

AMENDED IN ASSEMBLY JANUARY 14, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 385

Introduced by Assembly Member Goldsmith

February 20, 1997

An act to ~~add Sections 47606.1 and 47610.5 to amend Section 33050 of, and to add Part 26.7 (commencing with Section 47500) to,~~ the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 385, as amended, Goldsmith. Home rule *school* districts.

~~(1)~~ Existing law establishes a procedure for the establishment of charter schools that receive certain public funding but are not subject to the laws generally governing school districts. Existing law also establishes a procedure for the conversion of all of the schools within a school district to charter schools.

This bill would establish a procedure for a school district to convert to a home rule *school* district only if: the governing board of the school district passes a resolution stating the school district is willing to be presented, as specified, a petition to become a home rule *school* district, *which would be called a "home rule petition" by this bill,* and will pay for the signature verification process, as specified; the ~~school district's~~ *number of* units of average daily attendance for the *school district in the* previous school year ~~were~~ *was* less than 400,000; and a home rule petition, ~~that contains~~ *containing* specified

requirements; receives approval from the governing board of the school district and the State Board of Education.

This bill would establish a procedure for granting *home rule* petitions for *the establishment of* new home rule school districts based on the order in which the State Board of Education receives the *home rule* petitions.

This bill would provide that, except as specified, a home rule school district would be treated as a charter school.

The bill would require the Legislative Analyst to contract for an evaluation of home rule school districts, as specified, and to convene an advisory panel, as specified. This bill would state the intent of the Legislature that funding for the evaluation be appropriated in the Budget Act of 2002. The bill would provide that a home rule school district retains its status as an elementary, high school, or unified school district and as a public school employer for the purposes of the provisions of law pertaining to collective bargaining, ~~as specified.~~

This bill would provide that a home rule petition may be granted for a period not to exceed 5 years, may be granted one or more renewals, and may be revoked by a majority vote of the governing board of the home rule school district.

The bill would require that a home rule school district comply with all of the provisions set forth in its home rule petition and the ~~provision~~ provisions of law governing home rule districts, and the ~~provision~~ provisions of law pertaining to public school employers, and specified provisions relating to the funding of school districts, school district facilities, and instructional programs, but would otherwise exempt home rule school districts from the laws governing school districts.

~~(2) Existing law limits the number of charter schools that may operate in the state to 100, with not more than 10 charter schools in any single school district.~~

~~This bill would provide that the statewide limit of 100 charter schools shall not apply to a school district that converts to a home rule district, nor shall it apply to the schools within that home rule district. The districtwide limit of 10 charter schools would also not apply to a school district that converts to a home rule district.~~ The bill would limit the number of home rule school districts with operating budgets in excess of \$100,000,000 to 5 for the 1998-99, 1999-2000, and 2000-01



school years and the total number of home rule *school* districts in the state to 20. *The bill would prohibit the State Board of Education from waiving this limit of the total number of home rule school districts.*

~~(3)~~

Under existing law, the scope of representation between an employee organization and a public school employer are limited to matters relating to wages, hours of employment and other terms and conditions of employment, as described. Existing law provides that the exclusive representative of certificated personnel has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent those matters are within the discretion of the public school employer.

This bill would provide that a home rule *school* district is a public school employer for purposes of those provisions, except as specified. The bill would also provide that a home rule *school* district is subject to the provisions pertaining to the employment of classified and certificated employees. The bill would further provide that, if the petition is revoked and there are provisions of a collective bargaining agreement negotiated pursuant to the petition that are outside the scope of negotiations authorized pursuant to existing law, those provisions shall be revoked, ~~as specified.~~

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 47606.1~~ *Section 33050 of the*
2 *Education Code is amended to read:*
3 33050. (a) The governing board of a school district or
4 a county board of education may, on a districtwide or
5 countywide basis or on behalf of one or more of its schools
6 or programs, after a public hearing on the matter, request
7 the State Board of Education to waive all or part of any
8 section of this code or any regulation adopted by the State
9 Board of Education that implements a provision of this
10 code that may be waived, except:



