

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY MARCH 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1741

Introduced by Assembly Member Coto

February 8, 2010

An act to amend Sections 47605, ~~47607, and 53202~~ and 47607 of the Education Code, relating to ~~public~~ *charter* schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1741, as amended, Coto. Charter schools.

Existing law authorizes one or more persons seeking to establish a charter school within a school district to submit a petition to the governing board of the school district for review. The governing board may deny the petition if it makes certain findings.

This bill would also authorize a governing board to deny a petition for the establishment of a charter school ~~in which~~ *if the petitioner reasonably expects that* at least 15% of the pupils who will be served ~~are by the school will be~~ English learners, and the petition does not contain a reasonably comprehensive description of certain program requirements relating to the needs of English learners. The bill would also require the entity that granted the charter, prior to renewing it, to consider the degree to which the school implemented those programs in determining whether the school's academic performance is at least

equal to that of the other schools in the school district; ~~prior to renewing it.~~

~~Existing law requires the local educational agency governing a school identified as a persistently lowest achieving school to implement one of 4 interventions, as specified under certain federal regulations and guidelines. Under the restart model, one of the specified interventions, a local educational agency would convert a school, or would close and reopen a school, under a charter school operator, a charter management organization, or an education management organization.~~

~~This bill would require a petition for the establishment or renewal of a charter school pursuant to those provisions to meet the requirements that would otherwise apply to charter schools. By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

1 ~~SECTION 1. The Legislature finds and declares the following:~~
 2 ~~(a)–~~
 3 ~~SECTION 1. The Legislature finds and declares that Senate~~
 4 ~~Bill 1, enacted as Chapter 2 of the Fifth Extraordinary Session of~~
 5 ~~the Statutes of 2010, requires the local educational agency of a~~
 6 ~~school identified as a persistently lowest achieving school to~~
 7 ~~implement one of four intervention models specified under federal~~
 8 ~~provisions for purposes of implementing the federal Race to the~~
 9 ~~Top program. Pursuant to one of those intervention models, the~~
 10 ~~restart model, a local educational agency would convert a school,~~
 11 ~~or close and reopen a school, under a charter school operator, a~~
 12 ~~charter management organization, or an education management~~
 13 ~~organization.~~

1 ~~(b) The option of converting a school to a charter school can be~~
2 ~~troubling to parents of and advocates for English learners. Little~~
3 ~~data is maintained about the success of English learners in charter~~
4 ~~schools, and English learners are conspicuously underrepresented~~
5 ~~in the enrollment of many charter schools.~~

6 SEC. 2. Section 47605 of the Education Code is amended to
7 read:

8 47605. (a) (1) Except as set forth in paragraph (2), a petition
9 for the establishment of a charter school within a school district
10 may be circulated by one or more persons seeking to establish the
11 charter school. A petition for the establishment of a charter school
12 shall identify a single charter school that will operate within the
13 geographic boundaries of that school district. A charter school
14 may propose to operate at multiple sites within the school district,
15 as long as each location is identified in the charter school petition.
16 The petition may be submitted to the governing board of the school
17 district for review after either of the following conditions are met:

18 (A) The petition has been signed by a number of parents or legal
19 guardians of pupils that is equivalent to at least one-half of the
20 number of pupils that the charter school estimates will enroll in
21 the school for its first year of operation.

22 (B) The petition has been signed by a number of teachers that
23 is equivalent to at least one-half of the number of teachers that the
24 charter school estimates will be employed at the school during its
25 first year of operation.

26 (2) A petition that proposes to convert an existing public school
27 to a charter school that would not be eligible for a loan pursuant
28 to subdivision (b) of Section 41365 may be circulated by one or
29 more persons seeking to establish the charter school. The petition
30 may be submitted to the governing board of the school district for
31 review after the petition has been signed by not less than 50 percent
32 of the permanent status teachers currently employed at the public
33 school to be converted.

34 (3) A petition shall include a prominent statement that a
35 signature on the petition means that the parent or legal guardian
36 is meaningfully interested in having his or her child or ward attend
37 the charter school, or in the case of a teacher's signature, means
38 that the teacher is meaningfully interested in teaching at the charter
39 school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools

are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

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

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

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

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

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

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

(ii) If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.

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

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

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

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

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

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

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

18 (H) Admission requirements, if applicable.

