

AMENDED IN ASSEMBLY MARCH 28, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3384**

**Introduced by Assembly Member Knox**

February 23, 1996

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An act to amend ~~Section 47616~~ of Sections 41360, 47605, and 47610 of, to add Sections 47608 and 47609 to, and to repeal Section 41309 of, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 3384, as amended, Knox. Charter schools.

~~Existing law requires the State Department of Education to review the education effectiveness of charter schools, and report their recommendations, as specified, to the Legislature not later than January 1, 1999.~~

~~This bill would change the date the report is due to the Legislature to January 1, 2000.~~

*(1) Existing law permits loans, as specified, to be made to newly organized elementary, high school, and unified school districts from the School District Organization Revolving Fund.*

*This bill would permit charter schools that are not conversions of existing schools to be loaned moneys, as specified, from the School District Organization Revolving Fund.*

*(2) Existing law specifies the elements that must be contained in the charter for a charter school.*

*This bill would require that the charter for a charter school specify the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.*

*(3) Existing law requires the meetings of the legislative body of a local agency to be open and public, except as specified. Existing law also requires the governing board of a school district to hold a public hearing on the provisions of a charter submitted to the board with a petition requesting approval for a charter school.*

*This bill would require that all meetings of any members of, and all actions taken by, a governing board of a school district, or a county board of education, regarding the approval, rejection, renewal, revocation, or modification of a charter be done in meetings open to the public.*

*(4) Existing law exempts charter schools from the Field Act, but not the county boards of education or school districts that grant charters to charter schools.*

*This bill would specifically exempt county boards of education, school districts, and members of county boards of education and governing boards of school districts, from liability for injury to persons or damage to property resulting from the fact that a building, used for a charter school that is not a conversion of an existing school, does not meet the requirements of the Field Act.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. *Section 41309 of the Education Code is*  
2 *repealed.*  
3 ~~41309. To provide for the operation of newly~~  
4 ~~organized school districts, moneys in the School District~~  
5 ~~Organization Revolving Fund in the State Treasury shall~~  
6 ~~be utilized for purposes of making loans to newly~~  
7 ~~organized school districts pursuant to Article 4~~  
8 ~~(commencing with Section 41360) of Chapter 3 of Part 24~~  
9 ~~of Division 3 of this title of this chapter. The School~~  
10 ~~District Organization Revolving Fund shall be comprised~~



1 ~~of five hundred thousand dollars (\$500,000) appropriated~~  
2 ~~from the County School Service Fund Surplus Account,~~  
3 ~~and an additional amount of one hundred thousand~~  
4 ~~dollars (\$100,000) otherwise transferable from the~~  
5 ~~General Fund to the State School Fund.~~

6 ~~Notwithstanding any provision of Section 14002 to the~~  
7 ~~contrary, the amount to be transferred from the General~~  
8 ~~Fund to the State School Fund in the 1967-1968 fiscal year~~  
9 ~~pursuant to subdivision (b) of Section 14002 shall be~~  
10 ~~reduced by one hundred thousand dollars (\$100,000), and~~  
11 ~~such amount shall be paid into the School District~~  
12 ~~Organization Revolving Fund.~~

13 *SEC. 2. Section 41360 of the Education Code is*  
14 *amended to read:*

15 *41360. (a) To provide for the operation of newly*  
16 *organized school districts and for charter schools that are*  
17 *not a conversion of an existing school, moneys in the*  
18 *School District Organization Revolving Fund in the State*  
19 *Treasury shall be utilized for purposes of making loans to*  
20 *newly organized school districts and to charter schools*  
21 *which are not a conversion of an existing school. The*  
22 *School District Organization Revolving Fund shall be*  
23 *comprised of five hundred thousand dollars (\$500,000)*  
24 *appropriated from the County School Service Fund*  
25 *Surplus Account, and an additional amount of one*  
26 *hundred thousand dollars (\$100,000) otherwise*  
27 *transferable from the General Fund to the State School*  
28 *Fund.*

29 *(b) Loans may be made from moneys in the Public*  
30 *School District Organization Revolving Fund to newly*  
31 *organized elementary, high school, or unified school*  
32 *districts upon application of the governing board of any*  
33 *such district, certified by the county superintendent of*  
34 *schools and approved by the Superintendent of Public*  
35 *Instruction for use by the district during the period from*  
36 *the date the action to form the district was completed and*  
37 *the date the district becomes effective for all purposes.*  
38 *Money loaned to a district pursuant to this section shall be*  
39 *used only to meet (a) the expenses of office rental, office*  
40 *supplies, postage, telephone, and telegraphing; (b) the*



1 expenses of necessary elections required by law or  
2 authorized by Section 4062; and (c) the expenses of  
3 employing, the salary of, and necessary travel expenses of  
4 officers and necessary clerical help for the governing  
5 board.

