

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE MAY 13, 2015

AMENDED IN SENATE APRIL 29, 2015

AMENDED IN SENATE APRIL 13, 2015

## **SENATE BILL**

**No. 322**

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### **Introduced by Senator Leno**

February 23, 2015

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An act to amend Section 47605 of 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. 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 the charter school suspension and expulsion procedures described in the charter petition to meet certain minimum requirements, ~~including~~ *including, among other things*, meeting the constitutional due process requirement of providing notice and an opportunity to be ~~heard~~; *heard, various procedural requirements, identifying a list of acts for which a pupil enrolled in the charter school may be suspended or expelled, identifying the maximum length of time for which a pupil may be suspended, and, for expulsions, the opportunity to subpoena witnesses, as specified.* The bill also would require a charter school to ensure no loss of instructional days for a pupil pending final determination of the expulsion hearing by providing the pupil access to educational programming, and upon a final determination to expel a pupil, to ensure the pupil is provided access to educational programming until the charter school has confirmed the pupil has been provided a suitable educational placement. 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.~~ *authorize a pupil to appeal his or her expulsion to the applicable county board of education. To the extent this would impose additional duties on county board of education officials, the bill would impose a state-mandated local program.*

(2) 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 *permitted by the chartering authority* on an individual charter school basis only if certain conditions are met, including, among other conditions, that

each type of preference is approved by the charter school at a public 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) 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 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. delete those provisions.~~

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

(5) 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:
- 3 (a) Ensure equal access to interested pupils at charter schools
- 4 and prohibit practices that discourage enrollment or
- 5 disproportionately push out segments of already enrolled pupils.
- 6 (b) Ensure that charter school discipline policies are fair and
- 7 transparent.

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

3 (d) Consistent with Section 5 of Article IX of the California  
4 Constitution, ensure that charter schools operate within the system  
5 of common schools by remaining "... free, nonsectarian and open  
6 to all students..." as stated in *Wilson v. State Board of Education*  
7 (1999) 75 Cal.App.4th 1125, 1137–38.

8 (e) Gather data on pupil turnover in the charter school  
9 environment.

10 SEC. 2. Section 47605 of the Education Code is amended to  
11 read:

12 47605. (a) (1) Except as set forth in paragraph (2), a petition  
13 for the establishment of a charter school within a school district  
14 may be circulated by one or more persons seeking to establish the  
15 charter school. A petition for the establishment of a charter school  
16 shall identify a single charter school that will operate within the  
17 geographic boundaries of that school district. A charter school  
18 may propose to operate at multiple sites within the school district,  
19 as long as each location is identified in the charter school petition.  
20 The petition may be submitted to the governing board of the school  
21 district for review after either of the following conditions is met:

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

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

30 (2) A petition that proposes to convert an existing public school  
31 to a charter school that would not be eligible for a loan pursuant  
32 to subdivision (c) of Section 41365 may be circulated by one or  
33 more persons seeking to establish the charter school. The petition  
34 may be submitted to the governing board of the school district for  
35 review after the petition is signed by not less than 50 percent of  
36 the permanent status teachers currently employed at the public  
37 school to be converted.

38 (3) A petition shall include a prominent statement that a  
39 signature on the petition means that the parent or legal guardian  
40 is meaningfully interested in having his or her child or ward attend

1 the charter school, or in the case of a teacher's signature, means  
2 that the teacher is meaningfully interested in teaching at the charter  
3 school. The proposed charter shall be attached to the petition.

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

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

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

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

26 (6) Commencing January 1, 2003, a petition to establish a charter  
27 school shall not be approved to serve pupils in a grade level that  
28 is not served by the school district of the governing board  
29 considering the petition, unless the petition proposes to serve pupils  
30 in all of the grade levels served by that school district.

31 (b) No later than 30 days after receiving a petition, in accordance  
32 with subdivision (a), the governing board of the school district  
33 shall hold a public hearing on the provisions of the charter, at  
34 which time the governing board of the school district shall consider  
35 the level of support for the petition by teachers employed by the  
36 school district, other employees of the school district, and parents.  
37 Following review of the petition and the public hearing, the  
38 governing board of the school district shall either grant or deny  
39 the charter within 60 days of receipt of the petition, provided,  
40 however, that the date may be extended by an additional 30 days

1 if both parties agree to the extension. In reviewing petitions for  
2 the establishment of charter schools pursuant to this section, the  
3 chartering authority shall be guided by the intent of the Legislature  
4 that charter schools are and should become an integral part of the  
5 California educational system and that the establishment of charter  
6 schools should be encouraged. The governing board of the school  
7 district shall grant a charter for the operation of a school under this  
8 part if it is satisfied that granting the charter is consistent with  
9 sound educational practice. The governing board of the school  
10 district shall not deny a petition for the establishment of a charter  
11 school unless it makes written factual findings, specific to the  
12 particular petition, setting forth specific facts to support one or  
13 more of the following findings:

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

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

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

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

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

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

31 (ii) A description, for the charter school, of annual goals, for  
32 all pupils and for each subgroup of pupils identified pursuant to  
33 Section 52052, to be achieved in the state priorities, as described  
34 in subdivision (d) of Section 52060, that apply for the grade levels  
35 served, or the nature of the program operated, by the charter school,  
36 and specific annual actions to achieve those goals. A charter  
37 petition may identify additional school priorities, the goals for the  
38 school priorities, and the specific annual actions to achieve those  
39 goals.

