

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1172

Introduced by Assembly Member ~~Mendoza~~ Members *Mendoza and Bonilla*

February 18, 2011

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 Section 47605 of, and to add Section 47609 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law requires that within 60 days of receipt of a petition for the establishment of a charter school, a the governing board of a school district shall, within 60 days of the receipt of a petition for the establishment of a charter school, to either grant or deny the charter, as specified. Existing law provides that prohibits the governing board of a school district shall not deny from denying a petition unless it the governing board 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:

Existing law requires the Legislative Analyst, by July 1, 2003, to report to the Legislature on the effectiveness of the charter school

approach and recommend whether to expand or reduce the annual rate of growth of charter schools. Existing law requires the Legislative Analyst's Office to convene triennially a work group to review, commencing with appropriations proposed for the 2008–09 fiscal year, the appropriateness of the funding level provided by the categorical block grant for charter schools.

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.~~

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

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

1 SECTION 1. Section 47605 of the Education Code is amended
2 to read:

3 47605. (a) (1) Except as set forth in paragraph (2), a petition
4 for the establishment of a charter school within a school district
5 may be circulated by one or more persons seeking to establish the
6 charter school. A petition for the establishment of a charter school
7 shall identify a single charter school that will operate within the
8 geographic boundaries of that school district. A charter school
9 may propose to operate at multiple sites within the school district,
10 as long as each location is identified in the charter school petition.

11 The petition may be submitted to the governing board of the school
12 district for review after either of the following conditions are met:

13 (A) The petition has been signed by a number of parents or legal
14 guardians of pupils that is equivalent to at least one-half of the
15 number of pupils that the charter school estimates will enroll in
16 the school for its first year of operation.

17 (B) The petition has been signed by a number of teachers that
18 is equivalent to at least one-half of the number of teachers that the
19 charter school estimates will be employed at the school during its
20 first year of operation.

21 (2) A petition that proposes to convert an existing public school
22 to a charter school that would not be eligible for a loan pursuant
23 to subdivision (b) of Section 41365 may be circulated by one or

1 more persons seeking to establish the charter school. The petition
2 may be submitted to the governing board of the school district for
3 review after the petition has been signed by not less than 50 percent
4 of the permanent status teachers currently employed at the public
5 school to be converted.

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

12 (4) After receiving approval of its petition, a charter school that
13 proposes to establish operations at one or more additional sites
14 shall request a material revision to its charter and shall notify the
15 authority that granted its charter of those additional locations. The
16 authority that granted its charter shall consider whether to approve
17 those additional locations at an open, public meeting. If the
18 additional locations are approved, they shall be a material revision
19 to the charter school's charter.

20 (5) A charter school that is unable to locate within the
21 jurisdiction of the chartering school district may establish one site
22 outside the boundaries of the school district, but within the county
23 in which that school district is located, if the school district within
24 the jurisdiction of which the charter school proposes to operate is
25 notified in advance of the charter petition approval, the county
26 superintendent of schools and the Superintendent are notified of
27 the location of the charter school before it commences operations,
28 and either of the following circumstances exist:

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

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

34 (6) Commencing January 1, 2003, a petition to establish a charter
35 school ~~may~~ *shall* not be approved to serve pupils in a grade level
36 that is not served by the school district of the governing board
37 considering the petition, unless the petition proposes to serve pupils
38 in all of the grade levels served by that school district.

39 (b) No later than 30 days after receiving a petition, in accordance
40 with subdivision (a), the governing board of the school district

1 shall hold a public hearing on the provisions of the charter, at
2 which time the governing board of the school district shall consider
3 the level of support for the petition by teachers employed by the
4 district, other employees of the district, and parents. Following
5 review of the petition and the public hearing, the governing board
6 of the school district shall either grant or deny the charter within
7 60 days of receipt of the petition, provided, however, that the date
8 may be extended by an additional 30 days if both parties agree to
9 the extension. In reviewing petitions for the establishment of
10 charter schools pursuant to this section, the chartering authority
11 shall be guided by the intent of the Legislature that charter schools
12 are and should become an integral part of the California educational
13 system and that establishment of charter schools should be
14 encouraged. The governing board of the school district shall grant
15 a charter for the operation of a school under this part if it is satisfied
16 that granting the charter is consistent with sound educational
17 practice. The governing board of the school district shall not deny
18 a petition for the establishment of a charter school unless it makes
19 written factual findings, specific to the particular petition, setting
20 forth specific facts to support one or more of the following
21 findings:

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

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

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

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

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

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

38 (ii) If the proposed school will serve high school pupils, a
39 description of the manner in which the charter school will inform
40 parents about the transferability of courses to other public high

1 schools and the eligibility of courses to meet college entrance
2 requirements. Courses offered by the charter school that are
3 accredited by the Western Association of Schools and Colleges
4 may be considered transferable and courses approved by the
5 University of California or the California State University as
6 creditable under the “A” to “G” admissions criteria may be
7 considered to meet college entrance requirements.

