

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1172

Introduced by Assembly Member Mendoza

February 18, 2011

~~An act relating to elementary and secondary education.~~ *An act to amend Sections 47604.5, 47605, 47605.5, 47607, 47613, 47641, and 47651 of, to add Section 47609 to, and to repeal Sections 47605.6, 47605.8, and 47607.5 of, the Education Code, relating to charter schools.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1172, as amended, Mendoza. ~~Elementary and secondary education.~~ *Charter schools: petition for establishment: decision to grant or deny: appeal.*

Existing law requires that within 60 days of receipt of a petition for the establishment of a charter school, a governing board of a school district shall either grant or deny the charter, as specified. Existing law provides that the governing board of a school district shall not deny a petition unless it makes written factual findings in support of one or more specified findings.

This bill would include the finding that the charter school would have a negative fiscal impact on the school district, as specified, among those findings upon which a school district may base denial of a petition for the establishment of a charter school.

Existing law provides that if the governing board of a school district denies a petition for the establishment of a charter school, the petitioner may elect to submit the petition to the county board of education which may grant or deny the petition.

This bill would instead provide that a petitioner may appeal the denial of a petition for the establishment of a charter school by the governing board of a school district to the county board of education, which may consider the appeal only if the appeal alleges that the school district governing board committed a procedural violation in reviewing the petition. The bill would provide that if a county board of education finds, by substantial evidence, that the school district governing board committed a procedural violation in reviewing the petition, the county board of education shall remand the petition to the school district.

Existing law provides that a petition to establish a charter school may be submitted directly to a county board of education for charter schools that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services.

This bill would provide that a petitioner may appeal the denial of a petition for the establishment of a charter school by the county board of education to the State Board of Education, which may consider the appeal only if the appeal alleges that the county board of education committed a procedural violation in reviewing the petition. The bill would provide that if the state board finds, by substantial evidence, that the county board of education committed a procedural violation in reviewing the petition, the state board shall remand the petition to the county board of education.

Existing law provides that a county board of education may approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. Existing law also provides that a petition for the operation of a state charter school may be submitted directly to the state board, and the state board shall have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state. Existing law also authorizes the state board to adopt regulations for the implementation of this provision.

This bill would repeal those provisions.

This bill would require the Legislative Analyst, on or before July 1, 2016, to submit a report to the Legislature on the best practices and lessons learned from charter school innovation and distribute it to all local educational agencies, to the appropriate education policy committees of the Legislature, and to the Governor.

This bill would make other conforming changes.

Existing law establishes the system of public elementary and secondary education in this state. Existing law authorizes local educational agencies to provide instruction and other services to pupils at schoolsites throughout the state.

This bill would express the intent of the Legislature to enact legislation relating to the improvement of elementary and secondary education in this state.

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

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

1 SECTION 1. Section 47604.5 of the Education Code is amended
2 to read:

3 47604.5. ~~The State Board of Education, whether or not it is~~
4 ~~the authority that granted the charter,~~ *state board* may, based upon
5 the recommendation of the Superintendent of ~~Public Instruction,~~
6 take appropriate action, including, but not limited to, revocation
7 of the school’s charter, when the ~~State Board of Education~~ *state*
8 *board* finds any of the following:

9 (a) Gross financial mismanagement that jeopardizes the financial
10 stability of the charter school.

11 (b) Illegal or substantially improper use of charter school funds
12 for the personal benefit of any officer, director, or fiduciary of the
13 charter school.

14 (c) Substantial and sustained departure from measurably
15 successful practices such that continued departure would jeopardize
16 the educational development of the school’s pupils.

17 SEC. 2. Section 47605 of the Education Code is amended to
18 read:

19 47605. (a) (1) Except as set forth in paragraph (2), a petition
20 for the establishment of a charter school within a school district
21 may be circulated by one or more persons seeking to establish the
22 charter school. A petition for the establishment of a charter school
23 shall identify a single charter school that will operate within the
24 geographic boundaries of that school district. A charter school
25 may propose to operate at multiple sites within the school district,
26 as long as each location is identified in the charter school petition.
27 The petition may be submitted to the governing board of the school
28 district for review after either of the following conditions are met:

- 1 (A) The petition has been signed by a number of parents or legal
2 guardians of pupils that is equivalent to at least one-half of the
3 number of pupils that the charter school estimates will enroll in
4 the school for its first year of operation.
- 5 (B) The petition has been signed by a number of teachers that
6 is equivalent to at least one-half of the number of teachers that the
7 charter school estimates will be employed at the school during its
8 first year of operation.
- 9 (2) A petition that proposes to convert an existing public school
10 to a charter school that would not be eligible for a loan pursuant
11 to subdivision (b) of Section 41365 may be circulated by one or
12 more persons seeking to establish the charter school. The petition
13 may be submitted to the governing board of the school district for
14 review after the petition has been signed by not less than 50 percent
15 of the permanent status teachers currently employed at the public
16 school to be converted.
- 17 (3) A petition shall include a prominent statement that a
18 signature on the petition means that the parent or legal guardian
19 is meaningfully interested in having his or her child or ward attend
20 the charter school, or in the case of a teacher’s signature, means
21 that the teacher is meaningfully interested in teaching at the charter
22 school. The proposed charter shall be attached to the petition.
- 23 (4) After receiving approval of its petition, a charter school that
24 proposes to establish operations at one or more additional sites
25 shall request a material revision to its charter and shall notify the
26 authority that granted its charter of those additional locations. The
27 authority that granted its charter shall consider whether to approve
28 those additional locations at an open, public meeting. If the
29 additional locations are approved, they shall be a material revision
30 to the charter school’s charter.
- 31 (5) A charter school that is unable to locate within the
32 jurisdiction of the chartering school district may establish one site
33 outside the boundaries of the school district, but within the county
34 in which that school district is located, if the school district within
35 the jurisdiction of which the charter school proposes to operate is
36 notified in advance of the charter petition approval, the county
37 superintendent of schools and the Superintendent are notified of
38 the location of the charter school before it commences operations,
39 and either of the following circumstances exist:

1 (A) The school has attempted to locate a single site or facility
2 to house the entire program, but a site or facility is unavailable in
3 the area in which the school chooses to locate.

4 (B) The site is needed for temporary use during a construction
5 or expansion project.

6 (6) Commencing January 1, 2003, a petition to establish a charter
7 school may not be approved to serve pupils in a grade level that
8 is not served by the school district of the governing board
9 considering the petition, unless the petition proposes to serve pupils
10 in all of the grade levels served by that school district.

