includes adequate processes and measures for monitoring and holding the charter school accountable for fulfilling the terms of its charter and for complying with all applicable laws, including Education Code 47604.1. Such processes and measures shall include fiscal accountability systems, multiple measures for evaluating the educational program, regular reports to the County Board, and inspections and observations of any part of the charter school.

Upon County Board approval of any charter petition, the petitioners shall provide written notice of the approval, including a copy of the petition, to the Superintendent of Public Instruction, the State Board of Education (SBE), and, if the petition is for a countywide charter school, the school districts in the county. (Education Code 47605, 47605.6)

Charter schools approved by the County Board shall operate under the provisions of their respective charters, the relevant policies and procedures of the County Board, and applicable state and federal laws.

All charters approved by the County Board shall be for a specified term of no more than five years. (Education Code 47607)

### **Denial of Petition**

The County Board shall deny any charter petition that:

1. Proposes to operate a charter school as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)
2. Authorizes the conversion of a private school to a charter school. (Education Code 47602)
3. Proposes to offer nonclassroom-based instruction. (Education Code 47612.7)

In addition, the County Board shall deny a petition for a countywide charter, and may deny a petition serving COE students, if the County Board makes written factual findings setting forth specific facts to support one or more of the following: (Education Code 47605, 47605.6; 5 CCR 11967.5)

1. The charter school presents an unsound educational program that presents a likelihood of physical, educational, or psychological harm to, or which is not likely to provide an educational benefit for the students who attend the school.
2. The petitioners are unlikely to successfully implement the program set forth in the petition.



3. The petition does not contain the required signatures as described in the section "Required Petition Signatures" above.
4. The petition does not contain a clear, unequivocal statement described in Education Code 47605(e) or 47605.6(e), as applicable, including that the charter school will be nonsectarian and that the school shall not charge tuition or discriminate against any student based on the characteristics specified in Education Code 220.
5. The petition does not contain reasonably comprehensive descriptions of the charter provisions in Education Code 47605 or 47605.6 as described in the section "Components of the Charter Petition" above.
6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Educational Employment Relations Act.
7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding shall detail specific facts and circumstances that analyze and consider the following factors:
  - a. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
  - b. Whether the proposed charter school would duplicate a program currently offered within the COE, when the existing program has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate.
8. The COE is not positioned to absorb the fiscal impact of the proposed charter school. The COE meets this criterion if it has a negative interim certification pursuant to Education Code 1240 or has a qualified interim certification and the County Superintendent certifies that approving the charter school would result in the COE having a negative interim certification.

A petition to establish a charter school serving COE students that is denied by the County Board may be appealed to the SBE within 30 days of the denial. (Education Code 47605; 5 CCR 11967)

### **Additional Requirements for Countywide Charters**

In addition to the requirements described above, the following conditions apply to countywide charter school petitions: (Education Code 47605.6)

1. The County Board shall only consider a petition for a countywide charter if each of the school districts where the petitioner proposes to operate a facility has received at least 30 days' notice of the intent to operate a charter school.
2. An existing public school may not be converted to a countywide charter school.
3. The County Board shall only approve a petition for a countywide charter if it finds that the charter school will provide educational services to a student population that will benefit from those services, and the petition includes a reasonable justification why its students cannot be served as well by a charter school that operates in only one school district in the county.
4. In addition to the components described in the section "Components of the Charter Petition" above, the County Board may require any elements that it considers necessary to the sound operation of a countywide charter school.
5. In addition to the reasons specified in the section "Denial of Petition" above, a countywide petition may be denied for any other basis that the County Board finds justifies the denial.

### **Memoranda of Understanding**

The County Board shall collaborate with the County Superintendent or designee, and/or with the County Board's designated representative contracted or employed pursuant to Education Code 1042, to develop one or more MOUs with the charter school to clarify financial and operational arrangements, such as how and when the charter school will establish governing bylaws, policies, and procedures or implement additional requirements that the County Board considers necessary for the sound operation of a charter school. Any such MOU shall be annually reviewed by the County Board and the charter school governing body and be amended as necessary.

