

AMENDED IN SENATE JUNE 26, 1996
AMENDED IN ASSEMBLY MAY 14, 1996
AMENDED IN ASSEMBLY APRIL 22, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 2463

**Introduced by Assembly Member Caldera
(Coauthor: Assembly Member Alpert)**

February 20, 1996

~~An act to amend Sections 47607 and 47612 of, to add Section 47612.5 to, to add Article 2 (commencing with Section 47606.1) to, to add an article heading immediately preceding Section 47605, and to add an article heading immediately preceding Section 47607 to, Chapter 2 of Part 26.8 of, the Education Code, relating to charter schools. An act to add Article 5 (commencing with Section 89340) to Chapter 3 of Part 55 of the Education Code, relating to postsecondary education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2463, as amended, Caldera. ~~Charter schools~~ *Outreach and assistance for emancipated foster youth.*

Existing law imposes various duties on the Trustees of the California State University concerning students at that institution.

This bill would require the trustees to create an Outreach and Assistance Office for Emancipated Foster Youth, which would be required to coordinate outreach services to

emancipated foster youth to encourage their enrollment in a state university, coordinate technical assistance to emancipated foster youth to assist those prospective students in completing admission applications and financial aid applications, oversee housing issues for those emancipated foster youth living in college dormitories to ensure universal service during the regular academic school year, provide technical assistance and advice to campuses on ways in which to improve the delivery of services to emancipated foster youth, and administer the Volunteer Community Support Program for Emancipated Foster Youth, as set forth in the bill.

The bill would also create the Emancipated Youth Advisory Council, consisting of 9 former emancipated foster youth who are either current or former students at the California State University. The members of the council would be appointed by the trustees. The bill would require the council to provide advice and guidance to the Outreach and Assistance Office for Emancipated Foster Youth.

~~(1) Existing law authorizes a petition for the establishment of a charter school within any school district to be circulated by any one or more of the persons seeking to establish the charter school. Existing law requires the petition to be signed by a specified percentage of the teachers employed by the school or school district and to be submitted to the governing board of the school district for approval. Existing law establishes a procedure for review if the governing school board does not grant a charter, and, as specified, permits the county board of education for the county in which the school district resides to grant the charter when the governing board of the school district denies the charter.~~

~~This bill would authorize a petition or petitioners to submit a petition to convert an existing school to a charter school, or to establish a new charter school, to a public education agency, as defined to mean the State Board of Education, a county board of education, a governing board of a community college district, the Board of Governors of the California Community Colleges, or the Board of Trustees of the California State University. The public education agency receiving a petition would be authorized to hold a public hearing, as specified, and consider the level of parental support for the petition. If the~~



~~petition is to convert an existing charter school, the public education agency would be required to also consider the level of employee support. By placing new duties on the governing boards of community college districts with respect to charter schools, this bill would impose a state-mandated local program.~~

~~This bill would authorize a public education agency to grant a charter if it determines that the petition contains a statement of each of the conditions required under existing law for charter school petitions submitted to school districts. Charter school petitions and the operation of charter schools approved by public education agencies would be subject to the requirements placed on charter school petitions and the operation of charter schools under existing law, except the bill would not provide a petitioner or petitioners with a mechanism to appeal a decision by a public education agency not to grant a charter.~~

~~This bill would make conforming technical changes to related provisions of law.~~

~~(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~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 no.~~

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

- 1 ~~SECTION 1.—An article heading immediately~~
- 2 ~~SECTION 1. Article 5 (commencing with Section~~
- 3 ~~89340) is added to Chapter 3 of Part 55 of the Education~~
- 4 ~~Code, to read:~~
- 5



Article 5. Higher Education Outreach and Assistance Act for Emancipated Foster Youth

89340. This article shall be known, and may be cited as the Higher Education Outreach and Assistance Act for Emancipated Foster Youth.

89341. (a) The Legislature makes the following findings and declarations:

(b) Children who live in foster care are abused and neglected individuals for whom the state has assumed parental responsibility. Although foster care is designed to reunite those children, when appropriate, with their parents, or to place those children with an adoptive family, many children are neither reunited with their parents nor adopted. When those children reach the age of 18 years, the state terminates its responsibility to those youth. Many of those youth are not prepared to sustain themselves independently. As a result, a disproportionate number of former foster youth are homeless, dependent on public assistance, unemployed, and more likely to commit suicide. Foster youth are also much less likely to attend college than other youth.

