

AMENDED IN ASSEMBLY JULY 16, 2015

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, among other things, meeting the constitutional due process requirement of providing notice and an opportunity to be 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 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 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 a 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 delete those provisions: 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 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.
- 8 (c) Ensure that a pupil’s constitutional right to due process is
- 9 protected at charter schools.
- 10 (d) Consistent with Section 5 of Article IX of the California
- 11 Constitution, ensure that charter schools operate within the system

1 of common schools by remaining “... free, nonsectarian and open  
2 to all students...,” as stated in *Wilson v. State Board of Education*  
3 (1999) 75 Cal.App.4th 1125, 1137–38.

4 (e) Gather data on pupil turnover in the charter school  
5 environment.

6 SEC. 2. Section 47605 of the Education Code is amended to  
7 read:

8 47605. (a) (1) Except as set forth in paragraph (2), a petition  
9 for the establishment of a charter school within a school district  
10 may be circulated by one or more persons seeking to establish the  
11 charter school. A petition for the establishment of a charter school  
12 shall identify a single charter school that will operate within the  
13 geographic boundaries of that school district. A charter school  
14 may propose to operate at multiple sites within the school district,  
15 as long as each location is identified in the charter school petition.  
16 The petition may be submitted to the governing board of the school  
17 district for review after either of the following conditions is met:

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

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

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

34 (3) A petition shall include a prominent statement that a  
35 signature on the petition means that the parent or legal guardian  
36 is meaningfully interested in having his or her child or ward attend  
37 the charter school, or in the case of a teacher’s signature, means  
38 that the teacher is meaningfully interested in teaching at the charter  
39 school. The proposed charter shall be attached to the petition.

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

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

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

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

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

28 (b) No later than 30 days after receiving a petition, in accordance  
29 with subdivision (a), the governing board of the school district  
30 shall hold a public hearing on the provisions of the charter, at  
31 which time the governing board of the school district shall consider  
32 the level of support for the petition by teachers employed by the  
33 school district, other employees of the school district, and parents.  
34 Following review of the petition and the public hearing, the  
35 governing board of the school district shall either grant or deny  
36 the charter within 60 days of receipt of the petition, provided,  
37 however, that the date may be extended by an additional 30 days  
38 if both parties agree to the extension. In reviewing petitions for  
39 the establishment of charter schools pursuant to this section, the  
40 chartering authority shall be guided by the intent of the Legislature

1 that charter schools are and should become an integral part of the  
2 California educational system and that the establishment of charter  
3 schools should be encouraged. The governing board of the school  
4 district shall grant a charter for the operation of a school under this  
5 part if it is satisfied that granting the charter is consistent with  
6 sound educational practice. The governing board of the school  
7 district shall not deny a petition for the establishment of a charter  
8 school unless it makes written factual findings, specific to the  
9 particular petition, setting forth specific facts to support one or  
10 more of the following findings:

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

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

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

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

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

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

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

37 (iii) If the proposed charter school will serve high school pupils,  
38 a description of the manner in which the charter school will inform  
39 parents about the transferability of courses to other public high  
40 schools and the eligibility of courses to meet college entrance

1 requirements. Courses offered by the charter school that are  
2 accredited by the Western Association of Schools and Colleges  
3 may be considered transferable and courses approved by the  
4 University of California or the California State University as  
5 creditable under the “A” to “G” admissions criteria may be  
6 considered to meet college entrance requirements.

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

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

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

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

29 (F) The procedures that the charter school will follow to ensure  
30 the health and safety of pupils and staff. These procedures shall  
31 include the requirement that each employee of the charter school  
32 furnish it with a criminal record summary as described in Section  
33 44237.

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

38 (H) Admission policies and procedures, consistent with  
39 subdivision (d).

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

6 (J) The procedures by which pupils can be suspended or  
7 expelled, consistent with subdivision (d), which, at a minimum,  
8 shall also do the following:

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

11 (ii) Identify suspension and expulsion procedures, including the  
12 maximum length of time for which a pupil may be suspended. The  
13 procedures shall also accommodate the rights of pupils with  
14 disabilities, consistent with federal law.

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

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

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

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

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

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

36 (c) (1) Charter schools shall meet all statewide standards and  
37 conduct the pupil assessments required pursuant to Sections 60605  
38 and 60851 and any other statewide standards authorized in statute  
39 or pupil assessments applicable to pupils in noncharter public  
40 schools.

