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AMENDED IN ASSEMBLY MAY 28, 2015  
AMENDED IN ASSEMBLY APRIL 20, 2015  
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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 58**

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**Introduced by Assembly Member Rodriguez**

December 2, 2014

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An act to amend Sections 32280, 32281, 32282, 32286, 32288, and 47605 of, and to add Sections 32286.1 and 32288.1 to, the Education Code, relating to school safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 58, as amended, Rodriguez. School safety plans.

(1) Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop the school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a school safety plan.

This bill would revise and recast those procedures. The bill would require the comprehensive school safety plan to include procedures related to individuals with guns on school campuses and at school-related functions, as provided. The bill would require, no later than October 15, 2016, and every year thereafter, each superintendent of a school district and county office of education to provide written notification to the Superintendent of Public Instruction certifying that each school within the school district and the county has complied with the requirement to adopt a comprehensive school safety plan. The bill would require certain school administrators to keep and maintain a copy of the most recent comprehensive school safety plan, as provided, and would require each principal to ensure that an updated copy of the comprehensive school safety plan is readily available to staff members, law enforcement, first responders, and the public. By requiring school and local educational agency officers to perform additional duties, the bill would impose a state-mandated local program.

The Charter Schools Act of 1992 allows one or more persons seeking to establish a charter school within a school district to circulate a petition to that effect. The act provides that a petition for the establishment of a charter school may be denied by the governing board of a school district upon a finding that the petition does not contain a reasonably comprehensive description of the procedures that the school will follow to ensure the health and safety of pupils and staff, including a requirement that each employee of the school furnish the school with a criminal record summary. The renewal of a charter is also governed by these criteria.

This bill, in addition, would add the development of a school safety plan, which includes specified topics, and that is annually reviewed and updated by the school, to the procedures that the school will follow to ensure the health and safety of pupils and staff that are to be described in a petition for the establishment of, or application for the renewal of a charter of, a charter school.

(2) 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 32280 of the Education Code is amended  
2 to read:

3 32280. (a) It is the intent of the Legislature that all California  
4 public schools, in kindergarten, and grades 1 to 12, inclusive,  
5 operated by school districts, in cooperation with local law  
6 enforcement agencies, community leaders, parents, pupils, teachers,  
7 administrators, and other persons who may be interested in the  
8 prevention of campus crime and violence, develop a comprehensive  
9 school safety plan that addresses the safety concerns identified  
10 through a systematic planning process. For the purposes of this  
11 section, law enforcement agencies include local police departments,  
12 county sheriffs' offices, school district police or security  
13 departments, probation departments, and district attorneys' offices.  
14 For purposes of this section, a "safety plan" means a plan to  
15 develop strategies aimed at the prevention of, and education about,  
16 potential incidents involving crime and violence on the school  
17 campus.

18 (b) For purposes of Sections 32281 and 32282, "principal"  
19 includes the principal's designee or administrator in charge of a  
20 school for charter schools without a principal.

21 SEC. 2. Section 32281 of the Education Code is amended to  
22 read:

23 32281. (a) Each school district and county office of education  
24 is responsible for the overall development of all comprehensive  
25 school safety plans for its schools operating kindergarten or any  
26 of grades 1 to 12, inclusive.

27 (b) (1) Except as provided in subdivision (d) with regard to a  
28 small school district, the schoolsite council established pursuant  
29 to former Section 52012, as it existed before July 1, 2005, or  
30 Section 52852 shall write and develop a comprehensive school  
31 safety plan relevant to the needs and resources of that particular  
32 school.

33 (2) The schoolsite council may delegate this responsibility to a  
34 school safety planning committee made up of the following  
35 members:

1 (A) The principal.

2 (B) One teacher who is a representative of the recognized  
3 certificated employee organization.

4 (C) One parent whose child attends the school.

5 (D) One classified employee who is a representative of the  
6 recognized classified employee organization.

7 (E) Other members, if desired.

8 (3) The schoolsite council shall consult with a representative  
9 from a law enforcement agency in the writing and development  
10 of the comprehensive school safety plan.

11 (4) In the absence of a schoolsite council, the members specified  
12 in paragraph (2) shall serve as the school safety planning  
13 committee.

14 (c) This article does not limit or take away the authority of  
15 school boards as guaranteed under this code.

16 (d) (1) Subdivision (b) shall not apply to a small school district,  
17 as defined in paragraph (2), if the small school district develops a  
18 districtwide comprehensive school safety plan that is applicable  
19 to each schoolsite.

