

AMENDED IN SENATE JUNE 3, 1996
AMENDED IN ASSEMBLY MARCH 28, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3384

Introduced by Assembly Member Knox

February 23, 1996

An act to amend Sections 41360, 47605, and 47610 of, to add ~~Sections 47608 and 47609~~ *Section 47608* 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.

(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: 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 SEC. 2. Section 41360 of the Education Code is
4 amended to read:
5 41360. (a) To provide for the operation of newly
6 organized school districts and for charter schools that are
7 not a conversion of an existing school, moneys in the
8 School District Organization Revolving Fund in the State
9 Treasury shall be utilized for purposes of making loans to
10 newly organized school districts and to charter schools
11 which are not a conversion of an existing school. The
12 School District Organization Revolving Fund shall be
13 comprised of five hundred thousand dollars (\$500,000)
14 appropriated from the County School Service Fund



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

5 (b) Loans may be made from moneys in the School
6 District Organization Revolving Fund to newly
7 organized elementary, high school, or unified school
8 districts upon application of the governing board of any
9 such district, certified by the county superintendent of
10 schools and approved by the Superintendent of Public
11 Instruction for use by the district during the period from
12 the date the action to form the district was completed and
13 the date the district becomes effective for all purposes.
14 Money loaned to a district pursuant to this section shall be
15 used only to meet (a) the expenses of office rental, office
16 supplies, postage, telephone, and telegraphing; (b) the
17 expenses of necessary elections required by law or
18 authorized by Section 4062; and (c) the expenses of
19 employing, the salary of, and necessary travel expenses of
20 officers and necessary clerical help for the governing
21 board.

22 (c) Loans may be made from moneys in the School
23 District Organization Revolving Fund to charter schools
24 that are not a conversion of an existing school upon
25 application of the charter school and approval by the
26 Superintendent of Public Instruction for use by the
27 charter school during the period from the date the
28 charter is granted pursuant to Section 47605 and the end
29 of the fiscal year in which the charter school first enrolls
30 pupils. Money loaned to a charter school pursuant to this
31 section shall be used only to meet the purposes of the
32 charter granted pursuant to Section 47605. The loan to a
33 charter school pursuant to this subdivision shall not
34 exceed fifty thousand dollars (\$50,000). This subdivision
35 does not apply to a renewal of a charter pursuant to
36 Section 47607.

37 (d) During each of the two successive fiscal years
38 commencing with the first fiscal year of the existence of
39 the school district for all purposes, and commencing with
40 the first fiscal year following the fiscal year the charter



1 school first enrolls pupils, the State Controller shall
2 deduct from apportionments made to such school district
3 or charter school an amount equal to one-half of the
4 amount loaned to such school district or charter school
5 under this section and pay the same amount into the
6 School District Organization Revolving Fund in the State
7 Treasury.

8 SEC. 3. Section 47605 of the Education Code is
9 amended to read:

10 47605. (a) A petition for the establishment of a
11 charter school within any school district may be
12 circulated by any one or more persons seeking to establish
13 the charter school. After the petition has been signed by
14 not less than 10 percent of the teachers currently
15 employed by the school district, or by not less than 50
16 percent of the teachers currently employed at one school
17 of the district, it may be submitted to the governing board
18 of the school district for review.

19 (b) No later than 30 days after receiving a petition, in
20 accordance with subdivision (a), the governing board of
21 the school district shall hold a public hearing on the
22 provisions of the charter, at which time the board shall
23 consider the level of employee and parental support for
24 the petition. Following review of the petition and the
25 public hearing, the governing board shall either grant or
26 deny the charter within 60 days of receipt of the petition,
27 provided, however, that the date may be extended by an
28 additional 30 days if both parties agree to the extension.
29 A school district governing board may grant a charter for
30 the operation of a school under this part if it determines
31 that the petition contains the number of signatures
32 required by subdivision (a), a statement of each of the
33 conditions described in subdivision (d), and descriptions
34 of all of the following:

35 (1) A description of the educational program of the
36 school, designed, among other things, to identify those
37 whom the school is attempting to educate, what it means
38 to be an “educated person” in the 21st century, and how
39 learning best occurs. The goals identified in that program



1 shall include the objective of enabling pupils to become
2 self-motivated, competent, and lifelong learners.

3 (2) The measurable pupil outcomes identified for use
4 by the charter school. “Pupil outcomes,” for purposes of
5 this part, means the extent to which all pupils of the school
6 demonstrate that they have attained the skills,
7 knowledge, and attitudes specified as goals in the school’s
8 educational program.

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

11 (4) The governance structure of the school, including,
12 but not limited to, the process to be followed by the school
13 to ensure parental involvement.

14 (5) The qualifications to be met by individuals to be
15 employed by the school.

16 (6) The procedures that the school will follow to
17 ensure the health and safety of pupils and staff. These
18 procedures shall include the requirement that each
19 employee of the school furnish the school with a criminal
20 record summary as described in Section 44237.

