

AMENDED IN SENATE MAY 13, 2015
AMENDED IN SENATE APRIL 29, 2015
AMENDED IN SENATE APRIL 13, 2015

SENATE BILL

No. 322

Introduced by Senator Leno

February 23, 2015

An act to amend ~~Sections 47605, 47610, and 48925~~ *Section 47605* of, and to add Section 49068.7 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 322, as amended, Leno. Charter schools: pupils: suspension and expulsion: admissions: departures.

(1) The Charter Schools Act of 1992 (*the act*) permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. ~~Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act of 1992, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws.~~ *learning. The act prohibits the governing board of a school district from denying a petition for the establishment of a charter school unless the governing board of the school district finds that the petition does not contain specified information, including, among other information, the procedures by which pupils can be suspended or expelled.*

Existing law enumerates the acts for which a pupil may be suspended or expelled from *a traditional public* school and sets forth procedures

a school district is required to follow in suspending or expelling a pupil. *Existing law requires the governing board of a school district to refer a pupil who has been expelled from school to a program of study that meets certain conditions, including that the program not be provided at a comprehensive middle, junior, or senior high school, or at any elementary school.*

~~This bill would require a charter school to comply with laws governing school districts relating to the suspension and expulsion of pupils, thereby imposing a state-mandated local program. The bill would also make conforming changes.~~ *require the charter school suspension and expulsion procedures described in the charter petition to meet certain minimum requirements, including meeting the constitutional due process requirement of providing notice and an opportunity to be heard. To the extent this bill would impose additional duties on charter schools, it would constitute a state-mandated local program. The bill also would specify that a pupil's departure from a charter school that fails to adopt or follow the required expulsion procedures shall not be considered as an expulsion for purposes of referring the pupil to a program of study.*

(2) ~~Existing law~~ *The act* requires, if the number of pupils who wish to attend a charter school exceeds its capacity, preference to be extended to pupils currently attending the charter school and to pupils who reside in the school district, and authorizes other preferences as permitted by the chartering authority on an individual school basis and only if consistent with the law.

This bill would additionally require preference for siblings of pupils attending the charter school and children of employees at the charter school. The bill would instead authorize other preferences on an individual charter school basis only if certain conditions are met, including, among other conditions, that each type of preference is ~~to be~~ approved by the charter school at a public ~~hearing~~ *hearing*, and that no preference requires mandatory parental volunteer hours as criterion for admission or continued enrollment. The bill also would authorize a charter school to encourage parental involvement, but would require the charter school to notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.

(3) ~~Existing law~~ *The act* requires, if a pupil is expelled or leaves a charter school without graduating or completing the school year, the charter school to notify the superintendent of the school district of the

pupil's last known address within 30 days, and is required to, upon request, provide the school with certain information, including a transcript.

This bill would require the charter school to notify the superintendent of the school district within 10 days of the pupil's departure and would require the charter school to provide the reason for the pupil's departure. By imposing additional duties on charter school officials, the bill would impose a state-mandated local program.

(4) This bill also would require each school district to draft and implement a policy to annually collect data about teacher turnover at each of its schools, and at each charter school it authorizes. By imposing additional duties on school districts, and to the extent this would impose additional duties on charter school officials, the bill would impose a state-mandated local program. The bill would specify that the data collected shall be subject to the California Public Records Act.

(5) This bill would state the intent of the Legislature in enacting its provisions, and would update references and make other nonsubstantive changes.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) 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. It is the intent of the Legislature in enacting this
2 act to do all of the following:

1 (a) Ensure equal access to interested pupils at charter schools
2 and prohibit practices that discourage enrollment or
3 disproportionately push out segments of already enrolled pupils.

4 (b) Ensure that charter school discipline policies are fair and
5 transparent.

6 (c) Ensure that a pupil's constitutional right to due process is
7 protected at charter schools.