### **Material Revisions to an Authorized Charter**

Material revisions to a charter authorized by the County Board may only be made with County 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 47605.6, as applicable, 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 expand operations at one or more additional sites or grade levels, the charter school shall request a material revision to its charter and shall notify the County Board of those additional locations or grade levels. The County Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605)

The County Board shall, in its sole discretion, determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

Legal Reference:

STATE RESOURCES

California Code of Regulations, Chapter 5

11700.1-11705 Independent study

11960-11968.5.5 Charter schools

Corporations Code

5110-6910 Nonprofit public benefit corporations

Education Code

1042 County boards; authority

1240 County superintendent of schools, duties

17078.52-17078.66 Charter schools facility funding; state bond proceeds

17280-17317 Approval of plans and supervision of construction

17365-17374 Fitness of buildings for occupancy; liability of board members

200 Equal rights and opportunities in state educational institutions

220 Prohibition of discrimination

32282 School safety plans

33126 School accountability report card

41365 Charter school revolving loan fund

42131 Interim certification

42238.51-42238.53 Funding for charter districts

44237 Criminal record summary

44830.1 Certificated employees, conviction of a violent or serious felony

45122.1 Classified employees, conviction of a violent or serious felony

46201 Instructional minutes

47600-47616.7 Charter Schools Act of 1992

47640-47647 Special education funding for charter schools

47650-47652 Funding of charter schools

49011 Student fees

51745-51749.6 Independent study

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

53300-53303 Parent Empowerment Act

56026 Special education

56145-56146 Special education services in charter schools

Government Code

1090-1099 Prohibitions applicable to specified officers

3540-3549.3 Educational Employment Relations Act

54950-54963 The Ralph M. Brown Act

6250-6270 California Public Records Act

81000-91014 Political Reform Act of 1974

## MANAGEMENT RESOURCES

### Attorney General Opinion

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 Department of Education Publication

Sample Copy of a Memorandum of Understanding

### Court Decision

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130

Cal.App.4th 986

### CSBA Publication

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

Charter Schools: A Guide for Governance Teams, rev. February 2016

Charter Schools in Focus, Issue 1: Managing the Petition Review Process, Governance Brief, November 2016

Charter Schools and Board Member Responsibilities, Education Insights Legal Update Webcast, March 2016

### U.S. Department of Education Publication

Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools, December 2011

Dear Colleague Letter: Guidance Regarding the Oversight of Charter Schools Program and Regulatory Requirements, August 2016

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

### Websites

U.S. Department of Education

National Association of Charter School Authorizers

CSBA

California Department of Education, Charter Schools

California Charter Schools Association

ADOPTED BY COUNTY BOARD:



## PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS

### POLICY – **OVERSIGHT OF COUNTY CHARTER SCHOOLS**

BP 0420.41  
NEW

The County Board recognizes its ongoing responsibility to oversee that any charter school authorized by the County Board is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

#### **Designated Charter School Contact**

The County Board shall identify a contact person for each charter school authorized by the County Board. The contact may be the County Superintendent of Schools or designee or another person employed or contracted by the County Board pursuant to Education Code 1042. (Education Code 47604.32)

The County Board may appoint a designated representative to attend, on its behalf, meetings of the board of directors of any charter school authorized to operate as a nonprofit, public benefit corporation.

The County Board or its designated representative may inspect or observe any part of the charter school at any time. At least once each year, the County Board shall visit each charter school under its authority. (Education Code 47604.32, 47607)

Whenever the County Board's designated representative visits, inspects, or observes a charter school or any of its programs or facilities, the representative shall provide a report of the findings to the County Board at the next County Board meeting.

#### **Waivers**

If the charter school wishes to request a general waiver of any applicable state law or regulation applicable to it, it shall request that the County Board submit a general waiver request to the State Board of Education (SBE) on its behalf. If the County Board approves approval such a request, the County Board shall ask the County Superintendent or designee to submit the waiver request to SBE on behalf of the charter school.

#### **Provision of Services to a Charter School**

The County Board may charge up to one percent of a charter school's revenue for the actual costs of supervisory oversight of the school. However, if the county office of education (COE) is able to provide substantially rent-free facilities to the charter school, the County Board may charge up to three percent of the charter school's revenue for actual costs of supervisory oversight. (Education Code 47613)

A charter school may separately purchase administrative or other services from the COE or any other source, in accordance with law. (Education Code 47613)

### **Monitoring Charter School Performance**

The County Board has the responsibility to monitor any charter school it authorizes to determine whether the charter school complies with all legal requirements applicable to charter schools, including the making of all reports required of charter schools in accordance with Education Code 47604.32.

