

AMENDED IN SENATE MAY 11, 2011
AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 645

Introduced by Senator Simitian
(Coauthor: Senator Alquist)

February 18, 2011

An act to amend Sections 47607 and 47607.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 645, as amended, Simitian. Charter schools: charter renewal.

The Charter Schools Act of 1992 (Charter Schools Act) specifies the procedures for the submission, review, and approval or denial of a petition to establish a charter school. The Charter Schools Act limits the duration of charters to a period not to exceed 5 years, and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The Charter Schools Act prescribes the requirements a charter school must meet in order to have its charter renewed, including a requirement that a charter school that has been in operation for 4 years satisfy at least one of several specified criteria regarding academic performance.

This bill would change the criteria a charter school is required to meet in order to have its charter renewed. ~~The bill would make these criteria inoperative if the state board adopts an academic accountability system and finds that the system it adopts is consistent with specified characteristics. The bill also would require the State Board of Education to adopt regulations designating a level of annual academic achievement growth that qualifies a charter for renewal.~~

The bill would authorize a charter school not meeting the renewal criteria to apply to the ~~state board~~ *State Board of Education* for a determination of academic eligibility for the renewal of its charter by submitting evidence of the school's academic success. The bill would require the advisory committee that is appointed by the state board to recommend criteria to the state board for the determination of funding for nonclassroom-based instruction to publicly hear an application for the determination of academic eligibility and make a recommendation to the state board on the application. The bill would require the state board to issue a positive determination of academic eligibility if the state board finds that the charter school adequately demonstrates that the academic performance of the charter school meets or exceeds its predicted performance based on a statistical evaluation of similar pupil populations.

The bill also would make a conforming change.

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

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

1 SECTION 1. Section 47607 of the Education Code is amended
2 to read:
3 47607. (a) (1) A charter may be granted pursuant to Sections
4 47605, 47605.5, and 47606 for a period not to exceed five years.
5 A charter granted by ~~a school district governing board~~ *the*
6 *governing board of a school district*, a county board of education,
7 or the state board; may be granted one or more subsequent renewals
8 by that entity. Each renewal shall be for a period of five years. A
9 material revision of the provisions of a charter petition may be
10 made only with the approval of the authority that granted the
11 charter. The authority that granted the charter may inspect or
12 observe any part of the charter school at any time.
13 (2) Renewals and material revisions of charters are governed
14 by the standards and criteria in Section 47605, and shall include,
15 but not be limited to, a reasonably comprehensive description of
16 any new requirement of charter schools enacted into law after the
17 charter was originally granted or last renewed.
18 (b) The authorizer of a charter school that has been in operation
19 for at least four years shall not consider or grant the renewal of
20 the school's charter unless the school ~~meets~~, based on data

1 available as of October 1 of the fiscal year of the renewal, *meets*
2 at least one of the following criteria:

3 (1) An Academic Performance Index (API) score of at least 700
4 in the most recent year.

5 (2) A cumulative API growth of at least a total of 30 points over
6 the last three API cycles. For purposes of this paragraph, API
7 growth for one cycle is the difference between a current year
8 growth API and the prior year's base API. The growth required
9 pursuant to this paragraph shall not be measured as the difference
10 between the most recent growth API score and the growth API
11 score from three years prior to that score.

12 (3) A rank in any decile between 6 to 10, inclusive, on the API
13 for a demographically comparable school in the prior year or in
14 two of the last three years for which demographically comparable
15 school ranks are available. A school that does not generate a
16 demographically comparable school rank is ineligible to meet this
17 criterion.

18 (4) Participation in the alternative accountability system pursuant
19 to subdivision (h) of Section 52052.

20 (5) Receipt of a *positive* determination of academic eligibility
21 for renewal from the state board within the prior 12 months.

22 (c) (1) A charter school *that does not meet at least one of the*
23 *criteria set forth in paragraphs (1) to (4), inclusive, of subdivision*
24 *(b)* may apply to the state board for a determination of academic
25 eligibility for the renewal of its charter by submitting evidence of
26 the school's academic success. Evidence supporting an application
27 may include, but is not limited to, information on individual pupil
28 achievement, including longitudinal data that demonstrate
29 individual pupil progress, analysis of similar pupil populations, or
30 other relevant data as determined by the school.

31 (2) The advisory committee created pursuant to subdivision (b)
32 of Section 47634.2 shall publicly hear an application for a
33 determination of academic eligibility for the renewal of a charter,
34 and shall make a recommendation to the state board on the
35 application.

36 (3) The state board shall issue a positive determination of
37 academic eligibility if the state board finds that the charter school
38 adequately demonstrates that the academic performance of the
39 charter school meets or exceeds its predicted performance based
40 on a statistical evaluation of similar pupil populations.

1 ~~(d) If the state board adopts an academic accountability system~~
 2 ~~and finds that the system it adopts is consistent with subdivisions~~
 3 ~~(b) and (c) of Section 52052.6, paragraphs (1) to (4), inclusive, of~~
 4 ~~subdivision (b) of this section shall become inoperative and the~~
 5 ~~state board shall adopt regulations designating a level of annual~~
 6 ~~academic achievement growth that qualifies a charter for renewal.~~

7 ~~(e)~~

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

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

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

16 (3) Failed to meet generally accepted accounting principles, or
 17 engaged in fiscal mismanagement.

18 (4) Violated any provision of law.

19 ~~(f) Prior to~~

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

26 ~~(g) Prior to~~

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

1 findings supported by substantial evidence, specific to the charter
2 school, that support its findings.

3 ~~(h)~~

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

8 (2) The county board may reverse the revocation decision if the
9 county board determines that the findings made by the chartering
10 authority under subdivision~~(g)~~ (f) are not supported by substantial
11 evidence. The school district may appeal the reversal to the state
12 board.

13 (3) If the county board does not issue a decision on the appeal
14 within 90 days of receipt, or the county board upholds the
15 revocation, the charter school may appeal the revocation to the
16 state board.

17 (4) The state board may reverse the revocation decision if the
18 state board determines that the findings made by the chartering
19 authority under subdivision~~(g)~~ (f) are not supported by substantial
20 evidence. The state board may uphold the revocation decision of
21 the school district if the state board determines that the findings
22 made by the chartering authority under subdivision~~(g)~~ (f) are
23 supported by substantial evidence.

24 ~~(i)~~

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

29 (2) The state board may reverse the revocation decision if the
30 state board determines that the findings made by the chartering
31 authority under subdivision~~(g)~~ (f) are not supported by substantial
32 evidence.

33 ~~(j)~~

34 (i) If the revocation decision of the chartering authority is
35 reversed on appeal, the agency that granted the charter shall
36 continue to be regarded as the chartering authority.

37 ~~(k)~~

38 (j) During the pendency of an appeal filed under this section, a
39 charter school, whose revocation proceedings are based on
40 paragraph (1) or (2) of subdivision~~(e)~~ (d), shall continue to qualify

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

5 ~~(t)~~

6 (k) Immediately following the decision of a county board to
7 reverse a decision of a school district to revoke a charter, the
8 following shall apply:

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

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

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

17 ~~(m)~~

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

21 SEC. 2. Section 47607.5 of the Education Code is amended to
22 read:

23 47607.5. If either a school district governing board or a county
24 board of education, as a chartering agency, does not grant a renewal
25 to a charter school pursuant to Section 47607 and the charter school
26 is eligible for renewal pursuant to subdivision (b) of Section 47607,
27 the charter school may submit its application for renewal pursuant
28 to the procedures pertaining to a denial of a petition for
29 establishment of a charter school, as provided in subdivision (j)
30 of Section 47605.

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