

AMENDED IN ASSEMBLY AUGUST 31, 2007
AMENDED IN ASSEMBLY AUGUST 22, 2007
AMENDED IN ASSEMBLY AUGUST 20, 2007
AMENDED IN ASSEMBLY JULY 18, 2007
AMENDED IN SENATE JUNE 4, 2007
AMENDED IN SENATE APRIL 25, 2007
AMENDED IN SENATE MARCH 26, 2007



SB 345 2007

SENATE BILL

No. 345

Introduced by Senator Aanestad

February 20, 2007

An act to amend Sections 45038, 45039, 45040, and 49110 of, and to add Section 47612.7 to, the Education Code, relating to charter schools, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Aanestad. Charter schools.

(1) The Charter Schools Act of 1992 prescribes the requirements for the establishment and operation of charter schools. Charter schools operate independently of the existing school district structure and are exempt from most statutory provisions and regulations governing the operations of public schools.

Existing law authorizes the governing board of a school district to use certain monthly installment and withholding options in making salary payments to the district's certificated employees.

This bill would authorize the governing board of a charter school to use those same monthly installment and withholding options for purposes of making salary payments to its certificated employees.

(2) The Charter Schools Act of 1992 requires the Superintendent of Public Instruction annually to compute a general-purpose entitlement that includes revenue limit funding for each charter school according to specified calculations. The act requires charter schools, as a condition of receiving funding apportionments, to offer in each fiscal year a specified number of minutes of instruction to each pupil based on grade level. For purposes of that instructional time requirement, the act defines “classroom-based instruction” as occurring only when charter school pupils are engaged in required educational activities under the immediate supervision and control of an employee of the charter school who possesses a specified teaching certification. The act requires, for purposes of calculating average daily attendance for classroom-based instruction apportionments, that at least 80% of the instructional time offered by the charter school be at the charter schoolsite. Charter schools are required to ensure the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80% of the minimum instructional time required to be offered.

~~This bill, notwithstanding those provisions, would authorize a charter school that is established and operated pursuant to a joint powers agreement and offers classroom-based instruction that is not in compliance with those provisions to nonetheless receive classroom-based instruction apportionments based on average daily attendance for the 2002–03 to 2007–08 fiscal years, inclusive, if specified conditions are satisfied. A charter school that is eligible to receive apportionments as a result of this bill would be required to report the test scores, graduation rates, and CBEDS data of pupils attending the charter school to each of the chartering authorities that is a party to the joint powers agreement, and would be prohibited from offering long-term independent study to pupils attending the charter school. *the Center for Advanced Research and Technology operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District to receive general-purpose funding, as calculated pursuant to a specified statute, for the 2007–08 fiscal year for a total average daily attendance not to exceed the center’s average daily attendance as determined at the 2nd principal apportionment for the 2006–07 fiscal year.*~~

(3) Existing law authorizes the superintendent of a school district in which a minor resides to issue a work permit upon receipt of a written request from a parent, guardian, foster parent, or other specified person. The superintendent also is authorized to designate certain certificated employees and certain persons having charge of private schools to issue work permits.

This bill would grant that same authority to issue work permits, or to designate other individuals to issue work permits, to the chief executive officer, or the equivalent position, of a charter school.

~~(4) By requiring charter schools that are eligible to receive apportionments as described in (2) above to perform additional duties by reporting certain data to their chartering authorities, this 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.~~

~~(4) This bill would state findings and declarations of the Legislature concerning the need for special legislation.~~

~~(5) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~^{no}.

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

- 1 SECTION 1. Section 45038 of the Education Code is amended
- 2 to read:
- 3 45038. (a) The governing board of a school district or charter
- 4 school may arrange to pay the persons in positions requiring
- 5 certification qualifications employed by it, or any one or more of
- 6 those employees or one or more groups or categories of those
- 7 employees, in either 10, 11, or 12 equal payments instead of by
- 8 the school month.
- 9 (b) In lieu of the arrangement in subdivision (a), orders for the
- 10 payment of salary, and payroll orders for the payment of salary
- 11 and warrants for the payment of salary of employees employed in

1 positions requiring certification qualifications may be drawn once
2 each two weeks, twice a month, or once each four weeks as
3 determined by the governing board.

4 SEC. 2. Section 45039 of the Education Code is amended to
5 read:

6 45039. If the governing board of a school district or charter
7 school arranges to pay persons employed by it in 12 equal
8 payments for the year, it may pay each monthly installment at the
9 end of each calendar month, whether or not the persons are actually
10 engaged in teaching during the month.

11 SEC. 3. Section 45040 of the Education Code is amended to
12 read:

13 45040. (a) The governing board of a school district or charter
14 school not paying the annual salaries of persons employed by the
15 district or charter school in 12 equal monthly payments may
16 withhold from each payment made to each employee an amount
17 equal to 16 ²/₃ percent thereof.

18 (b) The total of the amounts deducted from the salary of an
19 employee during a school year shall be paid to him or her in two
20 equal installments, one installment to be paid not later than the
21 fifth day of August next succeeding, and one installment to be paid
22 not later than the fifth day of September next succeeding.

23 (c) If an employee leaves the service of the district or charter
24 school by death or otherwise before receiving the moneys that may
25 be due him or her, the amount due him or her shall be paid within
26 30 days to him or her or to any other person entitled to those
27 moneys by law.