- 1 (1) Article 1 (commencing with Section 15700) and
- 2 Article 2 (commencing with Section 15780) of Chapter 6
- 3 4 of Part 10.
- 4 (2) Chapter 8 6 (commencing with Section 16000) and
- 5 Chapter 9 (commencing with Section 16400) of Part 10.
- 6 (3) Chapter 22 (commencing with Section 17700),
- 7 Chapter 23 (commencing with Section 17760), and
- 8 Chapter 25 (commencing with Section 17785) of Part 10.
- 9 (4) Part 13 (commencing with Section 22000).
- 10 (5) Section 35735.1.
- 11 (6) Paragraph (8) of subdivision (a) of Section 37220.
- 12 (7) The following provisions of Part 23 (*commencing*
- 13 *with Section 39000*):
- 14 (A) Chapter 1 (commencing with Section 39000).
- 15 (B) Article 1 (commencing with Section 39100) to
- 16 Article 6 (commencing with Section 39210), inclusive, of
- 17 Chapter 2.
- 18 (C) Section 39248; Sections 39313 to 39325, inclusive;
- 19 Sections 39360.5 and 39363 and subdivision (a) of Section
- 20 39363.5; and Sections 39618 to 39621, inclusive.
- 21 (8) *Sections 41000 to 41360, inclusive; Sections 41420 to*
- 22 *41423, inclusive; Sections 41600 to 41863, inclusive;*
- 23 *Sections 41920 to 42850, inclusive; Article 3 (commencing*
- 24 *with Section 44930) of Chapter 4 of Part 25; Part 26*
- 25 *(commencing with Section 46000) and Chapter 6*
- 26 *(commencing with Section 48900) and Chapter 6.5*
- 27 *(commencing with Section 49060) of Part 27; or*
- 28 *regulations in Title 5 of the California Code of Regulations*
- 29 *adopted pursuant to Article 3 (commencing with Section*
- 30 *44930) of Chapter 4 of Part 25.*
- 31 (9) *Subdivision (c) of Section 47502, which establishes*
- 32 *a limit on the number of home rule school districts that*
- 33 *may be established pursuant to Part 26.7 (commencing*
- 34 *with Section 47500).*
- 35 (10) *Section 51513.*
- 36 (11) *Chapter 6.10 (commencing with Section 52120)*
- 37 *of Part 28, relating to the Class Size Reduction Program.*
- 38 (12) Sections 52163, 52165, 52166, and 52178.
- 39 ~~(9)~~



1 (13) *The identification and assessment criteria*
2 *relating to any categorical aid program, including*
3 *Sections 52164.1 and 52164.6.*

4 (14) Article 3 (commencing with Section 52850) of
5 Chapter 12 of Part 28.

6 ~~(10) The identification and assessment criteria~~
7 ~~relating to any categorical aid program, including~~
8 ~~Sections 52164.1 and 52164.6.~~

9 ~~(11) Sections 41000 to 41360, inclusive; Sections 41420~~
10 ~~to 41423, inclusive; Sections 41600 to 41866, inclusive;~~
11 ~~Sections 41920 to 42911, inclusive; Article 3 (commencing~~
12 ~~with Section 44930) of Chapter 4 of Part 25; Part 26~~
13 ~~(commencing with Section 46000) and Chapter 6~~
14 ~~(commencing with Section 48900) and Chapter 6.5~~
15 ~~(commencing with Section 49060) of Part 27; or~~
16 ~~regulations in Title 5 of the California Code of Regulations~~
17 ~~adopted pursuant to Article 3 (commencing with Section~~
18 ~~44930) of Chapter 4 of Part 25.~~

19 ~~(12) Section 51513.~~

20 ~~(13) Chapter 6.10 (commencing with Section 52120)~~
21 ~~of Part 28, relating to the Class Size Reduction Program.~~

22 ~~(14)~~

23 (15) Section 56364.1, except that this restriction shall
24 not prohibit the State Board of Education from approving
25 any waiver of Section 56364 relating to full inclusion.

26 ~~(15)~~

27 (16) Article 4 (commencing with Section 60640) of
28 Chapter 5 of Part 33, relating to the STAR Program, and
29 any other provisions of Chapter 5 (commencing with
30 Section 60600) of Part 33 that establish requirements for
31 the STAR Program.

32 (b) Any waiver of provisions related to the programs
33 identified in Section 52851 shall be granted only pursuant
34 to Article 3 (commencing with Section 52850) of Chapter
35 12 of Part 28.

