

AMENDED IN SENATE MARCH 28, 2012

**SENATE BILL**

**No. 1290**

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**Introduced by Senator Alquist**

February 23, 2012

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*An act to amend Sections 47605, 47605.6, and 47607 of the Education Code, relating to charter schools.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1290, as amended, Alquist. Charter—schools: *schools: establishment, renewal, and revocation.*

The

(1) *The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. The Charter Schools Act specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school, which include, but are not limited to, a requirement that the petition contain measurable pupil outcomes. Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws. Existing law requires a charter school to comply with its charter. The*

*This bill would require those pupil outcomes to include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, which this bill would define.*

(2) *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. To receive a renewal, existing law requires a charter school to meet at least one of several criteria.*

~~This bill would state the intent of the Legislature to enact legislation that would amend the Charter Schools Act in a manner that would make the state more competitive when applying for a grant pursuant to the federal Charter School Program.~~

*This bill would revise the criteria to include only attainment of the charter school’s Academic Performance Index growth target in the prior year or in 2 of the last 3 years, and of the measurable pupil outcomes identified in the charter petition that address improvement in pupil achievement, both schoolwide and for all groups of pupils served by the charter school. The bill also would require the chartering authority to consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.*

(3) *Existing law authorizes a chartering authority to revoke a charter if it finds substantial evidence that the charter school committed one of several violations.*

*This bill would require a chartering authority to consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.*

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 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.

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

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

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

11 (2) A petition that proposes to convert an existing public school  
12 to a charter school that would not be eligible for a loan pursuant  
13 to subdivision (b) of Section 41365 may be circulated by one or  
14 more persons seeking to establish the charter school. The petition  
15 may be submitted to the governing board of the school district for  
16 review after the petition has been signed by not less than 50 percent  
17 of the permanent status teachers currently employed at the public  
18 school to be converted.

19 (3) A petition shall include a prominent statement that a  
20 signature on the petition means that the parent or legal guardian  
21 is meaningfully interested in having his or her child or ward attend  
22 the charter school, or in the case of a teacher's signature, means  
23 that the teacher is meaningfully interested in teaching at the charter  
24 school. The proposed charter shall be attached to the petition.

25 (4) After receiving approval of its petition, a charter school that  
26 proposes to establish operations at one or more additional sites  
27 shall request a material revision to its charter and shall notify the  
28 authority that granted its charter of those additional locations. The  
29 authority that granted its charter shall consider whether to approve  
30 those additional locations at an open, public meeting. If the  
31 additional locations are approved, they shall be a material revision  
32 to the charter school's charter.

33 (5) A charter school that is unable to locate within the  
34 jurisdiction of the chartering school district may establish one site  
35 outside the boundaries of the school district, but within the county  
36 in which that school district is located, if the school district within  
37 the jurisdiction of which the charter school proposes to operate is  
38 notified in advance of the charter petition approval, the county  
39 superintendent of schools and the Superintendent are notified of

1 the location of the charter school before it commences operations,  
2 and either of the following circumstances exist:

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

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

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

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

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

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

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

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

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

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

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

23 (B) The measurable pupil outcomes identified for use by the  
24 charter school. “Pupil outcomes,” for purposes of this part, means  
25 the extent to which all pupils of the school demonstrate that they  
26 have attained the skills, knowledge, and attitudes specified as goals  
27 in the school’s educational program. *Pupil outcomes shall include*  
28 *outcomes that address increases in pupil academic achievement*  
29 *both schoolwide and for all groups of pupils served by the charter*  
30 *school, as that term is defined in subparagraph (B) of paragraph*  
31 *(3) of subdivision (a) of Section 47607.*

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

34 (D) The governance structure of the school, including, but not  
35 limited to, the process to be followed by the school to ensure  
36 parental involvement.

37 (E) The qualifications to be met by individuals to be employed  
38 by the school.

39 (F) The procedures that the school will follow to ensure the  
40 health and safety of pupils and staff. These procedures shall include

1 the requirement that each employee of the school furnish the school  
2 with a criminal record summary as described in Section 44237.

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

7 (H) Admission requirements, if applicable.

8 (I) The manner in which annual, independent financial audits  
9 shall be conducted, which shall employ generally accepted  
10 accounting principles, and the manner in which audit exceptions  
11 and deficiencies shall be resolved to the satisfaction of the  
12 chartering authority.

