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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2417

Introduced by Assembly Member Mazzoni

February 20, 1998

An act to amend Sections 47602, 47605, 47613, and 47616.5 of, and to repeal Section 47616 of, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as amended, Mazzoni. Charter schools.

Existing law, the Charter Schools Act of 1992, permits teachers, parents, pupils, and community members to petition a school district governing board 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. Under existing law the total number of charter schools operating in the state in any school year cannot exceed 100, with no more than 10 charter schools in any single school district. ~~Assembly Bill~~ AB 544 (Ch. 34 of the Statutes of 1998), which would take effect on January 1, 1999, would establish the statewide maximum at 250 charter

schools for the 1998–99 school year with an additional 100 charter schools per school year thereafter and would delete the requirement that the State Board of Education, for purposes of implementing those provisions, assign a number to each charter notice it receives, based on the chronological order in which the notice is received. Existing law authorizes a petition for the establishment of a charter school within any school district to be circulated by any one or more persons seeking to establish the charter school. Under existing law, if the governing board of the school district denies a charter, the county superintendent of schools, at the request of the petitioner or petitioners, is required to select and convene a review panel to review the action of the governing board. ~~A.B.~~ AB 544 (Chapter 34 of the Statutes of 1998), which would take effect on January 1, 1999, would instead authorize a petitioner whose petition has been denied to submit the petition to either the county board of education or directly to the State Board of Education, and would make other changes related to the petition process.

This bill would incorporate the changes made by AB 544 regarding the statewide maximum number of charter schools and the petition process, and would reenact the requirement regarding the assignment of a number to each charter notice received by the State Department of Education. The bill would also require the petitioner or petitioners for the formation of a charter school, upon the approval of a petition by the county board of education, to provide written notice of that approval, including a copy of the petition, to the State Board of Education.

Existing law requires that, with respect to a pupil of a charter school located within a basic aid district of choice who attended a public school in a district other than a basic aid school district, as defined, immediately before transferring to the charter school, the Superintendent of Public Instruction commencing the 1996–97 fiscal year provide that school an apportionment of 70% of the district revenue limit for average daily attendance that would have been apportioned to the school district of residence. AB 544 (Chapter 34 of the Statutes of 1998), which would take effect on January 1, 1999,



would require the full apportionment received by the basic aid district to be provided to the charter school.

This bill would incorporate the changes made by AB 544 regarding the requirement that the full apportionment received by the basic aid district be provided to the charter school, but with respect to a pupil of a charter school located within a basic aid district who resides in a public school in a district other than a basic aid district, would instead require the Superintendent of Public Instruction commencing the 1997–98 fiscal year to provide that school with an apportionment of 70% of the district revenue limit for average daily attendance that would have been apportioned to the school district of residence.

Existing law requires the State Department of Education to review the educational effectiveness of the charter school approach and, not later than January 1, 1999, to report to the Legislature accordingly with recommendations to modify, expand, or terminate that approach.

This bill would repeal those provisions.

Existing law requires the Legislative Analyst to contract for an evaluation of the effectiveness of the charter school approach, on or before November 1, 1997, and to report to the Governor accordingly with recommendations to modify, expand, or terminate that approach. ~~Assembly Bill~~ AB 544 (Chapter 34 of the Statutes of 1998), which would take effect on January 1, 1999, would require the Legislative Analyst to contract with a neutral evaluator for an evaluation of the effectiveness of the charter school approach, and to make that report to the Governor and the Legislature on or before July 1, 2003.

This bill would incorporate the changes made to those provisions by AB 544, but would instead require the neutral evaluator to make that report directly to the Legislature, and would make other clarifying changes.

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 47602 of the Education Code is
2 amended to read:

3 47602. (a) (1) In the 1998–99 school year, the
4 maximum total number of charter schools authorized to
5 operate in this state shall be 250. In the 1999–2000 school
6 year, and in each successive school year thereafter, an
7 additional 100 charter schools are authorized to operate
8 in this state each successive school year. For the purposes
9 of implementing this section, the State Board of
10 Education shall assign a number to each charter petition
11 that it grants pursuant to subdivision (j) of Section 47605
12 and to each charter notice it receives pursuant to
13 subdivision (i) and paragraph (5) of subdivision (j) of
14 Section 47605, based on the chronological order in which
15 the notice is received. The limits contained in this
16 paragraph may not be waived pursuant to Section 33050
17 or any other provision of law.