20 (2) As used in this article, “small school district” means a school  
21 district that has fewer than 2,501 units of average daily attendance  
22 at the beginning of each fiscal year.

23 (e) (1) If a principal verifies through local law enforcement  
24 officials that a report has been filed of the occurrence of a violent  
25 crime on the schoolsite of an elementary or secondary school at  
26 which he or she is the principal, the principal may send to each  
27 pupil’s parent or legal guardian and each school employee a written  
28 notice of the occurrence and general nature of the crime. If the  
29 principal chooses to send the written notice, the Legislature  
30 encourages the notice be sent no later than the end of business on  
31 the second regular workday after the verification. If, at the time  
32 of verification, local law enforcement officials determine that  
33 notification of the violent crime would hinder an ongoing  
34 investigation, the notification authorized by this subdivision shall  
35 be made within a reasonable period of time, to be determined by  
36 the local law enforcement agency and the school district. For  
37 purposes of this section, an act considered a “violent crime” shall  
38 meet the definition of Section 67381 and is an act for which a pupil  
39 could or would be expelled pursuant to Section 48915.

1 (2) This subdivision does not create any liability in a school  
2 district or its employees for complying with paragraph (1).

3 (f) (1) Notwithstanding subdivision (b), a school district or  
4 county office of education may, in consultation with law  
5 enforcement officials, elect to not have its schoolsite council  
6 develop and write those portions of its comprehensive school safety  
7 plan that include tactical responses to criminal incidents that may  
8 result in death or serious bodily injury at the schoolsite. The  
9 portions of a school safety plan that include tactical responses to  
10 criminal incidents may be developed by administrators of the  
11 school district or the county office of education in consultation  
12 with law enforcement officials and with a representative of an  
13 exclusive bargaining unit of employees of that school district or  
14 county office of education, if he or she chooses to participate. The  
15 school district or county office of education may elect not to  
16 disclose those portions of the comprehensive school safety plan  
17 that include tactical responses to criminal incidents.

18 (2) As used in this article, “tactical responses to criminal  
19 incidents” means steps taken to safeguard pupils and staff, to secure  
20 the affected school premises, and to apprehend the criminal  
21 perpetrator or perpetrators.

22 (3) (A) Tactical responses to criminal incidents shall include  
23 procedures related to individuals with guns on school campuses  
24 and at school-related functions. Drills to prepare for active shooters  
25 or other armed assailants shall be based on the specific needs and  
26 context of each school and community. Schools shall consider the  
27 most cost-effective method of preparing pupils and staff for an  
28 active shooter situation while balancing the physical and  
29 psychological risks associated with these drills. Regardless of the  
30 nature of the drills a school chooses, the school resource officer  
31 and school-employed mental health professionals shall be integrally  
32 involved in the planning and evaluation process to ensure  
33 appropriate implementation.

34 (B) As used in this subparagraph, “active shooter” means an  
35 individual who is actively engaged in killing or attempting to kill  
36 people in a confined and populated area.

37 (4) This subdivision does not preclude the governing board of  
38 a school district or county office of education from conferring in  
39 a closed session with law enforcement officials pursuant to Section  
40 54957 of the Government Code to approve a tactical response plan

1 developed in consultation with those officials pursuant to this  
2 subdivision. A vote to approve the tactical response plan shall be  
3 announced in open session following the closed session.

4 (5) This subdivision does not reduce or eliminate the  
5 requirements of Section 32282.

6 SEC. 3. Section 32282 of the Education Code is amended to  
7 read:

8 32282. (a) The comprehensive school safety plan shall include,  
9 but not be limited to, both of the following:

10 (1) Assessing the current status of school crime committed on  
11 school campuses and at school-related functions.

12 (2) Identifying appropriate strategies and programs that will  
13 provide or maintain a high level of school safety and address the  
14 school's procedures for complying with existing laws related to  
15 school safety, which shall include the development of all of the  
16 following:

17 (A) Child abuse reporting procedures consistent with Article  
18 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
19 Part 4 of the Penal Code.

