

AMENDED IN SENATE MARCH 16, 2015

**SENATE BILL**

**No. 211**

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**Introduced by Senator Hancock**

February 11, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as amended, Hancock. 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. Existing law provides that these provisions apply only to pupils subject to compulsory full-time education.

This bill would instead require a charter school, if a pupil is expelled, is dismissed, 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, and the superintendent of the school district within the jurisdiction the charter school is located, within 30 calendar 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, *disciplinary record*, and health information. The bill would ~~also~~ delete the provision that made these provisions applicable only to pupils subject to compulsory full-time education. 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 bill would also require the parent, guardian, or pupil, if the pupil is emancipated or otherwise legally of age, if the pupil leaves, is expelled, or is dismissed from a charter school without graduating or completing the school year for any reason, to inform the receiving school district or charter school, upon enrollment, of the pupil's status with the previous charter school.*

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.

1 (2) A petition that proposes to convert an existing public school  
2 to a charter school that would not be eligible for a loan pursuant  
3 to subdivision (c) of Section 41365 may be circulated by one or  
4 more persons seeking to establish the charter school. The petition  
5 may be submitted to the governing board of the school district for  
6 review after the petition is signed by not less than 50 percent of  
7 the permanent status teachers currently employed at the public  
8 school to be converted.

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

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

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

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

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

37 (6) Commencing January 1, 2003, a petition to establish a charter  
38 school shall not be approved to serve pupils in a grade level that  
39 is not served by the school district of the governing board

1 considering the petition, unless the petition proposes to serve pupils  
2 in all of the grade levels served by that school district.

3 (b) No later than 30 days after receiving a petition, in accordance  
4 with subdivision (a), the governing board of the school district  
5 shall hold a public hearing on the provisions of the charter, at  
6 which time the governing board of the school district shall consider  
7 the level of support for the petition by teachers employed by the  
8 school district, other employees of the school district, and parents.  
9 Following review of the petition and the public hearing, the  
10 governing board of the school district shall either grant or deny  
11 the charter within 60 days of receipt of the petition, provided,  
12 however, that the date may be extended by an additional 30 days  
13 if both parties agree to the extension. In reviewing petitions for  
14 the establishment of charter schools pursuant to this section, the  
15 chartering authority shall be guided by the intent of the Legislature  
16 that charter schools are and should become an integral part of the  
17 California educational system and that the establishment of charter  
18 schools should be encouraged. The governing board of the school  
19 district shall grant a charter for the operation of a school under this  
20 part if it is satisfied that granting the charter is consistent with  
21 sound educational practice. The governing board of the school  
22 district shall not deny a petition for the establishment of a charter  
23 school unless it makes written factual findings, specific to the  
24 particular petition, setting forth specific facts to support one or  
25 more of the following findings:

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

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

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

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

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

36 (A) (i) A description of the educational program of the charter  
37 school, designed, among other things, to identify those whom the  
38 charter school is attempting to educate, what it means to be an  
39 “educated person” in the 21st century, and how learning best  
40 occurs. The goals identified in that program shall include the

1 objective of enabling pupils to become self-motivated, competent,  
2 and lifelong learners.

3 (ii) A description, for the charter school, of annual goals, for  
4 all pupils and for each subgroup of pupils identified pursuant to  
5 Section 52052, to be achieved in the state priorities, as described  
6 in subdivision (d) of Section 52060, that apply for the grade levels  
7 served, or the nature of the program operated, by the charter school,  
8 and specific annual actions to achieve those goals. A charter  
9 petition may identify additional school priorities, the goals for the  
10 school priorities, and the specific annual actions to achieve those  
11 goals.

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

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

34 (C) The method by which pupil progress in meeting those pupil  
35 outcomes is to be measured. To the extent practicable, the method  
36 for measuring pupil outcomes for state priorities shall be consistent  
37 with the way information is reported on a school accountability  
38 report card.

1 (D) The governance structure of the charter school, including,  
2 but not limited to, the process to be followed by the charter school  
3 to ensure parental involvement.