The County Board has the responsibility to monitor each charter school to determine whether the school, both schoolwide and for all groups of students served by the school, is achieving the measurable student outcomes set forth in its charter. This determination shall be based on the measures specified in the approved charter 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).

The County Board has the responsibility to monitor the fiscal condition of each charter school based on financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the 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)

When any such monitoring is conducted by the County Board's designated representative, the representative shall report the findings to the County Board at the first available County Board meeting.

### **Technical Assistance/Intervention**

Whenever one or more numerically significant student subgroups at a charter school meet SBE-established performance criteria in two or more years, the charter school shall receive technical assistance from a COE identified as a geographic lead agency or its designee. 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, including, but not limited to, any of the following: (Education Code 45607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.
2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and

implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, COE, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in items #1 and #2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in items #1 and #2 or substantially similar activities, and ongoing communication with the County Board to assess the charter school's progress in improving student outcomes.

If, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more student subgroups identified in Education Code 52052, or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request assistance from the California Collaborative for Educational Excellence. (Education Code 47607.3, 52072)

In accordance with law and County Board policy, the County 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 the academic achievement of all numerically significant subgroups of students served by the charter school.

### **Complaints**

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

A complainant who is not satisfied with the decision of the charter school resulting from the uniform complaint procedures may appeal the decision to the SPI. If the charter school finds merit in the complaint or the Superintendent of Public Instruction finds merit in an appeal, the charter school shall provide a remedy to all affected students and parents/ guardians. (Education Code 52075)

### **School Closure**

In the event that the County Board revokes or denies renewal of a charter or the school ceases operation for any reason, the County Board's charter school representative shall, in accordance with the charter and/or any applicable 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 County Board shall provide notification to the California Department of Education, within 10 calendar days of denying renewal of or revoking the charter, or 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)

Legal Reference:

#### FEDERAL RESOURCES

##### Unites State Code

20 USC 1681-1688 Title IX of the Education Amendments of 1972

20 USC 6311 State plan

20 USC 7221-7221j Charter schools

42 USC 11431-11435 McKinney-Vento Homeless Assistance Act

##### Code of Federal Regulations

34 CFR 200.1-200.78 Accountability

#### STATE RESOURCES

##### California Code of Regulations

24 CCR 101 California Building Standards Code

24 CCR 101.1 et seq. Part 2 California Building Standards Code

5 CCR 11700.1-11705 Independent study

5 CCR 11960-11969 Charter schools

5 CCR 4600-4670 Uniform complaint procedures

##### CA Constitution

Article 16, Section 8.5 [Public finance; school accountability report card](#)

Article 9, Section 5 [Common school system](#)

##### Corporations Code

5110-6910 [Nonprofit public benefit corporations](#)

##### Education Code

15497.5 Local control and accountability plan template

17070.10-17079.30 Leroy F. Greene School Facilities Act

17280-17317 Approval of plans and supervision of construction

17365-17374 Fitness of buildings for occupancy; liability of board members

200.1-200.78 Accountability

215 Student suicide prevention policies

215.5 Student identification cards, inclusion of safety hotlines

220 Prohibition of discrimination

221.61 Posting of Title IX information on web site

221.9 Sex equity in competitive athletics

222 Reasonable accommodations; lactating 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  
32282 School safety plans  
32283.5 Bullying; online training  
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 Academic achievement of students in foster care and homeless children  
48901.1 Suspension and expulsion, willful defiance  
48907 Student exercise of free expression  
48913.5 Homework assignments for suspended students  
48950 Freedom of speech  
49005-49006.4 Seclusion and restraint  
49011 Student fees  
49014 Public School Fair Debt Collection Act  
49061 Student records, definitions  
49062.5 Student records, name or gender change  
49070 Challenging content of 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  
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  
49700-49701 Education of children of military families  
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 plan  
52075 Uniform complaint procedures  
56026 Special education  
56040.3 Availability of assistive technology device  
56145-56146 Special education services in charter schools  
56365-56366.12 Nonpublic, nonsectarian schools  
60600-60649 Assessment of academic achievement  
60850-60859 High school exit examination  
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

#### Government Code

1090-1099 Prohibitions applicable to specified officers  
3540-3549.3 Educational Employment Relations Act  
3555-3559 Public employee communication, information and orientation  
54950-54963 The Ralph M. Brown Act  
6250-6270 California Public Records 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

