

ASSEMBLY BILL

No. 1032

Introduced by Assembly Member Gordon

February 22, 2013

An act to add Section 47614.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1032, as introduced, Gordon. Charter schools: facilities: disputes.

Existing law requires that each school district make available to each charter school operating in the school district facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Existing law authorizes the school district to charge the charter school a pro rata share of the school district facilities costs that the school district pays for with unrestricted general fund revenues.

This bill would provide that the Legislature finds and declares that it is in the public interest that parties to school facilities disputes that arise out of the above provisions be encouraged to seek resolution through mediation prior to seeking relief in a court of law. The bill would require a mediation conference to be scheduled in a timely manner and held at a time and place reasonably convenient to the parties of the dispute.

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

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

1 SECTION 1. Section 47614.1 is added to the Education Code,
2 to read:
3 47614.1. (a) The Legislature finds and declares that it is in the
4 public interest that parties to school facilities disputes originating
5 from Section 47614 be encouraged to seek resolution through
6 mediation prior to seeking relief in a court of law. The prehearing
7 mediation conference may be an informal process conducted in a
8 nonadversarial atmosphere to resolve issues relating to school
9 facilities disputes originating from Section 47614, to the
10 satisfaction of both parties. Therefore, attorneys or other
11 independent contractors used to provide legal advocacy services
12 shall not attend or otherwise participate in the prehearing mediation
13 conference.
14 (b) This section does not preclude the parties to the dispute from
15 being accompanied and advised by nonattorney representatives in
16 the mediation conferences and consulting with an attorney prior
17 to or following a mediation conference.
18 (c) If the mediation conference fails to resolve the issues to the
19 satisfaction of all parties, either party may seek relief in a court of
20 law.
21 (d) A mediation conference held pursuant to this section shall
22 be scheduled in a timely manner and shall be held at a time and
23 place reasonably convenient to the parties to the dispute.