

AMENDED IN ASSEMBLY MAY 11, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1982

Introduced by Assembly Member Ammiano

February 17, 2010

An act to amend Sections 47602 and 47605 of, and to add Section 47604.2 to, the Education Code; An act to amend Section 47605 of, to add Section 47604.2 to, and to add and repeal Section 47602.1 of, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1982, as amended, Ammiano. Charter schools.

The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act limits the maximum number of charter schools authorized to operate in the 1998–99 school year to 250, and authorizes an additional 100 charter schools to operate in each year thereafter.

This bill would ~~instead limit, until January 1, 2017, the maximum~~ total number of charter schools authorized to operate in the state to ~~1450~~ 1,450. The bill would require the Legislative Analyst, by July 1, 2015, to report to the Legislature on charter school operation generally, and to recommend whether to maintain ~~the~~ *this* limit on charter schools or to instead authorize ~~the~~ *an expansion in the number* of charter schools. The bill would prohibit charter schools operated by a private entity from employing relatives of charter school personnel, as specified.

The Charter Schools Act of 1992 specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school. The act authorizes the governing board of a school district or a county board of education to deny a charter petition if the board makes written factual findings that demonstrate that the petition does not meet certain criteria.

~~This bill would instead prohibit the governing board of a school district or county office of education from accepting a charter petition, unless the petition sets forth specific facts to support certain criteria.~~

This bill would add an additional criterion relating to the disclosure of relatives of charter school personnel, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
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 amended
2 to read:
3 47602. (a) (1) ~~In the 2010-11 school year, and in each~~
4 ~~successive school year thereafter, the maximum total number of~~
5 ~~charter schools authorized to operate in this state shall be 1450.~~
6 ~~For the purposes of implementing this section, the State Board of~~
7 ~~Education shall assign a number to each charter petition that it~~
8 ~~grants pursuant to subdivision (j) of Section 47605 or Section~~
9 ~~47605.8 and to each charter notice it receives pursuant to this part,~~
10 ~~based on the chronological order in which the notice is received.~~
11 ~~Each number assigned by the state board on or after January 1,~~
12 ~~2003, shall correspond to a single petition that identifies a charter~~
13 ~~school that will operate within the geographic and site limitations~~
14 ~~of this part. The State Board of Education shall develop a~~
15 ~~numbering system for charter schools that identifies each school~~
16 ~~associated with a charter and that operates within the existing limit~~
17 ~~on the number of charter schools that can be approved each year.~~
18 ~~For purposes of this section, sites that share educational programs~~
19 ~~and serve similar pupil populations may not be counted as separate~~
20 ~~schools. Sites that do not share a common educational program~~
21 ~~shall be considered separate schools for purposes of this section.~~
22 ~~The limits contained in this paragraph may not be waived by the~~
23 ~~State Board of Education pursuant to Section 33050 or any other~~
24 ~~provision of law.~~

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

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

~~(c) By July 1, 2015, the Legislative Analyst shall report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to maintain the limit established in subdivision (a) or to instead allow the expansion of charter schools.~~

SECTION 1. Section 47602.1 is added to the Education Code, to read:

47602.1. (a) Notwithstanding subdivision (a) of Section 47602, in the 2010–11 school year, and in each successive school year thereafter, the maximum total number of charter schools authorized to operate in this state shall be 1,450.

(b) By July 1, 2015, the Legislative Analyst shall report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to maintain the limit established in subdivision (a) or to instead allow an expansion in the number of charter schools.

(c) This section shall remain in effect only until December 31, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 2. Section 47604.2 is added to the Education Code, to read:

47604.2. (a) This section applies to charter school personnel in a charter school operated by a private entity. The following definitions apply for purposes of this section:

(1) "Charter school personnel" means a charter school owner, president, chairperson of the governing ~~board of directors~~ body, superintendent, governing ~~board~~ body member, principal, assistant principal, or any other person employed by the charter school who

1 has equivalent decisionmaking authority and in whom is vested
2 the authority, or to whom the authority has been delegated, to
3 appoint, employ, promote, or advance individuals or to recommend
4 individuals for appointment, employment, promotion, or
5 advancement in connection with employment in a charter school,
6 including the authority as a member of a governing body of a
7 charter school to vote on the appointment, employment, promotion,
8 or advancement of individuals.