11 (b) No later than 30 days after receiving a petition, in accordance
12 with subdivision (a), the governing board of the school district
13 shall hold a public hearing on the provisions of the charter, at
14 which time the governing board of the school district shall consider
15 the level of support for the petition by teachers employed by the
16 district, other employees of the district, and parents. Following
17 review of the petition and the public hearing, the governing board
18 of the school district shall either grant or deny the charter within
19 60 days of receipt of the petition, provided, however, that the date
20 may be extended by an additional 30 days if both parties agree to
21 the extension. In reviewing petitions for the establishment of
22 charter schools pursuant to this section, the chartering authority
23 shall be guided by the intent of the Legislature that charter schools
24 are and should become an integral part of the California educational
25 system and that establishment of charter schools should be
26 encouraged. The governing board of the school district shall grant
27 a charter for the operation of a school under this part if it is satisfied
28 that granting the charter is consistent with sound educational
29 practice. The governing board of the school district shall not deny
30 a petition for the establishment of a charter school unless it makes
31 written factual findings, specific to the particular petition, setting
32 forth specific facts to support one or more of the following
33 findings:

34 (1) The charter school presents an unsound educational program
35 for the pupils to be enrolled in the charter school.

36 (2) The petitioners are demonstrably unlikely to successfully
37 implement the program set forth in the petition.

38 (3) The petition does not contain the number of signatures
39 required by subdivision (a).

1 (4) The petition does not contain an affirmation of each of the
2 conditions described in subdivision (d).

3 (5) The petition does not contain reasonably comprehensive
4 descriptions of all of the following:

5 (A) (i) A description of the educational program of the school,
6 designed, among other things, to identify those whom the school
7 is attempting to educate, what it means to be an “educated person”
8 in the 21st century, and how learning best occurs. The goals
9 identified in that program shall include the objective of enabling
10 pupils to become self-motivated, competent, and lifelong learners.

11 (ii) If the proposed school will serve high school pupils, a
12 description of the manner in which the charter school will inform
13 parents about the transferability of courses to other public high
14 schools and the eligibility of courses to meet college entrance
15 requirements. Courses offered by the charter school that are
16 accredited by the Western Association of Schools and Colleges
17 may be considered transferable and courses approved by the
18 University of California or the California State University as
19 creditable under the “A” to “G” admissions criteria may be
20 considered to meet college entrance requirements.

21 (B) The measurable pupil outcomes identified for use by the
22 charter school. “Pupil outcomes,” for purposes of this part, means
23 the extent to which all pupils of the school demonstrate that they
24 have attained the skills, knowledge, and attitudes specified as goals
25 in the school’s educational program.

26 (C) The method by which pupil progress in meeting those pupil
27 outcomes is to be measured.

28 (D) The governance structure of the school, including, but not
29 limited to, the process to be followed by the school to ensure
30 parental involvement.

31 (E) The qualifications to be met by individuals to be employed
32 by the school.

33 (F) The procedures that the school will follow to ensure the
34 health and safety of pupils and staff. These procedures shall include
35 the requirement that each employee of the school furnish the school
36 with a criminal record summary as described in Section 44237.

37 (G) The means by which the school will achieve a racial and
38 ethnic balance among its pupils that is reflective of the general
39 population residing within the territorial jurisdiction of the school
40 district to which the charter petition is submitted.

1 (H) Admission requirements, if applicable.

2 (I) The manner in which annual, independent financial audits
3 shall be conducted, which shall employ generally accepted
4 accounting principles, and the manner in which audit exceptions
5 and deficiencies shall be resolved to the satisfaction of the
6 chartering authority.

7 (J) The procedures by which pupils can be suspended or
8 expelled.

9 (K) The manner by which staff members of the charter schools
10 will be covered by the State Teachers' Retirement System, the
11 Public Employees' Retirement System, or federal social security.

12 (L) The public school attendance alternatives for pupils residing
13 within the school district who choose not to attend charter schools.

14 (M) A description of the rights of any employee of the school
15 district upon leaving the employment of the school district to work
16 in a charter school, and of any rights of return to the school district
17 after employment at a charter school.

18 (N) The procedures to be followed by the charter school and
19 the entity granting the charter to resolve disputes relating to
20 provisions of the charter.

21 (O) A declaration whether or not the charter school shall be
22 deemed the exclusive public school employer of the employees of
23 the charter school for the purposes of Chapter 10.7 (commencing
24 with Section 3540) of Division 4 of Title 1 of the Government
25 Code.

26 (P) A description of the procedures to be used if the charter
27 school closes. The procedures shall ensure a final audit of the
28 school to determine the disposition of all assets and liabilities of
29 the charter school, including plans for disposing of any net assets
30 and for the maintenance and transfer of pupil records.

31 *(6) The charter school would have a negative fiscal impact on*
32 *the school district. For the purpose of this paragraph, the finding*
33 *that a charter school would have a negative fiscal impact on a*
34 *school district may only be established, and is deemed to be*
35 *established, if any of the following conditions are met:*

36 (A) *The school district has received a qualified or negative*
37 *financial certification pursuant to Section 42131.*

38 (B) *The school district demonstrates fiscal distress through the*
39 *application of the standards and criteria adopted pursuant to*

1 *Section 33127 for the development of annual budgets and the*
2 *management of subsequent expenditures from annual budgets.*

3 *(C) The school district applies for an emergency apportionment*
4 *or loan, or has received an emergency apportionment or loan and*
5 *is operating under the oversight of a state administrator or trustee*
6 *pursuant to Article 2 (commencing with Section 41320) or Article*
7 *2.5 (commencing with Section 41325) of Chapter 3 of Part 24.*

8 *(D) The school district, due to the declining enrollment of pupils,*
9 *is in the process of closing a school that a charter school petition*
10 *has identified as the proposed site for its charter school.*

11 (c) (1) Charter schools shall meet all statewide standards and
12 conduct the pupil assessments required pursuant to Sections 60605
13 and 60851 and any other statewide standards authorized in statute
14 or pupil assessments applicable to pupils in noncharter public
15 schools.

16 (2) Charter schools shall, on a regular basis, consult with their
17 parents, legal guardians, and teachers regarding the school's
18 educational programs.

19 (d) (1) In addition to any other requirement imposed under this
20 part, a charter school shall be nonsectarian in its programs,
21 admission policies, employment practices, and all other operations,
22 shall not charge tuition, and shall not discriminate against any
23 pupil on the basis of the characteristics listed in Section 220. Except
24 as provided in paragraph (2), admission to a charter school shall
25 not be determined according to the place of residence of the pupil,
26 or of his or her parent or legal guardian, within this state, except
27 that an existing public school converting partially or entirely to a
28 charter school under this part shall adopt and maintain a policy
29 giving admission preference to pupils who reside within the former
30 attendance area of that public school.

