



## County Oversight of Charter Schools

### Summary

An investigation by the San Mateo County Civil Grand Jury finds that further actions should be taken by the San Mateo County Superintendent of Schools to improve information flow for, and oversight of, charter schools within the County.

A previous Grand Jury report recommended that the County Superintendent of Schools take a more proactive role in providing oversight of charter schools. The present report finds that the County Superintendent and his staff remain reluctant to exercise their full authority with regard to charter school oversight, believing that this is a School District responsibility. While some "best practice" information has been gathered by the County Superintendent, little information has actually been communicated to the districts and charter schools. The Grand Jury recommends that the County Superintendent devote greater effort to a full range of communication and information dissemination programs.

Further, the Grand Jury finds that efforts to implement those policies and procedures necessary to comply with a new law (AB 1137, enacted October 12, 2003) are not yet complete, and that efforts should be increased to bring all elements of the County into compliance.

-/-/-/-/-

### Recommendations

1. By May 1, 2004, the San Mateo County Superintendent of Schools should:
  - 1.1. hold a workshop with the county school districts and charter schools to share with them the implications of AB1137 and the "best practice" materials regarding the handling of charter school petitions and the performance matrix that they have developed;
  - 1.2. take the lead to assist current and potential chartering districts to develop and implement oversight policies, procedures and practices that include the adoption of the county's policy for handling charter school petitions and the performance matrix or the adoption and use of comparable policies and forms.

2. The San Mateo County Superintendent of Schools and his staff should continue to take a more proactive, on-going role in being the facilitator between districts and charter schools by:
  - 2.1. bringing the parties together on a regular basis to exchange information and to resolve oversight issues;
  - 2.2. regularly gathering additional “best practice” information from other counties and actively and effectively communicating that information to the districts and charter schools;
  - 2.3. promoting continuing dialog with the chartering districts in regard to changes in charter school oversight thus keeping the superintendent and his staff up-to-date on the status of each chartering district and charter school.
3. The San Mateo County Superintendent of Schools and his staff should better identify and utilize avenues of communication to solicit inquiries, feedback, and criticisms from the public regarding charter schools, and to monitor and conduct appropriate investigations where concerns are identified to ensure the future success of charter schools within the County.



## County Oversight of Charter Schools

### Issue:

Has the County Superintendent of Schools taken timely and proactive action to implement the recommendations of the Grand Jury Report for 2002-2003 regarding oversight of charter schools?

### Background:

The issue of charter school oversight was previously investigated by the Grand Jury and within its published report for 2002-2003 the following recommendations were made:

“The County Superintendent of Schools should take a more proactive role in providing oversight of charter schools by:

- collecting and distributing best practice information about oversight;
- assisting districts to develop and implement oversight policies, procedures and practices;
- taking the lead to bring district and charter schools together in an appropriate forum to exchange information and resolve oversight issues.

“By September 1, 2003, the County Superintendent of Schools should develop policies and practices for carrying out its oversight authority and provide these to districts, charter schools and the public.”

The County Superintendent agreed to these recommendations, including sending informational bulletins and providing resources to districts, as well as hosting meetings addressing the issues of charter school oversight.

The Grand Jury interviewed the San Mateo County Superintendent of Schools, his staff, a chartering district superintendent, and a charter school director. In addition, they reviewed relevant documents, including the 2002 State Auditor’s report, and new legislation pertaining to charter school oversight.

## **Background on Charter Schools**

Charter schools are public schools and may provide instruction in any grades from kindergarten through twelve (K-12). A charter school is usually created and organized by a group of teachers, parents, community leaders or a community based-organization. Charter schools can be established to operate independently from the existing school district structure and are designed to:

- improve learning and increase learning opportunities for all students;
- encourage the use of different and innovative teaching methods without the constraints of traditional rules and structure;
- provide “vigorous” competition within the public school system to encourage improvement in all schools;
- provide educational programs for meeting measurable pupil outcomes in a performance-based accountability system.

Specific goals and operating procedures for a charter school are detailed in a charter and a Memorandum of Understanding (MOU) agreed to by the district and the charter developers.

Charters are issued for five years, after which they may be renewed or revoked. Charter schools vary in structure, governance, educational focus and operations.

A charter school may be a new school, a “startup”, or a previously established district school known as a “conversion.” Charter Schools are incorporated either for profit or not-for-profit. Some are governed by separately appointed or elected boards while others are governed by publicly elected boards of trustees that grant their charters.