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

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

15 (D) The governance structure of the school, including, but not
16 limited to, the process to be followed by the school to ensure
17 parental involvement.

18 (E) The qualifications to be met by individuals to be employed
19 by the school.

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

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

28 (H) Admission requirements, if applicable.

29 (I) The manner in which annual, independent financial audits
30 shall be conducted, which shall employ generally accepted
31 accounting principles, and the manner in which audit exceptions
32 and deficiencies shall be resolved to the satisfaction of the
33 chartering authority.

34 (J) The procedures by which pupils can be suspended or
35 expelled.

36 (K) The manner by which staff members of the charter schools
37 will be covered by the State Teachers’ Retirement System, the
38 Public Employees’ Retirement System, or federal social security.

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

1 (M) A description of the rights of any employee of the school
2 district upon leaving the employment of the school district to work
3 in a charter school, and of any rights of return to the school district
4 after employment at a charter school.

5 (N) The procedures to be followed by the charter school and
6 the entity granting the charter to resolve disputes relating to
7 provisions of the charter.

8 (O) A declaration whether or not the charter school shall be
9 deemed the exclusive public school employer of the employees of
10 the charter school for the purposes of Chapter 10.7 (commencing
11 with Section 3540) of Division 4 of Title 1 of the Government
12 Code.

13 (P) A description of the procedures to be used if the charter
14 school closes. The procedures shall ensure a final audit of the
15 school to determine the disposition of all assets and liabilities of
16 the charter school, including plans for disposing of any net assets
17 and for the maintenance and transfer of pupil records.

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

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

25 *(B) The school district demonstrates fiscal distress through the*
26 *application of the standards and criteria adopted pursuant to*
27 *Section 33127 for the development of annual budgets and the*
28 *management of subsequent expenditures from annual budgets.*

29 *(C) The school district applies for an emergency apportionment*
30 *or loan, or has received an emergency apportionment or loan and*
31 *is operating under the oversight of a state administrator or trustee*
32 *pursuant to Article 2 (commencing with Section 41320) or Article*
33 *2.5 (commencing with Section 41325) of Chapter 3 of Part 24 of*
34 *Division 3.*

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

38 (c) (1) Charter schools shall meet all statewide standards and
39 conduct the pupil assessments required pursuant to Sections 60605
40 and 60851 and any other statewide standards authorized in statute

1 or pupil assessments applicable to pupils in noncharter public
2 schools.

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

6 (d) (1) In addition to any other requirement imposed under this
7 part, a charter school shall be nonsectarian in its programs,
8 admission policies, employment practices, and all other operations,
9 shall not charge tuition, and shall not discriminate against any
10 pupil on the basis of the characteristics listed in Section 220. Except
11 as provided in paragraph (2), admission to a charter school shall
12 not be determined according to the place of residence of the pupil,
13 or of his or her parent or legal guardian, within this state, except
14 that an existing public school converting partially or entirely to a
15 charter school under this part shall adopt and maintain a policy
16 giving admission preference to pupils who reside within the former
17 attendance area of that public school.

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

20 (B) However, if the number of pupils who wish to attend the
21 charter school exceeds the school's capacity, attendance, except
22 for existing pupils of the charter school, shall be determined by a
23 public random drawing. Preference shall be extended to pupils
24 currently attending the charter school and pupils who reside in the
25 district except as provided for in Section 47614.5. Other
26 preferences may be permitted by the chartering authority on an
27 individual school basis and only if consistent with the law.

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

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

1 (e) The governing board of a school district shall not require
2 any employee of the school district to be employed in a charter
3 school.

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

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

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

25 (i) Upon the approval of the petition by the governing board of
26 the school district, the petitioner or petitioners shall provide written
27 notice of that approval, including a copy of the petition, to the
28 applicable county superintendent of schools, the department, and
29 the state board.

30 (j) (1) If the governing board of a school district denies a
31 petition, the petitioner may elect to submit the petition for the
32 establishment of a charter school to the county board of education.
33 The county board of education shall review the petition pursuant
34 to subdivision (b). If the petitioner elects to submit a petition for
35 establishment of a charter school to the county board of education
36 and the county board of education denies the petition, the petitioner
37 may file a petition for establishment of a charter school with the
38 state board, and the state board may approve the petition, in
39 accordance with subdivision (b). A charter school that receives
40 approval of its petition from a county board of education or from

1 the state board on appeal shall be subject to the same requirements
2 concerning geographic location to which it would otherwise be
3 subject if it received approval from the entity to which it originally
4 submitted its petition. A charter petition that is submitted to either
5 a county board of education or to the state board shall meet all
6 otherwise applicable petition requirements, including the
7 identification of the proposed site or sites where the charter school
8 will operate.