31 (2) (A) A charter school shall admit all pupils who wish to
32 attend the school.

33 (B) However, if the number of pupils who wish to attend the
34 charter school exceeds the school's capacity, attendance, except
35 for existing pupils of the charter school, shall be determined by a
36 public random drawing. Preference shall be extended to pupils
37 currently attending the charter school and pupils who reside in the
38 district except as provided for in Section 47614.5. Other
39 preferences may be permitted by the chartering authority on an
40 individual school basis and only if consistent with the law.

1 (C) In the event of a drawing, the chartering authority shall
2 make reasonable efforts to accommodate the growth of the charter
3 school and in no event shall take any action to impede the charter
4 school from expanding enrollment to meet pupil demand.

5 (3) If a pupil is expelled or leaves the charter school without
6 graduating or completing the school year for any reason, the charter
7 school shall notify the superintendent of the school district of the
8 pupil's last known address within 30 days, and shall, upon request,
9 provide that school district with a copy of the cumulative record
10 of the pupil, including a transcript of grades or report card, and
11 health information. This paragraph applies only to pupils subject
12 to compulsory full-time education pursuant to Section 48200.

13 (e) The governing board of a school district shall not require
14 any employee of the school district to be employed in a charter
15 school.

16 (f) The governing board of a school district shall not require
17 any pupil enrolled in the school district to attend a charter school.

18 (g) The governing board of a school district shall require that
19 the petitioner or petitioners provide information regarding the
20 proposed operation and potential effects of the school, including,
21 but not limited to, the facilities to be ~~utilized~~ *used* by the school,
22 the manner in which administrative services of the school are to
23 be provided, and potential civil liability effects, if any, upon the
24 school and upon the school district. The description of the facilities
25 to be used by the charter school shall specify where the school
26 intends to locate. The petitioner or petitioners shall also be required
27 to provide financial statements that include a proposed first-year
28 operational budget, including startup costs, and cashflow and
29 financial projections for the first three years of operation.

30 (h) In reviewing petitions for the establishment of charter
31 schools within the school district, the governing board of the school
32 district shall give preference to petitions that demonstrate the
33 capability to provide comprehensive learning experiences to pupils
34 identified by the petitioner or petitioners as academically low
35 achieving pursuant to the standards established by the department
36 under Section 54032 as it read prior to July 19, 2006.

37 (i) Upon the approval of the petition by the governing board of
38 the school district, the petitioner or petitioners shall provide written
39 notice of that approval, including a copy of the petition, to the

1 applicable county superintendent of schools, the department, and
2 the state board.

3 ~~(j) (1) If the governing board of a school district denies a~~
4 ~~petition, the petitioner may elect to submit the petition for the~~
5 ~~establishment of a charter school to the county board of education.~~
6 ~~The county board of education shall review the petition pursuant~~
7 ~~to subdivision (b). If the petitioner elects to submit a petition for~~
8 ~~establishment of a charter school to the county board of education~~
9 ~~and the county board of education denies the petition, the petitioner~~
10 ~~may file a petition for establishment of a charter school with the~~
11 ~~state board, and the state board may approve the petition, in~~
12 ~~accordance with subdivision (b). A charter school that receives~~
13 ~~approval of its petition from a county board of education or from~~
14 ~~the state board on appeal shall be subject to the same requirements~~
15 ~~concerning geographic location to which it would otherwise be~~
16 ~~subject if it received approval from the entity to which it originally~~
17 ~~submitted its petition. A charter petition that is submitted to either~~
18 ~~a county board of education or to the state board shall meet all~~
19 ~~otherwise applicable petition requirements, including the~~
20 ~~identification of the proposed site or sites where the charter school~~
21 ~~will operate. If the governing board of a school district denies a~~
22 ~~petition, the petitioner may appeal that denial to the county board~~
23 ~~of education. The county board of education may consider an~~
24 ~~appeal pursuant to this subdivision only if the appeal alleges that~~
25 ~~the governing board of the school district committed a procedural~~
26 ~~violation under this part in reviewing the petition. If the county~~
27 ~~board of education finds, by substantial evidence, that the~~
28 ~~governing board of the school district committed a procedural~~
29 ~~violation under this part in reviewing the petition, the county board~~
30 ~~shall remand the petition to the school district.~~

31 ~~(2) In assuming its role as a chartering agency, the state board~~
32 ~~shall develop criteria to be used for the review and approval of~~
33 ~~charter school petitions presented to the state board. The criteria~~
34 ~~shall address all elements required for charter approval, as~~
35 ~~identified in subdivision (b) and shall define “reasonably~~
36 ~~comprehensive” as used in paragraph (5) of subdivision (b) in a~~
37 ~~way that is consistent with the intent of this part. Upon satisfactory~~
38 ~~completion of the criteria, the state board shall adopt the criteria~~
39 ~~on or before June 30, 2001.~~

1 ~~(3) A charter school for which a charter is granted by either the~~
2 ~~county board of education or the state board based on an appeal~~
3 ~~pursuant to this subdivision shall qualify fully as a charter school~~
4 ~~for all funding and other purposes of this part.~~

5 ~~(4) If either~~

6 ~~(2) If the county board of education or the state board fails to~~
7 ~~act on a petition *an appeal* within 120 days of receipt, the decision~~
8 ~~of the governing board of the school district to deny a petition~~
9 ~~shall, thereafter, be subject to judicial review.~~

10 ~~(5) The state board shall adopt regulations implementing this~~
11 ~~subdivision.~~

12 ~~(6) Upon the approval of the petition by the county board of~~
13 ~~education, the petitioner or petitioners shall provide written notice~~
14 ~~of that approval, including a copy of the petition to the department~~
15 ~~and the state board.~~

16 ~~(k) (1) The state board may, by mutual agreement, designate~~
17 ~~its supervisory and oversight responsibilities for a charter school~~
18 ~~approved by the state board to any local educational agency in the~~
19 ~~county in which the charter school is located or to the governing~~
20 ~~board of the school district that first denied the petition.~~

21 ~~(2) The designated local educational agency shall have all~~
22 ~~monitoring and supervising authority of a chartering agency,~~
23 ~~including, but not limited to, powers and duties set forth in Section~~
24 ~~47607, except the power of revocation, which shall remain with~~
25 ~~the state board.~~

26 ~~(3) A charter school that has been granted its charter through~~
27 ~~an appeal to the state board and elects to seek renewal of its charter~~
28 ~~shall, prior to expiration of the charter, submit its petition for~~
29 ~~renewal to the governing board of the school district that initially~~
30 ~~denied the charter. If the governing board of the school district~~
31 ~~denies the school's petition for renewal, the school may petition~~
32 ~~the state board for renewal of its charter.~~

33 ~~(l)~~

34 ~~(k) Teachers in charter schools shall hold a Commission on~~
35 ~~Teacher Credentialing certificate, permit, or other document~~
36 ~~equivalent to that which a teacher in other public schools would~~
37 ~~be required to hold. These documents shall be maintained on file~~
38 ~~at the charter school and are subject to periodic inspection by the~~
39 ~~chartering authority. It is the intent of the Legislature that charter~~

1 schools be given flexibility with regard to noncore, noncollege
2 preparatory courses.