Charter school petitions may be presented to the district, the County Board of Education or State Board of Education. Neither the County Board of Education nor the State Board of Education has chartered a school in San Mateo County.

## **Findings**

According to Education Code Sec. 47604.4, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county, and conduct an investigation into the operations of that charter school. In addition, the Education Code requires charter schools to submit financial information regularly to the County Superintendent of Schools, and for the county to take on a chartering entity’s oversight responsibilities if the county approves a charter petition.

On October 12th, 2003, AB 1137 was signed and became effective on January 1, 2004 in the State of California. This law expands and clarifies oversight duties of chartering entities at both the county and district level and sets minimum performance criteria for charter schools. While the County Superintendent and his staff have been tracking this law and have plans to analyze the implications and communicate those implications to the districts and charter schools, no direct contact with the districts has occurred on this subject. The chartering district administrator interviewed was not aware of the existence of this law. The charter school administrator interviewed was aware of the law but had not read it.

The County Superintendent and his staff believe that primary responsibility for oversight of charter schools rests with the districts and/or chartering entities, and it is best to work through the districts without intervening directly in the relationship between the districts and the charter school. If a complaint about a charter school is communicated directly to them, the County Superintendent and/or his staff will communicate with the district first to see if it can be resolved at that level and only approach the charter school if needed.

The County Superintendent has assigned a staff member to handle requests for information, track legislation and communicate with districts regarding charter school issues. The Grand Jury found little communication initiated by the Superintendent and his staff. Their role is primarily reactive, responding as needed to questions and requests from the general public, chartering entities and charter schools. Fiscal reporting is an exception. The Superintendent's staff regularly review the fiscal reports from the charter schools and communicate any concerns to the district, although there is no formal process.

The County Superintendent of Schools regularly meets with the district superintendents, however their discussions rarely address charter schools due in part to the small number of charter schools in the County.

Since the Grand Jury report for 2002-2003, the County Superintendent and his staff have gathered some "best practice" information and adapted it for use in the County. They have completed a draft policy for handling charter school petitions and developed a matrix of performance criteria that will allow a comprehensive review of charters and performance audits. Once the documents are approved by County Counsel, the County Superintendent will provide them to the districts with the hope they may be adopted.

The County Superintendent and his staff have taken the following additional steps regarding more active involvement with charter school oversight:

- Information on charter schools has been added to the annual San Mateo County Public Schools Directory;
- The County Superintendent attended a meeting of seven other Bay Area counties to learn best practices of charter school oversight.

The County Superintendent and his staff plan, as part of charter school oversight, to:

- Issue a document that details the duties and responsibilities of all parties;
- Hold a meeting with the superintendents and with the charter boards/directors to discuss AB 1137. This will be done upon receipt of guidelines from the California Department of Education and the Legislative Analyst's office;
- Distribute the proposed policy for handling charter petitions and the new performance matrix to the school district superintendents. This will be done upon approval from the County Counsel's office and the County Board of Education;
- Hold regular quarterly or semiannual meetings with chartering district superintendents and charter school administrators;
- Inform districts and charter schools of new financial reporting requirements for charter schools, per AB1137;
- Request financial statements of all accounts used by charter schools including all sources of funds and all expenditures;
- Request that the districts report independent charter schools' reported data separately from the other district schools to better monitor them;
- Complete integration of charter schools into the school system whereby they maintain their uniqueness but work smoothly on an administrative level.

The County Superintendent and his staff have not taken action to communicate its policies and procedures for charter school oversight to the public, to the chartering entities or to the charter schools. The San Mateo Office of Education website contains a brief description of charter schools, but no information on how to file a complaint or petition.

Many of the steps that were to have been completed by the County Superintendent were put off pending passage of AB 1137. The Superintendent believes this law has broad implications and its passage will create a good opportunity to meet with all involved parties.

## **Conclusions**

The San Mateo County Superintendent of Schools and his staff have not been timely nor sufficiently pro-active in implementing the recommendations of the Grand Jury Report for 2002-2003 regarding oversight of charter schools.

The County Superintendent has taken some limited steps towards addressing the recommendations from the Grand Jury report for 2002-2003, e.g., acquiring “best practice” materials for handling charter petitions and charter performance review and developing plans for holding regular meetings with chartering districts and charter schools. These steps, although potentially beneficial, have had little impact because they have not been disseminated to the chartering districts and charter schools or have not yet been put into effect.