20 (B) Disaster procedures, routine and emergency, including  
21 adaptations for pupils with disabilities in accordance with the  
22 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
23 12101 et seq.). The disaster procedures shall also include, but not  
24 be limited to, both of the following:

25 (i) Establishing an earthquake emergency procedure system in  
26 every public school building having an occupant capacity of 50  
27 or more pupils or more than one classroom. A school district or  
28 county office of education may work with the Office of Emergency  
29 Services and the Seismic Safety Commission to develop and  
30 establish the earthquake emergency procedure system. The system  
31 shall include, but not be limited to, all of the following:

32 (I) A school building disaster plan, ready for implementation  
33 at any time, for maintaining the safety and care of pupils and staff.

34 (II) A drop procedure whereby each pupil and staff member  
35 takes cover under a table or desk, dropping to his or her knees,  
36 with the head protected by the arms, and the back to the windows.  
37 A drop procedure practice shall be held at least once each school  
38 quarter in elementary schools and at least once a semester in  
39 secondary schools.

1 (III) Protective measures to be taken before, during, and  
2 following an earthquake.

3 (IV) A program to ensure that pupils and both the certificated  
4 and classified staff are aware of, and properly trained in, the  
5 earthquake emergency procedure system.

6 (ii) Establishing a procedure to allow a public agency or  
7 nongovernmental organization, including the American Red Cross,  
8 to use school buildings, grounds, and equipment for mass care and  
9 welfare shelters during disasters or other emergencies affecting  
10 the public health and welfare. The school district or county office  
11 of education shall cooperate with the public agency or  
12 nongovernmental organization in furnishing and maintaining the  
13 services as the school district or county office of education may  
14 deem necessary to meet the needs of the community.

15 (C) Policies pursuant to subdivision (d) of Section 48915 for  
16 pupils who committed an act listed in subdivision (c) of Section  
17 48915 and other school-designated serious acts that would lead to  
18 suspension, expulsion, or mandatory expulsion recommendations  
19 pursuant to Article 1 (commencing with Section 48900) of Chapter  
20 6 of Part 27 of Division 4 of Title 2.

21 (D) Procedures to notify teachers of dangerous pupils pursuant  
22 to Section 49079.

23 (E) A discrimination and harassment policy consistent with the  
24 prohibition against discrimination contained in Chapter 2  
25 (commencing with Section 200) of Part 1.

26 (F) The provisions of any schoolwide dress code, pursuant to  
27 Section 35183, that prohibits pupils from wearing “gang-related  
28 apparel,” if the school has adopted that type of a dress code. For  
29 those purposes, the comprehensive school safety plan shall define  
30 “gang-related apparel.” The definition shall be limited to apparel  
31 that, if worn or displayed on a school campus, reasonably could  
32 be determined to threaten the health and safety of the school  
33 environment. Any schoolwide dress code established pursuant to  
34 this section and Section 35183 shall be enforced on the school  
35 campus and at any school-sponsored activity by the principal of  
36 the school. For purposes of this paragraph, “gang-related apparel”  
37 shall not be considered a protected form of speech pursuant to  
38 Section 48950.

39 (G) Procedures for safe ingress and egress of pupils, parents,  
40 and school employees to and from school.

1 (H) A safe and orderly environment conducive to learning at  
2 the school.

3 (I) The rules and procedures on school discipline adopted  
4 pursuant to Sections 35291 and 35291.5.

5 (b) It is the intent of the Legislature that schools develop  
6 comprehensive school safety plans using existing resources,  
7 including the materials and services of the School/Law  
8 Enforcement Partnership Program, pursuant to this chapter. It is  
9 also the intent of the Legislature that schools use the handbook  
10 developed and distributed by the School/Law Enforcement  
11 Partnership Program entitled “Safe Schools: A Planning Guide for  
12 Action” and the report by the National Association of School  
13 Psychologists and the National Association of School Resource  
14 Officers on “Best Practice Considerations for Schools in Active  
15 Shooter and Other Armed Assailant Drills” in conjunction with  
16 developing their plan for school safety.

17 (c) Each schoolsite council or school safety planning committee  
18 in developing and updating a comprehensive school safety plan  
19 shall, where practical, consult, cooperate, and coordinate with  
20 other schoolsite councils or school safety planning committees.

21 (d) As comprehensive school safety plans are reviewed and  
22 updated, the Legislature encourages all plans, to the extent that  
23 resources are available, to include policies and procedures aimed  
24 at the prevention of bullying.

25 (e) The comprehensive school safety plan, as written and  
26 updated by the schoolsite council or school safety planning  
27 committee, shall be submitted for approval under subdivision (a)  
28 of Section 32288.