18 (2) By July 1, 2003, the Legislative Analyst shall,
19 pursuant to the criteria in Section 47616.5, report to the
20 Legislature on the effectiveness of the charter school
21 approach authorized under this part and recommend
22 whether to expand or reduce the annual rate of growth
23 of charter schools authorized pursuant to this section.

24 (b) No charter shall be granted under this part that
25 authorizes the conversion of any private school to a
26 charter school. No charter school shall receive any public
27 funds for a pupil if the pupil also attends a private school
28 that charges the pupil's family for tuition. The State Board
29 of Education shall adopt regulations to implement this
30 section.

31 SEC. 2. Section 47605 of the Education Code is
32 amended to read:

33 47605. (a) (1) Except as set forth in paragraph (2),
34 a petition for the establishment of a charter school within
35 any school district may be circulated by any one or more
36 persons seeking to establish the charter school. The
37 petition may be submitted to the governing board of the



1 school district for review after either of the following
2 conditions are met:

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

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

13 (2) In the case of a petition for the establishment of a
14 charter school through the conversion of an existing
15 public school, that would not be eligible for a loan
16 pursuant to subdivision (b) of Section 41365, the petition
17 may be circulated by any one or more persons seeking to
18 establish the converted charter school. The petition may
19 be submitted to the governing board of the school district
20 for review after the petition has been signed by not less
21 than 50 percent of the permanent status teachers
22 currently employed at the public school to be converted.

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

30 (b) No later than 30 days after receiving a petition, in
31 accordance with subdivision (a), the governing board of
32 the school district shall hold a public hearing on the
33 provisions of the charter, at which time the governing
34 board of the school district shall consider the level of
35 support for the petition by teachers employed by the
36 district, other employees of the district, and parents.
37 Following review of the petition and the public hearing,
38 the governing board of the school district shall either
39 grant or deny the charter within 60 days of receipt of the
40 petition, provided, however, that the date may be



1 extended by an additional 30 days if both parties agree to
2 the extension. In reviewing petitions for the
3 establishment of charter schools pursuant to this section,
4 the chartering authority shall be guided by the intent of
5 the Legislature that charter schools are and should
6 become an integral part of the California educational
7 system and that establishment of charter schools should
8 be encouraged. A school district governing board shall
9 grant a charter for the operation of a school under this
10 part if it is satisfied that granting the charter is consistent
11 with sound educational practice. The governing board of
12 the school district shall not deny a petition for the
13 establishment of a charter school unless it makes written
14 factual findings, specific to the particular petition, setting
15 forth specific facts to support one, or more, of the
16 following findings:

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

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

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

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

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

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

36 (B) The measurable pupil outcomes identified for use
37 by the charter school. “Pupil outcomes,” for purposes of
38 this part, means the extent to which all pupils of the school
39 demonstrate that they have attained the skills,



1 knowledge, and attitudes specified as goals in the school's
2 educational program.

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

5 (D) The governance structure of the school,
6 including, but not limited to, the process to be followed
7 by the school to ensure parental involvement.

8 (E) The qualifications to be met by individuals to be
9 employed by the school.

10 (F) The procedures that the school will follow to
11 ensure the health and safety of pupils and staff. These
12 procedures shall include the requirement that each
13 employee of the school furnish the school with a criminal
14 record summary as described in Section 44237.

15 (G) The means by which the school will achieve a
16 racial and ethnic balance among its pupils that is
17 reflective of the general population residing within the
18 territorial jurisdiction of the school district to which the
19 charter petition is submitted.

20 (H) Admission requirements, if applicable.

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

26 (J) The procedures by which pupils can be suspended
27 or expelled.

