

AMENDED IN ASSEMBLY AUGUST 20, 2002

AMENDED IN ASSEMBLY JULY 2, 2002

AMENDED IN SENATE APRIL 8, 2002

**SENATE BILL**

**No. 2039**

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**Introduced by Senator O'Connell**

February 22, 2002

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An act to amend Section 47614.5 of, and to add Section 47605.3 to, the Education Code, relating to charter schools, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 2039, as amended, O'Connell. Charter schools.

Existing law established the Charter School Facility Grant Program, administered by the State Department of Education, for the purpose of providing assistance with facilities rent and lease costs for pupils in charter schools. Existing law makes a charter schoolsite physically located in the attendance area of a public elementary school in which 70% or more of pupil enrollment is eligible for free or reduced price meals eligible for funding under the program.

This bill would instead require, to be eligible for funding under the program, that a charter schoolsite physically located in the attendance area of a public elementary school in which 70% or more of pupil enrollment is eligible for free or reduced price meals give a preference in ~~admission~~ *admissions* to ~~currently enrolled~~ *pupils who are currently enrolled in that public elementary school*, and to pupils who reside in the elementary school attendance area where the charter school is located. The bill would also make a charter schoolsite at which 70% or more of the pupil enrollment at the schoolsite is eligible for free or

reduced price meals eligible to receive funding under the grant program. *The bill would require the State Department of Education to report to the Legislature no later than June 30, 2005, on the number of charter schools that have participated in the grant program under this expanded eligibility for funding and to provide recommendations and suggestions on improving the program.*

The bill would, notwithstanding specified provisions, authorize a charter school with a schoolsite physically located in the attendance area of a public elementary school in which 50% or more of the pupil enrollment is eligible for free or reduced price meals to give a preference in admissions to ~~currently enrolled~~ pupils *who are currently enrolled in that public elementary school*, and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 47605.3 is added to the Education Code,  
2 to read:

3 47605.3. Notwithstanding subdivision (d) of Section 47605,  
4 a charter school with a schoolsite physically located in the  
5 attendance area of a public elementary school in which 50 percent  
6 or more of the pupil enrollment is eligible for free or reduced price  
7 meals may give a preference in admissions to ~~currently enrolled~~  
8 ~~pupils~~ *pupils who are currently enrolled in that public elementary*  
9 *school*, and to pupils who reside in the elementary school  
10 attendance area where the charter schoolsite is located. This  
11 section is not intended to effect the requirement contained in  
12 subdivision (d) of Section 47605 that a public school converting  
13 partially or entirely to a charter school adopt and maintain a policy  
14 that gives an admission preference to pupils who reside within the  
15 former attendance area of that public school.

16 SEC. 2. Section 47614.5 of the Education Code is amended  
17 to read:

18 47614.5. (a) The Charter School Facility Grant Program is  
19 hereby established and shall be administered by the State



1 Department of Education. This grant program is intended to  
2 provide assistance with facilities rent and lease costs for pupils in  
3 charter schools.

4 (b) Subject to the annual Budget Act, eligible schools shall  
5 receive an amount of up to, but no more than, seven hundred fifty  
6 dollars (\$750) per unit of average daily attendance, as certified at  
7 the second principal apportionment, to reimburse an amount of up  
8 to, but no more than, 75 percent of the annual facilities rent and  
9 lease costs for the charter school. In any fiscal year, if the funds  
10 appropriated for the purposes of this section by the annual Budget  
11 Act are insufficient to fund the approved amounts fully, the  
12 Superintendent of Public Instruction shall apportion the available  
13 funds on a pro rata basis.

14 (c) The State Department of Education shall do all of the  
15 following:

16 (1) Inform charter schools of this program.

17 (2) Upon application by a charter school, determine eligibility,  
18 based on the geographic location of the charter schoolsite , pupil  
19 eligibility for free or reduced price meals, and a preference in  
20 admissions, as appropriate. Eligibility for funding may not be  
21 limited to the grade level or levels served by the school whose  
22 attendance area is used to determine eligibility. Charter schoolsites  
23 are eligible for funding pursuant to this section if the charter  
24 schoolsite meets either of the following conditions:

25 (A) The charter schoolsite is physically located in the  
26 attendance area of a public elementary school in which 70 percent  
27 or more of the pupil enrollment is eligible for free or reduced  
28 priced meals and the schoolsite gives a preference in admissions  
29 to ~~currently enrolled pupils and pupils~~ *pupils who are currently*  
30 *enrolled in that public elementary school, and to pupils who reside*  
31 *in the elementary school attendance area where the charter*  
32 *schoolsites is located.*

33 (B) Seventy percent or more of the pupil enrollment at the  
34 charter schoolsite is eligible for free or reduced price meals.

35 (3) Inform charter schools of their grant eligibility.

36 (4) Reimburse charter schools for eligible expenditures in a  
37 timely manner.

38 (5) *No later than June 30, 2005, report to the Legislature on the*  
39 *number of charter schools that have participated in this grant*  
40 *program under the expanded eligibility prescribed in paragraph*



1 (2). *In addition, the report shall provide recommendations and*  
2 *suggestions on improving the program.*

3 (d) Funding pursuant to this section shall not be apportioned for  
4 the following:

5 (1) Units of average daily attendance generated through  
6 nonclassroom-based instruction as defined by paragraph (2) of  
7 subdivision (d) of Section 47612.5 or that does not comply with  
8 conditions or limitations set forth in regulations adopted by the  
9 State Board of Education pursuant to this section.

10 (2) Charter schools occupying existing school district or  
11 county office of education facilities.

12 (3) Charter schools receiving reasonably equivalent facilities  
13 from their chartering authority pursuant to Section 47614.

14 (e) Funds made available pursuant to this section shall be used  
15 for costs associated with facilities rents and leases, consistent with  
16 the definitions used in the California School Accounting Manual.  
17 These funds may also be used for costs, including, but not limited  
18 to, costs associated with remodeling buildings, deferred  
19 maintenance, initially installing or extending service systems and  
20 other built-in equipment, and improving sites.

21 (f) If an existing charter school located in an elementary  
22 attendance area in which less than 50 percent of pupil enrollment  
23 is eligible for free or reduced price meals relocates to an attendance  
24 area identified in paragraph (2) of subdivision (c), admissions  
25 preference shall be given to pupils who reside in the elementary  
26 school attendance area into which the charter school is relocating.

27 (g) For each fiscal year, the Superintendent of Public  
28 Instruction shall annually report to the State Board of Education  
29 regarding the use of any funds that have been made available to  
30 each charter school from the grant program established pursuant  
31 to this section.

32 (h) It is the intent of the Legislature that ten million dollars  
33 (\$10,000,000) be appropriated for the Charter School Facility  
34 Grant Program for the grants authorized under this section for the  
35 2001–02, 2002–03, and 2003–04 fiscal years.

36 *SEC. 3. This act is an urgency statute necessary for the*  
37 *immediate preservation of the public peace, health, or safety*  
38 *within the meaning of Article IV of the Constitution and shall go*  
39 *into immediate effect. The facts constituting the necessity are:*



1     *To allow certain charter schools to become eligible for school*  
2     *facility funding under the Charter School Facility Grant Program,*  
3     *it is necessary that this act take effect immediately as an urgency*  
4     *statute.*

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