

Introduced by Senator PavleyFebruary 21, 2014

An act to amend Section 47605 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as introduced, Pavley. Charter schools: pupils no longer attending.

Existing law requires a charter school, if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, to notify the superintendent of the school district of the pupil's last known address within 30 days, and to, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.

This bill would instead require the charter school to notify the superintendent of the school district of the pupil's last known address within 20 business days. To the extent this bill would require a higher level of service from charter school officials, 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 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.

11 The petition may be submitted to the governing board of the school
12 district for review after either of the following conditions is met:

13 (A) The petition is signed by a number of parents or legal
14 guardians of pupils that is equivalent to at least one-half of the
15 number of pupils that the charter school estimates will enroll in
16 the school for its first year of operation.

17 (B) The petition is signed by a number of teachers that is
18 equivalent to at least one-half of the number of teachers that the
19 charter school estimates will be employed at the school during its
20 first year of operation.

21 (2) A petition that proposes to convert an existing public school
22 to a charter school that would not be eligible for a loan pursuant
23 to subdivision ~~(b)~~ (c) of Section 41365 may be circulated by one
24 or more persons seeking to establish the charter school. The petition
25 may be submitted to the governing board of the school district for
26 review after the petition is signed by not less than 50 percent of
27 the permanent status teachers currently employed at the public
28 school to be converted.

29 (3) A petition shall include a prominent statement that a
30 signature on the petition means that the parent or legal guardian
31 is meaningfully interested in having his or her child or ward attend
32 the charter school, or in the case of a teacher's signature, means
33 that the teacher is meaningfully interested in teaching at the charter
34 school. The proposed charter shall be attached to the petition.

35 (4) After receiving approval of its petition, a charter school that
36 proposes to establish operations at one or more additional sites
37 shall request a material revision to its charter and shall notify the
38 authority that granted its charter of those additional locations. The

1 authority that granted its charter shall consider whether to approve
2 those additional locations at an open, public meeting. If the
3 additional locations are approved, they shall be a material revision
4 to the charter school's charter.

5 (5) A charter school that is unable to locate within the
6 jurisdiction of the chartering school district may establish one site
7 outside the boundaries of the school district, but within the county
8 in which that school district is located, if the school district within
9 the jurisdiction of which the charter school proposes to operate is
10 notified in advance of the charter petition approval, the county
11 superintendent of schools and the Superintendent are notified of
12 the location of the charter school before it commences operations,
13 and either of the following circumstances exists:

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

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

19 (6) Commencing January 1, 2003, a petition to establish a charter
20 school ~~may~~ shall not be approved to serve pupils in a grade level
21 that is not served by the school district of the governing board
22 considering the petition, unless the petition proposes to serve pupils
23 in all of the grade levels served by that school district.

24 (b) No later than 30 days after receiving a petition, in accordance
25 with subdivision (a), the governing board of the school district
26 shall hold a public hearing on the provisions of the charter, at
27 which time the governing board of the school district shall consider
28 the level of support for the petition by teachers employed by the
29 school district, other employees of the school district, and parents.
30 Following review of the petition and the public hearing, the
31 governing board of the school district shall either grant or deny
32 the charter within 60 days of receipt of the petition, provided,
33 however, that the date may be extended by an additional 30 days
34 if both parties agree to the extension. In reviewing petitions for
35 the establishment of charter schools pursuant to this section, the
36 chartering authority shall be guided by the intent of the Legislature
37 that charter schools are and should become an integral part of the
38 California educational system and that the establishment of charter
39 schools should be encouraged. The governing board of the school
40 district shall grant a charter for the operation of a school under this

1 part if it is satisfied that granting the charter is consistent with
2 sound educational practice. The governing board of the school
3 district shall not deny a petition for the establishment of a charter
4 school unless it makes written factual findings, specific to the
5 particular petition, setting forth specific facts to support one or
6 more of the following findings:

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

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

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

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

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

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

24 (ii) A description, for the charter school, of annual goals, for
25 all pupils and for each subgroup of pupils identified pursuant to
26 Section 52052, to be achieved in the state priorities, as described
27 in subdivision (d) of Section 52060, that apply for the grade levels
28 served, or the nature of the program operated, by the charter school,
29 and specific annual actions to achieve those goals. A charter
30 petition may identify additional school priorities, the goals for the
31 school priorities, and the specific annual actions to achieve those
32 goals.

33 (iii) If the proposed *charter* school will serve high school pupils,
34 a description of the manner in which the charter school will inform
35 parents about the transferability of courses to other public high
36 schools and the eligibility of courses to meet college entrance
37 requirements. Courses offered by the charter school that are
38 accredited by the Western Association of Schools and Colleges
39 may be considered transferable and courses approved by the
40 University of California or the California State University as

1 creditable under the “A” to “G” admissions criteria may be
2 considered to meet college entrance requirements.