3 ~~(m)~~

4 (l) A charter school shall transmit a copy of its annual,
5 independent financial audit report for the preceding fiscal year, as
6 described in subparagraph (I) of paragraph (5) of subdivision (b),
7 to its chartering entity, the Controller, the county superintendent
8 of schools of the county in which the charter school is sited, ~~unless~~
9 ~~the county board of education of the county in which the charter~~
10 ~~school is sited is the chartering entity,~~ and the department by
11 December 15 of each year. This subdivision does not apply if the
12 audit of the charter school is encompassed in the audit of the
13 chartering entity pursuant to Section 41020.

14 *SEC. 3. Section 47605.5 of the Education Code is amended to*
15 *read:*

16 47605.5. (a) A petition may be submitted directly to a county
17 board of education in the same manner as set forth in Section 47605
18 for charter schools that will serve pupils for whom the county
19 office of education would otherwise be responsible for providing
20 direct education and related services. ~~Any denial of a petition shall~~
21 ~~be subject to the same process for any other county board of~~
22 ~~education denial of a charter school petition pursuant to this part.~~
23 *A charter school for which a charter is granted by the county board*
24 *of education shall qualify fully as a charter school for all funding*
25 *and other purposes of this part.*

26 (b) *Upon the approval of the petition by the county board of*
27 *education, the petitioner or petitioners shall provide written notice*
28 *of that approval, including a copy of the petition, to the department*
29 *and the state board.*

30 (c) *If the county board of education denies the petition, the*
31 *petitioner may appeal that denial to the state board. The state*
32 *board may consider an appeal pursuant to this section only if the*
33 *appeal alleges that the county board of education committed a*
34 *procedural violation under this part in reviewing the petition. If*
35 *the state board finds, by substantial evidence, that the county board*
36 *of education committed a procedural violation under this part in*
37 *reviewing the petition, the state board shall remand the petition*
38 *to the county board of education. If the state board fails to act on*
39 *an appeal within 120 days of receipt, the decision of the county*

1 *board to deny a petition shall, thereafter, be subject to judicial*
2 *review.*

3 *SEC. 4. Section 47605.6 of the Education Code is repealed.*

4 ~~47605.6. (a) (1) In addition to the authority provided by~~
5 ~~Section 47605.5, a county board of education may also approve a~~
6 ~~petition for the operation of a charter school that operates at one~~
7 ~~or more sites within the geographic boundaries of the county and~~
8 ~~that provides instructional services that are not generally provided~~
9 ~~by a county office of education. A county board of education may~~
10 ~~only approve a countywide charter if it finds, in addition to the~~
11 ~~other requirements of this section, that the educational services to~~
12 ~~be provided by the charter school will offer services to a pupil~~
13 ~~population that will benefit from those services and that cannot be~~
14 ~~served as well by a charter school that operates in only one school~~
15 ~~district in the county. A petition for the establishment of a~~
16 ~~countywide charter school pursuant to this subdivision may be~~
17 ~~circulated throughout the county by any one or more persons~~
18 ~~seeking to establish the charter school. The petition may be~~
19 ~~submitted to the county board of education for review after either~~
20 ~~of the following conditions are met:~~

21 (A) ~~The petition has been signed by a number of parents or~~
22 ~~guardians of pupils residing within the county that is equivalent~~
23 ~~to at least one-half of the number of pupils that the charter school~~
24 ~~estimates will enroll in the school for its first year of operation and~~
25 ~~each of the school districts where the charter school petitioner~~
26 ~~proposes to operate a facility has received at least 30 days notice~~
27 ~~of the petitioner's intent to operate a school pursuant to this section.~~

28 (B) ~~The petition has been signed by a number of teachers that~~
29 ~~is equivalent to at least one-half of the number of teachers that the~~
30 ~~charter school estimates will be employed at the school during its~~
31 ~~first year of operation and each of the school districts where the~~
32 ~~charter school petitioner proposes to operate a facility has received~~
33 ~~at least 30 days notice of the petitioner's intent to operate a school~~
34 ~~pursuant to this section.~~

35 (2) ~~An existing public school may not be converted to a charter~~
36 ~~school in accordance with this section.~~

37 (3) ~~After receiving approval of its petition, a charter school that~~
38 ~~proposes to establish operations at additional sites within the~~
39 ~~geographic boundaries of the county board of education shall notify~~
40 ~~the school districts where those sites will be located. The charter~~

1 school shall also request a material revision of its charter by the
2 county board of education that approved its charter and the county
3 board shall consider whether to approve those additional locations
4 at an open, public meeting, held no sooner than 30 days following
5 notification of the school districts where the sites will be located.
6 If approved, the location of the approved sites shall be a material
7 revision of the school's approved charter.

8 (4) A petition shall include a prominent statement indicating
9 that a signature on the petition means that the parent or guardian
10 is meaningfully interested in having his or her child or ward attend
11 the charter school, or in the case of a teacher's signature, means
12 that the teacher is meaningfully interested in teaching at the charter
13 school. The proposed charter shall be attached to the petition.

14 (b) No later than 60 days after receiving a petition, in accordance
15 with subdivision (a), the county board of education shall hold a
16 public hearing on the provisions of the charter, at which time the
17 county board of education shall consider the level of support for
18 the petition by teachers, parents or guardians, and the school
19 districts where the charter school petitioner proposes to place
20 school facilities. Following review of the petition and the public
21 hearing, the county board of education shall either grant or deny
22 the charter within 90 days of receipt of the petition. However, this
23 date may be extended by an additional 30 days if both parties agree
24 to the extension. A county board of education may impose any
25 additional requirements beyond those required by this section that
26 it considers necessary for the sound operation of a countywide
27 charter school. A county board of education may grant a charter
28 for the operation of a school under this part only if the board is
29 satisfied that granting the charter is consistent with sound
30 educational practice and that the charter school has reasonable
31 justification for why it could not be established by petition to a
32 school district pursuant to Section 47605. The county board of
33 education shall deny a petition for the establishment of a charter
34 school if the board finds, one or more of the following:

35 (1) The charter school presents an unsound educational program
36 for the pupils to be enrolled in the charter school.

