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

LEGISLATIVE COUNSEL’S DIGEST


(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, and identifying the maximum length of time for which a pupil may be suspended. 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
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) This bill would state the intent of the Legislature in enacting its provisions, and would make other nonsubstantive changes.

(4) This bill would incorporate additional changes to Section 47605 of the Education Code proposed by SB 739 that would become operative if this bill and SB 739 are both enacted and this bill is enacted last.

(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.


The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature in enacting this act to do all of the following:

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

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

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

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

(e) Gather data on pupil turnover in the charter school environment.
SEC. 2. Section 47605 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   (ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in 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, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

   (iii) If the proposed charter school will serve high school pupils, 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 population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

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

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

(J) The procedures by which pupils can be suspended or expelled, consistent with subdivision (d), which, at a minimum, shall also do the following:
(i) Identify a list of acts for which a pupil enrolled in the charter school may be suspended or expelled.
(ii) Identify suspension and expulsion procedures, including the maximum length of time for which a pupil may be suspended. The procedures shall also accommodate the rights of pupils with disabilities, consistent with federal law.

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

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

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

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

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

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

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

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

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

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

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

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

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

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

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

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

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

(A) The procedures shall comply with federal and state constitutional due process requirements, which include providing notice and an opportunity to be heard.
(B) For expulsions, the procedures shall ensure all of the following:

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

(ii) The pupil shall be provided written notice of the hearing, which, at a minimum, shall identify the date and place of the hearing, a statement of the specific facts and charges upon which the proposed expulsion is based, a copy of the disciplinary rules that relate to the alleged violation, and notice of the procedures that will govern the hearing, including those specified in clause (iii).

(iii) At the hearing, the pupil or the pupil’s parent or 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 confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil’s behalf, including through witnesses. A record of the hearing shall be made so that a reasonably accurate and complete written transcription of the proceedings can be made.

(iv) If the individual, panel, or board conducting the formal hearing determines that the pupil shall be expelled, the individual, panel, or board shall issue a written decision identifying the basis for the decision, including all facts in support of the decision, which shall be based upon substantial evidence relevant to the charges adduced at the formal hearing and shall not consist solely of hearsay evidence.

(v) Written notice of any decision to expel shall be sent by the charter school to the pupil or the pupil’s parent or guardian, or the pupil’s educational rights holder if the pupil is a foster child or youth or a homeless child or youth, and shall include notice of the right to appeal the expulsion to the county board of education, as provided for in clause (vi), and notice of the educational placement to be provided to the pupil during the time of expulsion, as provided for in clause (viii).

(vi) A pupil may appeal the expulsion to the county board of education with jurisdiction in the county in which the charter school is located.
(vii) The charter school shall ensure no loss of instructional
days for the pupil pending final determination of the expulsion,
including an appeal, if one is filed, by providing the pupil access
to educational programming.
(viii) Upon final determination to expel a pupil, the charter
school shall ensure the pupil is provided access to educational
programming until the charter school has confirmed the pupil has
been provided a suitable educational placement.
(4) A pupil shall not be removed, involuntarily dismissed,
disenrolled, or terminated from a charter school unless the charter
school has complied with all of the procedures specified in
subparagraph (B) of paragraph (3).
(5) Nothing in this section is intended to restrict or otherwise
limit the rights available to pupils in charter schools under other
federal and state law. All such protections shall apply with full
force and effect.
(6) If a pupil is expelled or leaves the charter school without
graduating or completing the school year for any reason, the charter
school shall notify the superintendent of the school district of the
pupil’s last known address within 30 days, and shall, upon request,
provide that school district with a copy of the cumulative record
of the pupil, including a transcript of grades or report card, and
health information. This paragraph applies only to pupils subject
to compulsory full-time education pursuant to Section 48200.
(e) The governing board of a school district shall not require an
employee of the school district to be employed in a charter school.
(f) The governing board of a school district shall not require a
pupil enrolled in the school district to attend a charter school.
(g) The governing board of a school district shall require that
the petitioner or petitioners provide information regarding the
proposed operation and potential effects of the charter school,
including, but not limited to, the facilities to be used by the charter
school, the manner in which administrative services of the charter
school are to be provided, and potential civil liability effects, if
any, upon the charter school and upon the school district. The
description of the facilities to be used by the charter school shall
specify where the charter school intends to locate. The petitioner
or petitioners also shall be required to provide financial statements
that include a proposed first-year operational budget, including
(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

(n) A charter school may encourage parental involvement, but shall 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.

SEC. 2.5. Section 47605 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

(B) Notwithstanding subparagraph (A), the governing board of
a school district shall not authorize new charter schools to locate
outside the boundaries of the school district if the school district
is assigned a negative certification pursuant to paragraph (1) of subdivision (a) of Section 42131.

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

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

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

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

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

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

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:
(A) (i) The educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in 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, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.

(iii) If the proposed charter school will serve high school pupils, 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” “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 population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission requirements, if applicable. policies and procedures, consistent with subdivision (d).

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

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

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

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

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

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

(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter
school, and of any rights of return to the school district after
employment at a charter school.

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

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

(6) The petition does not contain a declaration of whether or
not the charter school shall be deemed the exclusive public
employer of the employees of the charter school for purposes of
Chapter 10.7 (commencing with Section 3540) of Division 4 of
Title 1 of the Government Code.

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

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

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

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

(B) If the number of pupils who wish to attend the charter school
exceeds the charter school’s capacity, attendance, except for
existing pupils of the charter school, shall be determined by a
public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. Charter school basis, in accordance with all of the following:

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

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

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

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

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.

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

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

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

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

(ii) The pupil shall be provided written notice of the hearing, which, at a minimum, shall identify the date and place of the hearing, a statement of the specific facts and charges upon which the proposed expulsion is based, a copy of the disciplinary rules that relate to the alleged violation, and notice of the procedures that will govern the hearing, including those specified in clause (iii).
At the hearing, the pupil or the pupil’s parent or 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 confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil’s behalf, including through witnesses. A record of the hearing shall be made so that a reasonably accurate and complete written transcription of the proceedings can be made.

(iv) If the individual, panel, or board conducting the formal hearing determines that the pupil shall be expelled, the individual, panel, or board shall issue a written decision identifying the basis for the decision, including all facts in support of the decision, which shall be based upon substantial evidence relevant to the charges adduced at the formal hearing and shall not consist solely of hearsay evidence.

(v) Written notice of any decision to expel shall be sent by the charter school to the pupil or the pupil’s parent or guardian, or the pupil’s educational rights holder if the pupil is a foster child or youth or a homeless child or youth, and shall include notice of the right to appeal the expulsion to the county board of education, as provided for in clause (vi), and notice of the educational placement to be provided to the pupil during the time of expulsion, as provided for in clause (viii).

(vi) A pupil may appeal the expulsion to the county board of education with jurisdiction in the county in which the charter school is located.

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

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

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

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

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

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

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

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

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006.
(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

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

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

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

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

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

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

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

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

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

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

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

(n) A charter school may encourage parental involvement, but shall 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.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 47605 of the Education Code proposed by both this bill and Senate Bill 739. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 47605 of the Education Code, and (3) this bill is enacted after Senate Bill 739, in which case Section 2 of this bill shall not become operative.

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