29 SEC. 4. Section 32286 of the Education Code is amended to  
30 read:

31 32286. (a) Each school shall adopt its comprehensive school  
32 safety plan by March 1, 2000, and shall review and update its plan  
33 by March 1 every year thereafter. A new school campus that begins  
34 offering classes to pupils after March 1, 2001, shall adopt a  
35 comprehensive school safety plan within one year of initiating  
36 operation, and shall review and update its plan by March 1 every  
37 year thereafter.

38 (b) Commencing July 2000 and every year thereafter, the  
39 principal of each school shall accurately report on the status of the  
40 principal’s school’s safety plan for the upcoming school year,



1 including a description of its key elements in the annual school  
2 accountability report card prepared pursuant to Sections 33126  
3 and 35256. The report shall include, but is not limited to, the date  
4 the school safety plan was adopted and a description of the safety  
5 plan's elements as set forth in Section 32282.

6 SEC. 5. Section 32286.1 is added to the Education Code, to  
7 read:

8 32286.1. No later than October 15, 2016, and each year  
9 thereafter, each superintendent of a school district and county  
10 office of education shall provide written notification to the  
11 Superintendent certifying that each school within the school district  
12 and county has complied with Section 32281 or subdivision (b)  
13 of Section 32286 for that school year.

14 SEC. 6. Section 32288 of the Education Code is amended to  
15 read:

16 32288. (a) In order to ensure compliance with this article, each  
17 school shall forward its comprehensive school safety plan to the  
18 school district or the county office of education for approval.

19 (b) (1) (A) Before adopting its comprehensive school safety  
20 plan, the schoolsite council or school safety planning committee  
21 shall hold a public meeting at the schoolsite in order to allow  
22 members of the public the opportunity to express an opinion about  
23 the school safety plan.

24 (B) Confidential information relating to tactical responses to  
25 criminal incidents, pursuant to paragraph (1) of subdivision (f) of  
26 Section 32281, shall not be included at the public meeting.

27 (2) The schoolsite council or school safety planning committee  
28 shall notify, in writing, the following persons and entities, if  
29 available, of the public meeting:

30 (A) The local mayor.

31 (B) A representative of the local school employee organization.

32 (C) A representative of each parent organization at the  
33 schoolsite, including the parent teacher association and parent  
34 teacher clubs.

35 (D) A representative of each teacher organization at the  
36 schoolsite.

37 (E) A representative of the student body government.

38 (F) All persons who have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

SEC. 7. Section 32288.1 is added to the Education Code, to read:

32288.1. (a) Each principal shall keep and maintain a copy of the most recent comprehensive school safety plan for that school and shall ensure that an updated copy of the comprehensive school safety plan, either written or electronic, shall be readily available to staff members, law enforcement, first responders, and the public.

(b) Each superintendent of a school district or county office of education shall keep and maintain a copy of the most recent comprehensive school safety plan filed pursuant to Section 32288 and a copy of every notification made pursuant to Section 32286.1.

SEC. 8. Section 47605 of the Education Code is amended to read:

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:

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

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

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (b) of Section 41365 may be circulated by one or

1 more persons seeking to establish the charter school. The petition  
2 may be submitted to the governing board of the school district for  
3 review after the petition is signed by not less than 50 percent of  
4 the permanent status teachers currently employed at the public  
5 school to be converted.

6 (3) A petition shall include a prominent statement that a  
7 signature on the petition means that the parent or legal guardian  
8 is meaningfully interested in having his or her child or ward attend  
9 the charter school, or in the case of a teacher's signature, means  
10 that the teacher is meaningfully interested in teaching at the charter  
11 school. The proposed charter shall be attached to the petition.

12 (4) After receiving approval of its petition, a charter school that  
13 proposes to establish operations at one or more additional sites  
14 shall request a material revision to its charter and shall notify the  
15 authority that granted its charter of those additional locations. The  
16 authority that granted its charter shall consider whether to approve  
17 those additional locations at an open, public meeting. If the  
18 additional locations are approved, they shall be a material revision  
19 to the charter school's charter.

