

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 803

Introduced by Assembly Member Hadley

February 26, 2015

An act to ~~amend~~ *add* Section ~~47602~~ of 35721.7 to the Education Code, and Section 21080.18.5 to the Public Resources Code, relating to ~~charter schools~~ *school districts*.

LEGISLATIVE COUNSEL'S DIGEST

AB 803, as amended, Hadley. ~~Charter schools~~. *School districts: reorganization.*

(1) Existing law specifies a process for the unification or reorganization of school districts. As part of that process, existing law requires a county committee on school district organization to hold a public hearing upon receipt of a petition signed by at least 10% of the qualified electors residing in any school district for consideration of unification or other reorganization of any area. Existing law also requires a county committee on school district organization to hold a public hearing upon receipt of a resolution approved by a majority of the members of specified local agencies for consideration of unification or other reorganization of any area. Following those public hearings, existing law requires the county committee on school district organization to grant or deny the petition or resolution proposal. If a county committee on school district organization approves a petition to transfer territory, existing law requires the county committee to notify the county superintendent of schools who, upon that notification, is required to call an election in the territory of the school district, as specified.

Notwithstanding those provisions, this bill would create a separate procedure for inhabited territory transfers within the boundaries of a single school district for the formation of a new school district within a single county. The bill would authorize a transfer to be initiated by a petition signed by 10% of the number of qualified electors who voted in the last gubernatorial election and who reside within the boundaries of the proposed district, or by resolution of a local agency, as defined, approved by a majority of its members.

The bill would require the county board of education to hold a public hearing on a petition upon receipt of that petition, and to grant or deny the petition following the hearing. The bill would also require the county board of education, upon receipt of a resolution proposal, to hold a public hearing on that proposal jointly with the local agency that initiated the proposed transfer, and would require the county board of education and the local agency to jointly grant or deny the proposal by majority vote of all members. By imposing additional duties on county boards of education, the bill would impose a state-mandated local program.

The bill would require a petition to identify the persons who will represent the proposed school district at those public hearings. The bill would also require the local agency to appoint persons to represent the proposed school district at those public hearings by a resolution.

The bill would require the county superintendent of schools to call an election of registered voters within the boundaries of the territory to be transferred, as specified, if a petition or proposal is granted. By imposing additional duties on county superintendents of schools, the bill would impose a state-mandated local program.

(2) The California Environmental Quality Act (CEQA) generally requires all state and local governmental lead agencies to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they propose to carry out or approve that may result in a significant effect on the environment, that is, a substantial, or potentially substantial, adverse change in the physical conditions that exist within the area that will be affected by the project.

This bill would provide that CEQA shall not apply to inhabited territory transfers within the boundaries of a single school district for the formation of a new school district within a single county where only existing facilities will be transferred.

(3) *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.

~~Under the Charter Schools Act of 1992, a maximum of 100 additional charter schools may be authorized to operate in the state each school year.~~

~~This bill would make nonsubstantive changes to these provisions, including deleting an obsolete provision relating to a Legislative Analyst's report.~~

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 35721.7 is added to the Education Code,
2 to read:
3 35721.7. (a) Notwithstanding any other law, the following
4 provisions apply to inhabited territory transfers within the
5 boundaries of a single school district for the formation of a new
6 school district within a single county:
7 (1) The transfer may be initiated by either of the following:
8 (A) A petition signed by at least 10 percent of the number of
9 qualified electors who voted in the last gubernatorial election and
10 who reside within the boundaries of the territory proposed to be
11 transferred. The petition shall identify persons who will represent
12 the proposed school district in public hearings.
13 (B) A resolution of a local agency approved by a majority of its
14 members. The local agency shall also appoint persons to represent
15 the proposed school district in public hearings by a resolution.
16 (2) Upon receipt of a petition specified in subparagraph (A) of
17 paragraph (1), the county board of education shall hold a public
18 hearing on the petition at a regular or special meeting. Following
19 the hearing, the county board of education shall grant or deny the
20 petition.

(3) Upon receipt of a resolution specified in subparagraph (B) of paragraph (1), the county board of education and the local agency that initiated the transfer proposal shall jointly hold a public hearing on the transfer proposal at a regular or special meeting. Following the hearing, the county board of education and the local agency that initiated the transfer proposal shall jointly grant or deny the transfer proposal by a majority vote of all members.

(4) If a petition or proposal is granted, the county superintendent of schools shall call an election of registered voters within the boundaries of the territory to be transferred to be conducted at the next election of any kind in accordance with either of the following:

(A) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 or Title 1.

(B) Division 4 (commencing with Section 4000) of the Elections Code.

(b) For purposes of this section, “local agency” means a city council, county board of supervisors, governing body of a special district, or local agency formation commission that has jurisdiction over all or a portion of the proposed school district.

SEC. 2. Section 21080.18.5 is added to the Public Resources Code, to read:

21080.18.5. This division shall not apply to inhabited territory transfers within the boundaries of a single school district for the formation of a new school district within a single county where only existing facilities will be transferred.

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

~~SECTION 1. Section 47602 of the Education Code is amended to read:~~

~~47602. (a) In the 1998–99 school year, the maximum total number of charter schools authorized to operate in this state shall be 250. In each successive school year thereafter, an additional 100 charter schools are authorized to operate in this state each successive school year. For purposes of implementing this section, the state board shall assign a number to each charter petition that~~

1 it grants pursuant to subdivision (j) of Section 47605 or Section
2 47605.8 and to each charter notice it receives pursuant to this part,
3 based on the chronological order in which the notice is received.
4 The number assigned by the state board shall correspond to a single
5 petition that identifies a charter school that will operate within the
6 geographic and site limitations of this part. The state board shall
7 develop a numbering system for charter schools that identifies
8 each school associated with a charter and that operates within the
9 existing limit on the number of charter schools that can be approved
10 each year. For purposes of this section, sites that share educational
11 programs and serve similar pupil populations may not be counted
12 as separate schools. Sites that do not share a common educational
13 program shall be considered separate schools for purposes of this
14 section. The limits contained in this subdivision may not be waived
15 by the state board pursuant to Section 33050 or any other law.

16 (b) A charter shall not be granted under this part that authorizes
17 the conversion of a private school to a charter school. A charter
18 school shall not receive any public funds for a pupil if the pupil
19 also attends a private school that charges the pupil's family for
20 tuition. The state board shall adopt regulations to implement this
21 section.