36 (c) The waiver of an advisory committee required by
37 law shall be granted only pursuant to Article 4
38 (commencing with Section 52870) of Chapter 12 of Part
39 28.



1 (d) Any request for a waiver submitted by the
 2 governing board of a school district or a county board of
 3 education pursuant to subdivision (a) shall include a
 4 written statement as to (1) whether the exclusive
 5 representative of employees, if any, as provided in
 6 Chapter 10.7 (commencing with Section 3540) of
 7 Division 4 of Title 1 of the Government Code,
 8 participated in the development of the waiver and (2)
 9 the exclusive representative's position regarding the
 10 waiver.

11 (e) Any request for a waiver submitted pursuant to
 12 subdivision (a) relating to a regional occupational center
 13 or program established pursuant to Article 1
 14 (commencing with Section 52300) of Chapter 9 of Part 28,
 15 that is operated by a joint powers entity established
 16 pursuant to Chapter 5 (commencing with Section 6500)
 17 of Division 7 of Title 1 of the Government Code, shall be
 18 submitted as a joint waiver request for each participating
 19 school district and shall meet both of the following
 20 conditions:

21 (1) Each joint waiver request shall comply with all of
 22 the requirements of this article.

23 (2) The submission of a joint waiver request shall be
 24 approved by a unanimous vote of the governing board of
 25 the joint powers agency.

26 (f) The governing board of any school district
 27 requesting a waiver under this section of any provision of
 28 Article 5 (commencing with Section 39390) of Chapter 3
 29 of Part 23 shall provide written notice of any public
 30 hearing it conducted pursuant to subdivision (a), at least
 31 30 days prior to the hearing, to each public agency
 32 identified under Section 39394.

33 *SEC. 2. Part 26.7 (commencing with Section 47500) is*
 34 *added to the Education Code, to read:*

35 ~~47606.1. (a) For the purposes of this section, "home~~
 36 ~~rule~~

37



1 PART 26.7. HOME RULE SCHOOL DISTRICTS

2
3 CHAPTER 1. ESTABLISHMENT AND
4 EVALUATION OF HOME RULE SCHOOL
5 DISTRICTS
6

7 47500. (a) For the purposes of this part, “home rule
8 school district” means a school district operating under a
9 single ~~charter that incorporates~~ home rule charter that
10 encompasses all of the schools in the school district.

11 (b) A school district may convert to a home rule school
12 district as provided in this ~~section~~ part if all of the
13 following conditions are satisfied:

14 (1) The governing board of the school district enacts
15 a resolution stating that the school district is willing to be
16 presented a petition pursuant to paragraph (3) to convert
17 the school district to a home rule school district, and that
18 the school district alone is responsible and will pay for all
19 costs related to the signature verification process for any
20 petition for a home rule school district presented or
21 submitted to the board. For these purposes, the signature
22 verification process includes the review and issuance of
23 a petition, verification of the signature requirement, and
24 all other costs relating to adoption of a certified issued
25 petition.

26 (2) In the school year immediately preceding the
27 school year in which a petition for conversion to a home
28 rule school district is presented to the school district, the
29 number of units of average daily attendance for the
30 school district in the second period report for the second
31 principal apportionment is 400,000 or less.

32 (3) (A) A petition for conversion to a home rule
33 school district, containing a home rule charter that meets
34 all of the requirements set forth in ~~paragraphs (4) and (5)~~
35 subdivisions (a) and (b) of Section 47501, is prepared by
36 the proponents of the conversion, presented to the school
37 district for review, and copied and issued by the school
38 district to the proponents of the conversion for the
39 circulation and gathering of signatures. Upon issuance of
40 the petition by the school district for the circulation and

1 gathering of signatures, the petition shall be deemed an
2 “issued petition.” No change shall be made to the
3 contents of an issued petition. ~~The~~

4 (B) *The* issued petition shall be signed by at least 50
5 percent of the teachers within the school district,
6 excluding any charter schools operating within the school
7 district. For purposes of this paragraph, “teacher” means
8 a certificated employee of the school district who is
9 assigned as a classroom teacher. The signature pages of
10 the issued petition shall be in the form required by
11 Section 100 of the Elections Code, but a teacher who signs
12 a petition shall not be required to be a registered voter.
13 The signed issued petition shall be submitted to the school
14 district for verification of the signature requirement, and
15 when sufficient signatures under this paragraph have
16 been verified, the issued petition shall be certified by the
17 superintendent of schools of the school district.