20 (5) A charter school that is unable to locate within the  
21 jurisdiction of the chartering school district may establish one site  
22 outside the boundaries of the school district, but within the county  
23 in which that school district is located, if the school district within  
24 the jurisdiction of which the charter school proposes to operate is  
25 notified in advance of the charter petition approval, the county  
26 superintendent of schools and the Superintendent are notified of  
27 the location of the charter school before it commences operations,  
28 and either of the following circumstances exists:

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

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

34 (6) Commencing January 1, 2003, a petition to establish a charter  
35 school may not be approved to serve pupils in a grade level that  
36 is not served by the school district of the governing board  
37 considering the petition, unless the petition proposes to serve pupils  
38 in all of the grade levels served by that school district.

39 (b) No later than 30 days after receiving a petition, in accordance  
40 with subdivision (a), the governing board of the school district

1 shall hold a public hearing on the provisions of the charter, at  
2 which time the governing board of the school district shall consider  
3 the level of support for the petition by teachers employed by the  
4 district, other employees of the district, and parents. Following  
5 review of the petition and the public hearing, the governing board  
6 of the school district shall either grant or deny the charter within  
7 60 days of receipt of the petition, provided, however, that the date  
8 may be extended by an additional 30 days if both parties agree to  
9 the extension. In reviewing petitions for the establishment of  
10 charter schools pursuant to this section, the chartering authority  
11 shall be guided by the intent of the Legislature that charter schools  
12 are and should become an integral part of the California educational  
13 system and that establishment of charter schools should be  
14 encouraged. The governing board of the school district shall grant  
15 a charter for the operation of a school under this part if it is satisfied  
16 that granting the charter is consistent with sound educational  
17 practice. The governing board of the school district shall not deny  
18 a petition for the establishment of a charter school unless it makes  
19 written factual findings, specific to the particular petition, setting  
20 forth specific facts to support one or more of the following  
21 findings:

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

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

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

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

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

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

38 (ii) A description, for the charter school, of annual goals, for  
39 all pupils and for each subgroup of pupils identified pursuant to  
40 Section 52052, to be achieved in the state priorities, as described

1 in subdivision (d) of Section 52060, that apply for the grade levels  
2 served, or the nature of the program operated, by the charter school,  
3 and specific annual actions to achieve those goals. A charter  
4 petition may identify additional school priorities, the goals for the  
5 school priorities, and the specific annual actions to achieve those  
6 goals.

7 (iii) If the proposed school will serve high school pupils, a  
8 description of the manner in which the charter school will inform  
9 parents about the transferability of courses to other public high  
10 schools and the eligibility of courses to meet college entrance  
11 requirements. Courses offered by the charter school that are  
12 accredited by the Western Association of Schools and Colleges  
13 may be considered transferable and courses approved by the  
14 University of California or the California State University as  
15 creditable under the “A” to “G” admissions criteria may be  
16 considered to meet college entrance requirements.

17 (B) The measurable pupil outcomes identified for use by the  
18 charter school. “Pupil outcomes,” for purposes of this part, means  
19 the extent to which all pupils of the school demonstrate that they  
20 have attained the skills, knowledge, and attitudes specified as goals  
21 in the school’s educational program. Pupil outcomes shall include  
22 outcomes that address increases in pupil academic achievement  
23 both schoolwide and for all groups of pupils served by the charter  
24 school, as that term is defined in subparagraph (B) of paragraph  
25 (3) of subdivision (a) of Section 47607. The pupil outcomes shall  
26 align with the state priorities, as described in subdivision (d) of  
27 Section 52060, that apply for the grade levels served, or the nature  
28 of the program operated, by the charter school.

29 (C) The method by which pupil progress in meeting those pupil  
30 outcomes is to be measured. To the extent practicable, the method  
31 for measuring pupil outcomes for state priorities shall be consistent  
32 with the way information is reported on a school accountability  
33 report card.

34 (D) The governance structure of the school, including, but not  
35 limited to, the process to be followed by the school to ensure  
36 parental involvement.

37 (E) The qualifications to be met by individuals to be employed  
38 by the school.

1 (F) The procedures that the school will follow to ensure the  
2 health and safety of pupils and staff. These procedures shall ~~include~~  
3 ~~both of the following:~~ *require:*

4 (i) ~~A requirement that~~

5 (i) *That* each employee of the school furnish the school with a  
6 criminal record summary as described in Section 44237.

7 (ii) The development of a school safety plan, which shall include  
8 the topics listed in subparagraphs (A) to ~~(H)~~; (H), inclusive, of  
9 paragraph (2) of subdivision (a) of Section 32282, that is reviewed  
10 and updated by March 1 of every year by the school.