9 (2) In assuming its role as a chartering agency, the state board
10 shall develop criteria to be used for the review and approval of
11 charter school petitions presented to the state board. The criteria
12 shall address all elements required for charter approval, as
13 identified in subdivision (b) and shall define “reasonably
14 comprehensive” as used in paragraph (5) of subdivision (b) in a
15 way that is consistent with the intent of this part. Upon satisfactory
16 completion of the criteria, the state board shall adopt the criteria
17 on or before June 30, 2001.

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

22 (4) If either the county board of education or the state board
23 fails to act on a petition within 120 days of receipt, the decision
24 of the governing board of the school district to deny a petition
25 shall, thereafter, be subject to judicial review.

26 (5) The state board shall adopt regulations implementing this
27 subdivision.

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

32 (k) (1) The state board may, by mutual agreement, designate
33 its supervisory and oversight responsibilities for a charter school
34 approved by the state board to any local educational agency in the
35 county in which the charter school is located or to the governing
36 board of the school district that first denied the petition.

37 (2) The designated local educational agency shall have all
38 monitoring and supervising authority of a chartering agency,
39 including, but not limited to, powers and duties set forth in Section

1 47607, except the power of revocation, which shall remain with
2 the state board.

3 (3) A charter school that has been granted its charter through
4 an appeal to the state board and elects to seek renewal of its charter
5 shall, ~~prior to~~ *before* expiration of the charter, submit its petition
6 for renewal to the governing board of the school district that
7 initially denied the charter. If the governing board of the school
8 district denies the school’s petition for renewal, the school may
9 petition the state board for renewal of its charter.

10 (l) Teachers in charter schools shall hold a Commission on
11 Teacher Credentialing certificate, permit, or other document
12 equivalent to that which a teacher in other public schools would
13 be required to hold. These documents shall be maintained on file
14 at the charter school and are subject to periodic inspection by the
15 chartering authority. It is the intent of the Legislature that charter
16 schools be given flexibility with regard to noncore, noncollege
17 preparatory courses.

18 (m) A charter school shall transmit a copy of its annual,
19 independent financial audit report for the preceding fiscal year, as
20 described in subparagraph (I) of paragraph (5) of subdivision (b),
21 to its chartering entity, the Controller, the county superintendent
22 of schools of the county in which the charter school is sited, unless
23 the county board of education of the county in which the charter
24 school is sited is the chartering entity, and the department by
25 December 15 of each year. This subdivision does not apply if the
26 audit of the charter school is encompassed in the audit of the
27 chartering entity pursuant to Section 41020.

28 ~~SECTION 1. Section 47604.5 of the Education Code is~~
29 ~~amended to read:~~

30 ~~47604.5. The state board may, based upon the recommendation~~
31 ~~of the Superintendent, take appropriate action, including, but not~~
32 ~~limited to, revocation of the school’s charter, when the state board~~
33 ~~finds any of the following:~~

34 ~~(a) Gross financial mismanagement that jeopardizes the financial~~
35 ~~stability of the charter school.~~

36 ~~(b) Illegal or substantially improper use of charter school funds~~
37 ~~for the personal benefit of any officer, director, or fiduciary of the~~
38 ~~charter school.~~

1 ~~(e) Substantial and sustained departure from measurably~~
2 ~~successful practices such that continued departure would jeopardize~~
3 ~~the educational development of the school's pupils.~~

4 ~~SEC. 2. Section 47605 of the Education Code is amended to~~
5 ~~read:~~

6 ~~47605. (a) (1) Except as set forth in paragraph (2), a petition~~
7 ~~for the establishment of a charter school within a school district~~
8 ~~may be circulated by one or more persons seeking to establish the~~
9 ~~charter school. A petition for the establishment of a charter school~~
10 ~~shall identify a single charter school that will operate within the~~
11 ~~geographic boundaries of that school district. A charter school~~
12 ~~may propose to operate at multiple sites within the school district,~~
13 ~~as long as each location is identified in the charter school petition.~~
14 ~~The petition may be submitted to the governing board of the school~~
15 ~~district for review after either of the following conditions are met:~~

16 ~~(A) The petition has been signed by a number of parents or legal~~
17 ~~guardians of pupils that is equivalent to at least one-half of the~~
18 ~~number of pupils that the charter school estimates will enroll in~~
19 ~~the school for its first year of operation.~~