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 public school attendance alternatives for pupils residing  
19 within the school district who choose not to attend charter schools.

20 (M) A description of the rights of any employee of the school  
21 district upon leaving the employment of the school district to work  
22 in a charter school, and of any rights of return to the school district  
23 after employment at a charter school.

24 (N) The procedures to be followed by the charter school and  
25 the entity granting the charter to resolve disputes relating to  
26 provisions of the charter.

27 (O) A declaration whether or not the charter school shall be  
28 deemed the exclusive public school employer of the employees of  
29 the charter school for the purposes of Chapter 10.7 (commencing  
30 with Section 3540) of Division 4 of Title 1 of the Government  
31 Code.

32 (P) A description of the procedures to be used if the charter  
33 school closes. The procedures shall ensure a final audit of the  
34 school to determine the disposition of all assets and liabilities of  
35 the charter school, including plans for disposing of any net assets  
36 and for the maintenance and transfer of pupil records.

37 (c) (1) Charter schools shall meet all statewide standards and  
38 conduct the pupil assessments required pursuant to Sections 60605  
39 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 by the school, the  
10 manner in which administrative services of the school are to be  
11 provided, and potential civil liability effects, if any, upon the school  
12 and upon the school district. The description of the facilities to be  
13 used by the charter school shall specify where the school intends  
14 to locate. The petitioner or petitioners shall also be required to  
15 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~~ *before* 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 *SEC. 2. Section 47605.6 of the Education Code is amended to*  
 29 *read:*

30 47605.6. (a) (1) In addition to the authority provided by  
 31 Section 47605.5, a county board of education may also approve a  
 32 petition for the operation of a charter school that operates at one  
 33 or more sites within the geographic boundaries of the county and  
 34 that provides instructional services that are not generally provided  
 35 by a county office of education. A county board of education may  
 36 approve a countywide charter only if it finds, in addition to the  
 37 other requirements of this section, that the educational services to  
 38 be provided by the charter school will offer services to a pupil  
 39 population that will benefit from those services and that cannot be  
 40 served as well by a charter school that operates in only one school

1 district in the county. A petition for the establishment of a  
2 countywide charter school pursuant to this subdivision may be  
3 circulated throughout the county by any one or more persons  
4 seeking to establish the charter school. The petition may be  
5 submitted to the county board of education for review after either  
6 of the following conditions are met:

7 (A) The petition has been signed by a number of parents or  
8 guardians of pupils residing within the county that is equivalent  
9 to at least one-half of the number of pupils that the charter school  
10 estimates will enroll in the school for its first year of operation and  
11 each of the school districts where the charter school petitioner  
12 proposes to operate a facility has received at least 30 days' notice  
13 of the petitioner's intent to operate a school pursuant to this section.

14 (B) The petition has been signed by a number of teachers that  
15 is equivalent to at least one-half of the number of teachers that the  
16 charter school estimates will be employed at the school during its  
17 first year of operation and each of the school districts where the  
18 charter school petitioner proposes to operate a facility has received  
19 at least 30 days' notice of the petitioner's intent to operate a school  
20 pursuant to this section.

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

23 (3) After receiving approval of its petition, a charter school that  
24 proposes to establish operations at additional sites within the  
25 geographic boundaries of the county board of education shall notify  
26 the school districts where those sites will be located. The charter  
27 school shall also request a material revision of its charter by the  
28 county board of education that approved its charter and the county  
29 board shall consider whether to approve those additional locations  
30 at an open, public meeting, held no sooner than 30 days following  
31 notification of the school districts where the sites will be located.  
32 If approved, the location of the approved sites shall be a material  
33 revision of the school's approved charter.

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

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

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 pupils whom the  
34 school is attempting to educate, what it means to be an “educated  
35 person” in the 21st century, and how learning best occurs. The  
36 goals identified in that program shall include the objective of  
37 enabling pupils to become self-motivated, competent, and lifelong  
38 learners.

39 (ii) If the proposed charter school will enroll high school pupils,  
40 a description of the manner in which the charter school will inform

1 parents regarding the transferability of courses to other public high  
2 schools. Courses offered by the charter school that are accredited  
3 by the Western Association of Schools and Colleges may be  
4 considered to be transferable to other public high schools.