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

24 (J) The procedures by which pupils can be suspended or
25 expelled.

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

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

31 (M) A description of the rights of any employee of the school
32 district upon leaving the employment of the school district to work
33 in a charter school, and of any rights of return to the school district
34 after employment at a charter school.

35 (N) The procedures to be followed by the charter school and
36 the entity granting the charter to resolve disputes relating to
37 provisions of the charter.

38 (O) A declaration whether or not the charter school shall be
39 deemed the exclusive public school employer of the employees of
40 the charter school for the purposes of Chapter 10.7 (commencing

1 with Section 3540) of Division 4 of Title 1 of the Government
2 Code.

3 (P) A description of the procedures to be used if the charter
4 school closes. The procedures shall ensure a final audit of the
5 school to determine the disposition of all assets and liabilities of
6 the charter school, including plans for disposing of any net assets
7 and for the maintenance and transfer of pupil records.

8 (Q) If *the petitioner reasonably expects that* at least 15 percent
9 of the pupils to be served by the charter school ~~are~~ *will be* English
10 learners, a description of all of the following:

11 (i) The program design that will provide programs and core
12 courses to meet the academic, language, and cultural needs of
13 English learners at the school.

14 (ii) The means by which administrators and staff qualified to
15 teach English learners will be hired at the school.

16 (iii) The manner in which a relevant outreach program will be
17 implemented that reaches parents; *and* assists them in being
18 involved in the school and in understanding how the charter school
19 process works.

20 (iv) The programs and staffing that will be implemented and
21 designed to enable non-English-speaking parents to participate
22 fully as partners in their children's education at the school.

23 (v) If the petitioner currently operates other charter schools, the
24 programs designed for English learners that the petitioner has
25 implemented at other schools it currently operates.

26 (c) (1) Charter schools shall meet all statewide standards and
27 conduct the pupil assessments required pursuant to Sections 60605
28 and 60851 and any other statewide standards authorized in statute
29 or pupil assessments applicable to pupils in noncharter public
30 schools.

31 (2) Charter schools shall, on a regular basis, consult with their
32 parents, legal guardians, and teachers regarding the school's
33 educational programs.

34 (d) (1) In addition to any other requirement imposed under this
35 part, a charter school shall be nonsectarian in its programs,
36 admission policies, employment practices, and all other operations,
37 shall not charge tuition, and shall not discriminate against any
38 pupil on the basis of the characteristics listed in Section 220. Except
39 as provided in paragraph (2), admission to a charter school shall
40 not be determined according to the place of residence of the pupil,

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

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

8 (B) However, if the number of pupils who wish to attend the
9 charter school exceeds the school's capacity, attendance, except
10 for existing pupils of the charter school, shall be determined by a
11 public random drawing. Preference shall be extended to pupils
12 currently attending the charter school and pupils who reside in the
13 district except as provided for in Section 47614.5. Other
14 preferences may be permitted by the chartering authority on an
15 individual school basis and only if consistent with the law.

16 (C) In the event of a drawing, the chartering authority shall
17 make reasonable efforts to accommodate the growth of the charter
18 school and in no event shall take any action to impede the charter
19 school from expanding enrollment to meet pupil demand.

20 (3) If a pupil is expelled or leaves the charter school without
21 graduating or completing the school year for any reason, the charter
22 school shall notify the superintendent of the school district of the
23 pupil's last known address within 30 days, and shall, upon request,
24 provide that school district with a copy of the cumulative record
25 of the pupil, including a transcript of grades or report card, and
26 health information. This paragraph applies only to pupils subject
27 to compulsory full-time education pursuant to Section 48200.

28 (e) The governing board of a school district shall not require
29 any employee of the school district to be employed in a charter
30 school.

31 (f) The governing board of a school district shall not require
32 any pupil enrolled in the school district to attend a charter school.

33 (g) The governing board of a school district shall require that
34 the petitioner or petitioners provide information regarding the
35 proposed operation and potential effects of the school, including,
36 but not limited to, the facilities to be utilized by the school, the
37 manner in which administrative services of the school are to be
38 provided, and potential civil liability effects, if any, upon the school
39 and upon the school district. The description of the facilities to be
40 used by the charter school shall specify where the school intends

1 to locate. The petitioner or petitioners shall also be required to
2 provide financial statements that include a proposed first-year
3 operational budget, including startup costs, and cashflow and
4 financial projections for the first three years of operation.