20 ~~(B) The petition has been signed by a number of teachers that~~
21 ~~is equivalent to at least one-half of the number of teachers that the~~
22 ~~charter school estimates will be employed at the school during its~~
23 ~~first year of operation.~~

24 ~~(2) A petition that proposes to convert an existing public school~~
25 ~~to a charter school that would not be eligible for a loan pursuant~~
26 ~~to subdivision (b) of Section 41365 may be circulated by one or~~
27 ~~more persons seeking to establish the charter school. The petition~~
28 ~~may be submitted to the governing board of the school district for~~
29 ~~review after the petition has been signed by not less than 50 percent~~
30 ~~of the permanent status teachers currently employed at the public~~
31 ~~school to be converted.~~

32 ~~(3) A petition shall include a prominent statement that a~~
33 ~~signature on the petition means that the parent or legal guardian~~
34 ~~is meaningfully interested in having his or her child or ward attend~~
35 ~~the charter school, or in the case of a teacher's signature, means~~
36 ~~that the teacher is meaningfully interested in teaching at the charter~~
37 ~~school. The proposed charter shall be attached to the petition.~~

38 ~~(4) After receiving approval of its petition, a charter school that~~
39 ~~proposes to establish operations at one or more additional sites~~
40 ~~shall request a material revision to its charter and shall notify the~~

1 authority that granted its charter of those additional locations. The
2 authority that granted its charter shall consider whether to approve
3 those additional locations at an open, public meeting. If the
4 additional locations are approved, they shall be a material revision
5 to the charter school's charter.

6 ~~(5) A charter school that is unable to locate within the~~
7 ~~jurisdiction of the chartering school district may establish one site~~
8 ~~outside the boundaries of the school district, but within the county~~
9 ~~in which that school district is located, if the school district within~~
10 ~~the jurisdiction of which the charter school proposes to operate is~~
11 ~~notified in advance of the charter petition approval, the county~~
12 ~~superintendent of schools and the Superintendent are notified of~~
13 ~~the location of the charter school before it commences operations,~~
14 ~~and either of the following circumstances exist:~~

15 ~~(A) The school has attempted to locate a single site or facility~~
16 ~~to house the entire program, but a site or facility is unavailable in~~
17 ~~the area in which the school chooses to locate.~~

18 ~~(B) The site is needed for temporary use during a construction~~
19 ~~or expansion project.~~

20 ~~(6) Commencing January 1, 2003, a petition to establish a charter~~
21 ~~school may not be approved to serve pupils in a grade level that~~
22 ~~is not served by the school district of the governing board~~
23 ~~considering the petition, unless the petition proposes to serve pupils~~
24 ~~in all of the grade levels served by that school district.~~

25 ~~(b) No later than 30 days after receiving a petition, in accordance~~
26 ~~with subdivision (a), the governing board of the school district~~
27 ~~shall hold a public hearing on the provisions of the charter, at~~
28 ~~which time the governing board of the school district shall consider~~
29 ~~the level of support for the petition by teachers employed by the~~
30 ~~district, other employees of the district, and parents. Following~~
31 ~~review of the petition and the public hearing, the governing board~~
32 ~~of the school district shall either grant or deny the charter within~~
33 ~~60 days of receipt of the petition, provided, however, that the date~~
34 ~~may be extended by an additional 30 days if both parties agree to~~
35 ~~the extension. In reviewing petitions for the establishment of~~
36 ~~charter schools pursuant to this section, the chartering authority~~
37 ~~shall be guided by the intent of the Legislature that charter schools~~
38 ~~are and should become an integral part of the California educational~~
39 ~~system and that establishment of charter schools should be~~
40 ~~encouraged. The governing board of the school district shall grant~~

1 a charter for the operation of a school under this part if it is satisfied
2 that granting the charter is consistent with sound educational
3 practice. The governing board of the school district shall not deny
4 a petition for the establishment of a charter school unless it makes
5 written factual findings, specific to the particular petition, setting
6 forth specific facts to support one or more of the following
7 findings:

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

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

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

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

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

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

24 (ii) If the proposed school will serve high school pupils, a
25 description of the manner in which the charter school will inform
26 parents about the transferability of courses to other public high
27 schools and the eligibility of courses to meet college entrance
28 requirements. Courses offered by the charter school that are
29 accredited by the Western Association of Schools and Colleges
30 may be considered transferable and courses approved by the
31 University of California or the California State University as
32 creditable under the “A” to “G” admissions criteria may be
33 considered to meet college entrance requirements.