5 (iii) If the proposed charter school will enroll high school pupils,  
6 information as to the manner in which the charter school will  
7 inform parents as to whether each individual course offered by the  
8 charter school meets college entrance requirements. Courses  
9 approved by the University of California or the California State  
10 University as satisfying their prerequisites for admission may be  
11 considered as meeting college entrance requirements for purposes  
12 of this clause.

13 (B) The measurable pupil outcomes identified for use by the  
14 charter school. “Pupil outcomes,” for purposes of this part, means  
15 the extent to which all pupils of the school demonstrate that they  
16 have attained the skills, knowledge, and aptitudes specified as  
17 goals in the school’s educational program. *Pupil outcomes shall*  
18 *include outcomes that address increases in pupil academic*  
19 *achievement both schoolwide and for all groups of pupils served*  
20 *by the charter school, as that term is defined in subparagraph (B)*  
21 *of paragraph (3) of subdivision (a) of Section 47607.*

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

24 (D) The location of each charter school facility that the petitioner  
25 proposes to operate.

26 (E) The governance structure of the school, including, but not  
27 limited to, the process to be followed by the school to ensure  
28 parental involvement.

29 (F) The qualifications to be met by individuals to be employed  
30 by the school.

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

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

39 (I) The manner in which annual, independent, financial audits  
40 shall be conducted, in accordance with regulations established by

1 the ~~State Board of Education~~ *state board*, and the manner in which  
2 audit exceptions and deficiencies shall be resolved.

3 (J) The procedures by which pupils can be suspended or  
4 expelled.

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

8 (L) The procedures to be followed by the charter school and the  
9 county board of education to resolve disputes relating to provisions  
10 of the charter.

11 (M) A declaration whether or not the charter school shall be  
12 deemed the exclusive public school employer of the employees of  
13 the charter school for the purposes of the Educational Employment  
14 Relations Act (Chapter 10.7 (commencing with Section 3540) of  
15 Division 4 of Title 1 of the Government Code).

16 (N) Admission requirements of the charter school, if applicable.

17 (O) The public school attendance alternatives for pupils residing  
18 within the county who choose not to attend the charter school.

19 (P) A description of the rights of an employee of the county  
20 office of education, upon leaving the employment of the county  
21 office of education, to be employed by the charter school, and a  
22 description of any rights of return to the county office of education  
23 that an employee may have upon leaving the employ of the charter  
24 school.

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

30 (6) Any other basis that the *county board of education* finds  
31 justifies the denial of the petition.

32 (c) A county board of education that approves a petition for the  
33 operation of a countywide charter may, as a condition of charter  
34 approval, enter into an agreement with a third party, at the expense  
35 of the charter school, to oversee, monitor, and report to the county  
36 board of education on the operations of the charter school. The  
37 county board of education may prescribe the aspects of the charter  
38 school's operations to be monitored by the third party and may  
39 prescribe appropriate requirements regarding the reporting of

1 information concerning the operations of the charter school to the  
2 county board of education.

3 (d) (1) Charter schools shall meet all statewide standards and  
4 conduct the pupil assessments required pursuant to Section 60605  
5 and any other statewide standards authorized in statute or pupil  
6 assessments applicable to pupils in noncharter public schools.

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

9 (e) (1) In addition to any other requirement imposed under this  
10 part, a charter school shall be nonsectarian in its programs,  
11 admission policies, employment practices, and all other operations,  
12 shall not charge tuition, and shall not discriminate against any  
13 pupil on the basis of ethnicity, national origin, gender, gender  
14 identity, gender expression, or disability. Except as provided in  
15 paragraph (2), admission to a charter school shall not be determined  
16 according to the place of residence of the pupil, or of his or her  
17 parent or guardian, within this state.

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 county except as provided for in Section 47614.5. Other preferences  
26 may be permitted by the chartering authority on an individual  
27 school basis and only if consistent with the law.

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

32 (f) ~~No~~The county board of education shall *not* require any  
33 employee of the county or a school district to be employed in a  
34 charter school.

35 (g) ~~No~~The county board of education shall *not* require any pupil  
36 enrolled in a county program to attend a charter school.