Although AB1137 has implications for all charter schools and chartering entities, the county has not formally summarized these implications nor has any communication occurred to date to assist chartering districts or charter schools in preparing for the changes necessary to fulfill the requirements of this law.

The County Superintendent and his staff remain reluctant to exercise fully their authority with regard to charter school oversight in monitoring the operations of a charter school.

The general public should have a central location for access to information on charter schools including contacts for filing complaints and procedures for starting a charter. The San Mateo Office of Education website would be an ideal venue.

## **Recommendations**

1. By May 1, 2004, the San Mateo County Superintendent of Schools should:
  - 1.1 hold a workshop with the county school districts and charter schools to share with them the implications of AB1137 and the “best practice” materials regarding the handling of charter school petitions and the performance matrix that they have developed;
  - 1.2 take the lead to assist current and potential chartering districts to develop and implement oversight policies, procedures and practices that include the adoption of the county’s policy for handling charter school petitions and the performance matrix or the adoption and use of comparable policies and forms.
2. The San Mateo County Superintendent of Schools and his staff should continue to take a more proactive, on-going role in being the facilitator between districts and charter schools by:
  - 2.1 bringing the parties together on a regular basis to exchange information and to resolve oversight issues;

- 2.2 regularly gathering additional “best practice” information from other counties and actively and effectively communicating that information to the districts and charter schools;
  - 2.3 promoting continuing dialog with the chartering districts in regard to changes in charter school oversight thus keeping the superintendent and his staff up-to-date on the status of each chartering district and charter school.
3. The San Mateo County Superintendent of Schools and his staff should better identify and utilize avenues of communication to solicit inquiries, feedback, and criticisms from the public regarding charter schools, and to monitor and conduct appropriate investigations where concerns are identified to ensure the future success of charter schools within the County.

/-/-/-/-/-/



May 25, 2004

Honorable Jonathan E. Karesh  
Judge of the Superior Court  
Hall of Justice  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

Dear Judge Karesh:

Please find attached our responses to the Grand Jury's recommendations on the subject of County Oversight of Charter Schools. An informational copy of this document is being sent to the Board of Supervisors. We have also responded by E-mail and have placed a copy of the responses with the clerk of our office.

Sincerely,

John Mehl  
County Superintendent of Schools

Enclosure

c: San Mateo County Board of Supervisors  
San Mateo County Office of Education Clerk

JM/msg

# **San Mateo County Office of Education Responses to the 2003-2004 Grand Jury Recommendations**

## **RECOMMENDATION 1:**

**BY MAY 1, 2004, THE SAN MATEO COUNTY SUPERINTENDENT OF SCHOOLS SHOULD:**

**1.1: HOLD A WORKSHOP WITH THE COUNTY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO SHARE WITH THEM THE IMPLICATIONS OF AB1137 AND THE “BEST PRACTICE” MATERIALS REGARDING THE HANDLING OF CHARTER SCHOOL PETITIONS AND THE PERFORMANCE MATRIX THAT THEY HAVE DEVELOPED.**

On May 18, 2004, the San Mateo County Office of Education (SMCOE) hosted a workshop to share information on the implications of AB1137 and “best practices” materials regarding the handling of charter school petitions. The performance matrix used by the County Office of Education to evaluate charter school petitions had earlier been disseminated to all of the county’s superintendents. Although the workshop had been broadly advertised (e.g. via flyer, posting on our website, personal contact, etc.) attendance was light. Nevertheless, all in attendance, including representatives of charter schools and representatives of chartering or potentially chartering school districts agreed that the workshop was quite valuable and ought to be repeated at regular intervals. It was determined that quarterly dates will be most useful. The next meeting is tentatively scheduled for Tuesday, October 19, 2004.

The meeting included presentations by Deputy County Counsel John Beiers, Jessica Schackne and Theresa Parsons of the Fiscal and Operational Services Division, Pamela Ptacek, Special Education Local Plan Area (SELPA) Administrator and Paulette Johnson who is the County Office point person for charter schools.

