

AMENDED IN ASSEMBLY MAY 9, 2016
AMENDED IN ASSEMBLY MARCH 18, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2242

Introduced by Assembly Member Lopez

February 18, 2016

An act to amend Section 47604 of the Education Code, relating to ~~charter schools~~; *relating to special education*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2242, as amended, Lopez. ~~Charter schools: operation: nonprofit public benefit corporations: for-profit corporations. Special education.~~

Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services, as reflected in an individualized education program.

This bill would state legislative findings and declarations relating to special education. The bill would provide that its provisions do establish any right not otherwise provided for in state or federal law.

~~The Charter Schools Act of 1992 specifies the procedures for the submission, review, and approval or denial of a petition to establish a charter school. The act authorizes a charter school to elect to operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law.~~

~~This bill would, notwithstanding any other law, prohibit a nonprofit public benefit corporation that operates, or operates as, a charter school~~

from (1) operating or organizing in any manner inconsistent with the accountability requirements that all charter schools owe the public, (2) having members, (3) being a subsidiary of any other corporation, or (4) being affiliated with another corporation or equivalent legal entity that has the power to control, or otherwise exert control over, either directly or indirectly, the decision making or governance of the charter school. The bill would also prohibit a charter school from operating as, or being operated by, a for-profit corporation.

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. (a) The Legislature finds and declares all of the
2 following:
3 (1) Every child should receive equal treatment with the
4 opportunity to rise to the highest level of achievement and to be
5 his or her best.
6 (2) Parents and caregivers of children with special needs should
7 be treated with the respect and kindness they deserve.
8 (3) If a parent or caregiver of a child with special needs is in a
9 disagreement with a school regarding the status of the education
10 his or her child is receiving or not receiving, he or she should have
11 a mediator, chosen by the parent or caregiver, to intervene. The
12 mediator should be a volunteer who is an attorney, a parent of a
13 child with special needs, a special needs advocate, or someone
14 else that the parent or caregiver sees fit to bring the parties
15 together to come to an agreement.
16 (4) Parents and caregivers of children with special needs should
17 have the ability to access current information regarding services,
18 including, but not limited to, transportation, food services, health
19 services, English learner instruction, remediation, and special
20 education services, that are provided by the public school system,
21 eligibility requirements for those services, and how to apply for
22 them.
23 (b) Nothing in this section shall be construed to establish any
24 right not otherwise provided for in state or federal law.
25 SECTION 1. Section 47604 of the Education Code is amended
26 to read:

1 ~~47604. (a) (1) A charter school may elect to operate as, or be~~
2 ~~operated by, a nonprofit public benefit corporation, formed and~~
3 ~~organized pursuant to the Nonprofit Public Benefit Corporation~~
4 ~~Law (Part 2 (commencing with Section 5110) of Division 2 of~~
5 ~~Title 1 of the Corporations Code).~~

6 ~~(2) Notwithstanding any other law, a nonprofit public benefit~~
7 ~~corporation that operates as, or operates, a charter school, shall~~
8 ~~not do any of the following:~~

9 ~~(A) Operate or organize in any manner inconsistent with the~~
10 ~~accountability requirements that all charter schools, including those~~
11 ~~operating as, or that are operated by, a nonprofit public benefit~~
12 ~~corporation, owe to the public.~~

13 ~~(B) Have members, as defined in Section 5056 of the~~
14 ~~Corporations Code.~~

15 ~~(C) Be a subsidiary of any other corporation.~~

16 ~~(D) Be affiliated with another corporation or equivalent legal~~
17 ~~entity that has the power to control, or otherwise exert control~~
18 ~~over, either directly or indirectly, the decision making or~~
19 ~~governance of the charter school, including, but not limited to,~~
20 ~~fiscal, operational, and educational decisions.~~

21 ~~(b) An authority that grants a charter for the establishment of a~~
22 ~~charter school formed and organized pursuant to this section shall~~
23 ~~be entitled to a single representative on the board of directors of~~
24 ~~the nonprofit public benefit corporation.~~

25 ~~(c) An authority that grants a charter to a charter school to be~~
26 ~~operated by, or as, a nonprofit public benefit corporation is not~~
27 ~~liable for the debts or obligations of the charter school, or for~~
28 ~~claims arising from the performance of acts, errors, or omissions~~
29 ~~by the charter school, if the authority has complied with all~~
30 ~~oversight responsibilities required by law, including, but not limited~~
31 ~~to, those required by Section 47604.32 and subdivision (m) of~~
32 ~~Section 47605.~~

33 ~~(d) A charter school shall not be operated as, or be operated by,~~
34 ~~a for-profit corporation.~~