(2) In California, there are more than 90,000 children in foster care. Every year 4,000 youth leave foster care upon reaching the age of 18 years. While more than one-half of high school graduates go on to enroll in college, less than 25 percent of foster youth in California enroll in college. Of the foster youth who do enroll in college, only 7 percent enroll in a four-year university.

(3) While the foster youth college enrollment rate is extremely low, the college dropout rate of foster youth is extremely high. Studies also indicate that while few former foster youth enroll in college, even fewer go on to earn a degree. Sixty-seven percent of all emancipated foster youth who enroll in college will drop out before graduation. One of the critical hurdles for this student population to overcome is finding the financial resources to fund their education. Only 10 percent of foster youth who apply for a Cal Grant, California's need based financial aid award, actually ever receive that grant.



1 (4) *Emancipated foster youth, who do not have*
2 *parents to rely upon for support and guidance, suffer*
3 *unique disadvantages compared to other students. While*
4 *many students are preoccupied with academic pressures,*
5 *the primary concerns cited by former foster youth are the*
6 *absence of family support and the fear of spending the*
7 *holidays alone. Emancipated foster youth need emotional*
8 *support and specialized resources from sensitive*
9 *university staff who understand the unusual*
10 *circumstances and pressing needs of emancipated foster*
11 *youth.*

12 (b) *Accordingly, the Legislature finds and declares*
13 *the need for the Trustees of the California State*
14 *University to create an Outreach and Assistance Office*
15 *for Emancipated Foster Youth pursuant to this article.*

16 89342. *The trustees shall create an Outreach and*
17 *Assistance Office for Emancipated Foster Youth, which*
18 *shall be responsible for all of the following:*

19 (a) *Coordinating outreach services to emancipated*
20 *foster youth to encourage their enrollment in a state*
21 *university.*

22 (b) *Coordinating technical assistance to emancipated*
23 *foster youth to assist those prospective students in*
24 *completing admission applications and financial aid*
25 *applications.*

26 (c) *Overseeing housing issues for those emancipated*
27 *foster youth living in college dormitories to ensure*
28 *universal service during the regular academic school*
29 *year.*

30 (d) *Providing technical assistance and advice to*
31 *campuses on ways in which to improve the delivery of*
32 *services to emancipated foster youth.*

33 (e) *Administering the Volunteer Community Support*
34 *Program for Emancipated Foster Youth, as set forth in*
35 *Section 89343.*

36 89343. *There is hereby created the Emancipated*
37 *Youth Advisory Council, which shall consist of nine*
38 *former emancipated foster youth who are either current*
39 *or former students at the university. The members of the*
40 *council shall be appointed by the trustees. The council*



1 shall provide advice and guidance to the Outreach and
2 Assistance Office for Emancipated Youth.

3 89344. There is hereby created the Volunteer
4 Community Support Program for Emancipated Foster
5 Youth, which shall be administered by the Outreach and
6 Assistance Office for Emancipated Foster Youth. The
7 program shall provide a mentoring program for
8 emancipated foster youth, which shall consist of both
9 academic and emotional support for those students.

10 ~~preceding Section 47605 is added to Chapter 2~~
11 ~~(commencing with Section 47605) of Part 26.8 of the~~
12 ~~Education Code, to read:~~

13
14 ~~Article 1. Charter Schools Within School Districts~~

15
16 ~~SEC. 2. Article 2 (commencing with Section 47606.1)~~
17 ~~is added to Chapter 2 of Part 26.8 the Education Code, to~~
18 ~~read:~~

19
20 ~~Article 2. Public Education Agency Charter Schools~~

21
22 ~~47606.1. (a) A petition for the establishment of a~~
23 ~~charter school serving pupils in kindergarten, or any of~~
24 ~~grades 1 to 12, inclusive, may be circulated by any one or~~
25 ~~more persons seeking to establish the charter school and~~
26 ~~the petition to establish a charter school pursuant to this~~
27 ~~article shall be submitted for approval to a public~~
28 ~~education agency. For the purposes of this article, a~~
29 ~~“public education agency” means the State Board of~~
30 ~~Education, a county board of education, a governing~~
31 ~~board of a community college district, the Board of~~
32 ~~Governors of the California Community Colleges, or the~~
33 ~~Board of Trustees of the California State University. A~~
34 ~~petitioner or petitioners operating under this article may~~
35 ~~petition to convert an existing school to charter school~~
36 ~~status or may petition to establish a new charter school.~~

37 ~~(b) In accordance with subdivision (a), the public~~
38 ~~education agency may hold a public hearing on the~~
39 ~~provisions of the charter, at which time the public~~
40 ~~education agency shall consider the level of parental~~



1 support for the petition. If the petition is to convert an
2 existing school, the public education agency shall also
3 consider the level of employee support for the petition.
4 Following review of the petition and the public hearing,
5 the public education agency may either grant or deny the
6 charter.