11 (G) The means by which the school will achieve a racial and  
12 ethnic balance among its pupils that is reflective of the general  
13 population residing within the territorial jurisdiction of the school  
14 district to which the charter petition is submitted.

15 (H) Admission requirements, if applicable.

16 (I) The manner in which annual, independent financial audits  
17 shall be conducted, which shall employ generally accepted  
18 accounting principles, and the manner in which audit exceptions  
19 and deficiencies shall be resolved to the satisfaction of the  
20 chartering authority.

21 (J) The procedures by which pupils can be suspended or  
22 expelled.

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

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

28 (M) A description of the rights of any employee of the school  
29 district upon leaving the employment of the school district to work  
30 in a charter school, and of any rights of return to the school district  
31 after employment at a charter school.

32 (N) The procedures to be followed by the charter school and  
33 the entity granting the charter to resolve disputes relating to  
34 provisions of the charter.

35 (O) A declaration whether or not the charter school shall be  
36 deemed the exclusive public school employer of the employees of  
37 the charter school for purposes of Chapter 10.7 (commencing with  
38 Section 3540) of Division 4 of Title 1 of the Government Code.

39 (P) A description of the procedures to be used if the charter  
40 school closes. The procedures shall ensure a final audit of the

1 school to determine the disposition of all assets and liabilities of  
2 the charter school, including plans for disposing of any net assets  
3 and for the maintenance and transfer of pupil records.

4 (c) (1) Charter schools shall meet all statewide standards and  
5 conduct the pupil assessments required pursuant to Sections 60605  
6 and 60851 and any other statewide standards authorized in statute  
7 or pupil assessments applicable to pupils in noncharter public  
8 schools.

9 (2) Charter schools shall, on a regular basis, consult with their  
10 parents, legal guardians, and teachers regarding the school's  
11 educational programs.

12 (d) (1) In addition to any other requirement imposed under this  
13 part, a charter school shall be nonsectarian in its programs,  
14 admission policies, employment practices, and all other operations,  
15 shall not charge tuition, and shall not discriminate against any  
16 pupil on the basis of the characteristics listed in Section 220. Except  
17 as provided in paragraph (2), admission to a charter school shall  
18 not be determined according to the place of residence of the pupil,  
19 or of his or her parent or legal guardian, within this state, except  
20 that an existing public school converting partially or entirely to a  
21 charter school under this part shall adopt and maintain a policy  
22 giving admission preference to pupils who reside within the former  
23 attendance area of that public school.

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

26 (B) If the number of pupils who wish to attend the charter school  
27 exceeds the school's capacity, attendance, except for existing pupils  
28 of the charter school, shall be determined by a public random  
29 drawing. Preference shall be extended to pupils currently attending  
30 the charter school and pupils who reside in the district except as  
31 provided for in Section 47614.5. Other preferences may be  
32 permitted by the chartering authority on an individual school basis  
33 and only if consistent with the law.

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

38 (3) If a pupil is expelled or leaves the charter school without  
39 graduating or completing the school year for any reason, the charter  
40 school shall notify the superintendent of the school district of the

1 pupil's last known address within 30 days, and shall, upon request,  
2 provide that school district with a copy of the cumulative record  
3 of the pupil, including a transcript of grades or report card, and  
4 health information. This paragraph applies only to pupils subject  
5 to compulsory full-time education pursuant to Section 48200.

6 (e) The governing board of a school district shall not require  
7 any employee of the school district to be employed in a charter  
8 school.

9 (f) The governing board of a school district shall not require  
10 any pupil enrolled in the school district to attend a charter school.

11 (g) The governing board of a school district shall require that  
12 the petitioner or petitioners provide information regarding the  
13 proposed operation and potential effects of the school, including,  
14 but not limited to, the facilities to be used by the school, the manner  
15 in which administrative services of the school are to be provided,  
16 and potential civil liability effects, if any, upon the school and  
17 upon the school district. The description of the facilities to be used  
18 by the charter school shall specify where the school intends to  
19 locate. The petitioner or petitioners shall also be required to provide  
20 financial statements that include a proposed first-year operational  
21 budget, including startup costs, and cashflow and financial  
22 projections for the first three years of operation.

23 (h) In reviewing petitions for the establishment of charter  
24 schools within the school district, the governing board of the school  
25 district shall give preference to petitions that demonstrate the  
26 capability to provide comprehensive learning experiences to pupils  
27 identified by the petitioner or petitioners as academically low  
28 achieving pursuant to the standards established by the department  
29 under Section 54032, as it read before July 19, 2006.

