

**ASSEMBLY BILL**

**No. 2659**

---

---

**Introduced by Assembly Member Lempert**

February 25, 2000

---

---

An act to amend Sections 47605 and 47613 of, and to add Section 47605.3 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as introduced, Lempert. Charter schools: Charter School Committee.

(1) Existing law authorizes the State Board of Education to grant a petition for the establishment of a charter school when the petition has been submitted to and denied by the governing board of a school district or a county board of education. Existing law further authorizes the State Board of Education to designate its supervisory and oversight responsibilities for a charter school, whose petition the board has approved, to any local education agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition, upon mutual agreement by the agency or governing board.

This bill would establish the Charter School Committee and require the State Board of Education, upon receipt of a petition for the establishment of a charter school, to submit the petition to the committee for a recommendation of approval or denial of the petition. This bill would provide for the appointment of the 5 members of the committee and delineate the committee's duties.

(2) Existing law authorizes a local agency that is given the responsibility for supervisory oversight of a charter school by the State Board of Education to charge for the costs of supervisory oversight and administrative costs necessary to secure charter school funding, not to exceed 3% of the revenue of the charter school.

This bill would authorize the Charter School Committee to charge for the costs of supervisory oversight, and administrative costs necessary to secure charter school funding, not to exceed 1% of the revenue of the charter school.

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 47605 of the Education Code is  
2 amended to read:

3 47605. (a) (1) Except as set forth in paragraph (2),  
4 a petition for the establishment of a charter school within  
5 any school district may be circulated by any one or more  
6 persons seeking to establish the charter school. The  
7 petition may be submitted to the governing board of the  
8 school district for review after either of the following  
9 conditions are met:

10 (A) The petition has been signed by a number of  
11 parents or guardians of pupils that is equivalent to at least  
12 one-half of the number of pupils that the charter school  
13 estimates will enroll in the school for its first year of  
14 operation.

15 (B) The petition has been signed by a number of  
16 teachers that is equivalent to at least one-half of the  
17 number of teachers that the charter school estimates will  
18 be employed at the school during its first year of  
19 operation.

20 (2) In the case of a petition for the establishment of a  
21 charter school through the conversion of an existing  
22 public school, that would not be eligible for a loan  
23 pursuant to subdivision (b) of Section 41365, the petition  
24 may be circulated by any one or more persons seeking to



1 establish the converted charter school. The petition may  
2 be submitted to the governing board of the school district  
3 for review after the petition has been signed by not less  
4 than 50 percent of the permanent status teachers  
5 currently employed at the public school to be converted.

6 (3) A petition shall include a prominent statement  
7 that a signature on the petition means that the parent or  
8 guardian is meaningfully interested in having his or her  
9 child, or ward, attend the charter school, or in the case of  
10 a teacher's signature, means that the teacher is  
11 meaningfully interested in teaching at the charter school.  
12 The proposed charter shall be attached to the petition.

13 (b) No later than 30 days after receiving a petition, in  
14 accordance with subdivision (a), the governing board of  
15 the school district shall hold a public hearing on the  
16 provisions of the charter, at which time the governing  
17 board of the school district shall consider the level of  
18 support for the petition by teachers employed by the  
19 district, other employees of the district, and parents.  
20 Following review of the petition and the public hearing,  
21 the governing board of the school district shall either  
22 grant or deny the charter within 60 days of receipt of the  
23 petition, provided, however, that the date may be  
24 extended by an additional 30 days if both parties agree to  
25 the extension. In reviewing petitions for the  
26 establishment of charter schools pursuant to this section,  
27 the chartering authority shall be guided by the intent of  
28 the Legislature that charter schools are and should  
29 become an integral part of the California educational  
30 system and that establishment of charter schools should  
31 be encouraged. A school district governing board shall  
32 grant a charter for the operation of a school under this  
33 part if it is satisfied that granting the charter is consistent  
34 with sound educational practice. The governing board of  
35 the school district shall not deny a petition for the  
36 establishment of a charter school unless it makes written  
37 factual findings, specific to the particular petition, setting  
38 forth specific facts to support one, or more, of the  
39 following findings:



1 (1) The charter school presents an unsound  
2 educational program for the pupils to be enrolled in the  
3 charter school.

4 (2) The petitioners are demonstrably unlikely to  
5 successfully implement the program set forth in the  
6 petition.

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

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

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

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

20 (B) The measurable pupil outcomes identified for use  
21 by the charter school. “Pupil outcomes,” for purposes of  
22 this part, means the extent to which all pupils of the school  
23 demonstrate that they have attained the skills,  
24 knowledge, and attitudes specified as goals in the school’s  
25 educational program.

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

28 (D) The governance structure of the school,  
29 including, but not limited to, the process to be followed  
30 by the school to ensure parental involvement.

31 (E) The qualifications to be met by individuals to be  
32 employed by the school.

33 (F) The procedures that the school will follow to  
34 ensure the health and safety of pupils and staff. These  
35 procedures shall include the requirement that each  
36 employee of the school furnish the school with a criminal  
37 record summary as described in Section 44237.