**1.2: TAKE THE LEAD TO ASSIST CURRENT AND POTENTIAL CHARTERING DISTRICTS TO DEVELOP AND IMPLEMENT OVERSIGHT POLICIES, PROCEDURES AND PRACTICES THAT INCLUDE THE ADOPTION OF THE COUNTY’S POLICY FOR HANDLING CHARTER SCHOOL PETITIONS AND THE PERFORMANCE MATRIX OR THE ADOPTION AND USE OF COMPARABLE POLICIES AND FORMS.**

The County Superintendent of Schools has distributed the SMCOE policy for handling charter school petitions as well as the performance matrix used for evaluating annual performance or charter renewals. We have suggested that interested districts study these models and adapt them in ways that make sense for their particular needs. The strategy of providing models to be modified at the local level has proven to be quite successful for the County Office of Education. When schools were required to produce School Accountability Report Cards several years ago, we formulated a model, distributed it to the school districts and they tailored the model to reflect their own set of interests. The eventual result was a rich array of quite different report cards which shared the required principles that were represented in our model. We are hopeful that the dissemination of models regarding charter school policies, procedures and practices will result in a similarly beneficial outcome.

## **RECOMMENDATION 2:**

### **THE SAN MATEO COUNTY SUPERINTENDENT OF SCHOOLS AND HIS STAFF SHOULD CONTINUE TO TAKE A MORE PROACTIVE, ON-GOING ROLE IN BEING THE FACILITATOR BETWEEN DISTRICTS AND CHARTER SCHOOLS BY:**

#### **2.1: BRINGING THE PARTIES TOGETHER ON A REGULAR BASIS TO EXCHANGE INFORMATION AND TO RESOLVE OVERSIGHT ISSUES.**

We believe that it is very much within our role to bring parties together on a regular basis to exchange information. However, the notion of being a “facilitator” in resolving oversight issues is problematic. We must be very careful not to insinuate the County Office of Education into a relationship that properly involves only a charter school and its chartering agency. It would be as inappropriate for us to counsel a district on how it is administering one of its charter schools as it would be to offer unsolicited advice on how a district is overseeing one of its regular schools. The County Office of Education has no authority over the administration of local school districts, each of which is independent and autonomous. Our role regarding district charter schools is no different. We serve at the pleasure of the district.

#### **2.2: REGULARLY GATHERING ADDITIONAL “BEST PRACTICE” INFORMATION FROM OTHER COUNTIES AND ACTIVELY AND EFFECTIVELY COMMUNICATING THAT INFORMATION TO THE DISTRICTS AND CHARTER SCHOOLS.**

County Office staff attended the National Association of Charter School Authorizers California Charter Petition workshop. Information and materials obtained from that workshop were distributed to the May 18<sup>th</sup> county workshop attendees and were E-mailed to invited non-attendees.

#### **2.3: PROMOTING CONTINUING DIALOG WITH THE CHARTERING DISTRICTS IN REGARD TO CHANGES IN CHARTER SCHOOL OVERSIGHT THUS KEEPING THE**

**SUPERINTENDENT AND HIS STAFF UP-TO-DATE ON THE STATUS OF EACH CHARTERING DISTRICT AND CHARTER SCHOOL.**

We are hopeful that our quarterly meetings/forums on charter schools will serve as the focal point for discussion of all subjects related to charter schools. Our plan is to include (as we did in the first of these meetings) time for participants to report on the status of the charter school relationship they are involved in as well as to share any challenges they may be confronting.

**RECOMMENDATION 3:**

**THE SAN MATEO COUNTY SUPERINTENDENT OF SCHOOLS AND HIS STAFF SHOULD BETTER IDENTIFY AND UTILIZE AVENUES OF COMMUNICATION TO SOLICIT INQUIRIES, FEEDBACK, AND CRITICISMS FROM THE PUBLIC REGARDING CHARTER SCHOOLS, AND TO MONITOR AND CONDUCT APPROPRIATE INVESTIGATIONS WHERE CONCERNS ARE IDENTIFIED TO ENSURE THE FUTURE SUCCESS OF CHARTER SCHOOLS WITHIN THE COUNTY.**

Plans are currently underway to develop a charter school link on our website. Content will include:

- An introduction to the concept of the charter school.
- Legislation related to charter schools.
- Pending bills related to charter schools.
- The SMCOE Policy on charter schools.
- The SMCOE performance matrix for the evaluation of charter schools.
- A feedback mechanism that WEB visitors can employ to provide commentary/questions on any concern related to charter schools.
- A list of all charter schools in San Mateo County.
- Links to the State Department of Education Office of Charter Schools, as well as other related sources.

---

John Mehl  
County Superintendent of Schools

---

Date