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

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

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

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

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

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

(G) The means by which the charter school will achieve a racial and ethnic balance among its pupils that is reflective of the general

1 population residing within the territorial jurisdiction of the school  
2 district to which the charter petition is submitted.

3 (H) Admission policies and procedures, consistent with  
4 subdivision (d).

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

10 (J) The procedures by which pupils can be suspended or  
11 expelled, consistent with subdivision ~~(d)~~: *(d), which, at a minimum,*  
12 *shall also do the following:*

13 *(i) Identify a list of acts for which a pupil enrolled in the charter*  
14 *school may be suspended or expelled.*

15 *(ii) Identify suspension and expulsion procedures, including the*  
16 *maximum length of time for which a pupil may be suspended. The*  
17 *procedures shall also accommodate the rights of pupils with*  
18 *disabilities, consistent with federal law.*

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

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

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

28 (N) The procedures to be followed by the charter school and  
29 the entity granting the charter to resolve disputes relating to  
30 provisions of the charter.

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

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



1 (c) (1) Charter schools shall meet all statewide standards and  
2 conduct the pupil assessments required pursuant to Sections 60605  
3 and 60851 and any other statewide standards authorized in statute  
4 or pupil assessments applicable to pupils in noncharter public  
5 schools.

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

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

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

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

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

35 (ii) Preferences shall be consistent with ~~federal law and law,~~  
36 ~~the California Constitution.~~ *Constitution, and Section 200.*

37 (iii) Preferences shall ~~ensure not result in limiting enrollment~~  
38 access for pupils with disabilities, academically low-achieving  
39 pupils, English learners, ~~and low-income pupils,~~ *neglected or*  
40 *delinquent pupils, homeless pupils, or pupils who are economically*

1 *disadvantaged*, as determined by eligibility for any free or  
2 reduced-price meal program.

3 (iv) ~~Preferences~~ *In accordance with Section 49011, preferences*  
4 *shall not require mandatory parental volunteer hours as a criterion*  
5 *for admission or continued enrollment.*

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

10 (3) Charter school suspension and expulsion procedures shall  
11 meet the following minimum requirements:

12 (A) The procedures shall ~~meet the~~ *comply with federal and state*  
13 *constitutional due process—requirement of requirements, which*  
14 *include providing notice and an opportunity to be heard before*  
15 ~~restricting a pupil's legitimate entitlement to public education.~~  
16 *heard.*

17 (B) For expulsions, the procedures shall ensure all of the  
18 following:

19 (i) The pupil is entitled to a formal hearing to determine if the  
20 pupil shall be expelled.

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

28 (iii) *Before the hearing has commenced, the governing board*  
29 *of the school district may issue subpoenas at the request of either*  
30 *the charter school principal or the charter school principal's*  
31 *designee or the pupil, for the personal appearance of percipient*  
32 *witnesses at the hearing. Any objection raised by the charter school*  
33 *principal or the charter school principal's designee or the pupil*  
34 *to the issuance of subpoenas may be considered by the individual,*  
35 *panel, or board conducting the formal hearing, if so requested by*  
36 *the pupil before the hearing. Any decision by the individual, panel,*  
37 *or board conducting the formal hearing in response to an objection*  
38 *to the issuance of subpoenas shall be final and binding. Service*  
39 *of process shall be extended to all parts of the state and shall be*  
40 *served in accordance with Section 1987 of the Code of Civil*

*Procedure. All witnesses appearing pursuant to a subpoena, other than the parties or officers or employees of the state or any political subdivision of the state, shall receive fees, and all witnesses appearing pursuant to a subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed for witnesses in civil actions in a superior court. Fees and mileage shall be paid by the party at whose request the witness is subpoenaed.*

*(iv) The hearing shall be held in a forum that is closed to the public, unless the pupil requests in writing at least five days before the date of the hearing that the hearing be open to the public.*

