

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1909**

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**Introduced by Assembly Member Nestande**

February 16, 2010

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An act to add Section ~~47606.1~~ 47605.9 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1909, as amended, Nestande. Charter schools: *authorization*: community college governing boards.

*The Charter Schools Act of 1992 authorizes the governing board of a school district to grant a petition to establish a charter school. The act authorizes a county board of education to grant a charter petition upon the denial of the petition by a school district and authorizes a county board to grant a petition to establish a countywide charter school. The act authorizes the State Board of Education to grant a charter petition upon the denial of the petition by a school district and a county board and authorizes the state board to grant a petition to establish a statewide charter school.*

*This bill would authorize the governing board of a community college district to grant a petition to establish a charter school within a school district in which the community college district maintains a campus. The bill also would require the governing board of a community college district to assume all of the duties, responsibilities, functions, and obligations that the governing board of a school district assumes when it grants a charter, as specified. The bill would provide that a petition is eligible for consideration by the governing board of a community college district if the petitioner's intent is to provide an innovative*

*approach that maximizes the educational opportunities available to secondary school pupils and encourages a partnership between a charter school and the community college district, as specified. The bill would require the State Department of Education, by January 1, 2014, to prepare an analysis of the efficacy of community college districts authorizing petitions for charter schools and provide the analysis to the state board, the Governor, the Chancellor of the California Community Colleges, and the Senate and Assembly Committees on Education.*

~~The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. A charter petition is required to be signed by a specified number of teachers or parents who are meaningfully interested in either enrolling their children in the school or teaching at the school.~~

~~If a school district denies a petition, the petitioners may submit the petition to the county board of education. If a county board of education denies a petition, the petitioners may submit the petition to the State Board of Education, which may designate its supervisory and oversight responsibilities for a charter school it approves to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.~~

~~This bill would authorize a petition to establish a charter school to be submitted for approval to the governing board of a community college district if the petition proposes the operation of a charter school within the county in which the university or community college maintains a campus. The governing board of a community college district would be authorized to grant a petition submitted to it for approval. The governing board of a community college district that grants a charter petition would be required to assume all of the duties, responsibilities, functions, and obligations that the governing board of a school district assumes when it grants a charter petition. A charter school established as specified in the bill would be required to receive the state aid portion of the charter school's total general-purpose entitlement, categorical block grant, other state and federal categorical aid, and lottery funds directly.~~

Vote: majority. 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 47605.9 is added to the Education Code,*  
2 *to read:*

3     *47605.9. (a) A petition to establish a charter school may be*  
4 *submitted for approval to the governing board of a community*  
5 *college district if the petition proposes the operation of a charter*  
6 *school within a school district in which the community college*  
7 *district maintains a campus. The governing board of the community*  
8 *college district may grant a petition submitted for approval*  
9 *pursuant to this section.*

10    *(b) The governing board of a community college district shall*  
11 *assume all of the duties, responsibilities, functions, and obligations*  
12 *that the governing board of a school district assumes when it grants*  
13 *charters, including, but not limited to, the oversight duties specified*  
14 *in Section 47604.32 and the petition requirements specified in*  
15 *subdivisions (a) and (b) of Section 47605.*

16    *(c) A charter school petition is eligible for consideration by the*  
17 *governing board of a community college district if the petitioner's*  
18 *intent is to provide an innovative approach that maximizes the*  
19 *educational opportunities available to secondary school pupils*  
20 *and encourages a partnership between a charter school and the*  
21 *community college district that advances scholastic, college-level,*  
22 *and career-technical coursework, prepares the pupils for the high*  
23 *school exit examination, and, as appropriate, provides English as*  
24 *a second language, basic skills remediation, and dropout*  
25 *prevention. The petition shall meet all of the following criteria:*

26    *(1) The purpose of the charter school is to provide pupils with*  
27 *at least one of the following opportunities:*

28    *(A) A college readiness program that provides educational*  
29 *enrichment in a collegiate atmosphere and allows the pupil to*  
30 *receive college course credit that is transferrable to the California*  
31 *State University or the University of California.*

32    *(B) A career or vocational education program that leads to a*  
33 *degree or certificate in the subject area covered by the curriculum.*