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

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

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

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

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

29 (ii) Preferences shall be consistent with federal law, the  
30 California Constitution, and Section 200.

31 (iii) Preferences shall not result in limiting enrollment access  
32 for pupils with disabilities, academically low-achieving pupils,  
33 English learners, neglected or delinquent pupils, homeless pupils,  
34 or pupils who are economically disadvantaged, as determined by  
35 eligibility for any free or reduced-price meal program.

36 (iv) In accordance with Section 49011, preferences shall not  
37 require mandatory parental volunteer hours as a criterion for  
38 admission or continued enrollment.

39 (C) In the event of a drawing, the chartering authority shall  
40 make reasonable efforts to accommodate the growth of the charter

1 school and in no event shall take any action to impede the charter  
2 school from expanding enrollment to meet pupil demand.

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

5 (A) The procedures shall comply with federal and state  
6 constitutional due process requirements, which include providing  
7 notice and an opportunity to be heard.

8 (B) For expulsions, the procedures shall ensure all of the  
9 following:

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

12 (ii) At least 10 days before the proposed hearing date, the pupil  
13 shall be provided written notice of the hearing, which, at a  
14 minimum, shall identify the date and place of the hearing, a  
15 statement of the specific facts and charges upon which the proposed  
16 expulsion is based, a copy of the disciplinary rules that relate to  
17 the alleged violation, and notice of the procedures that will govern  
18 the hearing, including those specified in clause (vi).

19 (iii) Before the hearing has commenced, the governing ~~board~~  
20 *body* of the ~~school district~~ *charter school* may issue subpoenas at  
21 the request of either the charter school principal or the charter  
22 school principal's designee or the pupil, for the personal appearance  
23 of percipient witnesses at the hearing. Any objection raised by the  
24 charter school principal or the charter school principal's designee  
25 or the pupil to the issuance of subpoenas may be considered by  
26 the individual, panel, or board conducting the formal hearing, if  
27 so requested by the pupil before the hearing. Any decision by the  
28 individual, panel, or board conducting the formal hearing in  
29 response to an objection to the issuance of subpoenas shall be final  
30 and binding. Service of process shall be extended to all parts of  
31 the state and shall be served in accordance with Section 1987 of  
32 the Code of Civil Procedure. All witnesses appearing pursuant to  
33 a subpoena, other than the parties or officers or employees of the  
34 state or any political subdivision of the state, shall receive fees,  
35 and all witnesses appearing pursuant to a subpoena, except the  
36 parties, shall receive mileage in the same amount and under the  
37 same circumstances as prescribed for witnesses in civil actions in  
38 a superior court. Fees and mileage shall be paid by the party at  
39 whose request the witness is subpoenaed.

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

4 (v) The hearing shall be held within 30 schooldays after the date  
5 that the charter school principal determines that the pupil has  
6 committed any of the expellable acts identified in the charter, as  
7 required by subparagraph (J) of paragraph (5) of subdivision (b),  
8 unless the pupil requests in writing that the hearing be postponed.

9 A pupil shall be entitled to at least one postponement of an  
10 expulsion hearing, for a period of not more than 30 calendar days.

11 Any additional postponement may be granted at the discretion of  
12 the charter school. If compliance by the charter school with the  
13 time requirement for conducting the expulsion hearing is  
14 impracticable during the school year, the charter school may, for  
15 good cause, extend the time period for the holding of the expulsion  
16 hearing for an additional five schooldays. If compliance with the  
17 time requirement for conducting the expulsion hearing is  
18 impractical due to a recess of more than two weeks, the days during  
19 the recess period shall not be counted as schooldays in meeting  
20 the time requirements, except that the total number of schooldays  
21 not counted toward the time requirements shall not exceed 20  
22 schooldays, and unless the pupil requests in writing that the  
23 expulsion hearing be postponed, the hearing shall be held not later  
24 than 20 calendar days before the first day of school for the school  
25 year.