5 (h) In reviewing petitions for the establishment of charter
6 schools within the school district, the governing board of the school
7 district shall give preference to petitions that demonstrate the
8 capability to provide comprehensive learning experiences to pupils
9 identified by the petitioner or petitioners as academically low
10 achieving pursuant to the standards established by the department
11 under Section 54032 as it read prior to July 19, 2006.

12 (i) Upon the approval of the petition by the governing board of
13 the school district, the petitioner or petitioners shall provide written
14 notice of that approval, including a copy of the petition, to the
15 applicable county superintendent of schools, the department, and
16 the state board.

17 (j) (1) If the governing board of a school district denies a
18 petition, the petitioner may elect to submit the petition for the
19 establishment of a charter school to the county board of education.
20 The county board of education shall review the petition pursuant
21 to subdivision (b). If the petitioner elects to submit a petition for
22 establishment of a charter school to the county board of education
23 and the county board of education denies the petition, the petitioner
24 may file a petition for establishment of a charter school with the
25 state board, and the state board may approve the petition, in
26 accordance with subdivision (b). A charter school that receives
27 approval of its petition from a county board of education or from
28 the state board on appeal shall be subject to the same requirements
29 concerning geographic location to which it would otherwise be
30 subject if it received approval from the entity to which it originally
31 submitted its petition. A charter petition that is submitted to either
32 a county board of education or to the state board shall meet all
33 otherwise applicable petition requirements, including the
34 identification of the proposed site or sites where the charter school
35 will operate.

36 (2) In assuming its role as a chartering agency, the state board
37 shall develop criteria to be used for the review and approval of
38 charter school petitions presented to the state board. The criteria
39 shall address all elements required for charter approval, as
40 identified in subdivision (b) and shall define “reasonably

comprehensive” as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

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

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational 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.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that has been granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, prior to expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the school’s petition for renewal, the school may petition the state board for renewal of its charter.

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

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

4 (m) A charter school shall transmit a copy of its annual,
5 independent financial audit report for the preceding fiscal year, as
6 described in subparagraph (I) of paragraph (5) of subdivision (b),
7 to its chartering entity, the Controller, the county superintendent
8 of schools of the county in which the charter school is sited, unless
9 the county board of education of the county in which the charter
10 school is sited is the chartering entity, and the department by
11 December 15 of each year. This subdivision does not apply if the
12 audit of the charter school is encompassed in the audit of the
13 chartering entity pursuant to Section 41020.

14 ~~SEC. 2:~~

15 *SEC. 3.* Section 47607 of the Education Code is amended to
16 read:

17 47607. (a) (1) A charter may be granted pursuant to Sections
18 47605, 47605.5, and 47606 for a period not to exceed five years.
19 A charter granted by a school district governing board, a county
20 board of education or the state board, may be granted one or more
21 subsequent renewals by that entity. Each renewal shall be for a
22 period of five years. A material revision of the provisions of a
23 charter petition may be made only with the approval of the
24 authority that granted the charter. The authority that granted the
25 charter may inspect or observe any part of the charter school at
26 any time.

27 (2) Renewals and material revisions of charters are governed
28 by the standards and criteria in Section 47605, and shall include,
29 but not be limited to, a reasonably comprehensive description of
30 any new requirement of charter schools enacted into law after the
31 charter was originally granted or last renewed.

32 (b) Commencing on January 1, 2005, or after a charter school
33 has been in operation for four years, whichever date occurs later,
34 a charter school shall meet at least one of the following criteria
35 prior to receiving a charter renewal pursuant to paragraph (1) of
36 subdivision (a):

37 (1) Attained its Academic Performance Index (API) growth
38 target in the prior year or in two of the last three years, or in the
39 aggregate for the prior three years.

1 (2) Ranked in deciles 4 to 10, inclusive, on the API in the prior
2 year or in two of the last three years.

3 (3) Ranked in deciles 4 to 10, inclusive, on the API for a
4 demographically comparable school in the prior year or in two of
5 the last three years.

6 (4) (A) The entity that granted the charter determines that the
7 academic performance of the charter school is at least equal to the
8 academic performance of the public schools that the charter school
9 pupils would otherwise have been required to attend, as well as
10 the academic performance of the schools in the school district in
11 which the charter school is located, taking into account the
12 composition of the pupil population that is served at the charter
13 school.