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

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

1 ~~(D) The governance structure of the school, including, but not~~
2 ~~limited to, the process to be followed by the school to ensure~~
3 ~~parental involvement.~~

4 ~~(E) The qualifications to be met by individuals to be employed~~
5 ~~by the school.~~

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

10 ~~(G) The means by which the school will achieve a racial and~~
11 ~~ethnic balance among its pupils that is reflective of the general~~
12 ~~population residing within the territorial jurisdiction of the school~~
13 ~~district to which the charter petition is submitted.~~

14 ~~(H) Admission requirements, if applicable.~~

15 ~~(I) The manner in which annual, independent financial audits~~
16 ~~shall be conducted, which shall employ generally accepted~~
17 ~~accounting principles, and the manner in which audit exceptions~~
18 ~~and deficiencies shall be resolved to the satisfaction of the~~
19 ~~chartering authority.~~

20 ~~(J) The procedures by which pupils can be suspended or~~
21 ~~expelled.~~

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

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

27 ~~(M) A description of the rights of any employee of the school~~
28 ~~district upon leaving the employment of the school district to work~~
29 ~~in a charter school, and of any rights of return to the school district~~
30 ~~after employment at a charter school.~~

31 ~~(N) The procedures to be followed by the charter school and~~
32 ~~the entity granting the charter to resolve disputes relating to~~
33 ~~provisions of the charter.~~

34 ~~(O) A declaration whether or not the charter school shall be~~
35 ~~deemed the exclusive public school employer of the employees of~~
36 ~~the charter school for the purposes of Chapter 10.7 (commencing~~
37 ~~with Section 3540) of Division 4 of Title 1 of the Government~~
38 ~~Code.~~

39 ~~(P) A description of the procedures to be used if the charter~~
40 ~~school closes. The procedures shall ensure a final audit of the~~

1 school to determine the disposition of all assets and liabilities of
2 the charter school, including plans for disposing of any net assets
3 and for the maintenance and transfer of pupil records.

4 ~~(6) The charter school would have a negative fiscal impact on~~
5 ~~the school district. For the purpose of this paragraph, the finding~~
6 ~~that a charter school would have a negative fiscal impact on a~~
7 ~~school district may only be established, and is deemed to be~~
8 ~~established, if any of the following conditions are met:~~

9 ~~(A) The school district has received a qualified or negative~~
10 ~~financial certification pursuant to Section 42131.~~

11 ~~(B) The school district demonstrates fiscal distress through the~~
12 ~~application of the standards and criteria adopted pursuant to Section~~
13 ~~33127 for the development of annual budgets and the management~~
14 ~~of subsequent expenditures from annual budgets.~~

15 ~~(C) The school district applies for an emergency apportionment~~
16 ~~or loan, or has received an emergency apportionment or loan and~~
17 ~~is operating under the oversight of a state administrator or trustee~~
18 ~~pursuant to Article 2 (commencing with Section 41320) or Article~~
19 ~~2.5 (commencing with Section 41325) of Chapter 3 of Part 24.~~

20 ~~(D) The school district, due to the declining enrollment of pupils,~~
21 ~~is in the process of closing a school that a charter school petition~~
22 ~~has identified as the proposed site for its charter school.~~

23 ~~(e) (1) Charter schools shall meet all statewide standards and~~
24 ~~conduct the pupil assessments required pursuant to Sections 60605~~
25 ~~and 60851 and any other statewide standards authorized in statute~~
26 ~~or pupil assessments applicable to pupils in noncharter public~~
27 ~~schools.~~

28 ~~(2) Charter schools shall, on a regular basis, consult with their~~
29 ~~parents, legal guardians, and teachers regarding the school's~~
30 ~~educational programs.~~

31 ~~(d) (1) In addition to any other requirement imposed under this~~
32 ~~part, a charter school shall be nonsectarian in its programs,~~
33 ~~admission policies, employment practices, and all other operations,~~
34 ~~shall not charge tuition, and shall not discriminate against any~~
35 ~~pupil on the basis of the characteristics listed in Section 220. Except~~
36 ~~as provided in paragraph (2), admission to a charter school shall~~
37 ~~not be determined according to the place of residence of the pupil,~~
38 ~~or of his or her parent or legal guardian, within this state, except~~
39 ~~that an existing public school converting partially or entirely to a~~
40 ~~charter school under this part shall adopt and maintain a policy~~

1 ~~giving admission preference to pupils who reside within the former~~
2 ~~attendance area of that public school.~~

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

5 ~~(B) However, if the number of pupils who wish to attend the~~
6 ~~charter school exceeds the school's capacity, attendance, except~~
7 ~~for existing pupils of the charter school, shall be determined by a~~
8 ~~public random drawing. Preference shall be extended to pupils~~
9 ~~currently attending the charter school and pupils who reside in the~~
10 ~~district except as provided for in Section 47614.5. Other~~
11 ~~preferences may be permitted by the chartering authority on an~~
12 ~~individual school basis and only if consistent with the law.~~