6 *(c) Loans may be made from moneys in the School  
7 District Organization Revolving Fund to charter schools  
8 that are not a conversion of an existing school upon  
9 application of the charter school and approval by the  
10 Superintendent of Public Instruction for use by the  
11 charter school during the period from the date the  
12 charter is granted pursuant to Section 47605 and the end  
13 of the fiscal year in which the charter school first enrolls  
14 pupils. Money loaned to a charter school pursuant to this  
15 section shall be used only to meet the purposes of the  
16 charter granted pursuant to Section 47605. The loan to a  
17 charter school pursuant to this subdivision shall not  
18 exceed fifty thousand dollars (\$50,000). This subdivision  
19 does not apply to a renewal of a charter pursuant to  
20 Section 47607.*

21 *(d) During each of the two successive fiscal years  
22 commencing with the first fiscal year of the existence of  
23 the school district for all purposes, and commencing with  
24 the first fiscal year following the fiscal year the charter  
25 school first enrolls pupils, the State Controller shall  
26 deduct from apportionments made to such school district  
27 or charter school an amount equal to one-half of the  
28 amount loaned to such school district or charter school  
29 under this section and pay the same amount into the  
30 Public School District Organization Revolving Fund in  
31 the State Treasury.*

32 *SEC. 3. Section 47605 of the Education Code is  
33 amended to read:*

34 47605. (a) A petition for the establishment of a  
35 charter school within any school district may be  
36 circulated by any one or more persons seeking to establish  
37 the charter school. After the petition has been signed by  
38 not less than 10 percent of the teachers currently  
39 employed by the school district, or by not less than 50  
40 percent of the teachers currently employed at one school



1 of the district, it may be submitted to the governing board  
2 of the school district for review.

3 (b) No later than 30 days after receiving a petition, in  
4 accordance with subdivision (a), the governing board of  
5 the school district shall hold a public hearing on the  
6 provisions of the charter, at which time the board shall  
7 consider the level of employee and parental support for  
8 the petition. Following review of the petition and the  
9 public hearing, the governing board shall either grant or  
10 deny the charter within 60 days of receipt of the petition,  
11 provided, however, that the date may be extended by an  
12 additional 30 days if both parties agree to the extension.  
13 A school district governing board may grant a charter for  
14 the operation of a school under this part if it determines  
15 that the petition contains the number of signatures  
16 required by subdivision (a), a statement of each of the  
17 conditions described in subdivision (d), and descriptions  
18 of all of the following:

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

26 (2) The measurable pupil outcomes identified for use  
27 by the charter school. “Pupil outcomes,” for purposes of  
28 this part, means the extent to which all pupils of the school  
29 demonstrate that they have attained the skills,  
30 knowledge, and attitudes specified as goals in the school’s  
31 educational program.

32 (3) The method by which pupil progress in meeting  
33 those pupil outcomes is to be measured.

34 (4) The governance structure of the school, including,  
35 but not limited to, the process to be followed by the school  
36 to ensure parental involvement.

37 (5) The qualifications to be met by individuals to be  
38 employed by the school.

39 (6) The procedures that the school will follow to  
40 ensure the health and safety of pupils and staff. These



1 procedures shall include the requirement that each  
2 employee of the school furnish the school with a criminal  
3 record summary as described in Section 44237.

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

9 (8) Admission requirements, if applicable.

10 (9) The manner in which an annual audit of the  
11 financial and programmatic operations of the school is to  
12 be conducted.

13 (10) The procedures by which pupils can be  
14 suspended or expelled.

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

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

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

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

30 (c) Charter schools shall meet the statewide  
31 performance standards and conduct the pupil  
32 assessments required pursuant to Section 60602.5.

33 (d) In addition to any other requirement imposed  
34 under this part, a charter school shall be nonsectarian in  
35 its programs, admission policies, employment practices,  
36 and all other operations, shall not charge tuition, and shall  
37 not discriminate against any pupil on the basis of  
38 ethnicity, national origin, gender, or disability. Admission  
39 to a charter school shall not be determined according to  
40 the place of residence of the pupil, or of his or her parent



1 or guardian, within this state, except that any existing  
2 public school converting partially or entirely to a charter  
3 school under this part shall adopt and maintain a policy  
4 giving admission preference to pupils who reside within  
5 the former attendance area of that public school.