18 (4) The certified issued petition ~~shall be containing~~
19 *the home rule charter* is presented by the superintendent
20 of schools of the school district to the governing board of
21 the school district at a public meeting. Not later than 15
22 days after presentation to the governing board of the
23 school district, the governing board ~~shall hold~~ *convenes*
24 a public hearing on the provisions of the certified issued
25 ~~petition.~~

26 ~~(5) petition and the home rule charter contained~~
27 *therein.*

28 (5) (A) Not later than 15 days after the public
29 hearing, the governing board of the school district ~~shall~~
30 ~~consider~~ *considers* for adoption a resolution approving
31 the conversion of the school district to a home rule *school*
32 district. If the resolution is approved by a majority of the
33 governing board members, the proponents of ~~the home~~
34 ~~rule conversion to a home rule school~~ district may submit
35 the certified issued petition *containing the home rule*
36 *charter* to the State Board of Education for its
37 consideration. ~~The~~

38 (B) *The* State Board of Education shall approve the
39 certified issued petition only upon finding ~~that the~~ *all of*
40 *the following:*



1 (i) *The governing board of the school district has*
2 *approved the petition and the home rule charter*
3 *contained therein by a majority vote.*

4 (ii) *The certified issued petition complies with the*
5 *requirements of ~~paragraphs (6) and (7) and that the~~*
6 *subdivisions (a) and (b) of Section 47501.*

7 (iii) *The school district does not have a qualified or*
8 *negative budget certification. The*

9 (C) *The State Board of Education shall assign*
10 *sequentially a number to each petition submitted for*
11 *approval of a new home rule district without regard to*
12 *any year.*

13 ~~(6) The home rule petition~~

14 47501. (a) *The home rule charter shall provide for*
15 *the operation of the home rule school district and all the*
16 *schools within the home rule school district as follows:*

17 ~~(A) The home rule petition~~

18 (1) *The home rule charter shall provide for the*
19 *continuing supervision and approval of those schools that*
20 *are operating as individual charter schools in accordance*
21 *with the provisions of this part. The home rule petition*
22 *Part 26.8 (commencing with Section 47600). The home*
23 *rule charter shall also provide for the approval of petitions*
24 *for the establishment of individual charter schools*
25 *pursuant to Section 47605 and the supervision of the*
26 *approved individual charter schools, as specified in this*
27 ~~part~~ *Part 26.8 (commencing with Section 47600). Upon*
28 *conversion of the school district to a home rule school*
29 *district, schools within the home rule school district that*
30 *are operating as individual charter schools shall continue*
31 *to operate under their respective charters. The home rule*
32 *school district shall exercise all power and authority of a*
33 *school district governing board in regard to those charter*
34 *schools.*

35 ~~(B) The home rule petition~~

36 (2) *The home rule charter shall provide for the*
37 *manner in which governance and administrative services*
38 *are to be provided by the governing board of the home*
39 *rule school district and the administration of the*
40 *individual schools in the home rule school district. No*



1 petition, however, may alter the manner in which
2 members of the governing board of the home rule *school*
3 district are elected, and, except as otherwise provided in
4 this section, the membership of the governing board for
5 each home rule *school* district shall be governed by
6 Chapter 1 (commencing with Section 5000) and Chapter
7 3 (commencing with Section 5300) of Part 4, Article 1
8 (commencing with Section 35100) of Chapter 2 of Part 21,
9 and any other provisions of law that apply to the
10 membership of school district governing boards.

11 ~~(7)~~

12 (b) The home rule petition shall contain all of the
13 following:

14 ~~(A) The requirements set forth in paragraphs (1) to~~
15 ~~(13), inclusive, of subdivision (b), and subdivisions (c)~~
16 ~~and (d) of Section 47605.~~

17 ~~(B)~~

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

26 (2) *The measurable pupil outcomes identified for use*
27 *by the school district. “Pupil outcomes,” for purposes of*
28 *this part, means the extent to which all pupils of the*
29 *district demonstrate that they have attained the skills,*
30 *knowledge, and attitudes specified as goals in the district*
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 district and*
35 *schools including, but not necessarily limited to, the*
36 *process to be followed by the district to ensure parental*
37 *involvement.*