1192.7 Definition of serious felony  
667.5 Definition of violent felony

#### Vehicle Code

28160 Child safety alert system

### MANAGEMENT RESOURCES

Attorney General Opinion

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)

78 Ops.Cal.Atty.Gen. 297 (1995)

CA Office of Administrative Hearings Decisions

Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763

California Department of Education Publication

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

Sample Copy of a Memorandum of Understanding

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

California School Accounting Manual

California Department of Pesticide Reg. Publication

School District Integrated Pest Management Plan Template

California Interscholastic Federation Publication

Pursuing Victory with Honor, 1999

Court Decision

Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130

Cal.App.4th 986

CSBA Publication

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

Charter Schools: A Guide for Governance Teams, rev. 2016

Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

U.S. DOE Guidance

Charter Schools Program: Title V, Part B of the ESEA, January 2014

Websites

[U.S. Department of Education](#)

[National Association of Charter School Authorizers](#)

[CSBA](#)

[California Department of Education, Charter Schools](#)

[California Charter Schools Association](#)

ADOPTED BY COUNTY BOARD:



## PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS

### POLICY – RENEWAL OF COUNTY CHARTER SCHOOLS

BP 0420.42  
NEW

The County Board believes that the ongoing operation of a charter school authorized by the County Board should be dependent on the school's effectiveness in achieving its mission and goals for student learning and other student outcomes. Whenever a charter school submits a petition for renewal of its charter, the County Board shall review the petition thoroughly and in a timely manner, consistent with the timelines set out in the Education Code.

The County Board shall only consider renewal petitions of charters originally authorized by the County Board or renewal petitions that have been denied by a district board and for which the charter school has submitted an appeal to the County Board.

The County Board shall deny the renewal petition of any charter school operated as or by a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. (Education Code 47604)

#### **Submission of Renewal Petition**

The County Board recommends that a charter school submit its petition for renewal to the County Board sufficiently early before the expiration of the term of the charter to allow the County Board's deliberations and decision on the renewal petition to be completed with minimal disruption to the charter school's educational program in the renewal year.

The petition for renewal shall include a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. (Education Code 47607; 5 CCR 11966.4)

When a charter school, concurrently with its renewal petition, proposes to expand operations to one or more additional sites or grade levels, the charter school shall request a material revision to its charter. The material revision may be made only with the approval of the County Board and in accordance with the standards and criteria in Education Code 47605 for material revisions. (Education Code 47607)

#### **Criteria for Granting or Denying Renewal**

Renewals shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605. However, a charter renewal shall not be denied based on the fiscal impact of the charter school on the district or a finding that the charter school is demonstrably unlikely to serve the interests of the entire community in

which the school is located, as described in Education Code 47605. (Education Code 47607)

The signature requirement for charter authorization petitions is not applicable to petitions for renewal. (Education Code 47607; 5 CCR 11966.4)

In determining whether to grant a charter renewal, the County Board shall review both schoolwide performance and the performance of numerically significant student subgroups on the state and local indicators included in the California School Dashboard, giving greater weight to performance on measurements of academic performance. If the Dashboard indicators are not yet available for the most recently completed academic year before renewal, the County Board shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year. The County Board shall only consider data from sources adopted by State Board of Education (SBE). (Education Code 47607, 47607.2)

Following the County Board's review, a renewal of the charter petition may be granted in accordance with a three-tiered system based on school performance, as follows:

1) Renewal of Five to Seven Years

- a) A charter school that is not eligible for technical assistance pursuant to Education Code 47607.3 shall be granted renewal for a period of five to seven years when, for two consecutive years immediately preceding the renewal, or for two of the most recent years for which state data is available preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, the charter school achieved either of the following: (Education Code 47607)
  - i) Received the two highest performance levels schoolwide on all the state indicators included in the Dashboard for which the charter school receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years.
  - ii) For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups.
- b) If the charter school satisfies the above criteria, it shall only be required to update the renewal petition to include a reasonably comprehensive description of any new

requirement of charter schools enacted into law after the charter was originally granted or last renewed and, as necessary, to reflect the current program offered by the charter school. (Education Code 47607)