38 (G) The means by which the school will achieve a  
39 racial and ethnic balance among its pupils that is  
40 reflective of the general population residing within the



1 territorial jurisdiction of the school district to which the  
2 charter petition is submitted.

3 (H) Admission requirements, if applicable.

4 (I) The manner in which annual, independent,  
5 financial audits shall be conducted, which shall employ  
6 generally accepted accounting principles, and the  
7 manner in which audit exceptions and deficiencies shall  
8 be resolved to the satisfaction of the chartering authority.

9 (J) The procedures by which pupils can be suspended  
10 or expelled.

11 (K) The manner by which staff members of the  
12 charter schools will be covered by the State Teachers'  
13 Retirement System, the Public Employees' Retirement  
14 System, or federal social security.

15 (L) The public school attendance alternatives for  
16 pupils residing within the school district who choose not  
17 to attend charter schools.

18 (M) A description of the rights of any employee of the  
19 school district upon leaving the employment of the school  
20 district to work in a charter school, and of any rights of  
21 return to the school district after employment at a charter  
22 school.

23 (N) The procedures to be followed by the charter  
24 school and the entity granting the charter to resolve  
25 disputes relating to provisions of the charter.

26 (O) A declaration whether or not the charter school  
27 shall be deemed the exclusive public school employer of  
28 the employees of the charter school for the purposes of  
29 the Educational Employment Relations Act (Chapter  
30 10.7 (commencing with Section 3540) of Division 4 of  
31 Title 4 of Title 1 of the Government Code).

32 (c) (1) Charter schools shall meet all statewide  
33 standards and conduct the pupil assessments required  
34 pursuant to Section 60605 and any other statewide  
35 standards authorized in statute or pupil assessments  
36 applicable to pupils in noncharter public schools.

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



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

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

17 (B) However, if the number of pupils who wish to  
18 attend the charter school exceeds the school's capacity,  
19 attendance, except for existing pupils of the charter  
20 school, shall be determined by a public random drawing.  
21 Preference shall be extended to pupils currently  
22 attending the charter school and pupils who reside in the  
23 district. Other preferences may be permitted by the  
24 chartering authority on an individual school basis and  
25 only if consistent with the law.

26 (C) In the event of a drawing, the chartering authority  
27 shall make reasonable efforts to accommodate the growth  
28 of the charter school and, in no event, shall take any action  
29 to impede the charter school from expanding enrollment  
30 to meet pupil demand.

31 (e) No governing board of a school district shall  
32 require any employee of the school district to be  
33 employed in a charter school.

34 (f) No governing board of a school district shall require  
35 any pupil enrolled in the school district to attend a charter  
36 school.

37 (g) The governing board of a school district shall  
38 require that the petitioner or petitioners provide  
39 information regarding the proposed operation and  
40 potential effects of the school, including, but not limited



1 to, the facilities to be utilized by the school, the manner  
2 in which administrative services of the school are to be  
3 provided, and potential civil liability effects, if any, upon  
4 the school and upon the school district. The petitioner or  
5 petitioners shall also be required to provide financial  
6 statements that include a proposed first-year operational  
7 budget, including startup costs, and cash-flow and  
8 financial projections for the first three years of operation.

9 (h) In reviewing petitions for the establishment of  
10 charter schools within the school district, the school  
11 district governing board shall give preference to petitions  
12 that demonstrate the capability to provide  
13 comprehensive learning experiences to pupils identified  
14 by the petitioner or petitioners as academically low  
15 achieving pursuant to the standards established by the  
16 State Department of Education under Section 54032.

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

21 (j) (1) If the governing board of a school district  
22 denies a petition, the petitioner may elect to submit the  
23 petition for the establishment of a charter school to either  
24 the county board of education or directly to the State  
25 Board of Education. The county board of education or the  
26 State Board of Education, as the case may be, shall review  
27 the petition pursuant to subdivision (b). If the petitioner  
28 elects to submit a petition for establishment of a charter  
29 school to the county board of education and the county  
30 board of education denies the petition, the petitioner may  
31 file a petition for establishment of a charter school with  
32 the State Board of Education. *Upon receipt of a petition  
33 for the establishment of a charter school by the State  
34 Board of Education, the board shall submit the petition to  
35 the Charter School Committee for a recommendation of  
36 approval or denial of the charter petition, as set forth in  
37 Section 47605.3.*

38 (2) A charter school for which a charter is granted by  
39 either the county board of education or the State Board  
40 of Education pursuant to this subdivision shall qualify



1 fully as a charter school for all funding and other purposes  
2 of this part.

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

8 (4) The State Board of Education shall adopt  
9 regulations implementing this subdivision.

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

14 (k) (1) The State Board of Education may, by mutual  
15 agreement, designate its supervisory and oversight  
16 responsibilities for a charter school approved by the State  
17 Board of Education to any local education agency in the  
18 county in which the charter school is located or to the  
19 governing board of the school district that first denied the  
20 petition.