8 (d) Consistent with Section 5 of Article IX of the California
9 Constitution, ensure that charter schools operate within the system
10 of common schools by remaining "... free, nonsectarian and open
11 to all students..." as stated in *Wilson v. State Board of Education*
12 (1999) 75 Cal.App.4th 1125, 1137–38.

13 (e) Gather data on pupil and teacher turnover in the charter
14 school environment.

15 SEC. 2. Section 47605 of the Education Code is amended to
16 read:

17 47605. (a) (1) Except as set forth in paragraph (2), a petition
18 for the establishment of a charter school within a school district
19 may be circulated by one or more persons seeking to establish the
20 charter school. A petition for the establishment of a charter school
21 shall identify a single charter school that will operate within the
22 geographic boundaries of that school district. A charter school
23 may propose to operate at multiple sites within the school district,
24 as long as each location is identified in the charter school petition.
25 The petition may be submitted to the governing board of the school
26 district for review after either of the following conditions is met:

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

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

35 (2) A petition that proposes to convert an existing public school
36 to a charter school that would not be eligible for a loan pursuant
37 to subdivision (c) of Section 41365 may be circulated by one or
38 more persons seeking to establish the charter school. The petition
39 may be submitted to the governing board of the school district for
40 review after the petition is signed by not less than 50 percent of

1 the permanent status teachers currently employed at the public
2 school to be converted.

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

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

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

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

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

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

36 (b) No later than 30 days after receiving a petition, in accordance
37 with subdivision (a), the governing board of the school district
38 shall hold a public hearing on the provisions of the charter, at
39 which time the governing board of the school district shall consider
40 the level of support for the petition by teachers employed by the

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

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

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

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

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

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

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

36 (ii) A description, for the charter school, of annual goals, for
37 all pupils and for each subgroup of pupils identified pursuant to
38 Section 52052, to be achieved in the state priorities, as described
39 in subdivision (d) of Section 52060, that apply for the grade levels
40 served, or the nature of the program operated, by the charter school,

1 and specific annual actions to achieve those goals. A charter
2 petition may identify additional school priorities, the goals for the
3 school priorities, and the specific annual actions to achieve those
4 goals.

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

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

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

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

35 (E) The qualifications to be met by individuals to be employed
36 by the charter school.

37 (F) The procedures that the charter school will follow to ensure
38 the health and safety of pupils and staff. These procedures shall
39 include the requirement that each employee of the charter school

1 furnish it with a criminal record summary as described in Section
2 44237.

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

7 (H) Admission policies and procedures, consistent with
8 subdivision (d).

9 (I) The manner in which annual, independent financial audits
10 shall be conducted, which shall employ generally accepted
11 accounting principles, and the manner in which audit exceptions
12 and deficiencies shall be resolved to the satisfaction of the
13 chartering authority.

14 (J) The procedures by which pupils can be suspended or
15 ~~expelled~~: *expelled, consistent with subdivision (d)*.

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

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

21 (M) A description of the rights of an employee of the school
22 district upon leaving the employment of the school district to work
23 in a charter school, and of any rights of return to the school district
24 after employment at a charter school.

25 (N) The procedures to be followed by the charter school and
26 the entity granting the charter to resolve disputes relating to
27 provisions of the charter.

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

32 (P) A description of the procedures to be used if the charter
33 school closes. The procedures shall ensure a final audit of the
34 charter school to determine the disposition of all assets and
35 liabilities of the charter school, including plans for disposing of
36 any net assets and for the maintenance and transfer of pupil records.

37 (c) (1) Charter schools shall meet all statewide standards and
38 conduct the pupil assessments required pursuant to Sections 60605
39 and 60851 and any other statewide standards authorized in statute

1 or pupil assessments applicable to pupils in noncharter public
2 schools.

3 (2) Charter schools shall, on a regular basis, consult with their
4 parents, legal guardians, and teachers regarding the charter school's
5 educational programs.