## 2) Renewal of Five Years

- a) A renewal shall be granted for five years if clear and convincing evidence, demonstrated by verified data, shows either of the following: (Education Code 47607.2)
  - i) Measurable increases in academic achievement, as defined by at least one year's progress for each year in school.
  - ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
- b) For any such charter school, the County Board may deny the renewal petition only upon making written factual findings that the charter school failed to meet or make sufficient progress toward meeting standards that provide a benefit to students at the school, that the closure of the charter school is in the best interest of students, and that the County Board's decision provided greater weight to performance on measurements of academic performance. (Education Code 47607.2)

## 3) Denial/Two-Year Renewal

- a) The County Board shall generally not renew a charter if, for two consecutive years immediately preceding the renewal decision, or for two of the most recent years for which state data is available immediately preceding the renewal if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, either of the following applies: (Education Code 47607.2)
  - i) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the Dashboard for which it receives performance levels, provided the charter school has schoolwide performance levels on at least two measurements of academic performance per year in each of the two years.
  - ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of numerically significant student subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average, provided that the charter school has performance levels on at least two measurements of academic performance for at least two subgroups.

- b) However, the County Board may grant a two-year renewal to any such charter school if the County Board makes written factual findings, setting forth specific facts to support the findings, that: (Education Code 47607.2)
  - i) The charter school is taking meaningful steps to address the underlying cause(s) of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
  - ii) There is clear and convincing evidence, demonstrated by verified data, showing achievement of the criteria specified in item #2a above.

In addition to all the grounds stated above for denial of a charter renewal, the County Board may deny renewal of a charter upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors or a finding that the school is not serving all students who wish to attend. When denying a charter renewal for either of these reasons, the County Board shall provide the charter school at least 30 days' notice of the alleged violation and a reasonable opportunity to cure the violation, including the submission of a proposed corrective action plan. The County Board may deny the renewal for these reasons only upon a finding that either the corrective action proposed by the charter school has been unsuccessful or that the violations are sufficiently severe and pervasive as to render a corrective action plan unviable. Any finding that a school is not serving all students who wish to attend shall specifically identify the evidence supporting the finding. (Education Code 47607)

A charter school that qualifies for the state's Dashboard Alternative School Status shall not be subject to any of the above criteria. Instead, in determining whether to grant a charter renewal for such a charter school, the County Board shall consider, in addition to the charter school's performance on the state and local indicators included in the Dashboard, the charter school's performance on alternative metrics applicable to the charter school based on the student population served. The County Board shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The County Board may deny a charter renewal only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of students. (Education Code 47607)

### **Timelines for Board Action**

Within 60 days of receiving the renewal petition, the County Board shall hold a public hearing to review documentation submitted by the charter school, determine the level of support for the petition, and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the County Education Office, along with a signed certification that the petitioner deems the petition to be complete. (Education Code 47605)

The County Board shall either grant or deny the charter renewal within 90 days of receiving the petition. The date may be extended by an additional 30 days if both the petitioner and the County Board agree to the extension. (Education Code 47605)

At least 15 days before the public hearing at which the County Board will grant or deny the charter petition, the County Board shall publish all staff recommendations and recommended findings regarding the petition. During the public hearing, petitioners shall have equal time and opportunity to present evidence and testimony to respond to the staff recommendations and findings. (Education Code 47605)

If the County Board fails to make a written factual finding when required for denial of the petition pursuant to the section "Criteria for Granting or Denying Renewal" above within the required time period, the absence of a written factual finding shall be deemed an approval of the renewal petition.

The County Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the County Board's action, whenever a renewal of the charter is granted or denied. (Education Code 47604.32; 5 CCR 11962.1)

If the County Board denies the petition for the renewal, the charter school may appeal to the SBE. If the petitioner appeals to SBE and requests a documentary record, including transcripts of the public hearing at which the County Board denied the renewal, the documentary record shall be provided no later than 10 business days after the request. If the SBE reverses the County Board's denial of a renewal petition, the SBE will designate either the County Board or a district board as the chartering authority. (Education Code 47605).

