

ASSEMBLY BILL

No. 2320

Introduced by Assembly Member Swanson

February 19, 2010

An act to amend Sections 47605, 47605.8, and 47607 of, and to add Section 47604.1 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2320, as introduced, Swanson. Charter schools: accountability.

(1) The Charter Schools Act of 1992 (Charter Schools Act) 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 prohibits the governing board of a school district from denying a charter petition unless it makes one of several specified written factual findings, including, among others, that the petition does not contain reasonably comprehensive descriptions of several specified items.

This bill would add various items to that list requiring reasonably comprehensive descriptions, as specified.

(2) The Charter Schools Act allows a charter petitioner to appeal the denial of a charter petition by the governing board of a school district to the county board of education. If the county board denies the petition on appeal, the act allows the petitioner to appeal that denial to the State Board of Education.

This bill would delete that authority to appeal a denial to the state board, and instead prohibit a petitioner from electing to submit a petition to the state board if the county board of education denies the petition on appeal. The bill also would make conforming changes.

(3) The Charter Schools Act authorizes the state board to approve a petition to operate a state charter school that may operate at multiple sites throughout the state.

This bill would limit that approval authority to petitions to operate a state charter school that will operate in partnership with any of several specified entities.

(4) The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The act specifies the criteria a charter school is required to meet in order to receive a renewal of its charter.

This bill, in addition, would require a chartering authority, prior to granting a renewal, to make a positive finding of fact that the charter school has achieved a racial and ethnic balance among its pupils, and a balance of high-needs pupils, as defined, that is reflective of the general population residing within the territorial jurisdiction of the school district in which the charter school is located.

(5) The Charter Schools Act provides that a charter school is subject to specified statutes relating to charter schools and to the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts, except as specified.

This bill would expressly state that charter schools are subject to the Ralph M. Brown Act, except as specified, the California Public Records Act, statutory provisions that prohibit specified public officials from engaging in certain activities that represent a conflict of interest, the Political Reform Act of 1974. The bill also would expressly authorize an individual to serve as a member of the governing body of a charter school and be employed in a separate position at that school. The bill would require a member of the governing body of a charter school to abstain from voting on any matter affecting his or her own employment or any personnel matter that uniquely affects a relative of the member.

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 47604.1 is added to the Education Code,
- 2 to read:
- 3 47604.1. (a) A charter school is subject to all of the following:

(1) The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), except that a charter school operated by an entity governed by the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) is subject to the Bagley-Keene Open Meeting Act.

(2) The California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(3) Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code.

(4) The Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(b) Notwithstanding Section 1090 of the Government Code or any other provision of law, an individual may serve as a member of the governing body of a charter school and be employed in a separate position at that charter school. A member of the governing body of a charter school shall abstain from voting on all matters affecting his or her own employment.

(c) A member of the governing body of a charter school shall abstain from voting on personnel matters that uniquely affect a relative of the member, but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section, “relative” means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

(d) A person who is disqualified by the California Constitution or laws of the state from holding a civil office shall not serve on the governing body of a charter school.

SEC. 2. 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,

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 deny
32 a petition for the establishment of a charter school unless it makes
33 written factual findings, specific to the particular petition, setting
34 forth specific facts to support one or more of the following
35 findings:

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

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

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

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

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

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

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

23 (iii) *A detailed description of the different and innovative*
24 *teaching methods the school will use.*

25 (iv) *How the implementation of the items described in clauses*
26 *(i) to (iii), inclusive, will provide vigorous competition within the*
27 *public school system to stimulate continual improvements in all*
28 *public schools.*

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

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

36 (D) The governance structure of the school, including, but not
37 limited to, the process to be followed by the school to ensure
38 parental involvement *and how that governance structure will create*
39 *new professional opportunities for teachers, including the*

1 *opportunity to be responsible for the learning program at the*
2 *schoolsite.*

3 (E) The qualifications to be met by individuals to be employed
4 by the school.

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

9 (G) The means by which the school will achieve a racial and
10 ethnic balance among its pupils, *and a balance of pupils who*
11 *receive free and reduced-price lunches, are English language*
12 *learners, or are individuals with exceptional needs*, that is
13 reflective of the general population residing within the territorial
14 jurisdiction of the school district to which the charter petition is
15 submitted.

