

ASSEMBLY BILL

No. 2240

Introduced by Assembly Member Grove

February 21, 2014

An act to amend Section 47607 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2240, as introduced, Grove. Charter schools.

The Charter Schools Act of 1992 specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school, and authorizes a charter to be granted for a period not to exceed 5 years. The act also authorizes the chartering authority of a charter school to grant one or more subsequent renewals for 5-year periods if the charter school meets specified requirements.

This bill would make nonsubstantive changes to those provisions, including, among others, updating cross-references.

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 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 *the governing board of* a school district
6 ~~governing board~~, a county board of education, or the state board

1 may be granted one or more subsequent renewals by that entity.
2 Each renewal shall be for a period of five years. A material revision
3 of the provisions of a charter petition may be made only with the
4 approval of the authority that granted the charter. The *chartering*
5 authority ~~that granted the charter~~ may inspect or observe any part
6 of the charter school at any time.

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

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

16 (B) For purposes of this section, “all groups of pupils served
17 by the charter school” means a numerically significant pupil
18 subgroup, as defined by paragraph (3) of subdivision (a) of Section
19 52052, served by the charter school.

20 (b) Commencing on January 1, 2005, or after a charter school
21 has been in operation for four years, whichever date occurs later,
22 a charter school shall meet at least one of the following criteria
23 before receiving a charter renewal pursuant to paragraph (1) of
24 subdivision (a):

25 (1) Attained its Academic Performance Index (API) growth
26 target in the prior year or in two of the last three years both
27 schoolwide and for all groups of pupils served by the charter
28 school.

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

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

34 (4) (A) ~~The entity that granted the charter~~ *chartering authority*
35 determines that the academic performance of the charter school is
36 at least equal to the academic performance of the public schools
37 that the charter school pupils would otherwise have been required
38 to attend, as well as the academic performance of the schools in
39 the school district in which the charter school is located, taking

1 into account the composition of the pupil population that is served
2 at the charter school.

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

5 (i) Documented and clear and convincing data.

6 (ii) Pupil achievement data from assessments, including, but
7 not limited to, the ~~Standardized Testing and Reporting Program~~
8 *Measurement of Academic Performance and Progress program*
9 established by Article 4 (commencing with Section 60640) of
10 Chapter 5 of Part 33 for demographically similar pupil populations
11 in the comparison schools.

12 (iii) Information submitted by the charter school.

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

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

23 (5) Qualified for an alternative accountability system pursuant
24 to subdivision ~~(h)~~ (g) of Section 52052.

25 (c) (1) A charter may be revoked by the authority that granted
26 the charter under this chapter if the *chartering* authority finds,
27 through a showing of substantial evidence, that the charter school
28 did any of the following:

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

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

33 (C) Failed to meet generally accepted accounting principles, or
34 engaged in fiscal mismanagement.

35 (D) Violated any provision of law.

36 (2) The *chartering* authority ~~that granted the charter~~ shall
37 consider increases in pupil academic achievement for all groups
38 of pupils served by the charter school as the most important factor
39 in determining whether to revoke a charter.

1 (d) Before revocation, the *chartering* authority ~~that granted the~~
2 ~~charter~~ shall notify the charter school of ~~any~~ a violation of this
3 section and give the school a reasonable opportunity to remedy
4 the violation, unless the *chartering* authority determines, in writing,
5 that the violation constitutes a severe and imminent threat to the
6 health or safety of the pupils.

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

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

27 (2) The county board of education may reverse the revocation
28 decision if the county board of education determines that the
29 findings made by the chartering authority under subdivision (e)
30 are not supported by substantial evidence. The school district may
31 appeal the reversal to the state board.

32 (3) If the county board of education does not issue a decision
33 on the appeal within 90 days of receipt, or the county board of
34 education upholds the revocation, the charter school may appeal
35 the revocation to the state board.

36 (4) The state board may reverse the revocation decision if the
37 state board determines that the findings made by the chartering
38 authority under subdivision (e) are not supported by substantial
39 evidence. The state board may uphold the revocation decision of
40 the school district if the state board determines that the findings

1 made by the chartering authority under subdivision (e) are
2 supported by substantial evidence.

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

8 (2) The state board may reverse the revocation decision if the
9 state board determines that the findings made by the chartering
10 authority under subdivision (e) are not supported by substantial
11 evidence.

12 (h) If the revocation decision of the chartering authority is
13 reversed on appeal, the ~~agency~~ *entity* that granted the charter shall
14 continue to be regarded as the chartering authority.

15 (i) During the pendency of an appeal filed under this section, a
16 charter school, whose revocation proceedings are based on
17 subparagraph (A) or (B) of paragraph (1) of subdivision (c), shall
18 continue to qualify as a charter school for funding and for all other
19 purposes of this part, and may continue to hold all existing grants,
20 resources, and facilities, in order to ensure that the education of
21 pupils enrolled in the school is not disrupted.

22 (j) Immediately following the decision of a county board of
23 education to reverse a decision of a school district to revoke a
24 charter, the following shall apply:

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

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

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

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