13 ~~(C) In the event of a drawing, the chartering authority shall~~
14 ~~make reasonable efforts to accommodate the growth of the charter~~
15 ~~school and in no event shall take any action to impede the charter~~
16 ~~school from expanding enrollment to meet pupil demand.~~

17 ~~(3) If a pupil is expelled or leaves the charter school without~~
18 ~~graduating or completing the school year for any reason, the charter~~
19 ~~school shall notify the superintendent of the school district of the~~
20 ~~pupil's last known address within 30 days, and shall, upon request,~~
21 ~~provide that school district with a copy of the cumulative record~~
22 ~~of the pupil, including a transcript of grades or report card, and~~
23 ~~health information. This paragraph applies only to pupils subject~~
24 ~~to compulsory full-time education pursuant to Section 48200.~~

25 ~~(e) The governing board of a school district shall not require~~
26 ~~any employee of the school district to be employed in a charter~~
27 ~~school.~~

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

30 ~~(g) The governing board of a school district shall require that~~
31 ~~the petitioner or petitioners provide information regarding the~~
32 ~~proposed operation and potential effects of the school, including,~~
33 ~~but not limited to, the facilities to be used by the school, the manner~~
34 ~~in which administrative services of the school are to be provided,~~
35 ~~and potential civil liability effects, if any, upon the school and~~
36 ~~upon the school district. The description of the facilities to be used~~
37 ~~by the charter school shall specify where the school intends to~~
38 ~~locate. The petitioner or petitioners shall also be required to provide~~
39 ~~financial statements that include a proposed first-year operational~~

1 budget, including startup costs, and cashflow and financial
2 projections for the first three years of operation.

3 (h) In reviewing petitions for the establishment of charter
4 schools within the school district, the governing board of the school
5 district shall give preference to petitions that demonstrate the
6 capability to provide comprehensive learning experiences to pupils
7 identified by the petitioner or petitioners as academically low
8 achieving pursuant to the standards established by the department
9 under Section 54032 as it read prior to July 19, 2006.

10 (i) Upon the approval of the petition by the governing board of
11 the school district, the petitioner or petitioners shall provide written
12 notice of that approval, including a copy of the petition, to the
13 county superintendent of schools, the department, and the state
14 board.

15 (j) (1) If the governing board of a school district denies a
16 petition, the petitioner may appeal that denial to the county board
17 of education. The county board of education may consider an
18 appeal pursuant to this subdivision only if the appeal alleges that
19 the governing board of the school district committed a procedural
20 violation under this part in reviewing the petition. If the county
21 board of education finds, by substantial evidence, that the
22 governing board of the school district committed a procedural
23 violation under this part in reviewing the petition, the county board
24 shall remand the petition to the school district.

25 (2) If the county board of education fails to act on an appeal
26 within 120 days of receipt, the decision of the governing board of
27 the school district to deny a petition shall, thereafter, be subject to
28 judicial review.

29 (k) Teachers in charter schools shall hold a Commission on
30 Teacher Credentialing certificate, permit, or other document
31 equivalent to that which a teacher in other public schools would
32 be required to hold. These documents shall be maintained on file
33 at the charter school and are subject to periodic inspection by the
34 chartering authority. It is the intent of the Legislature that charter
35 schools be given flexibility with regard to noncore, noncollege
36 preparatory courses.

37 (l) A charter school shall transmit a copy of its annual,
38 independent financial audit report for the preceding fiscal year, as
39 described in subparagraph (I) of paragraph (5) of subdivision (b),
40 to its chartering entity, the Controller, the county superintendent

1 of schools of the county in which the charter school is sited, and
2 the department by December 15 of each year. This subdivision
3 does not apply if the audit of the charter school is encompassed in
4 the audit of the chartering entity pursuant to Section 41020.

5 SEC. 3. Section 47605.5 of the Education Code is amended to
6 read:

7 47605.5. (a) A petition may be submitted directly to a county
8 board of education in the same manner as set forth in Section 47605
9 for charter schools that will serve pupils for whom the county
10 office of education would otherwise be responsible for providing
11 direct education and related services. A charter school for which
12 a charter is granted by the county board of education shall qualify
13 fully as a charter school for all funding and other purposes of this
14 part.

15 (b) Upon the approval of the petition by the county board of
16 education, the petitioner or petitioners shall provide written notice
17 of that approval, including a copy of the petition, to the department
18 and the state board.