38 (5) *The procedures that the school district will follow*
39 *to ensure the health and safety of pupils and staff. These*
40 *procedures shall include the requirement that each*



1 *employee of the school furnish the school with a criminal*
2 *record summary as described in Section 44237.*

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

7 (7) *Admission requirements, if applicable.*

8 (8) *The manner by which an annual budget is*
9 *prepared and updated, and an annual audit of the*
10 *financial and programmatic operations of the school*
11 *district is to be conducted.*

12 (9) *The procedures by which pupils can be suspended*
13 *or expelled.*

14 (10) *The manner by which staff members of the school*
15 *district will be covered by the State Teacher's Retirement*
16 *System, the Public Employees' Retirement System, or*
17 *federal social security.*

18 (11) *The public school attendance alternatives for*
19 *pupils residing within the school district who choose not*
20 *to attend the district.*

21 (12) *A description of procedures for the amendment*
22 *of the home rule charter.*

23 (13) *A provision that specifies alternative public*
24 *school attendance arrangements for pupils residing*
25 *within the home rule school district who choose not to*
26 *attend a school in the home rule school district.*

27 ~~(8)~~

28 (c) *Following review of the certified issued petition by*
29 *the State Board of Education, the State Board of*
30 *Education shall either grant or deny the home rule*
31 *petition within 60 days of receipt of the certified issued*
32 *petition, except that the date may be extended by an*
33 *additional 30 days at the request of either the governing*
34 *board of the school district or the proponents of the home*
35 *rule petition.*

36 ~~(e) Notwithstanding subdivision (a) of Section 47602,~~
37 ~~the statewide limit of 100 charter schools operating in the~~
38 ~~state in any school year shall not apply to a school district~~
39 ~~that converts to a home rule district pursuant to this~~
40 ~~section. Nor shall the statewide limit apply to the schools~~



1 ~~within the home rule district. The districtwide limit of 10~~
 2 ~~charter schools also shall not apply to a school district that~~
 3 ~~converts to a home rule district pursuant to this section.~~

4 ~~(d) Notwithstanding subdivision (c), the number of~~
 5 ~~home rule~~

6 *47502. (a) The number of home rule school districts*
 7 *with operating budgets in excess of one hundred million*
 8 *dollars (\$100,000,000) shall not exceed five for the*
 9 *1998–99, 1999–2000, and 2000–01 school years and the total*
 10 ~~*number of home rule districts years. The total number of*~~
 11 ~~*home rule school districts*~~ *operating in this state in any*
 12 ~~*school year shall not exceed 20. The*~~

13 ~~*(b) The State Board of Education shall grant petitions*~~
 14 ~~*for new home rule districts that meet the requirements*~~
 15 ~~*specified in subdivision (b) Sections 47500 and 47501 in*~~
 16 ~~*the numerical order received. Renewals of home rule*~~
 17 ~~*districts school districts shall take precedence over*~~
 18 ~~*granting petitions for new home rule school districts.*~~
 19 ~~*When there are 20 home rule*~~

20 ~~*(c) When there are 20 home rule school districts*~~
 21 ~~*operating in the state, the State Board of Education shall*~~
 22 ~~*not grant any petitions for new home rule districts, school*~~
 23 ~~*districts until it determines that a home rule school*~~
 24 ~~*district will not renew its petition, or a home rule district's*~~
 25 ~~*petition is or that the petition of a home rule school*~~
 26 ~~*district has been revoked by the board. The State Board*~~
 27 ~~*of Education shall not waive the limit on the number of*~~
 28 ~~*home rule districts established pursuant to this*~~
 29 ~~*subdivision.*~~

30 ~~*(e) (1) the board.*~~

31 *47502.5. It is the intent of the Legislature that home*
 32 *rule school districts be funded in the same manner as*
 33 *other school districts. A home rule school district shall,*
 34 *therefore, be deemed a “school district” for the purposes*
 35 *of Part 24 (commencing with Section 41000), Part 27*
 36 *(commencing with Section 48000), Part 28 (commencing*
 37 *with Section 51000), Part 29 (commencing with Section*
 38 *54000), and Part 30 (commencing with Section 56000),*
 39 *and Sections 8 and 8.5 of Article XVI of the California*
 40 *Constitution.*



1 47503. A home rule petition may be granted by the
2 State Board of Education for a period not to exceed five
3 years. A home rule petition may be granted one or more
4 subsequent renewals by the State Board of Education.
5 Each renewal shall be for a period not to exceed five
6 years. A home rule petition may be revoked by a majority
7 vote of the governing board of the home rule school
8 district for causes that are determined and stated publicly
9 by the governing board of the home rule school district.
10 If a home rule petition is revoked, the revocation shall not
11 nullify any contracts of the school district existing as of the
12 date of nullification unless that is expressly provided
13 under the terms of the contract.