3 (B) The measurable pupil outcomes identified for use by the
4 charter school. “Pupil outcomes,” for purposes of this part, means
5 the extent to which all pupils of the *charter* school demonstrate
6 that they have attained the skills, knowledge, and attitudes specified
7 as goals in the *charter* school’s educational program. Pupil
8 outcomes shall include outcomes that address increases in pupil
9 academic achievement both schoolwide and for all groups of pupils
10 served by the charter school, as that term is defined in subparagraph
11 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil
12 outcomes shall align with the state priorities, as described in
13 subdivision (d) of Section 52060, that apply for the grade levels
14 served, or the nature of the program operated, by the charter school.

15 (C) The method by which pupil progress in meeting those pupil
16 outcomes is to be measured. To the extent practicable, the method
17 for measuring pupil outcomes for state priorities shall be consistent
18 with the way information is reported on a school accountability
19 report card.

20 (D) The governance structure of the *charter* school, including,
21 but not limited to, the process to be followed by the *charter* school
22 to ensure parental involvement.

23 (E) The qualifications to be met by individuals to be employed
24 by the *charter* school.

25 (F) The procedures that the *charter* school will follow to ensure
26 the health and safety of pupils and staff. These procedures shall
27 include the requirement that each employee of the *charter* school
28 furnish ~~the school~~ it with a criminal record summary as described
29 in Section 44237.

30 (G) The means by which the *charter* school will achieve a racial
31 and ethnic balance among its pupils that is reflective of the general
32 population residing within the territorial jurisdiction of the school
33 district to which the charter petition is submitted.

34 (H) Admission requirements, if applicable.

35 (I) The manner in which annual, independent financial audits
36 shall be conducted, which shall employ generally accepted
37 accounting principles, and the manner in which audit exceptions
38 and deficiencies shall be resolved to the satisfaction of the
39 chartering authority.

1 (J) The procedures by which pupils can be suspended or
2 expelled.

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

6 (L) The public school attendance alternatives for pupils residing
7 within the school district who choose not to attend charter schools.

8 (M) A description of the rights of ~~any~~ *an* employee of the school
9 district upon leaving the employment of the school district to work
10 in a charter school, and of any rights of return to the school district
11 after employment at a charter school.

12 (N) The procedures to be followed by the charter school and
13 the entity granting the charter to resolve disputes relating to
14 provisions of the charter.

15 (O) A declaration *of* whether or not the charter school shall be
16 deemed the exclusive public school employer of the employees of
17 the charter school for purposes of Chapter 10.7 (commencing with
18 Section 3540) of Division 4 of Title 1 of the Government Code.

19 (P) A description of the procedures to be used if the charter
20 school closes. The procedures shall ensure a final audit of the
21 *charter* school to determine the disposition of all assets and
22 liabilities of the charter school, including plans for disposing of
23 any net assets and for the maintenance and transfer of pupil records.

24 (c) (1) Charter schools shall meet all statewide standards and
25 conduct the pupil assessments required pursuant to Sections 60605
26 and 60851 and any other statewide standards authorized in statute
27 or pupil assessments applicable to pupils in noncharter public
28 schools.

29 (2) Charter schools shall, on a regular basis, consult with their
30 parents, legal guardians, and teachers regarding the *charter* school's
31 educational programs.

32 (d) (1) In addition to any other requirement imposed under this
33 part, a charter school shall be nonsectarian in its programs,
34 admission policies, employment practices, and all other operations,
35 shall not charge tuition, and shall not discriminate against ~~any~~ *a*
36 pupil on the basis of the characteristics listed in Section 220. Except
37 as provided in paragraph (2), admission to a charter school shall
38 not be determined according to the place of residence of the pupil,
39 or of his or her parent or legal guardian, within this state, except
40 that an existing public school converting partially or entirely to a

1 charter school under this part shall adopt and maintain a policy
2 giving admission preference to pupils who reside within the former
3 attendance area of that public school.

4 (2) (A) A charter school shall admit all pupils who wish to
5 attend the school.

6 (B) If the number of pupils who wish to attend the charter school
7 exceeds the school's capacity, attendance, except for existing pupils
8 of the charter school, shall be determined by a public random
9 drawing. Preference shall be extended to pupils currently attending
10 the charter school and pupils who reside in the *school* district
11 except as provided for in Section 47614.5. Other preferences may
12 be permitted by the chartering authority on an individual school
13 basis and only if consistent with the law.

14 (C) In the event of a drawing, the chartering authority shall
15 make reasonable efforts to accommodate the growth of the charter
16 school and in no event shall take any action to impede the charter
17 school from expanding enrollment to meet pupil demand.

18 (3) If a pupil is expelled or leaves the charter school without
19 graduating or completing the school year for any reason, the charter
20 school shall notify the superintendent of the school district of the
21 pupil's last known address within ~~30~~ 20 *business* days, and shall,
22 upon request, provide that school district with a copy of the
23 cumulative record of the pupil, including a transcript of grades or
24 report card, and health information. This paragraph applies only
25 to pupils subject to compulsory full-time education pursuant to
26 Section 48200.

27 (e) The governing board of a school district shall not require
28 ~~any~~ *an* employee of the school district to be employed in a charter
29 school.