4 (E) The qualifications to be met by individuals to be employed  
5 by the charter school.

6 (F) The procedures that the charter school will follow to ensure  
7 the health and safety of pupils and staff. These procedures shall  
8 include the requirement that each employee of the charter school  
9 furnish it with a criminal record summary as described in Section  
10 44237.

11 (G) The means by which the charter school will achieve a racial  
12 and 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 an 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 of 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 charter school to determine the disposition of all assets and  
2 liabilities of the charter school, including plans for disposing of  
3 any net assets 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 charter 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 a pupil  
16 on the basis of the characteristics listed in Section 220. Except as  
17 provided in paragraph (2), admission to a charter school shall not  
18 be determined according to the place of residence of the pupil, or  
19 of his or her parent or legal guardian, within this state, except that  
20 an existing public school converting partially or entirely to a charter  
21 school under this part shall adopt and maintain a policy giving  
22 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 charter school.

26 (B) If the number of pupils who wish to attend the charter school  
27 exceeds the charter school's capacity, attendance, except for  
28 existing pupils of the charter school, shall be determined by a  
29 public random drawing. Preference shall be extended to pupils  
30 currently attending the charter school and pupils who reside in the  
31 school district except as provided for in Section 47614.5. Other  
32 preferences may be permitted by the chartering authority on an  
33 individual school basis 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, is dismissed, or leaves the charter  
39 school without graduating or completing the school year for any  
40 reason, the charter school shall notify the superintendent of the

1 school district of the pupil's last known address, and the  
2 superintendent of the school district within the jurisdiction the  
3 charter school is located, within 30 calendar days, and shall, upon  
4 request, provide that school district with a copy of the cumulative  
5 record of the pupil, including a transcript of grades or report card,  
6 *disciplinary record*, and health information.

7 (4) *If a pupil leaves, is expelled, or is dismissed from a charter*  
8 *school without graduating or completing the school year for any*  
9 *reason, the parent, guardian, or pupil, if the pupil is emancipated*  
10 *or otherwise legally of age, shall, upon enrollment, inform the*  
11 *receiving school district or charter school of the pupil's status*  
12 *with the previous charter school.*

13 (e) The governing board of a school district shall not require an  
14 employee of the school district to be employed in a charter school.

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

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

30 (h) In reviewing petitions for the establishment of charter  
31 schools within the school district, the governing board of the school  
32 district shall give preference to petitions that demonstrate the  
33 capability to provide comprehensive learning experiences to pupils  
34 identified by the petitioner or petitioners as academically low  
35 achieving pursuant to the standards established by the department  
36 under Section 54032, as it read before July 19, 2006.

37 (i) Upon the approval of the petition by the governing board of  
38 the school district, the petitioner or petitioners shall provide written  
39 notice of that approval, including a copy of the petition, to the

1 applicable county superintendent of schools, the department, and  
2 the state board.

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

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

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

35 (4) If either the county board of education or the state board  
36 fails to act on a petition within 120 days of receipt, the decision  
37 of the governing board of the school district to deny a petition shall  
38 be subject to judicial review.

39 (5) The state board shall adopt regulations implementing this  
40 subdivision.

1 (6) Upon the approval of the petition by the county board of  
2 education, the petitioner or petitioners shall provide written notice  
3 of that approval, including a copy of the petition to the department  
4 and the state board.

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

10 (2) The designated local educational agency shall have all  
11 monitoring and supervising authority of a chartering agency,  
12 including, but not limited to, powers and duties set forth in Section  
13 47607, except the power of revocation, which shall remain with  
14 the state board.

15 (3) A charter school that is granted its charter through an appeal  
16 to the state board and elects to seek renewal of its charter shall,  
17 before expiration of the charter, submit its petition for renewal to  
18 the governing board of the school district that initially denied the  
19 charter. If the governing board of the school district denies the  
20 charter school's petition for renewal, the charter school may  
21 petition the state board for renewal of its charter.

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

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

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

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