*(v) The hearing shall be held within 30 schooldays after the date that the charter school principal determines that the pupil has committed any of the expellable acts identified in the charter, as required by subparagraph (J) of paragraph (5) of subdivision (b), unless the pupil requests in writing that the hearing be postponed. A pupil shall be entitled to at least one postponement of an expulsion hearing, for a period of not more than 30 calendar days. Any additional postponement may be granted at the discretion of the charter school. If compliance by the charter school with the time requirement for conducting the expulsion hearing is impracticable during the school year, the charter school may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five schooldays. If compliance with the time requirement for conducting the expulsion hearing is impractical due to a recess of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements, except that the total number of schooldays not counted toward the time requirements shall not exceed 20 schooldays, and unless the pupil requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days before the first day of school for the school year.*

*(ii)*

*(vi) At the hearing, the pupil or the pupil's parent or ~~guardian~~ guardian, or the pupil's educational rights holder if the pupil is a foster child or youth or a homeless child or youth, has a right to appear in person or to be represented by an attorney licensed to practice law in California or by a nonattorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to*

1 confront and question all witnesses who testify at the hearing, to  
2 question all other evidence presented, and to present oral and  
3 documentary evidence on the pupil's behalf, including through  
4 witnesses. *A record of the hearing shall be made so that a*  
5 *reasonably accurate and complete written transcription of the*  
6 *proceedings can be made.*

7 ~~(iii) At least 10 days before the proposed hearing date, the pupil~~  
8 ~~is provided written notice of the hearing, which, at a minimum,~~  
9 ~~identifies the date and place of the hearing, the specific facts and~~  
10 ~~charges upon which the proposed expulsion is based, the~~  
11 ~~disciplinary rules that relate to the alleged violation, and the~~  
12 ~~procedures that will govern the hearing, including those specified~~  
13 ~~in clause (ii).~~

14 *(vii) Within 10 schooldays after the conclusion of the formal*  
15 *hearing, the charter school shall decide whether to expel the pupil,*  
16 *unless the pupil requests in writing that the decision be postponed.*

17 ~~(iv)~~

18 *(viii) If the individual, panel, or board conducting the formal*  
19 *hearing determines that the pupil shall be expelled, the individual,*  
20 *panel, or board shall issue a written decision identifying the basis*  
21 *for the decision, including all facts in support of the decision,*  
22 *which shall be limited only to evidence presented based upon*  
23 *substantial evidence relevant to the charges adduced at the formal*  
24 *hearing and shall not consist solely of hearsay evidence.*

25 ~~(v) A record of the hearing is made so that a reasonably accurate~~  
26 ~~and complete written transcription of the proceedings can be made.~~

27 ~~(4) Unless a charter school has adopted procedures for the~~  
28 ~~expulsion of pupils that are consistent with subparagraph (B) of~~  
29 ~~paragraph (3) and follows those procedures, a pupil's departure~~  
30 ~~from the charter school shall not be considered as an expulsion~~  
31 ~~pursuant to Section 48915.~~

32 ~~(5) If a pupil is expelled or leaves the charter school without~~  
33 ~~graduating or completing the school year for any reason, the charter~~  
34 ~~school shall notify the superintendent of the school district of the~~  
35 ~~pupil's last known address within 30 days and shall provide that~~  
36 ~~school district with a copy of the cumulative record of the pupil,~~  
37 ~~including a transcript of grades or report card, health information,~~  
38 ~~and the reason for the pupil's departure. This paragraph applies~~  
39 ~~only to pupils subject to compulsory full-time education pursuant~~  
40 ~~to Section 48200.~~

1     (ix) Written notice of any decision to expel shall be sent by the  
2     charter school to the pupil or the pupil's parent or guardian, or  
3     the pupil's educational rights holder if the pupil is a foster child  
4     or youth or a homeless child or youth, and shall include notice of  
5     the right to appeal the expulsion to the county board of education,  
6     as provided for in clause (x), and notice of the educational  
7     placement to be provided to the pupil during the time of expulsion,  
8     as provided for in clause (xii).

9     (x) A pupil may appeal the expulsion to the county board of  
10    education with jurisdiction in the county in which the charter  
11    school is located, and the appeal shall be governed by Section  
12    48919, except that the pupil shall submit a written request for a  
13    copy of the written transcripts and supporting documents related  
14    to the expulsion and expulsion hearing to the charter school and  
15    the charter school shall provide the pupil with the transcripts,  
16    supporting documents, and records within 10 schooldays after the  
17    pupil's written request.

18    (xi) The charter school shall ensure no loss of instructional days  
19    for the pupil pending final determination of the expulsion, including  
20    an appeal, if one is filed, by providing the pupil access to  
21    educational programming.

22    (xii) Upon final determination to expel a pupil, the charter  
23    school shall ensure the pupil is provided access to educational  
24    programming until the charter school has confirmed the pupil has  
25    been provided a suitable educational placement.

