

AMENDED IN ASSEMBLY MAY 1, 2013
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

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 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 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.

This bill would state certain legislative findings and declarations regarding the Smaller Classes, Safer Schools, and Financial Accountability Act and the provision of school facilities to charter schools.

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

1 the school district, a school district shall consider both of the
2 following:

3 (1) The impact of the facilities offer on pupils attending schools
4 operated by the school district and the in-district students attending,
5 or proposed to attend, the charter school. In considering this impact,
6 the school district shall do both of the following:

7 (A) Seek to minimize disruption to the educational program of
8 pupils attending schools operated by the school district and the
9 in-district students attending, or proposed to attend, the charter
10 school.

11 (B) Not unnecessarily move pupils attending district schools
12 from their current schools.

13 (2) The useable space at the comparison schoolsites operated
14 by the school district as well as all useable space at facilities owned
15 or leased by the charter school when considering reasonably
16 equivalent facilities to be allocated to a charter school. For purposes
17 of determining conditions reasonably equivalent for the charter
18 school's in-district students, useable space shall not include space
19 that cannot be used for educational purposes due to safety concerns,
20 topography, *or* lack of improvement, ~~or other conditions~~. The
21 school district shall also exclude from its consideration classrooms,
22 specialized classrooms, and nonteaching space at the comparison
23 schoolsites that are not provided by the school district to district
24 pupils, and shall exclude space at the comparison schoolsites that
25 is used solely by private organizations to provide services with
26 nonschool district resources, when determining conditions
27 reasonably equivalent for the charter school's in-district students.
28 *Space used solely by private organizations shall be excluded only*
29 *for purposes of evaluating the kind of space provided by the school*
30 *district to district pupils when determining conditions reasonably*
31 *equivalent for the charter school's in-district students. School*
32 *districts shall not be prevented from allocating space used solely*
33 *by private organizations to charter schools as part of the facilities*
34 *offer.*

35 (b) A school district is not required to provide additional
36 facilities to a charter school if the charter school owns or leases
37 facilities for the year for which it seeks allocation of facilities and
38 the owned or leased facilities are able to accommodate in-district
39 students in conditions reasonably equivalent to those in which the
40 in-district students would be accommodated.

1 ~~(e) In evaluating a facilities request or formulating a facilities~~
2 ~~offer, arithmetical precision is not required. Instead, the school~~
3 ~~district shall use reasonable good faith methods to evaluate a~~
4 ~~facility request or formulate a facilities offer.~~

5 SEC. 2. The Legislature finds and declares ~~that Section~~ *all of*
6 *the following:*

7 *(a) Section 1 of this act does not change the scope or effect of,*
8 *and furthers the purposes of, the Smaller Classes, Safer Schools,*
9 *and Financial Accountability Act because it ensures that public*
10 *school facilities are shared fairly among all public school pupils.*

11 *(b) School districts and charter schools spend a large amount*
12 *of time and money in legal disputes over the determination of*
13 *“reasonably equivalent” and “arithmetical precision” in regards*
14 *to school facilities.*

15 *(c) Protracted litigation over school facilities does not benefit*
16 *public school pupils in either a district-operated school or a*
17 *charter school.*

18 *(d) Section 1 of this act does not excuse the obligation that a*
19 *school district has to provide school facilities to serve a charter*
20 *school’s in-district students, pursuant to the Smaller Classes, Safer*
21 *Schools, and Financial Accountability Act.*

22 *(e) It is in the public interest to provide fairness to all public*
23 *school pupils regardless of whether the pupil attends a*
24 *district-operated school or a charter school.*

25 SEC. 3. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.