14 47503.5. (a) The Legislative Analyst shall contract for
15 an evaluation of the effectiveness of the home rule school
16 district approach authorized under this ~~section~~ part and,
17 on or before January 1, 2004, shall report to the
18 Legislature and the Governor accordingly with
19 recommendations to modify, expand, or terminate that
20 approach. The evaluation of the effectiveness of the home
21 rule district approach shall ~~include, but shall not be~~
22 ~~limited to, the following factors:~~

23 ~~(A) include, but shall not necessarily be limited to,~~
24 ~~each of the following factors:~~

25 (1) If available, the pre- and post-home rule school
26 district test scores of pupils attending home rule school
27 districts and other pupil assessment tools.

28 ~~(B)~~

29 (2) The level of parental satisfaction with the home
30 rule school district approach compared with parental
31 satisfaction in other school districts.

32 ~~(C)~~

33 (3) The impact of required parental involvement.

34 ~~(D)~~

35 (4) The fiscal structures and practices of home rule
36 school districts as well as the relationship of these
37 structures and practices to other school districts,
38 including the amount of revenue received from various
39 public and private sources.

40 ~~(E)~~



1 (5) An assessment of whether or not the home rule
2 *school* district approach has resulted in increased
3 innovation and creativity.

4 ~~(F)~~

5 (6) Opportunities for teachers under the home rule
6 *school* district approach.

7 ~~(G)~~

8 (7) Whether or not there is an increased focus on
9 low-achieving and gifted pupils.

10 ~~(H)~~

11 (8) Any discrimination and segregation in home rule
12 *school* districts.

13 ~~(I)~~

14 (9) If available, the number of home rule *school*
15 district petitions submitted to governing boards of school
16 districts and the number of those proposals that are
17 denied, per year, since the enactment of this section,
18 including the reasons why the governing boards denied
19 these petitions, and the reasons governing boards have
20 revoked home rule *school* district status.

21 ~~(J)~~

22 (10) The governance, fiscal liability and accountability
23 practices of home rule *school* districts.

24 ~~(K)~~

25 (11) The manner in which governing boards of home
26 rule *school* districts monitor the compliance of the
27 conditions, standards, and procedures entered into under
28 their petition.

29 ~~(L)~~

30 (12) The extent of the employment of
31 noncredentialed personnel in home rule *school* districts.

32 ~~(M)~~

33 (13) An assessment of how the exemption from laws
34 governing school districts allows home rule *school*
35 districts to operate differently than other school districts.

36 ~~(N)~~

37 (14) A comparison between the pupil dropout rate in
38 the home rule ~~district and other home rule~~ *school district*
39 *and other home rule school* districts.

40 ~~(O)~~



1 (15) The role and impact of collective bargaining on
2 home rule *school* districts.

3 ~~(2)~~

4 (b) The Legislative Analyst shall convene an advisory
5 panel to assist the office in developing a request for
6 proposals and in evaluating any proposals submitted
7 pursuant to Section 47616.5. The advisory panel shall
8 include parents or guardians of pupils, teachers, teacher
9 representatives, administrators, members of governing
10 boards of school districts, representatives of charter
11 schools, the State Department of Education, and the
12 Department of Finance. There shall be an equal number
13 of parents or guardians of pupils, teachers, teacher
14 representatives, administrators, members of governing
15 boards of school districts, and representatives of home
16 rule *school* districts on the advisory panel.

17 ~~(3)~~

18 (c) It is the intent of the Legislature that funding for
19 the evaluation specified in ~~paragraph (1)~~ *subdivision (a)*
20 be appropriated in the Budget Act of 2002.

21 ~~(f) Nothing contained in this section~~

22 *47504. Nothing contained in this part* shall preclude
23 schools from converting to charter schools through
24 petitions initiated pursuant to Section 47605 or 47606.