34    *(2) The charter school creates a blend of classes that provides*  
35 *pupils with the opportunity to meet all high school graduation*  
36 *requirements while benefiting from community college level*  
37 *courses for credit that are designated as part of the Intersegmental*  
38 *General Education Transfer Curriculum or apply toward the*

1 *general education breadth requirements of the California State*  
2 *University.*

3 *(3) The governing board of the community college district adopts*  
4 *a resolution affirming that the district has the capacity to provide*  
5 *this charter school opportunity without detracting from its other*  
6 *services.*

7 *(4) The charter school employs appropriately credentialed*  
8 *teachers for all courses required for high school graduation.*

9 *(d) Notwithstanding subdivision (a) of Section 47651, a charter*  
10 *school established pursuant to this section shall receive the state*  
11 *aid portion of the charter school’s total general-purpose*  
12 *entitlement, categorical block grant, other state and federal*  
13 *categorical aid, and lottery funds directly. Warrants for a charter*  
14 *school established pursuant to this section shall be drawn as*  
15 *specified in paragraph (1) of subdivision (a) of Section 47651. The*  
16 *notification requirement specified in subdivision (b) of Section*  
17 *47651 shall be given by a charter school established pursuant to*  
18 *this section to the county superintendent of schools of the county*  
19 *in which the charter school operates. For purposes of Section*  
20 *47635, the “sponsoring district” shall be the school district in*  
21 *which the charter school is located.*

22 *(e) The governing board of a community college district shall*  
23 *notify the state board regarding each charter school petition for*  
24 *which the district commences the approval process. Once the state*  
25 *board receives notice that the approval process has commenced*  
26 *for 10 charter petitions pursuant to this section, the state board*  
27 *shall advise the Board of Governors of the California Community*  
28 *Colleges that no further community college districts may agree to*  
29 *commence the petition approval process for any additional charter*  
30 *school petitions. If the petition approval process ceases before the*  
31 *petition is granted and the community college district does not*  
32 *intend to further pursue approval of the petition, the community*  
33 *college district shall advise the state board, which shall then allow*  
34 *an additional charter school to be approved pursuant to this*  
35 *section.*

36 *(f) By January 1, 2014, the department shall prepare an analysis*  
37 *of the efficacy of community college districts authorizing petitions*  
38 *for charter schools and provide the analysis to the state board,*  
39 *the Governor, the Chancellor of the California Community*  
40 *Colleges, and the Senate and Assembly Committees on Education.*

1 (g) (1) *The requirement for submitting a report imposed under*  
2 *subdivision (f) is inoperative on January 1, 2015, pursuant to*  
3 *Section 10231.5 of the Government Code.*

4 (2) *The report to be submitted pursuant to subdivision (f) shall*  
5 *be submitted in compliance with Section 9795.*

6 SECTION 1. ~~Section 47606.1 is added to the Education Code,~~  
7 ~~to read:~~

8 ~~47606.1. (a) The governing board of a community college~~  
9 ~~district may approve a petition to establish a charter school for~~  
10 ~~grades 9 to 12, inclusive, provided that the purpose of the charter~~  
11 ~~school is to find innovative approaches to college preparation and~~  
12 ~~career readiness that are best served by a partnership between the~~  
13 ~~charter school and the community college district.~~

14 ~~(b) The governing board of a community college district that~~  
15 ~~grants a charter petition shall assume all of the duties,~~  
16 ~~responsibilities, functions, and obligations that the governing board~~  
17 ~~of a school district assumes when it grants a charter petition.~~

18 ~~(c) Notwithstanding Section 47651, a charter school established~~  
19 ~~pursuant to this section shall receive the state aid portion of the~~  
20 ~~charter school's total general-purpose entitlement, categorical~~  
21 ~~block grant, other state and federal categorical aid, and lottery~~  
22 ~~funds directly. Warrants for a charter school established pursuant~~  
23 ~~to this section shall be drawn as specified in paragraph (1) of~~  
24 ~~subdivision (a) of Section 47651. The notification requirement~~  
25 ~~specified in subdivision (b) of Section 47651 shall be given by a~~  
26 ~~charter school established pursuant to this section to the county~~  
27 ~~superintendent of schools of the county in which the charter school~~  
28 ~~operates.~~