26 (vi) At the hearing, the pupil or the pupil's parent or guardian,  
27 or the pupil's educational rights holder if the pupil is a foster child  
28 or youth or a homeless child or youth, has a right to appear in  
29 person or to be represented by an attorney licensed to practice law  
30 in California or by a nonattorney adviser, to inspect and obtain  
31 copies of all documents to be used at the hearing, to confront and  
32 question all witnesses who testify at the hearing, to question all  
33 other evidence presented, and to present oral and documentary  
34 evidence on the pupil's behalf, including through witnesses. A  
35 record of the hearing shall be made so that a reasonably accurate  
36 and complete written transcription of the proceedings can be made.

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

- 1 (viii) If the individual, panel, or board conducting the formal  
2 hearing determines that the pupil shall be expelled, the individual,  
3 panel, or board shall issue a written decision identifying the basis  
4 for the decision, including all facts in support of the decision,  
5 which shall be based upon substantial evidence relevant to the  
6 charges adduced at the formal hearing and shall not consist solely  
7 of hearsay evidence.
- 8 (ix) Written notice of any decision to expel shall be sent by the  
9 charter school to the pupil or the pupil’s parent or guardian, or the  
10 pupil’s educational rights holder if the pupil is a foster child or  
11 youth or a homeless child or youth, and shall include notice of the  
12 right to appeal the expulsion to the county board of education, as  
13 provided for in clause (x), and notice of the educational placement  
14 to be provided to the pupil during the time of expulsion, as  
15 provided for in clause (xii).
- 16 (x) A pupil may appeal the expulsion to the county board of  
17 education with jurisdiction in the county in which the charter school  
18 is located, and the appeal shall be governed by Section 48919,  
19 except that the pupil shall submit a written request for a copy of  
20 the written transcripts and supporting documents related to the  
21 expulsion and expulsion hearing to the charter school and the  
22 charter school shall provide the pupil with the transcripts,  
23 supporting documents, and records within 10 schooldays after the  
24 pupil’s written request.
- 25 (xi) The charter school shall ensure no loss of instructional days  
26 for the pupil pending final determination of the expulsion, including  
27 an appeal, if one is filed, by providing the pupil access to  
28 educational programming.
- 29 (xii) Upon final determination to expel a pupil, the charter school  
30 shall ensure the pupil is provided access to educational programming  
31 until the charter school has confirmed the pupil has been provided  
32 a suitable educational placement.
- 33 (4) A pupil shall not be removed, involuntarily dismissed,  
34 disenrolled, or terminated from a charter school unless the charter  
35 school has complied with all of the procedures specified in  
36 subparagraph (B) of paragraph (3).
- 37 (5) Nothing in this section is intended to restrict or otherwise  
38 limit the rights available to pupils in charter schools under other  
39 federal and state law. All such protections shall apply with full  
40 force and effect.

1     (6) *If a pupil is expelled or leaves the charter school without*  
2 *graduating or completing the school year for any reason, the*  
3 *charter school shall notify the superintendent of the school district*  
4 *of the pupil's last known address within 30 days and shall provide*  
5 *that school district with a copy of the cumulative record of the*  
6 *pupil, including a transcript of grades or report card, health*  
7 *information, and the reason for the pupil's departure. This*  
8 *paragraph applies only to pupils subject to compulsory full-time*  
9 *education pursuant to Section 48200.*

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

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

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

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

34     (i) Upon the approval of the petition by the governing board of  
35 the school district, the petitioner or petitioners shall provide written  
36 notice of that approval, including a copy of the petition, to the  
37 applicable county superintendent of schools, the department, and  
38 the state board.

39     (j) (1) If the governing board of a school district denies a  
40 petition, the petitioner may elect to submit the petition for the

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

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

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

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

35 (5) The state board shall adopt regulations implementing this  
36 subdivision.

37 (6) Upon the approval of the petition by the county board of  
38 education, the petitioner or petitioners shall provide written notice  
39 of that approval, including a copy of the petition, to the department  
40 and the state board.

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

6 (2) The designated local educational agency shall have all  
7 monitoring and supervising authority of a chartering agency,  
8 including, but not limited to, powers and duties set forth in Section  
9 47607, except the power of revocation, which shall remain with  
10 the state board.

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

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

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

36 (n) A charter school may encourage parental involvement, but  
37 shall notify the parents and guardians of applicant pupils and  
38 currently enrolled pupils that parental involvement is not a  
39 requirement for acceptance to, or continued enrollment at, the  
40 charter school.

1     SEC. 3. 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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