28 SEC. 4. Section 47612.7 is added to the Education Code, to
29 read:

30 ~~47612.7. (a) Notwithstanding Section 47612.5 or any other~~
31 ~~provision of law, a charter school that is established and operated~~
32 ~~pursuant to a joint powers agreement is eligible to receive~~
33 ~~classroom-based instruction apportionments based on average~~
34 ~~daily attendance for the 2002-03 to 2007-08 fiscal years, inclusive,~~
35 ~~if all of the following conditions are satisfied:~~

36 ~~(1) The sum of the instructional time provided to each pupil at~~
37 ~~the charter schoolsite and the instructional time provided to him~~
38 ~~or her at a noncharter schoolsite operated by one of the chartering~~
39 ~~authorities that is a party to the joint powers agreement equals 100~~

1 percent of the instructional time required to be offered pursuant
2 to paragraph (1) of subdivision (a) of Section 47612.5.

3 ~~(2) While receiving instruction at the charter schoolsite or a
4 noncharter schoolsite described in paragraph (1), pupils are engaged
5 in required educational activities under the immediate supervision
6 and control of an employee of one of the chartering authorities
7 that is a party to the joint powers agreement who possesses a valid
8 teaching certification in accordance with subdivision (l) of Section
9 47605.~~

10 ~~(3) Instruction is provided to each participating pupil at both
11 the charter schoolsite and a noncharter schoolsite described in
12 paragraph (1).~~

13 ~~(b) A charter school that is eligible to receive apportionments
14 pursuant to subdivision (a) shall report the test scores, graduation
15 rates, and CBEDS data of pupils attending the charter school to
16 each of the chartering authorities that is a party to the joint powers
17 agreement.~~

18 ~~(c) A charter school that is eligible to receive apportionments
19 pursuant to subdivision (a) shall not offer long-term independent
20 study to pupils attending the charter school.~~

21 *47612.7. Notwithstanding Section 47612.5 or any other
22 provision of law, the Center for Advanced Research and
23 Technology operating pursuant to a joint powers agreement
24 between the Clovis Unified School District and the Fresno Unified
25 School District is eligible to receive general-purpose funding, as
26 calculated pursuant to Section 47633, for the 2007–08 fiscal year
27 for a total average daily attendance not to exceed the center’s
28 average daily attendance as determined at the second principal
29 apportionment for the 2006–07 fiscal year.*

30 SEC. 5. Section 49110 of the Education Code is amended to
31 read:

32 49110. (a) It is the intent of the Legislature that school district
33 and charter school personnel responsible for issuing work permits
34 to pupils have a working knowledge of California labor laws as
35 they relate to minors and be trained to provide the pupils practical
36 personal guidance in career education.

37 (b) The superintendent of any school district in which any minor
38 resides, the chief executive officer, or the equivalent position, of
39 a charter school that a minor attends, a person holding a services
40 credential with a specialization in pupil personnel services

1 authorized by the superintendent or chief executive officer in
2 writing, or a certificated work experience education teacher or
3 coordinator authorized by the superintendent or chief executive
4 officer in writing, may issue work permits to certain minors. If the
5 minor resides in a portion of a county not under the jurisdiction
6 of the superintendent of a school district and does not attend a
7 charter school, the work permit shall be issued by the county
8 superintendent of schools, by a person holding a services credential
9 with a specialization in pupil personnel services authorized by the
10 county superintendent in writing, or a certificated work experience
11 education teacher or coordinator authorized by the county
12 superintendent in writing.

13 (c) A work permit shall not be issued until the written request
14 therefor from the parent, guardian, foster parent, caregiver with
15 whom the minor resides, or residential shelter services provider,
16 has been filed with the issuing authority. “Residential shelter
17 services” refers to residential and other support services provided
18 to minors by a governmental agency, a person or agency under
19 contract with a governmental agency to provide these services, an
20 agency receiving funding from community funds, or a licensed
21 community care facility or crisis resolution center on a temporary
22 or emergency basis in a facility that services only minors.

23 (d) If the certificated person designated to issue work permits
24 by the superintendent of a school district or the chief executive
25 officer, or the equivalent position, of a charter school is not
26 available, and delay in issuing a permit would jeopardize the ability
27 of a pupil to secure work, another person authorized by the school
28 district superintendent or the chief executive officer, or the
29 equivalent position, of a charter school may issue the work permit.

30 (e) If a school district or charter school does not employ or
31 contract with a person holding a services credential with a
32 specialization in pupil personnel services or with a certificated
33 work experience education teacher or coordinator, the school
34 district superintendent or the chief executive officer, or the
35 equivalent position, of a charter school may authorize, in writing,
36 a person who does not hold that credential to issue work permits
37 during periods of time in which the superintendent is absent from
38 the district or the chief executive officer is absent from the charter
39 school.

1 ~~SEC. 6.— If the Commission on State Mandates determines that~~
2 ~~this act contains costs mandated by the state, reimbursement to~~
3 ~~local agencies and school districts for those costs shall be made~~
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
5 ~~4 of Title 2 of the Government Code.~~

6 *SEC. 6. Due to the unique circumstances concerning the Center*
7 *for Advanced Research and Technology, the Legislature finds and*
8 *declares that a general statute cannot be made applicable within*
9 *the meaning of Section 16 of Article IV of the California*
10 *Constitution.*

11 *SEC. 7. This act is an urgency statute necessary for the*
12 *immediate preservation of the public peace, health, or safety within*
13 *the meaning of Article IV of the Constitution and shall go into*
14 *immediate effect. The facts constituting the necessity are:*

15 *In order to ensure that charter schools that are established and*
16 *operated pursuant to joint powers agreements are eligible to*
17 *receive classroom-based instruction apportionments based on*
18 *average daily attendance for the 2002–03 to 2007–08 fiscal years,*
19 *inclusive, at the earliest possible time, it is necessary that this act*
20 *take effect immediately.*