A County Board's denial of the renewal of a countywide charter is final and may not be appealed to SBE. (Education Code [47607](#), [47607.5](#); 5 CCR [11966.5](#))

If the petitioner appeals to SBE and requests a documentary record, including transcripts of the public hearing at which the County Board denied the renewal, the documentary record shall be provided no later than 10 business days after the request. (Education Code [47605](#))

### **School Closure**

If a charter is not renewed and the charter school ceases operation, the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962 shall be implemented. (Education Code 47604.32, 47605)



Legal Reference:  
FEDERAL RESOURCES  
20 USC 7223-7225 Charter schools

STATE RESOURCES  
5 CCR 11960-11969 Charter schools  
Education Code  
47600-47616.7 Charter Schools Act of 1992  
52052 Accountability; numerically significant student subgroups  
56145-56146 Special education services in charter schools  
60600-60649 Assessment of academic achievement

MANAGEMENT RESOURCES  
CSBA Publication  
The Role of the Charter School Authorizer, Online Course  
Charter Schools: A Guide for Governance Teams, rev. 2016  
Websites  
[U.S. Department of Education](#)  
[National Association of Charter School Authorizers](#)  
[CSBA](#)  
[California Department of Education, Charter Schools](#)  
[California Charter Schools Association](#)

ADOPTED BY COUNTY BOARD:



## PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS

### **BOARD POLICY – REVOCATION OF COUNTY CHARTER SCHOOLS**      BP 0420.43 NEW

The County Board expects any charter school it authorizes to provide a sound educational program that promotes student learning and to carry out its operations in a manner that complies with law and the terms of its charter.

The County Board may immediately revoke a charter when the County Board determines, in writing, that a charter school has committed a violation under Education Code 47607 that constitutes a severe and imminent threat to the health or safety of students. In such a case, the County Board shall approve and deliver to the charter school's governing body and the California Department of Education (CDE) a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety. (Education Code 47607; 5 CCR 11968.5.3)

In addition, the County Board may, using the procedures described below, revoke a charter if it makes a written factual finding specific to that charter school and supported by 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 law.

The County Board shall also consider revoking the charter of any charter school for which the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance pursuant to Education Code 47607.3 if CCEE has issued either of the following findings: (Education Code 47607.3)

1. That the charter school has failed or is unable to implement the recommendations of CCEE.
2. That the inadequate performance of the charter school, as based on California School Dashboard, is so persistent or acute as to require revocation of the charter.

In determining whether to revoke a charter, the County Board shall consider increases in student academic achievement for all numerically significant groups of students served by the charter school, as defined in Education Code 52052. (Education Code 47607.3)

### **Revocation Procedures**

If the County Board is considering a revocation of a charter school, it shall take action to approve and deliver a Notice of Violation to the charter school's governing body. The Notice of Violation shall identify: (Education Code 47607; 5 CCR 11965, 11968.5.2)

1. The charter school's alleged violation(s).
2. All evidence relied upon by the County Board in determining that the charter school committed the alleged violation(s), including the date and duration of the alleged violation(s). The notice shall show that each alleged violation is both material and uncured and that it occurred within a reasonable period of time before the Notice of Violation is issued.
3. The period of time that the County Board has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying this time period, the County Board shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time.

At least 72 hours prior to any meeting at which the County Board will consider issuing a Notice of Violation, the County Board shall provide the charter school with notice and all relevant documents related to the proposed action. (5 CCR 11968.5.2)

By the end of the remedy period identified in the Notice of Violation, the charter school's governing body may submit to the County Board a detailed written response and supporting evidence addressing each identified violation, including, as applicable, a refutation, remedial action taken, or proposed remedial action. (5 CCR 11968.5.2)

At the conclusion of the remedy period specified in the Notice of Violation, the County Board shall evaluate any response and supporting evidence provided by the charter school's governing body and shall take one of the following actions: (5 CCR 11968.5.2)

1. Discontinue revocation of the charter and provide timely written notice of such action to the charter school's governing body.
2. Continue revocation of the charter, by issuing a Notice of Intent to Revoke to the charter school's governing body within 60 calendar days of the conclusion of the remedy period, if there is substantial evidence that the charter school has failed to remedy a violation identified in the Notice of Violation or to refute a violation to the County Board's satisfaction. All evidence relied upon by the County Board for the decision shall be included in the Notice of Intent to Revoke.