37 (2) The petitioners are demonstrably unlikely to successfully
38 implement the program set forth in the petition.

39 (3) The petition does not contain the number of signatures
40 required by subdivision (a).

1 ~~(4) The petition does not contain an affirmation of each of the~~
2 ~~conditions described in subdivision (d).~~

3 ~~(5) The petition does not contain reasonably comprehensive~~
4 ~~descriptions of all of the following:~~

5 ~~(A) (i) A description of the educational program of the school,~~
6 ~~designed, among other things, to identify those pupils whom the~~
7 ~~school is attempting to educate, what it means to be an “educated~~
8 ~~person” in the 21st century, and how learning best occurs. The~~
9 ~~goals identified in that program shall include the objective of~~
10 ~~enabling pupils to become self-motivated, competent, and lifelong~~
11 ~~learners.~~

12 ~~(ii) If the proposed charter school will enroll high school pupils,~~
13 ~~a description of the manner in which the manner in which the~~
14 ~~charter school will inform parents regarding the transferability of~~
15 ~~courses to other public high schools. Courses offered by the charter~~
16 ~~school that are accredited by the Western Association of Schools~~
17 ~~and Colleges may be considered to be transferable to other public~~
18 ~~high schools.~~

19 ~~(iii) If the proposed charter school will enroll high school pupils,~~
20 ~~information as to the manner in which the charter school will~~
21 ~~inform parents as to whether each individual course offered by the~~
22 ~~charter school meets college entrance requirements. Courses~~
23 ~~approved by the University of California or the California State~~
24 ~~University as satisfying their prerequisites for admission may be~~
25 ~~considered as meeting college entrance requirements for purposes~~
26 ~~of this clause.~~

27 ~~(B) The measurable pupil outcomes identified for use by the~~
28 ~~charter school. “Pupil outcomes,” for purposes of this part, means~~
29 ~~the extent to which all pupils of the school demonstrate that they~~
30 ~~have attained the skills, knowledge, and attitudes specified as goals~~
31 ~~in the school’s educational program.~~

32 ~~(C) The method by which pupil progress in meeting those pupil~~
33 ~~outcomes is to be measured.~~

34 ~~(D) The location of each charter school facility that the petitioner~~
35 ~~proposes to operate.~~

36 ~~(E) The governance structure of the school, including, but not~~
37 ~~limited to, the process to be followed by the school to ensure~~
38 ~~parental involvement.~~

39 ~~(F) The qualifications to be met by individuals to be employed~~
40 ~~by the school.~~

- 1 ~~(G) The procedures that the school will follow to ensure the~~
 2 ~~health and safety of pupils and staff. These procedures shall include~~
 3 ~~the requirement that each employee of the school furnish the school~~
 4 ~~with a criminal record summary as described in Section 44237.~~
- 5 ~~(H) The means by which the school will achieve a racial and~~
 6 ~~ethnic balance among its pupils that is reflective of the general~~
 7 ~~population residing within the territorial jurisdiction of the school~~
 8 ~~district to which the charter petition is submitted.~~
- 9 ~~(I) The manner in which annual, independent, financial audits~~
 10 ~~shall be conducted, in accordance with regulations established by~~
 11 ~~the State Board of Education, and the manner in which audit~~
 12 ~~exceptions and deficiencies shall be resolved.~~
- 13 ~~(J) The procedures by which pupils can be suspended or~~
 14 ~~expelled.~~
- 15 ~~(K) The manner by which staff members of the charter schools~~
 16 ~~will be covered by the State Teachers' Retirement System, the~~
 17 ~~Public Employees' Retirement System, or federal social security.~~
- 18 ~~(L) The procedures to be followed by the charter school and the~~
 19 ~~county board of education to resolve disputes relating to provisions~~
 20 ~~of the charter.~~
- 21 ~~(M) A declaration whether or not the charter school shall be~~
 22 ~~deemed the exclusive public school employer of the employees of~~
 23 ~~the charter school for the purposes of the Educational Employment~~
 24 ~~Relations Act (Chapter 10.7 (commencing with Section 3540) of~~
 25 ~~Division 4 of Title 1 of the Government Code).~~
- 26 ~~(N) Admission requirements, of the charter school, if applicable.~~
- 27 ~~(O) The public school attendance alternatives for pupils residing~~
 28 ~~within the county who choose not to attend the charter school.~~
- 29 ~~(P) A description of the rights of an employee of the county~~
 30 ~~office of education, upon leaving the employment of the county~~
 31 ~~office of education, to be employed by the charter school, and a~~
 32 ~~description of any rights of return to the county office of education~~
 33 ~~that an employee may have upon leaving the employ of the charter~~
 34 ~~school.~~
- 35 ~~(Q) A description of the procedures to be used if the charter~~
 36 ~~school closes. The procedures shall ensure a final audit of the~~
 37 ~~school to determine the disposition of all assets and liabilities of~~
 38 ~~the charter school, including plans for disposing of any net assets~~
 39 ~~and for the maintenance and transfer of public records.~~

1 ~~(6) Any other basis that the board finds justifies the denial of~~
2 ~~the petition.~~

3 ~~(e) A county board of education that approves a petition for the~~
4 ~~operation of a countywide charter may, as a condition of charter~~
5 ~~approval, enter into an agreement with a third party, at the expense~~
6 ~~of the charter school, to oversee, monitor, and report to the county~~
7 ~~board of education on the operations of the charter school. The~~
8 ~~county board of education may prescribe the aspects of the charter~~
9 ~~school's operations to be monitored by the third party and may~~
10 ~~prescribe appropriate requirements regarding the reporting of~~
11 ~~information concerning the operations of the charter school to the~~
12 ~~county board of education.~~

13 ~~(d) (1) Charter schools shall meet all statewide standards and~~
14 ~~conduct the pupil assessments required pursuant to Section 60605~~
15 ~~and any other statewide standards authorized in statute or pupil~~
16 ~~assessments applicable to pupils in noncharter public schools.~~

17 ~~(2) Charter schools shall on a regular basis consult with their~~
18 ~~parents and teachers regarding the school's educational programs.~~