9 (2) “Relative” means a parent, child, sibling, uncle, aunt, first
10 cousin, nephew, niece, spouse, father-in-law, mother-in-law,
11 son-in-law, daughter-in-law, brother-in-law, sister-in-law,
12 stepparent, stepsibling, stepchild, half brother, or half sister.

13 (b) Charter school personnel shall not appoint, employ, promote,
14 or advance, or advocate for appointment, employment, promotion,
15 or advancement, in or to a position in the charter school in which
16 the charter school personnel are serving or over which the charter
17 school personnel ~~exercises~~ exercise jurisdiction or control, any
18 individual who is a relative. An individual shall not be appointed,
19 employed, promoted, or advanced in or to a position in a charter
20 school if the appointment, employment, promotion, or advancement
21 has been advocated by charter school personnel who serve in or
22 exercise jurisdiction or control over the charter school and who is
23 a relative of the individual or if the appointment, employment,
24 promotion, or advancement is made by the governing ~~board~~ body
25 of which a relative of the individual is a member.

26 (c) *For purposes of subdivision (b), a position in a charter*
27 *school includes contracts for services for the benefit of the charter*
28 *school.*

29 (e)

30 (d) The approval of budgets does not constitute “jurisdiction or
31 control” for purposes of subdivision (b).

32 ~~SEC. 3. Section 47605 of the Education Code is amended to~~
33 ~~read:~~

34 ~~47605. (a) (1) Except as set forth in paragraph (2), a petition~~
35 ~~for the establishment of a charter school within a school district~~
36 ~~may be circulated by one or more persons seeking to establish the~~
37 ~~charter school. A petition for the establishment of a charter school~~
38 ~~shall identify a single charter school that will operate within the~~
39 ~~geographic boundaries of that school district. A charter school~~
40 ~~may propose to operate at multiple sites within the school district,~~

1 as long as each location is identified in the charter school petition.
2 The petition may be submitted to the governing board of the school
3 district for review after either of the following conditions are met:

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

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

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

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

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

34 (5) A charter school that is unable to locate within the
35 jurisdiction of the chartering school district may establish one site
36 outside the boundaries of the school district, but within the county
37 in which that school district is located, if the school district within
38 the jurisdiction of which the charter school proposes to operate is
39 notified in advance of the charter petition approval, the county
40 superintendent of schools and the Superintendent are notified of

1 the location of the charter school before it commences operations;
2 and either of the following circumstances exist:

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

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

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

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

35 (1) The charter school presents a sound educational program
36 for the pupils to be enrolled in the charter school.

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

39 (3) The petition contains the number of signatures required by
40 subdivision (a).

1 ~~(4) The petition contains an affirmation of each of the conditions~~
2 ~~described in subdivision (d):~~

3 ~~(5) The petition contains reasonably comprehensive descriptions~~
4 ~~of all of the following:~~

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

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

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

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

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

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

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

37 ~~(G) The means by which the school will achieve a racial and~~
38 ~~ethnic balance among its pupils that is reflective of the general~~
39 ~~population residing within the territorial jurisdiction of the school~~
40 ~~district to which the charter petition is submitted.~~

1 ~~(H) Admission requirements, if applicable.~~

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

7 ~~(J) The procedures by which pupils can be suspended or~~
8 ~~expelled.~~

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

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

14 ~~(M) A description of the rights of any employee of the school~~
15 ~~district upon leaving the employment of the school district to work~~
16 ~~in a charter school, and of any rights of return to the school district~~
17 ~~after employment at a charter school.~~