If the County Board issues a Notice of Intent to Revoke, it shall hold a public hearing concerning the revocation on the date specified in the notice, which shall be no later than 30 days after providing the notice. Within 30 calendar days after the public hearing, or within 60 calendar days if extended by written mutual agreement of the County Board and the charter school, the County Board shall issue a final decision on the revocation of the charter. (Education Code 47607; 5 CCR 11968.5.2)

If the County Board fails to meet the timelines specified above for issuing a Notice of Intent to Revoke or a final decision, the revocation process shall be deemed terminated. (5 CCR 11968.5.2)

Within 10 calendar days of the final decision, the County Board shall provide a copy of the decision to CDE. (Education Code 47604.32; 5 CCR 11968.5.2)

### **Appeals**

If the County Board revokes a charter, the charter school may appeal the revocation to the State Board of Education within 30 days of the County Board's final decision. However, a revocation based upon the findings of CCEE pursuant to Education Code 47607.3 may not be appealed. (Education Code 47607, 47607.3; 5 CCR 11968.5.3-11968.5.5)

### **School Closure**

If a charter school ceases operation due to revocation, the County Board and/or the charter school shall implement the school closure procedures specified in the charter in accordance with Education Code 47605 and 5 CCR 11962. (Education Code 47603.32)

#### Legal Reference:

#### STATE RESOURCES

#### Title 5, California Code of Regulations,

11960-11969 Charter schools

11968.5.1-11968.5.5 Charter revocations

#### Education Code

47600-47616.7 Charter Schools Act of 1992

47607 Charter renewals and revocations

52052 Accountability; numerically significant student subgroups

#### MANAGEMENT RESOURCES

#### Court Decision

Today's Fresh Start, Inc. v. Los Angeles County Office of Education, (2013) 57 Cal.4th 197

#### CSBA Publication

The Role of the Charter School Authorizer, Online Course

Charter Schools: A Guide for Governance Teams, rev. 2016  
Website

[U.S. Department of Education](#)

[National Association of Charter School Authorizers](#)

[CSBA](#)

[California Department of Education, Charter Schools](#)

[California Charter Schools Association](#)

ADOPTED BY COUNTY BOARD:

COUNTY BOARD OF EDUCATION

POLICY -- FORMER MEMBERS: HEALTH AND WELFARE BENEFITS BP 1005

Any former member of the County Board of Education upon completion of one or more terms of office shall be eligible to continue participation, at his/her expense, in the health and welfare benefit plans which are then available to employees of the County Education Office. The former board member shall have the option of individual, two-party, or family membership in a health benefit plan.

ADOPTED BY COUNTY BOARD: April 7, 1983  
REVISED: November 7, 1985  
April 7, 1994  
November 2, 1995

## STUDENTS

### POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

In accordance with the provisions of California Education Code section 46601, the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance. Any such appeal must be submitted in writing by a person having legal custody of the student denied inter-district attendance and must be filed within thirty (30) calendar days of the failure or refusal of the school district to issue a permit. Failure to appeal within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.

Within thirty (30) calendar days of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend in the district in which the student desires to attend and the applicable period of time. The County Superintendent or designee may, for good cause, extend this thirty-day period for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, the County Superintendent or designee may grant a continuance of any applicable time requirement for a specified number of days for any other reason upon good cause shown.

Upon receiving the concurrence of the County Board of Education President, the County Superintendent may assign appeal hearings to one or more administrative panel(s) authorized to conduct hearings on its behalf. The panel(s) must consist of at least three (3) impartial and certificated members appointed by the County Board of Education. No member of the impartial administrative panel(s) shall be a member of the County Board of Education, nor be employed by the school district of residence or the district of desired attendance. The administrative panel(s) shall render a recommendation within three (3) school days after the hearing and the County Board of Education shall render a final decision within ten (10) school days of the administrative panel's recommendation.

Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.

Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.

Adequate notice shall be provided to all parties of the date and time of any hearing

## STUDENTS

### POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

-2-

scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.

The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.

Each party to the appeal or their counsel may present oral statements to the County Board of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.

Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Although the County Board of Education has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the



## STUDENTS

### POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

-3-

legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board of Education reverse the decisions of the local school board(s). The County Board of Education's scope of review of an inter-district appeal includes determining whether the subject school district(s) acted in compliance with the Education Code regarding inter-district transfers.

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

- (1) The district's policy was adhered to and consistently applied; and
- (2) The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of governing board and existing district policies where the decision being appealed was made by the governing board and was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.
- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

STUDENTS

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

-4-

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy) that will occur if the student is required to attend school in the student's district of residence.

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board of Education (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

ADOPTED BY COUNTY BOARD:	July 3, 1975
REVISED:	January 6, 1994
	April 7, 1994
	June 12, 2008
	December 2, 2010
	December 11, 2014