14 (B) The determination made pursuant to this paragraph shall be
15 based upon all of the following:

16 (i) Documented and clear and convincing data.

17 (ii) Pupil achievement data from assessments, including, but
18 not limited to, the Standardized Testing and Reporting Program
19 established by Article 4 (commencing with Section 60640) for
20 demographically similar pupil populations in the comparison
21 schools.

22 (iii) Information submitted by the charter school.

23 (iv) If at least 15 percent of the pupils served by the charter
24 school are English learners, the degree to which the school has
25 implemented the programs specified in subparagraph (Q) of
26 paragraph (5) of subdivision (b) of Section 47605.

27 (C) A chartering authority shall submit to the Superintendent
28 copies of supporting documentation and a written summary of the
29 basis for any determination made pursuant to this paragraph. The
30 Superintendent shall review the materials and make
31 recommendations to the chartering authority based on that review.
32 The review may be the basis for a recommendation made pursuant
33 to Section 47604.5.

34 (D) A charter renewal may not be granted to a charter school
35 prior to 30 days after that charter school submits materials pursuant
36 to this paragraph.

37 (5) Has qualified for an alternative accountability system
38 pursuant to subdivision (h) of Section 52052.

39 (c) A charter may be revoked by the authority that granted the
40 charter under this chapter if the authority finds, through a showing

1 of substantial evidence, that the charter school did any of the
2 following:

3 (1) Committed a material violation of any of the conditions,
4 standards, or procedures set forth in the charter.

5 (2) Failed to meet or pursue any of the pupil outcomes identified
6 in the charter.

7 (3) Failed to meet generally accepted accounting principles, or
8 engaged in fiscal mismanagement.

9 (4) Violated any provision of law.

10 (d) Prior to revocation, the authority that granted the charter
11 shall notify the charter public school of any violation of this section
12 and give the school a reasonable opportunity to remedy the
13 violation, unless the authority determines, in writing, that the
14 violation constitutes a severe and imminent threat to the health or
15 safety of the pupils.

16 (e) Prior to revoking a charter for failure to remedy a violation
17 pursuant to subdivision (d), and after expiration of the school's
18 reasonable opportunity to remedy without successfully remedying
19 the violation, the chartering authority shall provide a written notice
20 of intent to revoke and notice of facts in support of revocation to
21 the charter school. No later than 30 days after providing the notice
22 of intent to revoke a charter, the chartering authority shall hold a
23 public hearing, in the normal course of business, on the issue of
24 whether evidence exists to revoke the charter. No later than 30
25 days after the public hearing, the chartering authority shall issue
26 a final decision to revoke or decline to revoke the charter, unless
27 the chartering authority and the charter school agree to extend the
28 issuance of the decision by an additional 30 days. The chartering
29 authority shall not revoke a charter, unless it makes written factual
30 findings supported by substantial evidence, specific to the charter
31 school, that support its findings.

32 (f) (1) If a school district is the chartering authority and it
33 revokes a charter pursuant to this section, the charter school may
34 appeal the revocation to the county board of education within 30
35 days following the final decision of the chartering authority.

36 (2) The county board may reverse the revocation decision if the
37 county board determines that the findings made by the chartering
38 authority under subdivision (e) are not supported by substantial
39 evidence. The school district may appeal the reversal to the state
40 board.

1 (3) If the county board does not issue a decision on the appeal
2 within 90 days of receipt, or the county board upholds the
3 revocation, the charter school may appeal the revocation to the
4 state board.

5 (4) The state board may reverse the revocation decision if the
6 state board determines that the findings made by the chartering
7 authority under subdivision (e) are not supported by substantial
8 evidence. The state board may uphold the revocation decision of
9 the school district if the state board determines that the findings
10 made by the chartering authority under subdivision (e) are
11 supported by substantial evidence.

12 (g) (1) If a county office of education is the chartering authority
13 and the county board revokes a charter pursuant to this section,
14 the charter school may appeal the revocation to the state board
15 within 30 days following the decision of the chartering authority.

16 (2) The state board may reverse the revocation decision if the
17 state board determines that the findings made by the chartering
18 authority under subdivision (e) are not supported by substantial
19 evidence.

20 (h) If the revocation decision of the chartering authority is
21 reversed on appeal, the agency that granted the charter shall
22 continue to be regarded as the chartering authority.