6 (e) No governing board of a school district shall  
7 require any employee of the school district to be  
8 employed in a charter school.

9 (f) No governing board of a school district shall require  
10 any pupil enrolled in the school district to attend a charter  
11 school.

12 (g) The governing board may require that the  
13 petitioner or petitioners provide information regarding  
14 the proposed operation and potential effects of the  
15 school, including, but not limited to, the facilities to be  
16 utilized by the school, the manner in which  
17 administrative services of the school are to be provided,  
18 and potential civil liability effects upon the school and  
19 upon the school district.

20 (h) In reviewing petitions for the establishment of  
21 charter schools within the school district, the school  
22 district governing board shall give preference to petitions  
23 that demonstrate the capability to provide  
24 comprehensive learning experiences to pupils identified  
25 by the petitioner or petitioners as academically low  
26 achieving pursuant to the standards established by the  
27 State Department of Education under Section 54032.

28 (i) Upon the approval of the petition by the governing  
29 board of the school district, the petitioner or petitioners  
30 shall provide written notice of that approval, including a  
31 copy of the petition, to the State Board of Education.

32 (j) (1) If the governing board of the school district  
33 denies a charter, the county superintendent of schools, at  
34 the request of the petitioner or petitioners, shall select  
35 and convene a review panel to review the action of the  
36 governing board. The review panel shall consist of three  
37 governing board members from other school districts in  
38 the county and three teachers from other school districts  
39 in the county unless only one school district is located in



1 the county, in which case the panel members shall be  
2 selected from school districts in adjoining counties.

3 (2) If the review panel determines that the governing  
4 board failed to appropriately consider the charter  
5 request, or acted in an arbitrary manner in denying the  
6 request, the review panel shall request the governing  
7 board to reconsider the charter request. In the case of a  
8 tie vote of the panel, the county superintendent of schools  
9 shall vote to break the tie.

10 (3) If, upon reconsideration, the governing board  
11 denies a charter, the county board of education, at the  
12 request of the petitioner or petitioners, shall hold a public  
13 hearing in the manner described in subdivision (b) and,  
14 accordingly, may grant a charter. A charter school for  
15 which a charter is granted by a county board of education  
16 pursuant to this paragraph shall qualify fully as a charter  
17 school for all funding and other purposes of this part.

18 *SEC. 4. Section 47608 is added to the Education Code,*  
19 *to read:*

20 *47608. Notwithstanding Chapter 9 (commencing*  
21 *with Section 54950) of Division 2 of Title 5 of the*  
22 *Government Code, all meetings of any members of, and*  
23 *all actions taken by, a county board of education or a*  
24 *governing board of a school district, regarding the*  
25 *approval, rejection, renewal, revocation, or modification*  
26 *of a charter, shall be done in meetings open to the public.*  
27 *The definition of "action taken" in Section 54952.6 of the*  
28 *Government Code applies to this part.*

29 *SEC. 5. Section 47609 is added to the Education Code,*  
30 *to read:*

31 *47609. No county board of education nor school*  
32 *district shall be held liable, nor shall any member of a*  
33 *county board of education nor any member of a*  
34 *governing board of a school district, be held personally*  
35 *liable, for injury to persons or damage to property*  
36 *resulting from the fact that a building, used for a charter*  
37 *school that is not a conversion of an existing school, was*  
38 *not constructed under the requirements of the Field Act,*  
39 *as defined in Section 39140.5.*



1 SEC. 6. Section 47610 of the Education Code is  
2 amended to read:

3 47610. A charter school shall comply with all of the  
4 provisions set forth in its charter petition, but is otherwise  
5 exempt from the laws governing school districts except as  
6 specified in ~~Section~~ Sections 47611 and 41360.

7 ~~Section 47616 of the Education Code is amended to read:~~

8 ~~47616. The State Department of Education shall~~  
9 ~~review the educational effectiveness of the charter school~~  
10 ~~approach authorized under this part and, not later than~~  
11 ~~January 1, 2000, shall report to the Legislature~~  
12 ~~accordingly with recommendations to modify, expand, or~~  
13 ~~terminate that approach.~~