16 (H) Admission requirements, if applicable.

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

22 (J) The procedures by which pupils can be suspended or
23 expelled.

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

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

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

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

36 (O) A declaration whether or not the charter school shall be
37 deemed the exclusive public school employer of the employees of
38 the charter school for the purposes of Chapter 10.7 (commencing
39 with Section 3540) of Division 4 of Title 1 of the Government
40 Code.

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

6 (c) (1) Charter schools shall meet all statewide standards and
7 conduct the pupil assessments required pursuant to Sections 60605
8 and 60851 and any other statewide standards authorized in statute
9 or pupil assessments applicable to pupils in noncharter public
10 schools.

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

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

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

28 (B) However, if the number of pupils who wish to attend the
29 charter school exceeds the school's capacity, attendance, except
30 for existing pupils of the charter school, shall be determined by a
31 public random drawing. Preference shall be extended to pupils
32 currently attending the charter school and pupils who reside in the
33 district except as provided for in Section 47614.5. Other
34 preferences may be permitted by the chartering authority on an
35 individual school basis and only if consistent with the law.

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

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

9 (e) The governing board of a school district shall not require
10 any employee of the school district to be employed in a charter
11 school.

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

14 (g) The governing board of a school district shall require that
15 the petitioner or petitioners provide information regarding the
16 proposed operation and potential effects of the school, including,
17 but not limited to, the facilities to be utilized by the school, the
18 manner in which administrative services of the school are to be
19 provided, and potential civil liability effects, if any, upon the school
20 and upon the school district. The description of the facilities to be
21 used by the charter school shall specify where the school intends
22 to locate. The petitioner or petitioners shall also be required to
23 provide financial statements that include a proposed first-year
24 operational budget, including startup costs, and cashflow and
25 financial projections for the first three years of operation.

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

33 (i) Upon the approval of the petition by the governing board of
34 the school district, the petitioner or petitioners shall provide written
35 notice of that approval, including a copy of the petition, to the
36 applicable county superintendent of schools, the department, and
37 the state board.

38 (j) (1) If the governing board of a school district denies a
39 petition, the petitioner may elect to submit the petition for the
40 establishment of a charter school to the county board of education.

1 The county board of education shall review the petition pursuant
2 to subdivision (b). ~~If the petitioner elects to submit a petition for~~
3 ~~establishment of a charter school to the county board of education~~
4 ~~and the county board of education denies the petition, the petitioner~~
5 ~~may file a petition for establishment of a charter school with the~~
6 ~~state board, and the state board may approve the petition, in~~
7 ~~accordance with subdivision (b).~~ A charter school that receives
8 approval of its petition from a county board of education ~~or from~~
9 ~~the state board~~ on appeal shall be subject to the same requirements
10 concerning geographic location to which it would otherwise be
11 subject if it received approval from the ~~entity school district~~
12 ~~governing board~~ to which it originally submitted its petition. A
13 charter petition that is submitted to ~~either~~ a county board of
14 education ~~or to the state board~~ shall meet all otherwise applicable
15 petition requirements, including the identification of the proposed
16 site or sites where the charter school will operate. *If a county board*
17 *of education denies a petition submitted pursuant to this*
18 *subdivision, the petitioner may not elect to submit the petition to*
19 *the state board.*

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

29 (3)

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

34 (4)

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

39 (5)

1 (4) The state board shall adopt regulations implementing this
2 subdivision.

3 ~~(6)~~

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

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

13 ~~(2) The designated local educational agency shall have all~~
14 ~~monitoring and supervising authority of a chartering agency,~~
15 ~~including, but not limited to, powers and duties set forth in Section~~
16 ~~47607, except the power of revocation, which shall remain with~~
17 ~~the state board.~~

18 ~~(3) A charter school that has been granted its charter through~~
19 ~~an appeal to the state board and elects to seek renewal of its charter~~
20 ~~shall, prior to expiration of the charter, submit its petition for~~
21 ~~renewal to the governing board of the school district that initially~~
22 ~~denied the charter. If the governing board of the school district~~
23 ~~denies the school's petition for renewal, the school may petition~~
24 ~~the state board for renewal of its charter.~~

25 ~~(t)~~

26 (k) Teachers in charter schools shall hold a Commission on
27 Teacher Credentialing certificate, permit, or other document
28 equivalent to that which a teacher in other public schools would
29 be required to hold. These documents shall be maintained on file
30 at the charter school and are subject to periodic inspection by the
31 chartering authority. It is the intent of the Legislature that charter
32 schools be given flexibility with regard to noncore, noncollege
33 preparatory courses.