23 (i) During the pendency of an appeal filed under this section, a
24 charter school, whose revocation proceedings are based on
25 paragraph (1) or (2) of subdivision (c), shall continue to qualify
26 as a charter school for funding and for all other purposes of this
27 part, and may continue to hold all existing grants, resources, and
28 facilities, in order to ensure that the education of pupils enrolled
29 in the school is not disrupted.

30 (j) Immediately following the decision of a county board to
31 reverse a decision of a school district to revoke a charter, the
32 following shall apply:

33 (1) The charter school shall qualify as a charter school for
34 funding and for all other purposes of this part.

35 (2) The charter school may continue to hold all existing grants,
36 resources, and facilities.

37 (3) Any funding, grants, resources, and facilities that had been
38 withheld from the charter school; or that the charter school had
39 otherwise been deprived of use; as a result of the revocation of the
40 charter shall be immediately reinstated or returned.

(k) A final decision of a revocation or appeal of a revocation pursuant to subdivision (c) shall be reported to the chartering authority, the county board, and the department.

SEC. 4. ~~Section 53202 of the Education Code is amended to read:~~

~~53202. (a) For purposes of implementing the federal Race to the Top program established by Sections 14005 and 14006 of Title XIV of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the governing board of a school district, county superintendent of schools, or the governing body of a charter school or its equivalent, shall implement, for any school identified by the Superintendent as persistently lowest achieving pursuant to subdivision (b) of Section 53200, unless the Superintendent and the state board determines, to the extent allowable under federal law, that the school has implemented a reform within the last two years that conforms to the requirements of the interventions required by the Race to the Top program and is showing significant progress, one of the following four interventions for turning around persistently lowest achieving schools described in Appendix C of the Notice of Final Priorities, Requirements, Definitions, Selection Criteria for the Race to the Top program published in Volume 74 of Number 221 of the Federal Register on November 18, 2009:~~

~~(1) The turnaround model.~~

~~(2) The restart model.~~

~~(3) School closure.~~

~~(4) The transformation model.~~

~~(b) Prior to the governing board meeting to select one of the four interventions described in subdivision (a), the governing board of a school district, county superintendent of schools, or the governing body of a charter school or its equivalent, with one or more persistently lowest achieving schools shall hold at least two public hearings to notify staff, parents, and the community of the designation and to seek input from staff, parents, and the community regarding the option or options most suitable for the applicable school or schools in its jurisdiction. At least one of those public hearings shall be held at a regularly scheduled meeting, if applicable, and at least one of the public hearings shall be held on the site of a school deemed persistently lowest achieving.~~

~~(c) In addition to meeting the requirements specified in Appendix C of the Notice of Final Priorities, Requirements, Definitions, Selection Criteria for the Race to the Top program published in Volume 74 of Number 221 of the Federal Register on November 18, 2009, a persistently lowest achieving school implementing the turnaround or transformation model may participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher achieving school.~~

~~(1) For purposes of this article, a mentor school is a school that meets either of the following:~~

~~(A) The school has exited Program Improvement pursuant to the No Child Left Behind Act.~~

~~(B) The school has increased, in the statewide rankings based on the Academic Performance Index, by two or more deciles over the last five years, using the most recent data available.~~

~~(2) The principal and, at the discretion of the principal, the staff of a mentor school shall provide guidance to a persistently lowest achieving school to develop a reform plan for the school using the required elements of the turnaround or transformation model, and provide guidance and advice on how the mentor school was able to transform the culture of the school from low achieving to higher achieving and how that transformation could be replicated at the school implementing a turnaround or transformation model.~~

~~(3) To the extent that federal funds are made available for this purpose pursuant to subdivision (c) of Section 53101, the mentor school shall receive funds for serving as a mentor school. As a condition for receipt of funds, the principal, and at the principal's discretion, the staff, of a mentor school shall meet regularly with the assigned persistently lowest achieving school for a period of at least three years.~~

~~(d) A petition for the establishment of a charter school pursuant to paragraph (2) of subdivision (a) shall meet the requirements specified in Section 47605, and, for the renewal of the charter, the petition shall meet the provisions of Section 47607.~~

~~SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

1		_____
2	CORRECTIONS:	
3	Digest—Page 2.	
4	Text—Pages 15, 16, and 17.	
5		_____