7 (e) A public education agency may grant a charter for
8 the operation of a school under this chapter if it
9 determines that the petition contains a statement of each
10 of the conditions set forth in paragraphs (1) to (12),
11 inclusive, of subdivision (b) of Section 47605, and if the
12 petition is to convert an existing school, a statement of the
13 rights of any employee of the school upon leaving the
14 employment of the employing school district to work in
15 the charter school, and of any rights of return to that
16 school district after employment at a charter school is
17 terminated.

18 (d) Charter schools established under this chapter
19 shall meet the requirements set forth in subdivisions (e),
20 (d), and (h) of Section 47605.

21 (e) Neither the employing school district nor the
22 public education agency shall require any employee of an
23 existing school that is converted to a charter school to be
24 employed by the charter school.

25 (f) Neither the school district in which a school that is
26 converted to a charter school was a part nor the public
27 education agency approving a charter school shall
28 require any pupil enrolled in the school district to attend
29 a charter school.

30 (g) The public education agency may require that the
31 petitioner or petitioners provide information regarding
32 the proposed operation and potential effects of the
33 charter school, including, but not limited to, the facilities
34 to be utilized by the school and the manner in which
35 administrative services for the school are to be provided.
36 If the petition is to convert an existing school to a charter
37 school, the public education agency may also require that
38 the petitioner or petitioners provide information
39 regarding the potential civil liability effects upon the



1 ~~proposed charter school and the school district of which~~
2 ~~it is a part.~~

3 (h) ~~If the petition is for conversion of an existing school~~
4 ~~to a charter school, the charter school may only use the~~
5 ~~existing facilities at the school if the school district having~~
6 ~~jurisdiction over the school enters into an agreement with~~
7 ~~the public education agency granting the charter~~
8 ~~permitting the charter school to utilize the existing school~~
9 ~~facilities.~~

10 (i) ~~Upon approval of the petition by the public~~
11 ~~education agency, the petitioner or petitioners shall~~
12 ~~provide written notice of that approval, including a copy~~
13 ~~of the petition, to the State Board of Education.~~

14 ~~47606.2. For the purposes of this part, except for the~~
15 ~~purposes of Article 1 (commencing with Section 47605),~~
16 ~~a public education agency is deemed to be a school~~
17 ~~district.~~

18 ~~SEC. 3. An article heading immediately preceding~~
19 ~~Section 47607 is added to Chapter 2 (commencing with~~
20 ~~Section 47605) of Part 26.8 of the Education Code, to read:~~

21
22 ~~Article 3. Term of Charter~~
23

24 ~~SEC. 4. Section 47607 of the Education Code is~~
25 ~~amended to read:~~

26 ~~47607. (a) A charter may be granted pursuant to~~
27 ~~Sections 47605, 47606, and 47606.1 for a period not to~~
28 ~~exceed five years. A charter granted by a school district~~
29 ~~governing board or county board of education may be~~
30 ~~granted one or more subsequent renewals by that entity.~~
31 ~~Each renewal shall be for a period not to exceed five~~
32 ~~years. A material revision of the provisions of a charter~~
33 ~~petition may be made only with the approval of the~~
34 ~~authority that granted the charter.~~

35 (b) ~~A charter may be revoked by the authority that~~
36 ~~granted the charter under this chapter if the authority~~
37 ~~finds that the charter school did any of the following:~~

38 (1) ~~Committed a material violation of any of the~~
39 ~~conditions, standards, or procedures set forth in the~~
40 ~~charter petition.~~



1 ~~(2) Failed to meet or pursue any of the pupil outcomes~~
2 ~~identified in the charter petition.~~

3 ~~(3) Failed to meet generally accepted accounting~~
4 ~~standards of fiscal management.~~

5 ~~(4) Violated any provision of law.~~

6 ~~SEC. 5. Section 47612 of the Education Code is~~
7 ~~amended to read:~~

8 ~~47612. (a) The Superintendent of Public Instruction~~
9 ~~shall make all of the following apportionments to each~~
10 ~~charter school approved pursuant to Article 1~~
11 ~~(commencing with Section 47605) for each fiscal year:~~