21 (7) The means by which the school will achieve a racial
22 and ethnic balance among its pupils that is reflective of
23 the general population residing within the territorial
24 jurisdiction of the school district to which the charter
25 petition is submitted.

26 (8) Admission requirements, if applicable.

27 (9) The manner in which an annual audit of the
28 financial and programmatic operations of the school is to
29 be conducted.

30 (10) The procedures by which pupils can be
31 suspended or expelled.

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

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

39 (13) A description of the rights of any employee of the
40 school district upon leaving the employment of the school



1 district to work in a charter school, and of any rights of
2 return to the school district after employment at a charter
3 school.

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

7 (c) Charter schools shall meet the statewide
8 performance standards and conduct the pupil
9 assessments required pursuant to Section 60602.5.

10 (d) In addition to any other requirement imposed
11 under this part, a charter school shall be nonsectarian in
12 its programs, admission policies, employment practices,
13 and all other operations, shall not charge tuition, and shall
14 not discriminate against any pupil on the basis of
15 ethnicity, national origin, gender, or disability. Admission
16 to a charter school shall not be determined according to
17 the place of residence of the pupil, or of his or her parent
18 or guardian, within this state, except that any existing
19 public school converting partially or entirely to a charter
20 school under this part shall adopt and maintain a policy
21 giving admission preference to pupils who reside within
22 the former attendance area of that public school.

23 (e) No governing board of a school district shall
24 require any employee of the school district to be
25 employed in a charter school.

26 (f) No governing board of a school district shall require
27 any pupil enrolled in the school district to attend a charter
28 school.

29 (g) The governing board may require that the
30 petitioner or petitioners provide information regarding
31 the proposed operation and potential effects of the
32 school, including, but not limited to, the facilities to be
33 utilized by the school, the manner in which
34 administrative services of the school are to be provided,
35 and potential civil liability effects upon the school and
36 upon the school district.

37 (h) In reviewing petitions for the establishment of
38 charter schools within the school district, the school
39 district governing board shall give preference to petitions
40 that demonstrate the capability to provide



1 comprehensive learning experiences to pupils identified
2 by the petitioner or petitioners as academically low
3 achieving pursuant to the standards established by the
4 State Department of Education under Section 54032.

5 (i) Upon the approval of the petition by the governing
6 board of the school district, the petitioner or petitioners
7 shall provide written notice of that approval, including a
8 copy of the petition, to the State Board of Education.

9 (j) (1) If the governing board of the school district
10 denies a charter, the county superintendent of schools, at
11 the request of the petitioner or petitioners, shall select
12 and convene a review panel to review the action of the
13 governing board. The review panel shall consist of three
14 governing board members from other school districts in
15 the county and three teachers from other school districts
16 in the county unless only one school district is located in
17 the county, in which case the panel members shall be
18 selected from school districts in adjoining counties.

19 (2) If the review panel determines that the governing
20 board failed to appropriately consider the charter
21 request, or acted in an arbitrary manner in denying the
22 request, the review panel shall request the governing
23 board to reconsider the charter request. In the case of a
24 tie vote of the panel, the county superintendent of schools
25 shall vote to break the tie.

26 (3) If, upon reconsideration, the governing board
27 denies a charter, the county board of education, at the
28 request of the petitioner or petitioners, shall hold a public
29 hearing in the manner described in subdivision (b) and,
30 accordingly, may grant a charter. A charter school for
31 which a charter is granted by a county board of education
32 pursuant to this paragraph shall qualify fully as a charter
33 school for all funding and other purposes of this part.

34 SEC. 4. Section 47608 is added to the Education Code,
35 to read:

36 47608. Notwithstanding Chapter 9 (commencing
37 with Section 54950) of Division 2 of Title 5 of the
38 Government Code, all meetings of any members of, and
39 all actions taken by, a county board of education or a
40 governing board of a school district, regarding the



1 approval, rejection, renewal, revocation, or modification
2 of a charter, shall be done in meetings open to the public.
3 The definition of “action taken” in Section 54952.6 of the
4 Government Code applies to this part.

5 ~~SEC. 5. Section 47609 is added to the Education Code,~~
6 ~~to read:~~

7 ~~47609. No county board of education nor school~~
8 ~~district shall be held liable, nor shall any member of a~~
9 ~~county board of education nor any member of a~~
10 ~~governing board of a school district, be held personally~~
11 ~~liable, for injury to persons or damage to property~~
12 ~~resulting from the fact that a building, used for a charter~~
13 ~~school that is not a conversion of an existing school, was~~
14 ~~not constructed under the requirements of the Field Act,~~
15 ~~as defined in Section 39140.5.~~

16 ~~SEC. 6.—~~

17 ~~SEC. 5. Section 47610 of the Education Code is~~
18 ~~amended to read:~~

19 ~~47610. A charter school shall comply with all of the~~
20 ~~provisions set forth in its charter petition, but is otherwise~~
21 ~~exempt from the laws governing school districts except as~~
22 ~~specified in Sections 47611 and 41360.~~