37 (h) The county board of education shall require that the  
38 petitioner or petitioners provide information regarding the proposed  
39 operation and potential effects of the school, including, but not  
40 limited to, the facilities to be utilized by the school, the manner in

1 which administrative services of the school are to be provided,  
 2 and potential civil liability effects, if any, upon the school, any  
 3 school district where the charter school may operate, and upon the  
 4 county board of education. The petitioner or petitioners shall also  
 5 be required to provide financial statements that include a proposed  
 6 first-year operational budget, including startup costs, and cashflow  
 7 and financial projections for the first three years of operation.

8 (i) In reviewing petitions for the establishment of charter schools  
 9 within the county, the county board of education shall give  
 10 preference to petitions that demonstrate the capability to provide  
 11 comprehensive learning experiences to pupils identified by the  
 12 petitioner or petitioners as academically low-achieving pursuant  
 13 to the standards established by the ~~State Department of Education~~  
 14 *department* under Section 54032, *as it read before July 19, 2006.*

15 (j) 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 school  
 18 districts within the county, the ~~Superintendent of Public Instruction,~~  
 19 and to the ~~State Board of Education~~ *state board.*

20 (k) If a county board of education denies a petition, the petitioner  
 21 may not elect to submit the petition for the establishment of the  
 22 charter school to the ~~State Board of Education~~ *state board.*

23 (l) Teachers in charter schools shall be required to hold a  
 24 Commission on Teacher Credentialing certificate, permit, or other  
 25 document equivalent to that which a teacher in other public schools  
 26 would be required to hold. These documents shall be maintained  
 27 on file at the charter school and shall be subject to periodic  
 28 inspection by the chartering authority.

29 (m) A charter school shall transmit a copy of its annual,  
 30 independent, financial audit report for the preceding fiscal year,  
 31 as described in subparagraph (I) of paragraph (5) of subdivision  
 32 (b), to the county office of education, ~~State~~ *the* Controller, and the  
 33 ~~State Department of Education~~ *department* by December 15 of  
 34 each year. This subdivision shall not apply if the audit of the charter  
 35 school is encompassed in the audit of the chartering entity pursuant  
 36 to Section 41020.

37 *SEC. 3. Section 47607 of the Education Code is amended to*  
 38 *read:*

39 47607. (a) (1) A charter may be granted pursuant to Sections  
 40 47605, 47605.5, and 47606 for a period not to exceed five years.

1 A charter granted by a school district governing board, a county  
2 board of education, or the state board; may be granted one or more  
3 subsequent renewals by that entity. Each renewal shall be for a  
4 period of five years. A material revision of the provisions of a  
5 charter petition may be made only with the approval of the  
6 authority that granted the charter. The authority that granted the  
7 charter may inspect or observe any part of the charter school at  
8 any time.

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

14 (3) (A) *The authority that granted the charter shall consider*  
15 *increases in pupil academic achievement for all groups of pupils*  
16 *served by the charter school as the most important factor in*  
17 *determining whether to grant a charter renewal.*

18 (B) *For purposes of this section, “all groups of pupils served*  
19 *by the charter school” means a numerically significant pupil*  
20 *subgroup, as defined by paragraph (3) of subdivision (a) of Section*  
21 *52052, served by the charter school, including, but not limited to,*  
22 *disadvantaged pupils, pupils from different racial and ethnic*  
23 *groups, pupils with disabilities, and pupils with limited English*  
24 *proficiency.*

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

30 (1) Attained its Academic Performance Index (API) growth  
31 target in the prior year or in two of the last three years, ~~or in the~~  
32 ~~aggregate for the prior three years: both schoolwide and for all~~  
33 ~~groups of pupils served by the charter school.~~

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

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

39 (4) (A) ~~The entity that granted the charter determines that the~~  
40 ~~academic performance of the charter school is at least equal to the~~

1 academic performance of the public schools that the charter school  
2 pupils would otherwise have been required to attend, as well as  
3 the academic performance of the schools in the school district in  
4 which the charter school is located, taking into account the  
5 composition of the pupil population that is served at the charter  
6 school.

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

9 (i) Documented and clear and convincing data.

10 (ii) Pupil achievement data from assessments, including, but  
11 not limited to, the Standardized Testing and Reporting Program  
12 established by Article 4 (commencing with Section 60640) for  
13 demographically similar pupil populations in the comparison  
14 schools.

15 (iii) Information submitted by the charter school.