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

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

35 (M) A description of the rights of any employee of the
36 school district upon leaving the employment of the school
37 district to work in a charter school, and of any rights of
38 return to the school district after employment at a charter
39 school.



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

4 (c) (1) Charter schools shall meet all statewide
5 standards and conduct the pupil assessments required
6 pursuant to Section 60605 and any other statewide
7 standards authorized in statute or pupil assessments
8 applicable to pupils in noncharter public schools.

9 (2) Charter schools shall on a regular basis consult with
10 their parents and teachers regarding the school's
11 educational programs.

12 (d) (1) In addition to any other requirement imposed
13 under this part, a charter school shall be nonsectarian in
14 its programs, admission policies, employment practices,
15 and all other operations, shall not charge tuition, and shall
16 not discriminate against any pupil on the basis of
17 ethnicity, national origin, gender, or disability. Except as
18 provided in paragraph (2), admission to a charter school
19 shall not be determined according to the place of
20 residence of the pupil, or of his or her parent or guardian,
21 within this state, except that any existing public school
22 converting partially or entirely to a charter school under
23 this part shall adopt and maintain a policy giving
24 admission preference to pupils who reside within the
25 former attendance area of that public school.

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

28 (B) However, if the number of pupils who wish to
29 attend the charter school exceeds the school's capacity,
30 attendance, except for existing pupils of the charter
31 school, shall be determined by a public random drawing.
32 Preference shall be extended to pupils currently
33 attending the charter school and pupils who reside in the
34 district. Other preferences may be permitted by the
35 chartering authority on an individual school basis and
36 only if consistent with the law.

37 (C) In the event of a drawing, the chartering authority
38 shall make reasonable efforts to accommodate the growth
39 of the charter school and, in no event, shall take any action



1 to impede the charter school from expanding enrollment
2 to meet ~~student~~ *pupil* demand.

3 (e) No governing board of a school district shall
4 require any employee of the school district to be
5 employed in a charter school.

6 (f) No governing board of a school district shall require
7 any pupil enrolled in the school district to attend a charter
8 school.

9 (g) The governing board of a school district shall
10 require that the petitioner or petitioners provide
11 information regarding the proposed operation and
12 potential effects of the school, including, but not limited
13 to, the facilities to be utilized by the school, the manner
14 in which administrative services of the school are to be
15 provided, and potential civil liability effects, if any, upon
16 the school and upon the school district. The petitioner or
17 petitioners shall also be required to provide financial
18 statements that include a proposed first-year operational
19 budget, including startup costs, and cash-flow and
20 financial projections for the first three years of operation.

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

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

33 (j) (1) If the governing board of a school district
34 denies a petition, the petitioner may elect to submit the
35 petition for the establishment of a charter school to either
36 the county board of education or directly to the State
37 Board of Education. The county board of education or the
38 State Board of Education, as the case may be, shall review
39 the petition pursuant to subdivision (b). If the petitioner
40 elects to submit a petition for establishment of a charter



1 school to the county board of education and the county
2 board of education denies the petition, the petitioner may
3 file a petition for establishment of a charter school with
4 the State Board of Education.

5 (2) A charter school for which a charter is granted by
6 either the county board of education or the State Board
7 of Education pursuant to this subdivision shall qualify
8 fully as a charter school for all funding and other purposes
9 of this part.

10 (3) If either the county board of education or the State
11 Board of Education fails to act on a petition within 120
12 days of receipt, the decision of the governing board of the
13 school district to deny a petition shall, thereafter, be
14 subject to judicial review.

15 (4) The State Board of Education shall adopt
16 regulations implementing this subdivision.

17 (5) Upon the approval of the petition by the county
18 board of education, the petitioner or petitioners shall
19 provide written notice of that approval, including a copy
20 of the petition to the State Board of Education.

21 (k) (1) The State Board of Education may, by mutual
22 agreement, designate its supervisory and oversight
23 responsibilities for a charter school approved by the State
24 Board of Education to any local education agency in the
25 county in which the charter school is located or to the
26 governing board of the school district that first denied the
27 petition.