19 (c) If the county board of education denies the petition, the
20 petitioner may appeal that denial to the state board. The state board
21 may consider an appeal pursuant to this section only if the appeal
22 alleges that the county board of education committed a procedural
23 violation under this part in reviewing the petition. If the state board
24 finds, by substantial evidence, that the county board of education
25 committed a procedural violation under this part in reviewing the
26 petition, the state board shall remand the petition to the county
27 board of education. If the state board fails to act on an appeal within
28 120 days of receipt, the decision of the county board to deny a
29 petition shall, thereafter, be subject to judicial review.

30 SEC. 4. Section 47605.6 of the Education Code is repealed.

31 SEC. 5. Section 47605.8 of the Education Code is repealed.

32 SEC. 6. Section 47607 of the Education Code is amended to
33 read:

34 47607. (a) (1) A charter may be granted pursuant to Sections
35 47605, 47605.5, and 47606 for a period not to exceed five years.
36 Except as provided in paragraph (1) of subdivision (k) of Section
37 47605, as it read on January 1, 2011, with regard to a charter
38 granted by the state board prior to January 1, 2012, the authority
39 that granted the charter shall oversee the charter until the charter
40 is up for renewal. Each renewal shall be for a period of five years.

1 A material revision of the provisions of a charter petition may be
2 made only with the approval of the authority that granted the
3 charter. The authority that granted the charter may inspect or
4 observe any part of the charter school at any time.

5 (A) A charter granted by a school district governing board or a
6 county board of education may be granted one or more subsequent
7 renewals by that entity.

8 (B) A charter granted by a county board of education prior to
9 January 1, 2012, for any charter school other than one that serves
10 pupils for whom the county office of education would otherwise
11 be responsible for providing direct education and related services
12 may be granted one or more subsequent renewals by the governing
13 board of the school district in which the school is located.

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

17 (2) Renewals and material revisions of charters are governed
18 by the standards and criteria in Section 47605, and shall include,
19 but not be limited to, a reasonably comprehensive description of
20 any new requirement of charter schools enacted into law after the
21 charter was originally granted or last renewed.

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

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

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

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

35 (4) (A) The entity that granted the charter determines that the
36 academic performance of the charter school is at least equal to the
37 academic performance of the public schools that the charter school
38 pupils would otherwise have been required to attend, as well as
39 the academic performance of the schools in the school district in
40 which the charter school is located, taking into account the

1 composition of the pupil population that is served at the charter
2 school:

3 ~~(B) The determination made pursuant to this paragraph shall be~~
4 ~~based upon all of the following:~~

5 ~~(i) Documented and clear and convincing data.~~

6 ~~(ii) Pupil achievement data from assessments, including, but~~
7 ~~not limited to, the Standardized Testing and Reporting Program~~
8 ~~established by Article 4 (commencing with Section 60640) of~~
9 ~~Chapter 5 of Part 33 for demographically similar pupil populations~~
10 ~~in the comparison schools.~~

11 ~~(iii) Information submitted by the charter school.~~

12 ~~(C) A chartering authority shall submit to the Superintendent~~
13 ~~copies of supporting documentation and a written summary of the~~
14 ~~basis for any determination made pursuant to this paragraph. The~~
15 ~~Superintendent shall review the materials and make~~
16 ~~recommendations to the chartering authority based on that review.~~
17 ~~The review may be the basis for a recommendation made pursuant~~
18 ~~to Section 47604.5.~~

19 ~~(D) A charter renewal may not be granted to a charter school~~
20 ~~prior to 30 days after that charter school submits materials pursuant~~
21 ~~to this paragraph.~~

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

24 ~~(e) A charter may be revoked by the authority that granted the~~
25 ~~charter under this chapter if the authority finds, through a showing~~
26 ~~of substantial evidence, that the charter school did any of the~~
27 ~~following:~~

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

30 ~~(2) Failed to meet or pursue any of the pupil outcomes identified~~
31 ~~in the charter.~~

32 ~~(3) Failed to meet generally accepted accounting principles, or~~
33 ~~engaged in fiscal mismanagement.~~

34 ~~(4) Violated any provision of law.~~

35 ~~(d) Prior to revocation, the authority that granted the charter~~
36 ~~shall notify the charter public school of any violation of this section~~
37 ~~and give the school a reasonable opportunity to remedy the~~
38 ~~violation, unless the authority determines, in writing, that the~~
39 ~~violation constitutes a severe and imminent threat to the health or~~
40 ~~safety of the pupils.~~