19 ~~(e) (1) In addition to any other requirement imposed under this~~
20 ~~part, a charter school shall be nonsectarian in its programs,~~
21 ~~admission policies, employment practices, and all other operations,~~
22 ~~shall not charge tuition, and shall not discriminate against any~~
23 ~~pupil on the basis of ethnicity, national origin, gender, or disability.~~
24 ~~Except as provided in paragraph (2), admission to a charter school~~
25 ~~shall not be determined according to the place of residence of the~~
26 ~~pupil, or of his or her parent or guardian, within this state.~~

27 ~~(2) (A) A charter school shall admit all pupils who wish to~~
28 ~~attend the school.~~

29 ~~(B) However, if the number of pupils who wish to attend the~~
30 ~~charter school exceeds the school's capacity, attendance, except~~
31 ~~for existing pupils of the charter school, shall be determined by a~~
32 ~~public random drawing. Preference shall be extended to pupils~~
33 ~~currently attending the charter school and pupils who reside in the~~
34 ~~county except as provided for in Section 47614.5. Other preferences~~
35 ~~may be permitted by the chartering authority on an individual~~
36 ~~school basis and only if consistent with the law.~~

37 ~~(C) In the event of a drawing, the county board of education~~
38 ~~shall make reasonable efforts to accommodate the growth of the~~
39 ~~charter school and, in no event, shall take any action to impede~~

1 ~~the charter school from expanding enrollment to meet pupil~~
2 ~~demand.~~

3 ~~(f) No county board of education shall require any employee of~~
4 ~~the county or a school district to be employed in a charter school.~~

5 ~~(g) No county board of education shall require any pupil enrolled~~
6 ~~in a county program to attend a charter school.~~

7 ~~(h) The county board of education shall require that the~~
8 ~~petitioner or petitioners provide information regarding the proposed~~
9 ~~operation and potential effects of the school, including, but not~~
10 ~~limited to, the facilities to be utilized by the school, the manner in~~
11 ~~which administrative services of the school are to be provided,~~
12 ~~and potential civil liability effects, if any, upon the school, any~~
13 ~~school district where the charter school may operate and upon the~~
14 ~~county board of education. The petitioner or petitioners shall also~~
15 ~~be required to provide financial statements that include a proposed~~
16 ~~first-year operational budget, including startup costs, and cashflow~~
17 ~~and financial projections for the first three years of operation.~~

18 ~~(i) In reviewing petitions for the establishment of charter schools~~
19 ~~within the county, the county board of education shall give~~
20 ~~preference to petitions that demonstrate the capability to provide~~
21 ~~comprehensive learning experiences to pupils identified by the~~
22 ~~petitioner or petitioners as academically low-achieving pursuant~~
23 ~~to the standards established by the State Department of Education~~
24 ~~under Section 54032.~~

25 ~~(j) Upon the approval of the petition by the county board of~~
26 ~~education, the petitioner or petitioners shall provide written notice~~
27 ~~of that approval, including a copy of the petition, to the school~~
28 ~~districts within the county, the Superintendent of Public Instruction~~
29 ~~and to the State Board of Education.~~

30 ~~(k) If a county board of education denies a petition, the petitioner~~
31 ~~may not elect to submit the petition for the establishment of the~~
32 ~~charter school to the State Board of Education.~~

33 ~~(l) Teachers in charter schools shall be required to hold a~~
34 ~~Commission on Teacher Credentialing certificate, permit, or other~~
35 ~~document equivalent to that which a teacher in other public schools~~
36 ~~would be required to hold. These documents shall be maintained~~
37 ~~on file at the charter school and shall be subject to periodic~~
38 ~~inspection by the chartering authority.~~

39 ~~(m) A charter school shall transmit a copy of its annual,~~
40 ~~independent, financial audit report for the preceding fiscal year,~~

1 as described in subparagraph (I) of paragraph (5) of subdivision
2 (b), to the County Office of Education, State Controller and the
3 State Department of Education by December 15 of each year. This
4 subdivision shall not apply if the audit of the charter school is
5 encompassed in the audit of the chartering entity pursuant to
6 Section 41020.

7 *SEC. 5. Section 47605.8 of the Education Code is repealed.*

8 ~~47605.8.— (a) A petition for the operation of a state charter
9 school may be submitted directly to the state board, and the state
10 board shall have the authority to approve a charter for the operation
11 of a state charter school that may operate at multiple sites
12 throughout the state. The State Board of Education shall adopt
13 regulations, pursuant to the Administrative Procedure Act (Chapter
14 5 (commencing with Section 11500) of Part 1 of Division 3 of
15 Title 2 of the Government Code) for the implementation of this
16 section. Regulations adopted pursuant to this section shall ensure
17 that a charter school approved pursuant to this section meets all
18 requirements otherwise imposed on charter schools pursuant to
19 this part, except that a state charter school approved pursuant to
20 this section shall not be subject to the geographic and site
21 limitations otherwise imposed on charter schools. The petitioner
22 shall submit a copy of the petition, for notification purposes, to
23 the county superintendent of schools of each county in which the
24 petitioner proposes to operate the state charter school. The
25 petitioner also shall ensure that the governing board of each school
26 district in which a site is proposed to be located is notified no later
27 than 120 days prior to the commencement of instruction at each
28 site, as applicable.~~

29 ~~(b) The state board shall not approve a petition for the operation
30 of a state charter school pursuant to this section unless the state
31 board makes a finding, based on substantial evidence, that the
32 proposed state charter school will provide instructional services
33 of statewide benefit that cannot be provided by a charter school
34 operating in only one school district, or only in one county. The
35 finding of the state board in this regard shall be made part of the
36 public record of the proceedings of the state board and shall precede
37 the approval of the charter.~~

38 ~~(c) The state board, as a condition of charter petition approval,
39 may enter into an agreement with a third party, at the expense of
40 the charter school, to oversee, monitor, and report on, the~~

1 operations of the state charter school. The state board may prescribe
2 the aspects of the operations of the state charter school to be
3 monitored by the third party and may prescribe appropriate
4 requirements regarding the reporting of information concerning
5 the operations of the state charter school to the state board.