18 ~~(N) The procedures to be followed by the charter school and~~
19 ~~the entity granting the charter to resolve disputes relating to~~
20 ~~provisions of the charter.~~

21 ~~(O) A declaration whether or not the charter school shall be~~
22 ~~deemed the exclusive public school employer of the employees of~~
23 ~~the charter school for the purposes of Chapter 10.7 (commencing~~
24 ~~with Section 3540) of Division 4 of Title 1 of the Government~~
25 ~~Code.~~

26 ~~(P) A description of the procedures to be used if the charter~~
27 ~~school closes. The procedures shall ensure a final audit of the~~
28 ~~school to determine the disposition of all assets and liabilities of~~
29 ~~the charter school, including plans for disposing of any net assets~~
30 ~~and for the maintenance and transfer of pupil records.~~

31 ~~(c) (1) Charter schools shall meet all statewide standards and~~
32 ~~conduct the pupil assessments required pursuant to Sections 60605~~
33 ~~and 60851 and any other statewide standards authorized in statute~~
34 ~~or pupil assessments applicable to pupils in noncharter public~~
35 ~~schools.~~

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

39 ~~(d) (1) In addition to any other requirement imposed under this~~
40 ~~part, a charter school shall be nonsectarian in its programs,~~

1 admission policies, employment practices, and all other operations;
2 shall not charge tuition, and shall not discriminate against any
3 pupil on the basis of the characteristics listed in Section 220. Except
4 as provided in paragraph (2), admission to a charter school shall
5 not be determined according to the place of residence of the pupil,
6 or of his or her parent or legal guardian, within this state, except
7 that an existing public school converting partially or entirely to a
8 charter school under this part shall adopt and maintain a policy
9 giving admission preference to pupils who reside within the former
10 attendance area of that public school.

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

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

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

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

33 (e) The governing board of a school district shall not require
34 any employee of the school district to be employed in a charter
35 school.

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

38 (g) The governing board of a school district shall require that
39 the petitioner or petitioners provide information regarding the
40 proposed operation and potential effects of the school, including,

1 but not limited to, the facilities to be utilized by the school, the
2 manner in which administrative services of the school are to be
3 provided, and potential civil liability effects, if any, upon the school
4 and upon the school district. The description of the facilities to be
5 used by the charter school shall specify where the school intends
6 to locate. The petitioner or petitioners shall also be required to
7 provide financial statements that include a proposed first-year
8 operational budget, including startup costs, and cashflow and
9 financial projections for the first three years of operation.

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

17 (i) Upon the approval of the petition by the governing board of
18 the school district, the petitioner or petitioners shall provide written
19 notice of that approval, including a copy of the petition, to the
20 applicable county superintendent of schools, the department, and
21 the state board.

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

1 ~~(2) In assuming its role as a chartering agency, the state board~~
2 ~~shall develop criteria to be used for the review and approval of~~
3 ~~charter school petitions presented to the state board. The criteria~~
4 ~~shall address all elements required for charter approval, as~~
5 ~~identified in subdivision (b) and shall define “reasonably~~
6 ~~comprehensive” as used in paragraph (5) of subdivision (b) in a~~
7 ~~way that is consistent with the intent of this part. Upon satisfactory~~
8 ~~completion of the criteria, the state board shall adopt the criteria~~
9 ~~on or before June 30, 2001.~~

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

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

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

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

24 ~~(k) (1) The state board may, by mutual agreement, designate~~
25 ~~its supervisorial and oversight responsibilities for a charter school~~
26 ~~approved by the state board to any local educational agency in the~~
27 ~~county in which the charter school is located or to the governing~~
28 ~~board of the school district that first denied the petition.~~

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

34 ~~(3) A charter school that has been granted its charter through~~
35 ~~an appeal to the state board and elects to seek renewal of its charter~~
36 ~~shall, prior to expiration of the charter, submit its petition for~~
37 ~~renewal to the governing board of the school district that initially~~
38 ~~denied the charter. If the governing board of the school district~~
39 ~~denies the school’s petition for renewal, the school may petition~~
40 ~~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 chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.~~

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

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

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

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

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

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant

1 to subdivision (b) of Section 41365 may be circulated by one or
2 more persons seeking to establish the charter school. The petition
3 may be submitted to the governing board of the school district for
4 review after the petition has been signed by not less than 50 percent
5 of the permanent status teachers currently employed at the public
6 school to be converted.