26    (4) A pupil shall not be removed, involuntarily dismissed,  
27    disenrolled, or terminated from a charter school unless the charter  
28    school has complied with all of the procedures specified in  
29    subparagraph (B) of paragraph (3).

30    (5) Nothing in this section is intended to restrict or otherwise  
31    limit the rights available to pupils in charter schools under other  
32    federal and state law. All such protections shall apply with full  
33    force and effect.

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

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

38    (g) The governing board of a school district shall require that  
39    the petitioner or petitioners provide information regarding the  
40    proposed operation and potential effects of the charter school,

1 including, but not limited to, the facilities to be used by the charter  
2 school, the manner in which administrative services of the charter  
3 school are to be provided, and potential civil liability effects, if  
4 any, upon the charter school and upon the school district. The  
5 description of the facilities to be used by the charter school shall  
6 specify where the charter school intends to locate. The petitioner  
7 or petitioners also shall be required to provide financial statements  
8 that include a proposed first-year operational budget, including  
9 startup costs, and cashflow and financial projections for the first  
10 three years of operation.

11 (h) In reviewing petitions for the establishment of charter  
12 schools within the school district, the governing board of the school  
13 district shall give preference to petitions that demonstrate the  
14 capability to provide comprehensive learning experiences to pupils  
15 identified by the petitioner or petitioners as academically low  
16 achieving pursuant to the standards established by the department  
17 under Section 54032, as it read before July 19, 2006.

18 (i) Upon the approval of the petition by the governing board of  
19 the school district, the petitioner or petitioners shall provide written  
20 notice of that approval, including a copy of the petition, to the  
21 applicable county superintendent of schools, the department, and  
22 the state board.

23 (j) (1) If the governing board of a school district denies a  
24 petition, the petitioner may elect to submit the petition for the  
25 establishment of a charter school to the county board of education.  
26 The county board of education shall review the petition pursuant  
27 to subdivision (b). If the petitioner elects to submit a petition for  
28 establishment of a charter school to the county board of education  
29 and the county board of education denies the petition, the petitioner  
30 may file a petition for establishment of a charter school with the  
31 state board, and the state board may approve the petition, in  
32 accordance with subdivision (b). A charter school that receives  
33 approval of its petition from a county board of education or from  
34 the state board on appeal shall be subject to the same requirements  
35 concerning geographic location to which it would otherwise be  
36 subject if it received approval from the entity to which it originally  
37 submitted its petition. A charter petition that is submitted to either  
38 a county board of education or to the state board shall meet all  
39 otherwise applicable petition requirements, including the

1 identification of the proposed site or sites where the charter school  
2 will operate.

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

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

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

20 (5) The state board shall adopt regulations implementing this  
21 subdivision.

22 (6) Upon the approval of the petition by the county board of  
23 education, the petitioner or petitioners shall provide written notice  
24 of that approval, including a copy of the petition, to the department  
25 and the state board.

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

31 (2) The designated local educational agency shall have all  
32 monitoring and supervising authority of a chartering agency,  
33 including, but not limited to, powers and duties set forth in Section  
34 47607, except the power of revocation, which shall remain with  
35 the state board.

36 (3) A charter school that is granted its charter through an appeal  
37 to the state board and elects to seek renewal of its charter shall,  
38 before expiration of the charter, submit its petition for renewal to  
39 the governing board of the school district that initially denied the  
40 charter. If the governing board of the school district denies the

1 charter school's petition for renewal, the charter school may  
2 petition the state board for renewal of its charter.

3 (l) Teachers in charter schools shall hold a Commission on  
4 Teacher Credentialing certificate, permit, or other document  
5 equivalent to that which a teacher in other public schools would  
6 be required to hold. These documents shall be maintained on file  
7 at the charter school and are subject to periodic inspection by the  
8 chartering authority. It is the intent of the Legislature that charter  
9 schools be given flexibility with regard to noncore, noncollege  
10 preparatory courses.

11 (m) A charter school shall transmit a copy of its annual,  
12 independent financial audit report for the preceding fiscal year, as  
13 described in subparagraph (I) of paragraph (5) of subdivision (b),  
14 to its chartering entity, the Controller, the county superintendent  
15 of schools of the county in which the charter school is sited, unless  
16 the county board of education of the county in which the charter  
17 school is sited is the chartering entity, and the department by  
18 December 15 of each year. This subdivision does not apply if the  
19 audit of the charter school is encompassed in the audit of the  
20 chartering entity pursuant to Section 41020.

21 (n) A charter school may encourage parental involvement, but  
22 shall notify the parents and guardians of applicant pupils and  
23 currently enrolled pupils that parental involvement is not a  
24 requirement for acceptance to, or continued enrollment at, the  
25 charter school.

26 SEC. 3. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.