

Title 5. EDUCATION
Division 1. California Department of Education
Chapter 11. Special Programs
Subchapter 19. Charter Schools

Article 1.2. Closure Procedures.

§ 11962. Definition of Procedures for School Closure.

As used in Education Code sections 47605(b)(5)(P) and 47605.6(b)(5)(Q), “procedures” means, at a minimum, each of the following:

(a) Designation of a responsible entity to conduct closure-related activities.

(b) Notification of the closure of the charter school to parents (guardians) of pupils, the authorizing entity, the county office of education (unless the county board of education is the authorizing entity), the special education local plan area in which the school participates, the retirement systems in which the school’s employees participate (e.g., Public Employees’ Retirement System, State Teachers’ Retirement System, and federal social security), and the California Department of Education, providing at least the following:

(1) The effective date of the closure;

(2) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;

(3) The pupils’ school districts of residence; and

(4) The manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

(c) Provision of a list of pupils in each grade level and the classes they have completed, together with information on the pupils’ districts of residence, to the responsible entity designated in subdivision (a).

(d) Transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the responsible entity designated in subdivision (a), 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 school that may function as the annual audit, and that includes at least the following:

(1) An accounting of all **financial** assets, including cash and accounts receivable and an inventory of property, equipment, and **supplies other items of material value.**

(2) An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.

(3) An assessment of the disposition of any restricted funds received by or due to the charter school.

(g) Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, including but not limited to, the following:

(1) The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.

(2) The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

(h) Completion and filing of any annual reports required pursuant to Education Code section 47604.33.

(i) Identification of funding for the activities identified in subdivisions (a) through (h), ~~which may be (or may be included within) any reserve the school normally maintains for contingencies and emergencies.~~

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 47607, Education Code.

§ 11962.1. Definitions Related to the Duties of a Chartering Authority.

(a) "Notification" as used in Education Code section 47604.32(e) means the transmission to the California Department of Education of at least the following:

- (1) A description of the circumstances of the closure;
- (2) The effective date of the closure; and
- (3) The location of pupil records and personnel records.

(b) "Personnel records" as used in subdivision (a) means any records the charter school has relevant to its employees, including, but not limited to, records related to performance and grievance as specified in Labor Code section 1198.5.

(c) "Pupil records" as used in subdivision (a) has the same meaning as per Education Code section 49061(b).

(d) "Timely" as used in Education Code section 47604.32~~(d)~~(e) means receipt of the evidence transmitted pursuant to subdivision (a) within ten calendar days of the official action taken by the chartering authority.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 47604.32 and 47607, Education Code.