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

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

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

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

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

35 (6) Commencing January 1, 2003, a petition to establish a charter
36 school may not be approved to serve pupils in a grade level that
37 is not served by the school district of the governing board
38 considering the petition, unless the petition proposes to serve pupils
39 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.

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

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

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

18 (D) The governance structure of the school, including, but not
19 limited to, the process to be followed by the school to ensure
20 parental involvement.

21 (E) The qualifications to be met by individuals to be employed
22 by the school.

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

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

31 (H) Admission requirements, if applicable.

32 (I) The manner in which annual, independent financial audits
33 shall be conducted, which shall employ generally accepted
34 accounting principles, and the manner in which audit exceptions
35 and deficiencies shall be resolved to the satisfaction of the
36 chartering authority.

37 (J) The procedures by which pupils can be suspended or
38 expelled.

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

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

6 (M) A description of the rights of any employee of the school
7 district upon leaving the employment of the school district to work
8 in a charter school, and of any rights of return to the school district
9 after employment at a charter school.

10 (N) The procedures to be followed by the charter school and
11 the entity granting the charter to resolve disputes relating to
12 provisions of the charter.

13 (O) A declaration whether or not the charter school shall be
14 deemed the exclusive public school employer of the employees of
15 the charter school for the purposes of Chapter 10.7 (commencing
16 with Section 3540) of Division 4 of Title 1 of the Government
17 Code.

18 (P) A description of the procedures to be used if the charter
19 school closes. The procedures shall ensure a final audit of the
20 school to determine the disposition of all assets and liabilities of
21 the charter school, including plans for disposing of any net assets
22 and for the maintenance and transfer of pupil records.

23 (Q) *Full disclosure of the identity of each individual who is*
24 *employed or plans to be employed by the charter school and who*
25 *is a relative of the charter school owner, president, chairperson*
26 *of the governing body, superintendent, governing body member,*
27 *principal, assistant principal, or any other person employed by*
28 *the charter school who has equivalent decisionmaking authority.*
29 *For purposes of this subparagraph, the term "relative" means a*
30 *parent, child, sibling, uncle, aunt, first cousin, nephew, niece,*
31 *spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law,*
32 *brother-in-law, sister-in-law, stepparent, stepsibling, stepchild,*
33 *half brother, or half sister. For purposes of this subparagraph, a*
34 *position in a charter school includes a contract for services for*
35 *the benefit of the charter school.*

36 (c) (1) Charter schools shall meet all statewide standards and
37 conduct the pupil assessments required pursuant to Sections 60605
38 and 60851 and any other statewide standards authorized in statute
39 or pupil assessments applicable to pupils in noncharter public
40 schools.

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

4 (d) (1) In addition to any other requirement imposed under this
5 part, a charter school shall be nonsectarian in its programs,
6 admission policies, employment practices, and all other operations,
7 shall not charge tuition, and shall not discriminate against any
8 pupil on the basis of the characteristics listed in Section 220. Except
9 as provided in paragraph (2), admission to a charter school shall
10 not be determined according to the place of residence of the pupil,
11 or of his or her parent or legal guardian, within this state, except
12 that an existing public school converting partially or entirely to a
13 charter school under this part shall adopt and maintain a policy
14 giving admission preference to pupils who reside within the former
15 attendance area of that public school.