6 ~~(d) The state board shall not be required to approve a petition~~
7 ~~for the operation of a state charter school, and may deny approval~~
8 ~~based on any of the reasons set forth in subdivision (b) of Section~~
9 ~~47605.6.~~

10 *SEC. 6. Section 47607 of the Education Code is amended to*
11 *read:*

12 47607. (a) (1) A charter may be granted pursuant to Sections
13 47605, 47605.5, and 47606 for a period not to exceed five years.
14 ~~A charter granted by a school district governing board, a county~~
15 ~~board of education or the state board, may be granted one or more~~
16 ~~subsequent renewals by that entity. Except as provided in~~
17 ~~paragraph (1) of subdivision (k) of Section 47605, as it read on~~
18 ~~January 1, 2011, with regard to a charter granted by the state~~
19 ~~board prior to January 1, 2012, the authority that granted the~~
20 ~~charter shall oversee the charter until the charter is up for renewal.~~
21 Each renewal shall be for a period of five years. A material revision
22 of the provisions of a charter petition may be made only with the
23 approval of the authority that granted the charter. The authority
24 that granted the charter may inspect or observe any part of the
25 charter school at any time.

26 (A) *A charter granted by a school district governing board or*
27 *a county board of education may be granted one or more*
28 *subsequent renewals by that entity.*

29 (B) *A charter granted by a county board of education prior to*
30 *January 1, 2012, for any charter school other than one that serves*
31 *pupils for whom the county office of education would otherwise*
32 *be responsible for providing direct education and related services*
33 *may be granted one or more subsequent renewals by the governing*
34 *board of the school district in which the school is located.*

35 (C) *A charter granted by the state board prior to January 1,*
36 *2012, may be granted one or more subsequent renewals by the*
37 *governing board of the school district in which the school is*
38 *located.*

39 (2) Renewals and material revisions of charters are governed
40 by the standards and criteria in Section 47605, and shall include,

1 but not be limited to, a reasonably comprehensive description of
2 any new requirement of charter schools enacted into law after the
3 charter was originally granted or last renewed.

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

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

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

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

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

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

27 (i) Documented and clear and convincing data.

28 (ii) Pupil achievement data from assessments, including, but
29 not limited to, the Standardized Testing and Reporting Program
30 established by Article 4 (commencing with Section 60640) of
31 *Chapter 5 of Part 33* for demographically similar pupil populations
32 in the comparison schools.

33 (iii) Information submitted by the charter school.

34 (C) A chartering authority shall submit to the Superintendent
35 copies of supporting documentation and a written summary of the
36 basis for any determination made pursuant to this paragraph. The
37 Superintendent shall review the materials and make
38 recommendations to the chartering authority based on that review.
39 The review may be the basis for a recommendation made pursuant
40 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.

16 (4) Violated any provision of law.

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

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

39 (f) (1) If a school district is the chartering authority and it
40 revokes a charter pursuant to this section, the charter school may

1 appeal the revocation to the county board of education within 30
2 days following the final decision of the chartering authority.

3 (2) The county board may reverse the revocation decision *and*
4 *remand the request for renewal to the school district governing*
5 *board* if the county board determines that the findings made by
6 the chartering authority under subdivision (e) are not supported
7 by substantial evidence. ~~The school district may appeal the reversal~~
8 ~~to the state board.~~

9 ~~(3) If the county board does not issue a decision on the appeal~~
10 ~~within 90 days of receipt, or the county board upholds the~~
11 ~~revocation, the charter school may appeal the revocation to the~~
12 ~~state board.~~

13 ~~(4) The state board may reverse the revocation decision if the~~
14 ~~state board determines that the findings made by the chartering~~
15 ~~authority under subdivision (e) are not supported by substantial~~
16 ~~evidence. The state board may uphold the revocation decision of~~
17 ~~the school district if the state board determines that the findings~~
18 ~~made by the chartering authority under subdivision (e) are~~
19 ~~supported by substantial evidence.~~

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

24 (2) The state board may reverse the revocation decision *and*
25 *remand the request for renewal to the county board of education*
26 if the state board determines that the findings made by the
27 chartering authority under subdivision (e) are not supported by
28 substantial evidence.

29 (h) If the revocation decision of the chartering authority is
30 reversed on appeal, ~~the agency that granted the charter and the~~
31 *request for renewal is remanded to the school district governing*
32 *board or the county board of education, that entity shall continue*
33 to be regarded as the chartering authority.

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

1 (j) Immediately following the decision of a county board to
 2 reverse a decision of a school district to revoke a charter *and to*
 3 *remand the request for renewal to the school district governing*
 4 *board*, the following shall apply:

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

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

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

13 (k) A final decision of a revocation or appeal of a revocation
 14 pursuant to subdivision (c) shall be reported to the chartering
 15 authority, the county board, and the department.

16 *SEC. 7. Section 47607.5 of the Education Code is repealed.*

17 ~~47607.5. If either a school district governing board or a county~~
 18 ~~board of education, as a chartering agency, does not grant a renewal~~
 19 ~~to a charter school pursuant to Section 47607, the charter school~~
 20 ~~may submit its application for renewal pursuant to the procedures~~
 21 ~~pertaining to a denial of a petition for establishment of a charter~~
 22 ~~school, as provided in subdivision (j) of Section 47605.~~

23 *SEC. 8. Section 47609 is added to the Education Code, to read:*

24 *47609. On or before July 1, 2016, the Legislative Analyst shall*
 25 *submit a report to the Legislature on the best practices and lessons*
 26 *learned from charter school innovation and distribute it to all*
 27 *local educational agencies, to the appropriate education policy*
 28 *committees of the Legislature, and to the Governor.*

29 *SEC. 9. Section 47613 of the Education Code is amended to*
 30 *read:*

31 47613. (a) Except as set forth in subdivision (b), a chartering
 32 authority may charge for the actual costs of supervisorial oversight
 33 of a charter school not to exceed 1 percent of the revenue of the
 34 charter school.

35 (b) A chartering authority may charge for the actual costs of
 36 supervisorial oversight of a charter school not to exceed 3 percent
 37 of the revenue of the charter school if the charter school is able to
 38 obtain substantially rent free facilities from the chartering authority.

39 (c) A local agency that is given the responsibility for
 40 supervisorial oversight of a charter school, pursuant to paragraph

1 (1) of subdivision (k) of Section 47605, *as it read on January 1,*
2 *2011*, may charge for the actual costs of supervisory oversight,
3 and administrative costs necessary to secure charter school funding.
4 A charter school that is charged for costs under this subdivision
5 may not be charged pursuant to subdivision (a) or (b).

6 (d) This section does not prevent the charter school from
7 separately purchasing administrative or other services from the
8 chartering authority or any other source.

9 (e) For purposes of this section, a chartering authority means a
10 school district; *or* county board of education; ~~or the state board;~~
11 that granted the charter to the charter school.

