

ASSEMBLY BILL

No. 1652

Introduced by Assembly Member Waldron

January 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as introduced, Waldron. Charter schools: renewal period.

Existing law authorizes a school district governing board, a county board of education, or the State Board of Education to grant a charter to a charter school for an initial period not to exceed 5 years followed by renewals every 5 years.

This bill would provide that each of the first 2 renewals shall be for a period of 5 years and subsequent renewals shall be for a period requested by the charter school not to exceed 15 years. To the extent this bill would impose additional duties on school districts or county offices of education, this 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:

SECTION 1. Section 47607 of the Education Code is amended to read:

47607. (a) (1) ~~A~~*Initially*, a charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education, or the state board may be granted one or more subsequent renewals by that entity. Each ~~renewal of the first two renewals~~ shall be for a period of five years. *Subsequent renewals shall be for a period requested by the charter school not to exceed 15 years.* A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.

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

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

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

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

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

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

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

4 (4) (A) The ~~entity~~ *authority* that granted the charter determines
5 that the academic performance of the charter school is at least
6 equal to the academic performance of the public schools that the
7 charter school pupils would otherwise have been required to attend,
8 as well as the academic performance of the schools in the school
9 district in which the charter school is located, taking into account
10 the composition of the pupil population that is served at the charter
11 school.

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

14 (i) Documented and clear and convincing data.

15 (ii) Pupil achievement data from assessments, including, but
16 not limited to, the ~~Standardized Testing and Reporting Program~~
17 *pupil assessment program* established by Article 4 (commencing
18 with Section 60640) of Chapter 5 of Part 33 for demographically
19 similar pupil populations in the comparison schools.

20 (iii) Information submitted by the charter school.

21 (C) A chartering authority shall submit to the Superintendent
22 copies of supporting documentation and a written summary of the
23 basis for any determination made pursuant to this paragraph. The
24 Superintendent shall review the materials and make
25 recommendations to the chartering authority based on that review.
26 The review may be the basis for a recommendation made pursuant
27 to Section 47604.5.

28 (D) A charter renewal may not be granted to a charter school
29 ~~prior to~~ *before* 30 days after that charter school submits materials
30 pursuant to this paragraph.

31 (5) Qualified for an alternative accountability system pursuant
32 to subdivision (h) of Section 52052.

33 (c) (1) A charter may be revoked by the authority that granted
34 the charter under this chapter if the authority finds, through a
35 showing of substantial evidence, that the charter school did any
36 of the following:

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

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

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

3 (D) Violated any provision of law.

4 (2) The authority that granted the charter shall consider increases
5 in pupil academic achievement for all groups of pupils served by
6 the charter school as the most important factor in determining
7 whether to revoke a charter.

8 (d) Before revocation, the authority that granted the charter shall
9 notify the charter school of any violation of this section and give
10 the *charter* school a reasonable opportunity to remedy the violation,
11 unless the authority determines, in writing, that the violation
12 constitutes a severe and imminent threat to the health or safety of
13 the pupils.

14 (e) Before revoking a charter for failure to remedy a violation
15 pursuant to subdivision (d), and after expiration of the *charter*
16 school's reasonable opportunity to remedy without successfully
17 remedying the violation, the chartering authority shall provide a
18 written notice of intent to revoke and notice of facts in support of
19 revocation to the charter school. No later than 30 days after
20 providing the notice of intent to revoke a charter, the chartering
21 authority shall hold a public hearing, in the normal course of
22 business, on the issue of whether evidence exists to revoke the
23 charter. No later than 30 days after the public hearing, the
24 chartering authority shall issue a final decision to revoke or decline
25 to revoke the charter, unless the chartering authority and the charter
26 school agree to extend the issuance of the decision by an additional
27 30 days. The chartering authority shall not revoke a charter, unless
28 it makes written factual findings supported by substantial evidence,
29 specific to the charter school, that support its findings.

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

34 (2) The county board of education may reverse the revocation
35 decision if the county board of education determines that the
36 findings made by the chartering authority under subdivision (e)
37 are not supported by substantial evidence. The school district may
38 appeal the reversal to the state board.

39 (3) If the county board of education does not issue a decision
40 on the appeal within 90 days of receipt, or the county board of

1 education upholds the revocation, the charter school may appeal
2 the revocation to the state board.

3 (4) The state board may reverse the revocation decision if the
4 state board determines that the findings made by the chartering
5 authority under subdivision (e) are not supported by substantial
6 evidence. The state board may uphold the revocation decision of
7 the school district if the state board determines that the findings
8 made by the chartering authority under subdivision (e) are
9 supported by substantial evidence.

10 (g) (1) If a county office of education is the chartering authority
11 and the county board of education revokes a charter pursuant to
12 this section, the charter school may appeal the revocation to the
13 state board within 30 days following the decision of the chartering
14 authority.

15 (2) The state board may reverse the revocation decision if the
16 state board determines that the findings made by the chartering
17 authority under subdivision (e) are not supported by substantial
18 evidence.

19 (h) If the revocation decision of the chartering authority is
20 reversed on appeal, the ~~agency~~ authority that granted the charter
21 shall continue to be regarded as the chartering authority.

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

29 (j) Immediately following the decision of a county board of
30 education to reverse a decision of a school district to revoke a
31 charter, the following shall apply:

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

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

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

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

4 SEC. 2. If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.