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

26 (3) A charter school that has been granted its charter  
27 by the State Board of Education and elects to seek  
28 renewal of its charter shall, prior to expiration of the  
29 charter, submit its petition for renewal to the governing  
30 board of the school district that initially denied the  
31 charter. If the governing board of the school district  
32 denies the school's petition for renewal, the school may  
33 petition the State Board of Education for renewal of its  
34 charter.

35 (l) Teachers in charter schools shall be required to  
36 hold a Commission on Teacher Credentialing certificate,  
37 permit, or other document equivalent to that which a  
38 teacher in other public schools would be required to hold.  
39 These documents shall be maintained on file at the  
40 charter school and shall be subject to periodic inspection



1 by the chartering authority. It is the intent of the  
2 Legislature that charter schools be given flexibility with  
3 regard to noncore, noncollege preparatory courses.

4 SEC. 2. Section 47613 of the Education Code is  
5 amended to read:

6 47613. (a) Except as set forth in subdivision (b), a  
7 chartering agency may charge for the actual costs of  
8 supervisory oversight of a charter school not to exceed  
9 1 percent of the revenue of the charter school.

10 (b) A chartering agency may charge for the actual  
11 costs of supervisory oversight of a charter school not to  
12 exceed 3 percent of the revenue of the charter school if  
13 the charter school is able to obtain substantially rent free  
14 facilities from the chartering agency.

15 (c) A local agency that is given the responsibility for  
16 supervisory oversight of a charter school, pursuant to  
17 paragraph (1) of subdivision (k) of Section 47605, may  
18 charge for the costs of supervisory oversight, and  
19 administrative costs necessary to secure charter school  
20 funding, not to exceed 3 percent of the revenue of the  
21 charter school. A charter school that is charged for costs  
22 under this subdivision shall not be charged pursuant to  
23 subdivision (a) or (b).

24 (d) *The Charter School Committee may charge for*  
25 *the costs of supervisory oversight, and administrative*  
26 *costs necessary to secure charter school funding, not to*  
27 *exceed one percent of the revenue of the charter school*  
28 *for which the Charter School Committee has oversight*  
29 *responsibilities, pursuant to paragraph (2) of subdivision*  
30 *(b) of Section 47605.3. A charter school that is charged for*  
31 *costs under this subdivision shall not be charged pursuant*  
32 *to subdivision (a) or (b).*

33 (e) This section shall not prevent the charter school  
34 from separately purchasing administrative or other  
35 services from the chartering agency or any other source.

36 ~~(e)~~

37 (f) For the purposes of this section, a chartering  
38 agency means a school district, county department of  
39 education, or the State Board of Education, that granted  
40 the charter to the charter school.



1 SEC. 3. Section 47605.3 is added to the Education  
2 Code, to read:

3 47605.3. (a) The Charter School Committee is  
4 hereby established. The committee shall consist of five  
5 members to be appointed by the president of the State  
6 Board of Education. The committee shall include a  
7 representative from each of the following:

8 (1) A charter school.

9 (2) The business community.

10 (3) The community at large.

11 (b) The committee shall do all of the following:

12 (1) Review and make recommendations for the  
13 approval or denial of a petition for the establishment of  
14 a charter school that has been denied by the governing  
15 board of a school district or a county board of education  
16 and thereafter submitted to the State Board of Education.  
17 The committee's recommendations shall be governed by  
18 the standards and criteria in Section 47605.

19 (2) Provide ongoing oversight of all of the following:

20 (A) Charter schools whose charter petitions were  
21 granted by the State Board of Education.

22 (B) Independent study charter schools that serve  
23 pupils, a majority of which reside in a county contiguous  
24 to the county in which the school district or county board  
25 of education that granted the charter is located.

26 (3) Request and review an annual financial audit  
27 report and an annual educational progress report  
28 submitted by each charter school for which it has  
29 oversight responsibilities, pursuant to this section.

30 (4) Provide an annual report to the State Board of  
31 Education on the status of the charter schools over which  
32 it has oversight responsibilities, including the  
33 committee's findings upon review of the reports in  
34 paragraph (3) of subdivision (b) of this section. The  
35 annual report shall contain any recommendations of the  
36 committee.

37 (c) When providing oversight of the charter schools,  
38 the committee shall consider all of the following:

39 (1) The success of the charter school's academic  
40 program.



1 (2) The charter school’s viability as an organization.

2 (3) The charter school’s compliance with the  
3 provisions of its charter.

4 (d) The committee may do any of the following:

5 (1) Enter into contracts with other entities, including,  
6 but not limited to, universities and colleges, nonprofit  
7 organizations, and local education agencies, to provide  
8 administrative support and other services to the  
9 committee.

10 (2) Charge for the costs of supervisory oversight, and  
11 administrative costs necessary to secure charter school  
12 funding, as set forth in subdivision (c) of Section 47613.

13 (e) For purposes of this section, “independent study  
14 charter school” means a school in which the majority of  
15 pupils enrolled at the school do not report on a daily basis  
16 to a schoolsite to engage in work assigned by the school.