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

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

20 (B) If the number of pupils who wish to attend the charter school
21 exceeds the charter school's capacity, attendance, except for
22 existing pupils of the charter school, shall be determined by a
23 public random drawing. Preference shall be extended to pupils
24 currently attending the charter school, siblings of pupils currently
25 attending the charter school, children of employees at the charter
26 school, and pupils who reside in the school district except as
27 provided for in Section 47614.5. Additionally, other preferences
28 may be permitted on an individual charter school basis, in
29 accordance with all of the following:

30 (i) Each type of preference shall be approved by the charter
31 school at a public hearing.

32 (ii) Preferences shall be consistent with federal law and the
33 California Constitution.

34 (iii) Preferences shall ensure access for pupils with disabilities,
35 academically low-achieving pupils, English learners, and
36 low-income pupils, as determined by eligibility for any free or
37 reduced-price meal program.

38 (iv) Preferences shall not require mandatory parental volunteer
39 hours as a criterion for admission or continued enrollment.

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

5 (3) *Charter school suspension and expulsion procedures shall*
6 *meet the following minimum requirements:*

7 (A) *The procedures shall meet the constitutional due process*
8 *requirement of providing notice and an opportunity to be heard*
9 *before restricting a pupil's legitimate entitlement to public*
10 *education.*

11 (B) *For expulsions, the procedures shall ensure all of the*
12 *following:*

13 (i) *The pupil is entitled to a formal hearing to determine if the*
14 *pupil shall be expelled.*

15 (ii) *At the hearing, the pupil or the pupil's parent or guardian*
16 *has a right to appear in person or to be represented by an attorney*
17 *licensed to practice law in California or by a nonattorney adviser;*
18 *to inspect and obtain copies of all documents to be used at the*
19 *hearing, to confront and question all witnesses who testify at the*
20 *hearing, to question all other evidence presented, and to present*
21 *oral and documentary evidence on the pupil's behalf, including*
22 *through witnesses.*

23 (iii) *At least 10 days before the proposed hearing date, the pupil*
24 *is provided written notice of the hearing, which, at a minimum,*
25 *identifies the date and place of the hearing, the specific facts and*
26 *charges upon which the proposed expulsion is based, the*
27 *disciplinary rules that relate to the alleged violation, and the*
28 *procedures that will govern the hearing, including those specified*
29 *in clause (ii).*

30 (iv) *If the individual, panel, or board conducting the formal*
31 *hearing determines that the pupil shall be expelled, the individual,*
32 *panel, or board shall issue a written decision identifying the basis*
33 *for the decision, including all facts in support of the decision,*
34 *which shall be limited only to evidence presented at the formal*
35 *hearing and shall not consist solely of hearsay evidence.*

36 (v) *A record of the hearing is made so that a reasonably*
37 *accurate and complete written transcription of the proceedings*
38 *can be made.*

39 (4) *Unless a charter school has adopted procedures for the*
40 *expulsion of pupils that are consistent with subparagraph (B) of*

1 *paragraph (3) and follows those procedures, a pupil's departure*
2 *from the charter school shall not be considered as an expulsion*
3 *pursuant to Section 48915.*

4 ~~(3)~~

5 (5) If a pupil is expelled or leaves the charter school without
6 graduating or completing the school year for any reason, the charter
7 school shall notify the superintendent of the school district of the
8 pupil's last known address within 10 days and shall provide that
9 school district with a copy of the cumulative record of the pupil,
10 including a transcript of grades or report card, health information,
11 and the reason for the pupil's departure. This paragraph applies
12 only to pupils subject to compulsory full-time education pursuant
13 to Section 48200.

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

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

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

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

38 (i) Upon the approval of the petition by the governing board of
39 the school district, the petitioner or petitioners shall provide written
40 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 the petition
38 shall 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 (n) A charter school may encourage parental involvement, but
2 shall notify the parents and guardians of applicant pupils and
3 currently enrolled pupils that parental involvement is not a
4 requirement for acceptance to, or continued enrollment at, the
5 charter school.