1 ~~(e) Prior to revoking a charter for failure to remedy a violation~~
2 ~~pursuant to subdivision (d), and after expiration of the school's~~
3 ~~reasonable opportunity to remedy without successfully remedying~~
4 ~~the violation, the chartering authority shall provide a written notice~~
5 ~~of intent to revoke and notice of facts in support of revocation to~~
6 ~~the charter school. No later than 30 days after providing the notice~~
7 ~~of intent to revoke a charter, the chartering authority shall hold a~~
8 ~~public hearing, in the normal course of business, on the issue of~~
9 ~~whether evidence exists to revoke the charter. No later than 30~~
10 ~~days after the public hearing, the chartering authority shall issue~~
11 ~~a final decision to revoke or decline to revoke the charter, unless~~
12 ~~the chartering authority and the charter school agree to extend the~~
13 ~~issuance of the decision by an additional 30 days. The chartering~~
14 ~~authority shall not revoke a charter, unless it makes written factual~~
15 ~~findings supported by substantial evidence, specific to the charter~~
16 ~~school, that support its findings.~~

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

21 ~~(2) The county board may reverse the revocation decision and~~
22 ~~remand the request for renewal to the school district governing~~
23 ~~board if the county board determines that the findings made by~~
24 ~~the chartering authority under subdivision (e) are not supported~~
25 ~~by substantial evidence.~~

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

30 ~~(2) The state board may reverse the revocation decision and~~
31 ~~remand the request for renewal to the county board of education~~
32 ~~if the state board determines that the findings made by the~~
33 ~~chartering authority under subdivision (e) are not supported by~~
34 ~~substantial evidence.~~

35 ~~(h) If the revocation decision of the chartering authority is~~
36 ~~reversed on appeal and the request for renewal is remanded to the~~
37 ~~school district governing board or the county board of education,~~
38 ~~that entity shall continue to be regarded as the chartering authority.~~

39 ~~(i) During the pendency of an appeal filed under this section, a~~
40 ~~charter school, whose revocation proceedings are based on~~

1 paragraph (1) or (2) of subdivision (c), shall continue to qualify
2 as a charter school for funding and for all other purposes of this
3 part, and may continue to hold all existing grants, resources, and
4 facilities, in order to ensure that the education of pupils enrolled
5 in the school is not disrupted.

6 ~~(j) Immediately following the decision of a county board to
7 reverse a decision of a school district to revoke a charter and to
8 remand the request for renewal to the school district governing
9 board, the following shall apply:~~

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

12 ~~(2) The charter school may continue to hold all existing grants,
13 resources, and facilities.~~

14 ~~(3) Any funding, grants, resources, and facilities that had been
15 withheld from the charter school, or that the charter school had
16 otherwise been deprived of use, as a result of the revocation of the
17 charter shall be immediately reinstated or returned.~~

18 ~~(k) A final decision of a revocation or appeal of a revocation
19 pursuant to subdivision (c) shall be reported to the chartering
20 authority, the county board, and the department.~~

21 ~~SEC. 7. Section 47607.5 of the Education Code is repealed.~~

22 ~~SEC. 8.~~

23 ~~SEC. 2. 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 local
27 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 that granted the charter
11 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 ~~supervisory 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 shall be deemed a local educational agency for the~~
16 ~~purposes of compliance with federal law (Individuals with~~
17 ~~Disabilities Education Act; 20 U.S.C. Sec. 1400 et seq.) and for~~
18 ~~eligibility for federal and state special education funds. A charter~~
19 ~~school that is deemed a local educational agency for the purposes~~
20 ~~of special education pursuant to this article shall be permitted to~~
21 ~~participate in an approved special education local plan that is~~
22 ~~consistent with subdivision (a), (b), or (c) of Section 56195.1.~~

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

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

35 ~~(d) A charter school that has been granted a charter by the state~~
36 ~~board, and for which the board has not delegated its supervisory~~
37 ~~and oversight responsibilities pursuant to paragraph (1) of~~
38 ~~subdivision (k) of Section 47605, as it read on January 1, 2011,~~
39 ~~may not be deemed a local educational agency unless the charter~~
40 ~~school complies with subdivision (a).~~

1 SEC. 11.— Section 47651 of the Education Code is amended to
2 read:

3 47651. (a) A charter school may receive the state aid portion
4 of the charter school's total general-purpose entitlement and
5 categorical block grant directly or through the local educational
6 agency that either grants its charter or was designated by the state
7 board.

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

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

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

36 (b) On or before June 1 of each year, a charter school electing
37 to receive its funding directly shall so notify the county
38 superintendent of schools of the county in which the local
39 educational agency that granted the charter is located or, in the
40 case of charters for which the state board has designated an

1 oversight agency pursuant to paragraph (1) of subdivision (k) of
2 Section 47605, as read on January 1, 2011, the county
3 superintendent of schools of the county in which the designated
4 oversight agency is located. An election to receive funding directly
5 shall apply to all funding that the charter school is eligible to
6 receive including, but not limited to, the charter general-purpose
7 entitlements and the categorical block grant computed pursuant to
8 Section 47633, other state and federal categorical aid, and lottery
9 funds.

O