12 (f) For purposes of this section, “revenue of the charter school”
13 means the general purpose entitlement and categorical block grant,
14 as defined in subdivisions (a) and (b) of Section 47632.

15 (g) (1) The California Research Bureau of the California State
16 Library shall prepare and submit to the Legislature on or before
17 January 8, 2009, a report on the key elements and actual costs of
18 charter school oversight. For purposes of the report, the bureau
19 shall define fiscal and academic oversight and shall include any
20 financial relationship between a charter school and its chartering
21 authority that has the effect of furthering the operations of the
22 charter school and that may provide opportunities to oversee the
23 charter school. The report, at a minimum, shall address all of the
24 following issues:

25 (A) The range of annual activities that entities providing
26 supervisory oversight of charter schools are expected to perform.

27 (B) Staff time spent on reviewing charter petitions measured
28 by the size of school districts and the number of charter petitions
29 reviewed.

30 (C) Staff time spent on oversight responsibilities measured by
31 the size of school districts and the number of charter schools.

32 (D) Best practices for charter school oversight measured by
33 efficiency and effectiveness. A cost analysis of those best practices
34 after being measured by efficiency and effectiveness.

35 (E) Comparison of school district costs and revenues attributable
36 to charter school oversight.

37 (F) Administrative services provided to a charter school by a
38 chartering authority, such as human resources, that may be useful
39 in the oversight of the charter school and chartering authority
40 revenues attributable to those services.

1 (G) Length of time required to review a single charter petition.

2 (H) Recommendations for structuring charter school oversight
3 and accountability in California, including an assessment of
4 whether or not the associated costs specified in subdivisions (a)
5 and (b) and subparagraph (F) are adequate to support appropriate
6 supervisorial oversight.

7 (2) In preparing its report, the California Research Bureau shall
8 consult with an advisory panel to ensure technical accuracy.

9 *SEC. 10. Section 47641 of the Education Code is amended to*
10 *read:*

11 47641. (a) A charter school that includes in its petition for
12 establishment or renewal, or that otherwise provides, verifiable,
13 written assurances that the charter school will participate as a local
14 educational agency in a special education plan approved by the
15 ~~State Board of Education~~ *state board* shall be deemed a local
16 educational agency for the purposes of compliance with federal
17 law (Individuals with Disabilities Education Act; 20 U.S.C. Sec.
18 1400 et seq.) and for eligibility for federal and state special
19 education funds. A charter school that is deemed a local educational
20 agency for the purposes of special education pursuant to this article
21 shall be permitted to participate in an approved special education
22 local plan that is consistent with subdivision (a), (b), or (c) of
23 Section 56195.1.

24 (b) A charter school that was granted a charter by a local
25 educational agency that does not comply with subdivision (a) may
26 not be deemed a local educational agency pursuant to this article,
27 but shall be deemed a public school of the local educational agency
28 that granted the charter.

29 (c) A charter school that has been granted a charter by the ~~State~~
30 ~~Board of Education~~ *state board*, and for which the board has
31 delegated its supervisorial and oversight responsibilities pursuant
32 to paragraph (1) of subdivision (k) of Section 47605, *as it read on*
33 *January 1, 2011*, and does not comply with subdivision (a), shall
34 be deemed a public school of the local educational agency to which
35 the board has delegated its supervisorial and oversight
36 responsibilities.

37 (d) A charter school that has been granted a charter by the ~~State~~
38 ~~Board of Education~~ *state board*, and for which the board has not
39 delegated its supervisorial and oversight responsibilities pursuant
40 to paragraph (1) of subdivision (k) of Section 47605, *as it read on*

1 *January 1, 2011*, may not be deemed a local educational agency
2 unless the charter school complies with subdivision (a).

3 *SEC. 11. Section 47651 of the Education Code is amended to*
4 *read:*

5 47651. (a) A charter school may receive the state aid portion
6 of the charter school's total general-purpose entitlement and
7 categorical block grant directly or through the local educational
8 agency that either grants its charter or was designated by the ~~State~~
9 ~~Board of Education~~ *state board*.

10 (1) In the case of a charter school that elects to receive its
11 funding directly, the warrant shall be drawn in favor of the
12 superintendent of schools of the county in which the local
13 educational agency that approved the charter or was designated
14 by the ~~State Board of Education~~ *state board* as the oversight agency
15 pursuant to paragraph (1) of subdivision (k) of Section 47605, *as*
16 *it read on January 1, 2011*, is located, for deposit to the appropriate
17 funds or accounts of the charter school in the county treasury. The
18 county superintendent of schools is authorized to establish
19 appropriate funds or accounts in the county treasury for each
20 charter school.

21 (2) In the case of a charter school that does not elect to receive
22 its funding directly pursuant to ~~Section 47651~~ *this section*, the
23 warrant shall be drawn in favor of the superintendent of schools
24 of the county in which the local educational agency that granted
25 the charter is located or was designated the oversight agency by
26 the board pursuant to paragraph (1) of subdivision (k) of Section
27 47605, *as it read on January 1, 2011*, for deposit to the appropriate
28 funds or accounts of the local educational agency.

29 (3) In the case of a charter school, the charter of which was
30 granted by the ~~State Board of Education~~ *state board prior to*
31 *January 1, 2012*, but for which the board has not delegated
32 oversight responsibilities pursuant to paragraph (1) of subdivision
33 (k) of Section 47605, *as it read on January 1, 2011*, the warrant
34 shall be drawn in favor of the superintendent of schools in the
35 county where the local educational agency is located that initially
36 denied the charter that was later approved by the board. The county
37 superintendent of schools is authorized to establish appropriate
38 funds or accounts in the county treasury for each charter school.

39 (b) On or before June 1 of each year, a charter school electing
40 to receive its funding directly shall so notify the county

1 superintendent of schools of the county in which the local
2 educational agency that granted the charter is located or, in the
3 case of charters for which the ~~State Board of Education~~ *state board*
4 has designated an oversight agency pursuant to paragraph (1) of
5 subdivision (k) of Section 47605, *as read on January 1, 2011*, the
6 county superintendent of schools of the county in which the
7 designated oversight agency is located. An election to receive
8 funding directly shall apply to all funding that the charter school
9 is eligible to receive including, but not limited to, the charter
10 general-purpose entitlements and the categorical block grant
11 computed pursuant to ~~Sections 47633 and 47634~~, *Section 47633*,
12 other state and federal categorical aid, and lottery funds.

13 ~~SECTION 1. It is the intent of the Legislature to enact~~
14 ~~legislation relating to the improvement of elementary and~~
15 ~~secondary education in this state.~~