6 ~~SEC. 3. Section 47610 of the Education Code is amended to~~
7 ~~read:~~

8 ~~47610. A charter school shall comply with this part and all of~~
9 ~~the provisions set forth in its charter, but is otherwise exempt from~~
10 ~~the laws governing school districts, except all of the following:~~

11 ~~(a) All laws establishing minimum age for public school~~
12 ~~attendanee.~~

13 ~~(b) The California Building Standards Code (Part 2~~
14 ~~(commencing with Section 101) of Title 24 of the California Code~~
15 ~~of Regulations), as adopted and enforced by the local building~~
16 ~~enforcement agency with jurisdiction over the area in which the~~
17 ~~charter school is located. Charter school facilities shall comply~~
18 ~~with this subdivision by January 1, 2007.~~

19 ~~(c) Sections 41365 and 47611 and Article 1 (commencing with~~
20 ~~Section 48900) of Chapter 6 of Part 27.~~

21 ~~SEC. 4. Section 48925 of the Education Code is amended to~~
22 ~~read:~~

23 ~~48925. As used in this article:~~

24 ~~(a) "Day" means a calendar day unless otherwise specifically~~
25 ~~provided.~~

26 ~~(b) "Expulsion" means removal of a pupil from (1) the~~
27 ~~immediate supervision and control, or (2) the general supervision,~~
28 ~~of school personnel, as those terms are used in Section 46300.~~

29 ~~(c) "Governing board" means the governing board of a school~~
30 ~~district or the governing body of a charter school.~~

31 ~~(d) "Principal" means the principal of the school or the site~~
32 ~~administrator of a charter school.~~

33 ~~(e) "Pupil" includes a pupil's parent or guardian or legal counsel.~~

34 ~~(f) "School" includes a charter school.~~

35 ~~(g) "School day" means a day upon which the schools of the~~
36 ~~district are in session or weekdays during the summer recess.~~

37 ~~(h) "Suspension" means removal of a pupil from ongoing~~
38 ~~instruction for adjustment purposes. However, "suspension" does~~
39 ~~not mean any of the following:~~

1 ~~(1) Reassignment to another education program or class at the~~
2 ~~same school where the pupil will receive continuing instruction~~
3 ~~for the length of day prescribed by the governing board for pupils~~
4 ~~of the same grade level.~~

5 ~~(2) Referral to a certificated employee designated by the~~
6 ~~principal to advise pupils.~~

7 ~~(3) Removal from the class, but without reassignment to another~~
8 ~~class or program, for the remainder of the class period without~~
9 ~~sending the pupil to the principal or the principal's designee as~~
10 ~~provided in Section 48910. Removal from a particular class shall~~
11 ~~not occur more than once every five schooldays.~~

12 ~~SEC. 5.~~

13 *SEC. 3.* Section 49068.7 is added to the Education Code, to
14 read:

15 49068.7. (a) Each school district shall draft and implement a
16 policy to annually collect data about teacher turnover at each of
17 its schools, and at each charter school it authorizes.

18 (b) Subject to existing state and federal law regarding privacy
19 and personal directory information, the data collected pursuant to
20 this section shall be classified as public records subject to the
21 California Public Records Act (Chapter 3.5 (commencing with
22 Section 6250) of Division 7 of Title 1 of the Government Code).

23 ~~SEC. 6.~~

24 *SEC. 4.* The Legislature finds and declares that ~~Section 5 3~~ of
25 this act, which adds Section 49068.7 to the Education Code,
26 furthers, within the meaning of paragraph (7) of subdivision (b)
27 of Section 3 of Article I of the California Constitution, the purposes
28 of that constitutional section as it relates to the right of public
29 access to the meetings of local public bodies or the writings of
30 local public officials and local agencies. Pursuant to paragraph (7)
31 of subdivision (b) of Section 3 of Article I of the California
32 Constitution, the Legislature makes the following findings:

33 By making public the reasons for teacher turnover at charter
34 schools, the public's interest in charter school operation and
35 transparency is furthered.

36 ~~SEC. 7.~~

37 *SEC. 5.* If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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