28 (2) The designated local education agency shall have
29 all monitoring and supervising authority of a chartering
30 agency, including, but not limited to, powers and duties
31 set forth in Section 47607, except the power of revocation,
32 which shall remain with the State Board of Education.

33 (3) A charter school that has been granted its charter
34 by the State Board of Education and elects to seek
35 renewal of its charter shall, prior to expiration of the
36 charter, submit its petition for renewal to the governing
37 board of the school district that initially denied the
38 charter. If the governing board of the school district
39 denies the school's petition for renewal, the school may



1 petition the State Board of Education for renewal of its
2 charter.

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

12 SEC. 2.5. Section 47613 of the Education Code is
13 amended to read:

14 47613. Notwithstanding subdivision (c) of Section
15 48209.11, *the full apportionment received by the basic aid*
16 *district pursuant to this section shall be provided to the*
17 *charter school, and with respect to any pupil of a charter*
18 *school located within a basic aid school district of choice*
19 ~~who attended a public school who resides in a district~~
20 ~~other than a basic aid district immediately before~~
21 ~~transferring to the charter school,~~ the Superintendent of
22 Public Instruction, commencing with the ~~1996-97~~
23 ~~1998-99~~ fiscal year, shall calculate for that school an
24 apportionment of state funds that provides 70 percent of
25 the district revenue limit calculated pursuant to Section
26 42238 that would have been apportioned to the school
27 district of residence for any average daily attendance
28 credited pursuant to Section 48209.11. For purposes of
29 this section, “basic aid district” means a school district
30 that does not receive from the state, for any fiscal year in
31 which the subdivision is applied, an apportionment of
32 state funds pursuant to subdivision (h) of Section 42238.

33 SEC. 3. Section 47616 of the Education Code is
34 repealed.

35 SEC. 4. Section 47616.5 of the Education Code is
36 amended to read:

37 47616.5. The Legislative Analyst shall contract for a
38 neutral evaluator to conduct an evaluation of the
39 effectiveness of the charter school approach authorized
40 under this part. On or before July 1, 2003, the neutral



1 evaluator shall report directly to the Legislature and the
2 Governor with recommendations to modify, expand, or
3 terminate the charter school approach. The evaluation of
4 the effectiveness of the charter school approach shall
5 include, but shall not be limited to, the following factors:

6 (a) If available, the pre- and post-charter school test
7 scores of pupils attending charter schools and other pupil
8 assessment tools.

9 (b) The level of parental satisfaction with the charter
10 school approach compared with schools within the
11 district in which the charter school is located.

12 (c) The impact of required parental involvement.

13 (d) The fiscal structures and practices of charter
14 schools as well as the relationship of these structures and
15 practices to school districts, including the amount of
16 revenue received from various public and private
17 sources.

18 (e) An assessment of whether or not the charter school
19 approach has resulted in increased innovation and
20 creativity.

21 (f) Opportunities for teachers under the charter
22 school approach.

23 (g) Whether or not there is an increased focus on
24 low-achieving and gifted pupils.

25 (h) Any discrimination and segregation in charter
26 schools.

27 (i) If available, the number of charter school petitions
28 submitted to governing boards of school districts and the
29 number of those proposals that are denied, per year, since
30 the enactment of the charter school law, including the
31 reasons why the governing boards denied these petitions,
32 and the reasons governing boards have revoked charters.

33 (j) The governance, fiscal liability and accountability
34 practices and related issues between charter schools and
35 the governing boards of the school districts approving
36 their charters.

37 (k) The manner in which governing boards of school
38 districts monitor the compliance of the conditions,
39 standards, and procedures entered into under a charter.



1 (l) The extent of the employment of noncredentialed
2 personnel in charter schools.

3 (m) An assessment of how the exemption from laws
4 governing school districts allows charter schools to
5 operate differently than schools operating under those
6 laws.

7 (n) A comparison in each school district that has a
8 charter school of the pupil dropout rate in the charter
9 schools and in the noncharter schools.

10 (o) The role and impact of collective bargaining on
11 charter schools.

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