

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1032**

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**Introduced by Assembly Member Gordon**

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1032, as amended, Gordon. Charter schools: facilities.

Existing law, the Smaller Classes, Safer Schools, and Financial Accountability Act, 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 provides that it is the intent of the people that public school facilities should be shared fairly among all public school pupils, including those in charter schools. Existing law authorizes a school district to charge a charter school a pro rata share of the school district facilities costs that the school district pays for with unrestricted ~~general fund~~ *General Fund* revenues.

This bill would require a school district to give the same degree of consideration to pupils attending schools operated by the school district as pupils attending charter schools, for purposes of determining appropriate facilities to offer to eligible charter schools. The bill would

require the school district to consider certain things when allocating reasonably equivalent facilities to charter schools, including the impact of the facilities offer on pupils attending schools operated by the school district and the in-district students attending, or proposed to attend, the charter school, as provided. The bill would state that a school district is not required to provide additional facilities to a charter school if the charter school owns or leases facilities that are able to accommodate in-district students in conditions reasonably equivalent to those in which the in-district students would be accommodated if they were attending public schools of the district, as provided. By imposing new requirements on school districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

*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) Pursuant to Section 47614, in exercising its
- 4 discretion in determining appropriate facilities to offer to eligible
- 5 charter schools operating within a school district, a school district
- 6 shall give the same degree of consideration to pupils attending
- 7 schools operated by the school district as pupils attending charter
- 8 schools. To ensure that facilities are shared fairly among all public
- 9 school pupils, including those in charter schools, in allocating
- 10 reasonably equivalent facilities to charter schools operating within
- 11 the school district, a school district shall consider *both of* the
- 12 following:
- 13 (1) The impact of the facilities offer on pupils attending schools
- 14 operated by the school district and the in-district students attending,
- 15 or proposed to attend, the charter school. In considering this impact,
- 16 the school district shall do *both of* the following:

1 (A) Seek to minimize disruption to the educational program of  
2 pupils attending schools operated by the school district and the  
3 in-district students attending, or proposed to attend, the charter  
4 school.

5 (B) Not unnecessarily move pupils attending district schools  
6 from their current schools.

7 (2) The useable space at the ~~comparison school sites~~ *schoolsites*  
8 operated by the school district as well as all useable space at  
9 facilities owned or leased by the charter school when considering  
10 reasonably equivalent facilities to be allocated to a charter school.  
11 For purposes of determining conditions reasonably equivalent for  
12 the charter school's in-district students, useable space shall not  
13 include space that cannot be used for educational purposes due to  
14 safety concerns, topography, lack of improvement, or other  
15 conditions. The school district shall also exclude from its  
16 consideration *classrooms, specialized classrooms, and nonteaching*  
17 *space at the comparison schoolsites that is are not used provided*  
18 *by the school district for instructional purposes to district pupils,*  
19 *and shall exclude space at the comparison schoolsites that is used*  
20 *solely by private organizations to provide services with nonschool*  
21 *district resources, when determining conditions reasonably*  
22 *equivalent for the charter school's in-district students.*

23 (b) A school district is not required to provide additional  
24 facilities to a charter school if the charter school owns or leases  
25 facilities for the year for which it seeks allocation of facilities and  
26 the owned or leased facilities are able to accommodate in-district  
27 students in conditions reasonably equivalent to those in which the  
28 in-district students would be accommodated.

29 (c) In evaluating a facilities request or formulating a facilities  
30 offer, arithmetical precision is not required. Instead, the school  
31 district shall use reasonable good faith methods to evaluate a  
32 facility request or formulate a facilities offer.

33 SEC. 2. The Legislature finds and declares that Section 1 of  
34 this act does not change the scope or effect of, and furthers the  
35 purposes of, the Smaller Classes, Safer Schools, and Financial  
36 Accountability Act because it ensures that public school facilities  
37 are shared fairly among all public school pupils.

38 SEC. 3. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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