

ASSEMBLY BILL

No. 557

Introduced by Assembly Member Huff

February 21, 2007

An act to amend Section 47607 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Huff. Charter schools: revocation.

(1) The Charter Schools Act of 1992 requires a charter school to comply with the provisions of its charter and the laws pertaining to charter schools. The act authorizes the revocation of a charter for specified violations. The act authorizes a charter school, if its chartering authority is a school district, to appeal a revocation decision by the chartering authority to the county board of education within 30 days following the decision. The county board is authorized to reverse the decision upon making a specified determination. A charter school may appeal the revocation decision to the State Board of Education if the county board upholds the decision or does not issue a decision on the appeal within 90 days of receipt.

This bill would require a charter school for which the revocation decision of a school district based on a specified violation has been upheld by the county board to cease operations and would discontinue the charter school's funding unless and until the state board reverses the revocation decision.

(2) The act also authorizes a charter school originally authorized by a county office of education and revoked by the county board of education to appeal the revocation decision to the state board within 30 days following the decision.

This bill would uphold a revocation decision appealed to the state board if the board did not issue a decision on the appeal within 120 days of receipt.

(3) The county board or state board would become the chartering authority for any charter school for which it reverses a revocation decision on appeal and would be authorized to enter into an agreement with a 3rd party at the expense of the charter school to perform the oversight, monitoring, and reporting duties of a chartering authority.

(4) By requiring county boards of education to perform the duties of a chartering authority under certain circumstances and thereby provide a higher level of service, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 47607 of the Education Code is amended
 2 to read:
 3 47607. (a) (1) A charter may be granted pursuant to Sections
 4 47605, 47605.5, and 47606 for a period not to exceed five years.
 5 A charter granted by a school district governing board, a county
 6 board of education, or the state board, may be granted one or more
 7 subsequent renewals by that entity. Each renewal shall be for a
 8 period of five years. A material revision of the provisions of a
 9 charter petition may be made only with the approval of the
 10 authority that granted the charter. The authority that granted the
 11 charter may inspect or observe any part of the charter school at
 12 any time.
 13 (2) Renewals and material revisions of charters are governed
 14 by the standards and criteria in Section 47605, and shall include,
 15 but not be limited to, a reasonably comprehensive description of

1 any new requirement of charter schools enacted into law after the
2 charter was originally granted or last renewed.

3 (b) ~~Commencing on January 1, 2005, or after~~ *After* a charter
4 school has been in operation for four years, ~~whichever date occurs~~
5 ~~later, a charter school~~ *it* shall meet at least one of the following
6 criteria prior to receiving a charter renewal pursuant to paragraph
7 (1) of subdivision (a):

8 (1) Attained its Academic Performance Index (API) growth
9 target in the prior year or in two of the last three years, or in the
10 aggregate for the prior three years.

11 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior
12 year or in two of the last three years.

13 (3) Ranked in deciles 4 to 10, inclusive, on the API for a
14 demographically comparable school in the prior year or in two of
15 the last three years.

16 (4) (A) The entity that granted the charter determines that the
17 academic performance of the charter school is at least equal to the
18 academic performance of the public schools that the charter school
19 pupils would otherwise have been required to attend, as well as
20 the academic performance of the schools in the school district in
21 which the charter school is located, taking into account the
22 composition of the pupil population that is served at the charter
23 school.

24 (B) The determination made pursuant to this paragraph shall be
25 based upon all of the following:

26 (i) Documented and clear and convincing data.

27 (ii) Pupil achievement data from assessments, including, but
28 not limited to, the Standardized Testing and Reporting Program
29 established by Article 4 (commencing with Section 60640) for
30 demographically similar pupil populations in the comparison
31 schools.

32 (iii) Information submitted by the charter school.

33 (C) A chartering authority shall submit to the Superintendent
34 copies of supporting documentation and a written summary of the
35 basis for any determination made pursuant to this paragraph. The
36 Superintendent shall review the materials and make
37 recommendations to the chartering authority based on that review.
38 The review may be the basis for a recommendation made pursuant
39 to Section 47604.5.

1 (D) A charter renewal may not be granted to a charter school
2 prior to 30 days after that charter school submits materials pursuant
3 to this paragraph.

4 (5) Has qualified for an alternative accountability system
5 pursuant to subdivision (h) of Section 52052.

6 (c) A charter may be revoked by the authority that granted the
7 charter under this chapter if the authority finds, through a showing
8 of substantial evidence, that the charter school did any of the
9 following:

10 (1) Committed a material violation of any of the conditions,
11 standards, or procedures set forth in the charter.

12 (2) Failed to meet or pursue any of the pupil outcomes identified
13 in the charter.

14 (3) Failed to meet generally accepted accounting principles, or
15 engaged in fiscal mismanagement *or the fraudulent use of charter*
16 *school funds*.

17 (4) Violated any provision of law.

18 (d) Prior to revocation, the authority that granted the charter
19 shall notify the charter public school of any violation of this section
20 and give the school a reasonable opportunity to remedy the
21 violation, unless the authority determines, in writing, that the
22 violation constitutes a severe and imminent threat to the health or
23 safety of the pupils.