25 ~~(g) Except as provided in this section, a home rule~~
26 ~~district shall be treated as a charter school for the~~
27 ~~purposes of Sections 47600, 47601, 47602, 47603, 47607,~~
28 ~~47610, 47611, 47612, and 47616. Sections 47605 and 47606~~
29 ~~shall not apply to petitions for home rule districts initiated~~
30 ~~pursuant to this section, except as specifically provided~~
31 ~~for in this section.~~

32 ~~(h) A home rule~~

33

34 *CHAPTER 2. RESPONSIBILITIES OF HOME RULE SCHOOL*
35 *DISTRICTS*

36

37 *47505. (a) A home rule school* district shall retain its
38 former status as an elementary, high school, or unified
39 school district and shall be subject to provisions of this
40 code governing school district organization.



1 ~~(i) A home rule~~

2 (b) A home rule school district shall be subject to the
3 credentialing and certification provisions set forth in
4 Chapter 2 (commencing with Section 44200) of Part 25.

5 ~~(j) (1)~~

6 (c) Conversion of a school district to a home rule
7 school district shall not nullify any contracts of the school
8 district existing as of the date of conversion unless
9 expressly provided under the terms of the contract.

10 ~~(2)~~

11 (d) A home rule school district shall be subject to
12 Chapter 10.7 (commencing with Section 3540) of
13 Division 4 of Title 1 of the Government Code, shall retain
14 its status as a public school employer for the purpose of
15 that chapter, and shall continue to recognize those
16 employee organizations holding the status of exclusive
17 bargaining representative as of the date of the conversion
18 of the school district to a home rule school district.

19 ~~(3)~~

20 (e) A home rule school district shall be subject to Part
21 10 (commencing with Section 15100), Part 10.5
22 (commencing with Section 17211), and Chapter 1
23 (commencing with Section 44000), Chapter 4
24 (commencing with Section 44800), and Chapter 5
25 (commencing with Section 45100) of Part 25.

26 ~~(k) A home rule petition may be granted by the State
27 Board of Education for a period not to exceed five years.
28 A home rule petition may be granted one or more
29 subsequent renewals by the State Board of Education.
30 Each renewal shall be for a period not to exceed five
31 years. A home rule petition may be revoked by a majority
32 vote of the governing board of the home rule district for
33 causes that are determined and stated publicly by the
34 governing board of the home rule district. If a home rule
35 district petition is revoked, any provision of a collective
36 bargaining agreement negotiated pursuant to a petition
37 that is outside the scope of negotiations authorized
38 pursuant to Section 3543.2 of the Government Code shall
39 not be deemed valid and subsisting except to the extent
40 otherwise permitted by law, but all other provisions or~~



1 applications of the collective bargaining agreement shall
 2 continue in full force and effect. Chapter 10.7
 3 (commencing with Section 3540) of Division 4 of Title 1
 4 of the Government Code and the provisions of that
 5 chapter shall govern the collective bargaining agreement
 6 in that event, and any collective bargaining agreement
 7 negotiated pursuant to a petition may not waive or
 8 otherwise modify this requirement.

9 SEC. 2. Section 47610.5 is added to the Education
 10 Code, to read:

11 47610.5.—

12 47505.5. (a) A home rule school district shall meet
 13 the statewide performance standards and conduct the
 14 pupil assessments required pursuant to Article 1
 15 (commencing with Section 60600) of Chapter 5 of Part 33.

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

30 47506. A home rule district shall comply with all of the
 31 provisions set forth in its home rule petition, ~~the~~
 32 ~~provisions of charter and with all of the following~~
 33 ~~provisions:~~

34 (a) Section 47606.1, Chapter 1 (commencing with
 35 Section 44000), Chapter 2 (commencing with Section
 36 44200), Chapter 4 (commencing with Sections 44800),
 37 and Chapter 5 (commencing with Section 45100) of Part
 38 25, and the provisions of Chapter 10.7 of Part 25.

39 (b) Chapter 10.7 (commencing with Section 3540) of
 40 Division 4 of Title 1 of, Chapter 3.5 (commencing with



1 *Section 6250) of Division 7 of Title 1 of, and Chapter 9*
2 *(Commencing with Section 54950) of Division 2 of Title*
3 *5 of, the Government Code, but is otherwise exempt from*
4 *the laws governing school districts.*

O