30 (i) Upon the approval of the petition by the governing board of  
31 the school district, the petitioner or petitioners shall provide written  
32 notice of that approval, including a copy of the petition, to the  
33 applicable county superintendent of schools, the department, and  
34 the state board.

35 (j) (1) If the governing board of a school district denies a  
36 petition, the petitioner may elect to submit the petition for the  
37 establishment of a charter school to the county board of education.  
38 The county board of education shall review the petition pursuant  
39 to subdivision (b). If the petitioner elects to submit a petition for  
40 establishment of a charter school to the county board of education



1 and the county board of education denies the petition, the petitioner  
2 may file a petition for establishment of a charter school with the  
3 state board, and the state board may approve the petition, in  
4 accordance with subdivision (b). A charter school that receives  
5 approval of its petition from a county board of education or from  
6 the state board on appeal shall be subject to the same requirements  
7 concerning geographic location to which it would otherwise be  
8 subject if it received approval from the entity to which it originally  
9 submitted its petition. A charter petition that is submitted to either  
10 a county board of education or to the state board shall meet all  
11 otherwise applicable petition requirements, including the  
12 identification of the proposed site or sites where the charter school  
13 will operate.

14 (2) In assuming its role as a chartering agency, the state board  
15 shall develop criteria to be used for the review and approval of  
16 charter school petitions presented to the state board. The criteria  
17 shall address all elements required for charter approval, as  
18 identified in subdivision (b) and shall define “reasonably  
19 comprehensive” as used in paragraph (5) of subdivision (b) in a  
20 way that is consistent with the intent of this part. Upon satisfactory  
21 completion of the criteria, the state board shall adopt the criteria  
22 on or before June 30, 2001.

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

27 (4) If either the county board of education or the state board  
28 fails to act on a petition within 120 days of receipt, the decision  
29 of the governing board of the school district to deny a petition  
30 shall, thereafter, be subject to judicial review.

31 (5) The state board shall adopt regulations implementing this  
32 subdivision.

33 (6) Upon the approval of the petition by the county board of  
34 education, the petitioner or petitioners shall provide written notice  
35 of that approval, including a copy of the petition to the department  
36 and the state board.

37 (k) (1) The state board may, by mutual agreement, designate  
38 its supervisorial and oversight responsibilities for a charter school  
39 approved by the state board to any local educational agency in the

1 county in which the charter school is located or to the governing  
2 board of the school district that first denied the petition.

3 (2) The designated local educational agency shall have all  
4 monitoring and supervising authority of a chartering agency,  
5 including, but not limited to, powers and duties set forth in Section  
6 47607, except the power of revocation, which shall remain with  
7 the state board.

8 (3) A charter school that is granted its charter through an appeal  
9 to the state board and elects to seek renewal of its charter shall,  
10 before expiration of the charter, submit its petition for renewal to  
11 the governing board of the school district that initially denied the  
12 charter. If the governing board of the school district denies the  
13 school's petition for renewal, the school may petition the state  
14 board for renewal of its charter.

15 (l) Teachers in charter schools shall hold a Commission on  
16 Teacher Credentialing certificate, permit, or other document  
17 equivalent to that which a teacher in other public schools would  
18 be required to hold. These documents shall be maintained on file  
19 at the charter school and are subject to periodic inspection by the  
20 chartering authority. It is the intent of the Legislature that charter  
21 schools be given flexibility with regard to noncore, noncollege  
22 preparatory courses.

23 (m) A charter school shall transmit a copy of its annual,  
24 independent financial audit report for the preceding fiscal year, as  
25 described in subparagraph (I) of paragraph (5) of subdivision (b),  
26 to its chartering entity, the Controller, the county superintendent  
27 of schools of the county in which the charter school is sited, unless  
28 the county board of education of the county in which the charter  
29 school is sited is the chartering entity, and the department by  
30 December 15 of each year. This subdivision does not apply if the  
31 audit of the charter school is encompassed in the audit of the  
32 chartering entity pursuant to Section 41020.

33 SEC. 9. If the Commission on State Mandates determines that  
34 this act contains costs mandated by the state, reimbursement to  
35 local agencies and school districts for those costs shall be made  
36 pursuant to Part 7 (commencing with Section 17500) of Division  
37 4 of Title 2 of the Government Code.