24 (e) Prior to revoking a charter for failure to remedy a violation
25 pursuant to subdivision ~~(d)~~ (c), and after expiration of the school's
26 reasonable opportunity to remedy without successfully remedying
27 the violation, the chartering authority shall provide a written notice
28 of intent to revoke and notice of facts in support of revocation to
29 the charter school. No later than 30 days after providing the notice
30 of intent to revoke a charter, the chartering authority shall hold a
31 public hearing, in the normal course of business, on the issue of
32 whether evidence exists to revoke the charter. No later than 30
33 days after the public hearing, the chartering authority shall issue
34 a final decision to revoke or decline to revoke the charter, unless
35 the chartering authority and the charter school agree to extend the
36 issuance of the decision by an additional 30 days. The chartering
37 authority shall not revoke a charter, unless it makes written factual
38 findings supported by substantial evidence, specific to the charter
39 school, that support its findings.

1 (f) (1) If a school district is the chartering authority and it
2 revokes a charter pursuant to this section, the charter school may
3 appeal the revocation to the county board of education within 30
4 days following the final decision of the chartering authority.

5 (2) The county board may reverse the revocation decision if the
6 county board determines that the findings made by the chartering
7 authority under subdivision (e) are not supported by substantial
8 evidence. The school district may appeal the reversal to the state
9 board.

10 (3) If the county board does not issue a decision on the appeal
11 within 90 days of receipt, ~~or the county board upholds the~~
12 ~~revocation, the charter school may appeal the revocation to the~~
13 ~~state board~~ *the revocation decision of the chartering authority*
14 *shall be deemed upheld by the county board.*

15 (4) *A charter school may appeal a revocation decision upheld*
16 *by the county board pursuant to this subdivision to the state board.*

17 (5) *Notwithstanding subdivision (i), if the county board upholds*
18 *a revocation decision based on paragraph (3) of subdivision (c),*
19 *the charter school shall cease to operate and shall not receive*
20 *funding pursuant to this part unless and until the state board*
21 *reverses the decision.*

22 ~~(4)~~

23 (6) The state board may reverse the revocation decision if the
24 state board determines that the findings made by the chartering
25 authority under subdivision (e) are not supported by substantial
26 evidence. The state board may uphold the revocation decision ~~of~~
27 ~~the school district~~ if the state board determines that the findings
28 made by the chartering authority under subdivision (e) are
29 supported by substantial evidence.

30 (g) (1) If a county office of education is the chartering authority
31 and the county board revokes a charter pursuant to this section,
32 the charter school may appeal the revocation to the state board
33 within 30 days following the decision of the chartering authority.

34 (2) The state board may reverse the revocation decision if the
35 state board determines that the findings made by the chartering
36 authority under subdivision (e) are not supported by substantial
37 evidence.

38 (3) *If the state board does not issue a decision on the appeal*
39 *within 120 days of receipt, the revocation decision shall be deemed*
40 *upheld by the state board.*

1 (h) If the revocation decision of the chartering authority is
 2 reversed on appeal, ~~the agency that granted the charter~~ *entity that*
 3 *reversed the decision shall continue to be regarded as the chartering*
 4 *authority. An entity that becomes a chartering authority pursuant*
 5 *to this subdivision may enter into an agreement with a third party,*
 6 *at the expense of the charter school, to perform the oversight,*
 7 *monitoring, and reporting duties of a chartering authority pursuant*
 8 *to this part.*

9 (i) During the pendency of an appeal filed under this section, a
 10 charter school, whose revocation proceedings are based on
 11 paragraph (1) or (2) of subdivision (c), shall continue to qualify
 12 as a charter school for funding and for all other purposes of this
 13 part, and may continue to hold all existing grants, resources, and
 14 facilities, in order to ensure that the education of pupils enrolled
 15 in the school is not disrupted.

16 (j) *During the pendency of an appeal pursuant to subdivision*
 17 *(f) or (g), the chartering authority shall continue to oversee the*
 18 *charter school's operation.*

19 ~~(j)~~

20 (k) Immediately following the decision of a county board *or the*
 21 *state board to reverse a decision of a school district to revoke a*
 22 *charter, the following shall apply:*

23 (1) The charter school shall qualify as a charter school for
 24 funding and for all other purposes of this part.

25 (2) The charter school may continue to hold all existing grants,
 26 resources, and facilities.

27 (3) Any funding, grants, resources, and facilities that had been
 28 withheld from the charter school, or that the charter school had
 29 otherwise been deprived of use, as a result of the revocation of the
 30 charter shall be immediately reinstated or returned.

31 ~~(k)~~

32 (l) A final decision of a revocation or appeal of a revocation
 33 pursuant to subdivision (c) shall be reported to the chartering
 34 authority, the county board, and the department.

35 SEC. 2. If the Commission on State Mandates determines that
 36 this act contains costs mandated by the state, reimbursement to
 37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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