30 (f) The governing board of a school district shall not require
31 ~~any~~ *a* pupil enrolled in the school district to attend a charter school.

32 (g) The governing board of a school district shall require that
33 the petitioner or petitioners provide information regarding the
34 proposed operation and potential effects of the *charter* school,
35 including, but not limited to, the facilities to be used by the *charter*
36 school, the manner in which administrative services of the *charter*
37 school are to be provided, and potential civil liability effects, if
38 any, upon the *charter* school and upon the school district. The
39 description of the facilities to be used by the charter school shall
40 specify where the *charter* school intends to locate. The petitioner

1 or petitioners *also* shall ~~also~~ be required to provide financial
2 statements that include a proposed first-year operational budget,
3 including startup costs, and cashflow and financial projections for
4 the first three years of operation.

5 (h) In reviewing petitions for the establishment of charter
6 schools within the school district, the governing board of the school
7 district shall give preference to petitions that demonstrate the
8 capability to provide comprehensive learning experiences to pupils
9 identified by the petitioner or petitioners as academically low
10 achieving pursuant to the standards established by the department
11 under Section 54032, as it read before July 19, 2006.

12 (i) Upon the approval of the petition by the governing board of
13 the school district, the petitioner or petitioners shall provide written
14 notice of that approval, including a copy of the petition, to the
15 applicable county superintendent of schools, the department, and
16 the state board.

17 (j) (1) If the governing board of a school district denies a
18 petition, the petitioner may elect to submit the petition for the
19 establishment of a charter school to the county board of education.
20 The county board of education shall review the petition pursuant
21 to subdivision (b). If the petitioner elects to submit a petition for
22 establishment of a charter school to the county board of education
23 and the county board of education denies the petition, the petitioner
24 may file a petition for establishment of a charter school with the
25 state board, and the state board may approve the petition, in
26 accordance with subdivision (b). A charter school that receives
27 approval of its petition from a county board of education or from
28 the state board on appeal shall be subject to the same requirements
29 concerning geographic location to which it would otherwise be
30 subject if it received approval from the entity to which it originally
31 submitted its petition. A charter petition that is submitted to either
32 a county board of education or to the state board shall meet all
33 otherwise applicable petition requirements, including the
34 identification of the proposed site or sites where the charter school
35 will operate.

36 (2) In assuming its role as a chartering agency, the state board
37 shall develop criteria to be used for the review and approval of
38 charter school petitions presented to the state board. The criteria
39 shall address all elements required for charter approval, as
40 identified in subdivision ~~(b)~~ (b), and shall define “reasonably

1 comprehensive” as used in paragraph (5) of subdivision (b) in a
2 way that is consistent with the intent of this part. Upon satisfactory
3 completion of the criteria, the state board shall adopt the criteria
4 on or before June 30, 2001.

5 (3) A charter school for which a charter is granted by either the
6 county board of education or the state board based on an appeal
7 pursuant to this subdivision shall qualify fully as a charter school
8 for all funding and other purposes of this part.

9 (4) If either the county board of education or the state board
10 fails to act on a petition within 120 days of receipt, the decision
11 of the governing board of the school district to deny a petition
12 ~~shall, thereafter,~~ shall be subject to judicial review.

13 (5) The state board shall adopt regulations implementing this
14 subdivision.

15 (6) 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 department
18 and the state board.

19 (k) (1) The state board may, by mutual agreement, designate
20 its supervisory and oversight responsibilities for a charter school
21 approved by the state board to any local educational agency in the
22 county in which the charter school is located or to the governing
23 board of the school district that first denied the petition.

24 (2) The designated local educational agency shall have all
25 monitoring and supervising authority of a chartering agency,
26 including, but not limited to, powers and duties set forth in Section
27 47607, except the power of revocation, which shall remain with
28 the state board.

29 (3) A charter school that is granted its charter through an appeal
30 to the state board and elects to seek renewal of its charter shall,
31 before expiration of the charter, submit its petition for renewal to
32 the governing board of the school district that initially denied the
33 charter. If the governing board of the school district denies the
34 *charter* school’s petition for renewal, the *charter* school may
35 petition the state board for renewal of its charter.

36 (l) Teachers in charter schools shall hold a Commission on
37 Teacher Credentialing certificate, permit, or other document
38 equivalent to that which a teacher in other public schools would
39 be required to hold. These documents shall be maintained on file
40 at the charter school and are subject to periodic inspection by the

1 chartering authority. It is the intent of the Legislature that charter
2 schools be given flexibility with regard to noncore, noncollege
3 preparatory courses.

4 (m) A charter school shall transmit a copy of its annual,
5 independent financial audit report for the preceding fiscal year, as
6 described in subparagraph (I) of paragraph (5) of subdivision (b),
7 to its chartering entity, the Controller, the county superintendent
8 of schools of the county in which the charter school is sited, unless
9 the county board of education of the county in which the charter
10 school is sited is the chartering entity, and the department by
11 December 15 of each year. This subdivision does not apply if the
12 audit of the charter school is encompassed in the audit of the
13 chartering entity pursuant to Section 41020.

14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.