12 ~~(1) From funds appropriated to Section A of the State~~
13 ~~School Fund for apportionment for that fiscal year~~
14 ~~pursuant to Article 2 (commencing with Section 42238)~~
15 ~~of Chapter 7 of Part 24, an amount for each unit of regular~~
16 ~~average daily attendance in the charter school that is~~
17 ~~equal to the current fiscal year base revenue limit for the~~
18 ~~school district to which the charter petition was~~
19 ~~submitted.~~

20 ~~(2) For each pupil enrolled in the charter school who~~
21 ~~is entitled to special education services, the state and~~
22 ~~federal funds for special education services for that pupil~~
23 ~~that would have been apportioned for that pupil to the~~
24 ~~school district to which the charter petition was~~
25 ~~submitted.~~

26 ~~(3) Funds for the programs described in clause (i) of~~
27 ~~subparagraph (B) of paragraph (1) of subdivision (a) of~~
28 ~~Section 54761, and Sections 63000 and 64000, to the extent~~
29 ~~that any pupil enrolled in the charter school is eligible to~~
30 ~~participate.~~

31 ~~(b) A charter school shall be deemed to be under the~~
32 ~~exclusive control of the officers of the public schools for~~
33 ~~purposes of Section 8 of Article IX of the California~~
34 ~~Constitution, with regard to the appropriation of public~~
35 ~~moneys to be apportioned to any charter school;~~
36 ~~including, but not limited to, appropriations made for the~~
37 ~~purposes of subdivisions (a) and (b).~~

38 ~~(c) A charter school shall be deemed to be a “school~~
39 ~~district” for purposes of Section 41302.5 and Sections 8~~
40 ~~and 8.5 of Article XVI of the California Constitution.~~



1 ~~SEC. 6. Section 47612.5 is added to the Education~~
2 ~~Code, to read:~~

3 ~~47612.5. Each fiscal year, the Superintendent of~~
4 ~~Public Instruction shall make the following~~
5 ~~apportionments to each public education agency charter~~
6 ~~school approved pursuant to Article 2 (commencing with~~
7 ~~Section 47606.1):~~

8 ~~(a) An amount equal to the statewide average base~~
9 ~~revenue limit per unit of average daily attendance for~~
10 ~~each grade level for that fiscal year for the type of school~~
11 ~~district in which the charter school is located multiplied~~
12 ~~by the number of units of average daily attendance~~
13 ~~generated by the public education agency charter school.~~
14 ~~For the purposes of this subdivision, the statewide~~
15 ~~average revenue limit per unit of average daily~~
16 ~~attendance for each grade level shall be determined~~
17 ~~separately for the following types of school districts:~~

18 ~~(1) High school districts.~~

19 ~~(2) Elementary school districts.~~

20 ~~(3) Unified school districts.~~

21 ~~(b) For each pupil enrolled in the public education~~
22 ~~agency charter school who is entitled to special education~~
23 ~~services, the state and federal funds that a school district~~
24 ~~would be entitled to claim for that pupil for the fiscal year~~
25 ~~pursuant to Chapter 7 (commencing with Section 56700)~~
26 ~~of Part 30.~~

27 ~~(c) For each pupil enrolled in the public education~~
28 ~~agency charter school who is eligible to participate in any~~
29 ~~of the programs described in clause (i) of subparagraph~~
30 ~~(B) of paragraph (1) of subdivision (a) of Section 54761,~~
31 ~~and Section 63000 and 64000, the amount from those~~
32 ~~programs that a school district would be eligible to~~
33 ~~receive for the pupil pursuant to those programs for the~~
34 ~~fiscal year.~~

35 ~~SEC. 7. Notwithstanding Section 17610 of the~~
36 ~~Government Code, if the Commission on State Mandates~~
37 ~~determines that this act contains costs mandated by the~~
38 ~~state, reimbursement to local agencies and school~~
39 ~~districts for those costs shall be made pursuant to Part 7~~
40 ~~(commencing with Section 17500) of Division 4 of Title~~



1 ~~2 of the Government Code. If the statewide cost of the~~
2 ~~claim for reimbursement does not exceed one million~~
3 ~~dollars (\$1,000,000), reimbursement shall be made from~~
4 ~~the State Mandates Claims Fund.~~

5 ~~Notwithstanding Section 17580 of the Government~~
6 ~~Code, unless otherwise specified, the provisions of this act~~
7 ~~shall become operative on the same date that the act~~
8 ~~takes effect pursuant to the California Constitution.~~

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