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

23 (D) A charter renewal may not be granted to a charter school  
24 prior to 30 days after that charter school submits materials pursuant  
25 to this paragraph.

26 (5) Has qualified for an alternative accountability system  
27 pursuant to subdivision (h) of Section 52052.

28 (2) *Attained the measurable pupil outcomes identified in the*  
29 *charter petition pursuant to paragraph (5) of subdivision (b) of*  
30 *Section 47605.*

31 (c) (1) A charter may be revoked by the authority that granted  
32 the charter under this chapter if the authority finds, through a  
33 showing of substantial evidence, that the charter school did any  
34 of the following:

35 (1)

36 (A) Committed a material violation of any of the conditions,  
37 standards, or procedures set forth in the charter.

38 (2)

39 (B) Failed to meet or pursue any of the pupil outcomes identified  
40 in the charter.

1     ~~(3)~~  
2     (C) Failed to meet generally accepted accounting principles, or  
3 engaged in fiscal mismanagement.

4     ~~(4)~~  
5     (D) Violated any provision of law.

6     (2) *The authority that granted the charter shall consider*  
7 *increases in pupil academic achievement for all groups of pupils*  
8 *served by the charter school as the most important factor in*  
9 *determining whether to revoke a charter.*

10    (d) ~~Prior to~~ *Before* revocation, the authority that granted the  
11 charter shall notify the charter ~~public~~ school of any violation of  
12 this section and give the school a reasonable opportunity to remedy  
13 the violation, unless the authority determines, in writing, that the  
14 violation constitutes a severe and imminent threat to the health or  
15 safety of the pupils.

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

32    (f) (1) If a school district is the chartering authority and it  
33 revokes a charter pursuant to this section, the charter school may  
34 appeal the revocation to the county board of education within 30  
35 days following the final decision of the chartering authority.

36    (2) The county board *of education* may reverse the revocation  
37 decision if the county board determines that the findings made by  
38 the chartering authority under subdivision (e) are not supported  
39 by substantial evidence. The school district may appeal the reversal  
40 to the state board.

1 (3) If the county board *of education* does not issue a decision  
2 on the appeal within 90 days of receipt, or the county board upholds  
3 the revocation, the charter school may appeal the revocation to the  
4 state board.

5 (4) The state board may reverse the revocation decision if the  
6 state board determines that the findings made by the chartering  
7 authority under subdivision (e) are not supported by substantial  
8 evidence. The state board may uphold the revocation decision of  
9 the school district if the state board determines that the findings  
10 made by the chartering authority under subdivision (e) are  
11 supported by substantial evidence.

12 (g) (1) If a county office of education is the chartering authority  
13 and the county board *of education* revokes a charter pursuant to  
14 this section, the charter school may appeal the revocation to the  
15 state board within 30 days following the decision of the chartering  
16 authority.

17 (2) 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 (e) are not supported by substantial  
20 evidence.

21 (h) If the revocation decision of the chartering authority is  
22 reversed on appeal, the agency that granted the charter shall  
23 continue to be regarded as the chartering authority.

24 (i) During the pendency of an appeal filed under this section, a  
25 charter school, whose revocation proceedings are based on  
26 ~~paragraph (1) or (2) subparagraph (A) or (B) of paragraph (1)~~ of  
27 subdivision (c), shall continue to qualify as a charter school for  
28 funding and for all other purposes of this part, and may continue  
29 to hold all existing grants, resources, and facilities, in order to  
30 ensure that the education of pupils enrolled in the school is not  
31 disrupted.

32 (j) Immediately following the decision of a county board *of*  
33 *education* to reverse a decision of a school district to revoke a  
34 charter, the following shall apply:

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

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

39 (3) Any funding, grants, resources, and facilities that had been  
40 withheld from the charter school, or that the charter school had

1 otherwise been deprived of use, as a result of the revocation of the  
2 charter shall be immediately reinstated or returned.

3 (k) A final decision of a revocation or appeal of a revocation  
4 pursuant to subdivision (c) shall be reported to the chartering  
5 authority, the county board *of education*, and the department.

6 ~~SECTION 1. It is the intent of the Legislature to enact~~  
7 ~~legislation that would amend the Charter Schools Act of 1992 in~~  
8 ~~a manner that would make the state more competitive when~~  
9 ~~applying for a grant pursuant to the federal Charter School~~  
10 ~~Program.~~

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