34 ~~(m)~~

35 (l) A charter school shall transmit a copy of its annual,
36 independent financial audit report for the preceding fiscal year, as
37 described in subparagraph (I) of paragraph (5) of subdivision (b),
38 to its chartering entity, the Controller, the county superintendent
39 of schools of the county in which the charter school is sited, unless
40 the county board of education of the county in which the charter

1 school is sited is the chartering entity, and the department by
2 December 15 of each year. This subdivision does not apply if the
3 audit of the charter school is encompassed in the audit of the
4 chartering entity pursuant to Section 41020.

5 SEC. 3. Section 47605.8 of the Education Code is amended to
6 read:

7 47605.8. (a) A petition for the operation of a state charter
8 school may be submitted directly to the state board, and the state
9 board shall have the authority to approve a charter for the operation
10 of a state charter school that may operate at multiple sites
11 throughout the state, *provided that the charter school will operate*
12 *in partnership with any of the entities described in Section 47612.1.*
13 ~~The State Board of Education~~ *state board* shall adopt regulations,
14 pursuant to the Administrative Procedure Act (Chapter 5
15 (commencing with Section 11500) of Part 1 of Division 3 of Title
16 2 of the Government Code) for the implementation of this section.
17 Regulations adopted pursuant to this section shall ensure that a
18 charter school approved pursuant to this section meets all
19 requirements otherwise imposed on charter schools pursuant to
20 this part, except that a state charter school approved pursuant to
21 this section shall not be subject to the geographic and site
22 limitations otherwise imposed on charter schools. The petitioner
23 shall submit a copy of the petition, for notification purposes, to
24 the county superintendent of schools of each county in which the
25 petitioner proposes to operate the state charter school. The
26 petitioner also shall ensure that the governing board of each school
27 district in which a site is proposed to be located is notified no later
28 than 120 days prior to the commencement of instruction at each
29 site, as applicable.

30 (b) The state board shall not approve a petition for the operation
31 of a state charter school pursuant to this section unless the state
32 board makes a finding, based on substantial evidence, that the
33 proposed state charter school will provide instructional services
34 of statewide benefit that cannot be provided by a charter school
35 operating in only one school district, or only in one county. The
36 finding of the state board in this regard shall be made part of the
37 public record of the proceedings of the state board and shall precede
38 the approval of the charter.

39 (c) The state board, as a condition of charter petition approval,
40 may enter into an agreement with a third party, at the expense of

the charter school, to oversee, monitor, and report on, the operations of the state charter school. The state board may prescribe the aspects of the operations of the state charter school to be monitored by the third party, and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the state charter school to the state board.

(d) The state board shall not be required to approve a petition for the operation of a state charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6.

SEC. 4. Section 47607 of the Education Code is amended to read:

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

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

(3) *Prior to granting a renewal pursuant to this subdivision, a chartering authority shall make an affirmative finding that the charter school has achieved a racial and ethnic balance among its pupils, and a balance of pupils who receive free and reduced-price lunches, are English language learners, or are individuals with exceptional needs, that is reflective of the general population residing within the territorial jurisdiction of the school district in which the charter school is located.*

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

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

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

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

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

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

19 (i) Documented and clear and convincing data.

20 (ii) Pupil achievement data from assessments, including, but
21 not limited to, the Standardized Testing and Reporting Program
22 established by Article 4 (commencing with Section 60640) of
23 *Chapter 5 of Part 33* for demographically similar pupil populations
24 in the comparison schools.

25 (iii) Information submitted by the charter school.

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

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

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

38 (c) A charter may be revoked by the authority that granted the
39 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.

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

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