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

18 (B) However, if the number of pupils who wish to attend the
19 charter school exceeds the school's capacity, attendance, except
20 for existing pupils of the charter school, shall be determined by a
21 public random drawing. Preference shall be extended to pupils
22 currently attending the charter school and pupils who reside in the
23 district except as provided for in Section 47614.5. Other
24 preferences may be permitted by the chartering authority on an
25 individual school basis and only if consistent with the law.

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

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

38 (e) The governing board of a school district shall not require
39 any employee of the school district to be employed in a charter
40 school.

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

3 (g) The governing board of a school district shall require that
4 the petitioner or petitioners provide information regarding the
5 proposed operation and potential effects of the school, including,
6 but not limited to, the facilities to be utilized by the school, the
7 manner in which administrative services of the school are to be
8 provided, and potential civil liability effects, if any, upon the school
9 and upon the school district. The description of the facilities to be
10 used by the charter school shall specify where the school intends
11 to locate. The petitioner or petitioners shall also be required to
12 provide financial statements that include a proposed first-year
13 operational budget, including startup costs, and cashflow and
14 financial projections for the first three years of operation.

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

22 (i) Upon the approval of the petition by the governing board of
23 the school district, the petitioner or petitioners shall provide written
24 notice of that approval, including a copy of the petition, to the
25 applicable county superintendent of schools, the department, and
26 the state board.

27 (j) (1) If the governing board of a school district denies a
28 petition, the petitioner may elect to submit the petition for the
29 establishment of a charter school to the county board of education.
30 The county board of education shall review the petition pursuant
31 to subdivision (b). If the petitioner elects to submit a petition for
32 establishment of a charter school to the county board of education
33 and the county board of education denies the petition, the petitioner
34 may file a petition for establishment of a charter school with the
35 state board, and the state board may approve the petition, in
36 accordance with subdivision (b). A charter school that receives
37 approval of its petition from a county board of education or from
38 the state board on appeal shall be subject to the same requirements
39 concerning geographic location to which it would otherwise be
40 subject if it received approval from the entity to which it originally

1 submitted its petition. A charter petition that is submitted to either
2 a county board of education or to the state board shall meet all
3 otherwise applicable petition requirements, including the
4 identification of the proposed site or sites where the charter school
5 will operate.

6 (2) In assuming its role as a chartering agency, the state board
7 shall develop criteria to be used for the review and approval of
8 charter school petitions presented to the state board. The criteria
9 shall address all elements required for charter approval, as
10 identified in subdivision (b) and shall define “reasonably
11 comprehensive” as used in paragraph (5) of subdivision (b) in a
12 way that is consistent with the intent of this part. Upon satisfactory
13 completion of the criteria, the state board shall adopt the criteria
14 on or before June 30, 2001.

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

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

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

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

29 (k) (1) The state board may, by mutual agreement, designate
30 its supervisorial and oversight responsibilities for a charter school
31 approved by the state board to any local educational agency in the
32 county in which the charter school is located or to the governing
33 board of the school district that first denied the petition.

34 (2) The designated local educational agency shall have all
35 monitoring and supervising authority of a chartering agency,
36 including, but not limited to, powers and duties set forth in Section
37 47607, except the power of revocation, which shall remain with
38 the state board.

39 (3) A charter school that has been granted its charter through
40 an appeal to the state board and elects to seek renewal of its charter

1 shall, prior to expiration of the charter, submit its petition for
2 renewal to the governing board of the school district that initially
3 denied the charter. If the governing board of the school district
4 denies the school's petition for renewal, the school may petition
5 the state board for renewal of its charter.

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

14 (m) A charter school shall transmit a copy of its annual,
15 independent financial audit report for the preceding fiscal year, as
16 described in subparagraph (I) of paragraph (5) of subdivision (b),
17 to its chartering entity, the Controller, the county superintendent
18 of schools of the county in which the charter school is sited, unless
19 the county board of education of the county in which the charter
20 school is sited is the chartering entity, and the department by
21 December 15 of each year. This subdivision does not apply if the
22 audit of the charter school is encompassed in the audit of the
23 chartering entity pursuant to Section 41020.