

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

AMENDED IN ASSEMBLY MARCH 22, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

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 repeal ~~Sections 47605.5 and 47606~~ *Section 47605.5* of, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2320, as amended, 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 submit a charter petition that was denied by the governing board of a school

district to the county board of education, and requires the county board to review the petition. If the county board then denies the petition, the act allows the petitioner to submit the petition to the State Board of Education. The act also allows a charter petitioner to submit a renewal application pursuant to these same appeal procedures if the application is denied by the chartering authority. ~~The act also allows a charter petitioner to appeal a revocation of its charter by a school district governing board to the county board of education and, upon a denial by the county board, to the state board. The act allows a petitioner to appeal a revocation of its charter by a county board of education to the state board. The act also allows a school district governing board to appeal to the state board a decision by the county board of education to reverse the decision of the district to revoke a charter.~~

This bill instead would authorize a county board of education to consider an appeal from a decision by the school district governing board to deny a petitioner's initial charter petition, to deny its renewal application, or to revoke its charter if the appeal alleges that the district committed a procedural violation under the act. The bill would require a county board of education, if it finds, by substantial evidence, that a procedural violation was committed, to remand the petition, application, or revocation to the school district governing board to correct the procedural violation. The bill would delete the authority for a petitioner to appeal a petition denial; or renewal denial; or revocation to the state board. The bill also would make conforming changes.

~~(3) The Charter Schools Act authorizes the direct submission of a charter petition to a county board of education in the manner specified for a standard charter petition submitted to the governing board of a school district for a charter school that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services. The act provides that any denial of a petition by a county board under this provision is subject to the same process for any other county board of education denial of a charter school petition under the act.~~

~~This bill would delete those provisions.~~

~~(4)~~

~~(3) The Charter Schools Act authorizes a school district to convert all of its schools to charter schools under the act if it meets certain specified conditions.~~

~~This bill would delete that provision.~~

~~(5) 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.~~

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

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

1 SECTION 1. Section 47605 of the Education Code is amended
2 to read:

3 47605. (a) (1) Except as set forth in paragraph (2), a petition
4 for the establishment of a charter school within a school district
5 may be circulated by one or more persons seeking to establish the
6 charter school. A petition for the establishment of a charter school
7 shall identify a single charter school that will operate within the
8 geographic boundaries of that school district. A charter school
9 may propose to operate at multiple sites within the school district,
10 as long as each location is identified in the charter school petition.

11 The petition may be submitted to the governing board of the school
12 district for review after either of the following conditions are met:

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

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

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

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

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

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

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

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

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

34 (b) No later than 30 days after receiving a petition, in accordance
35 with subdivision (a), the governing board of the school district
36 shall hold a public hearing on the provisions of the charter, at
37 which time the governing board of the school district shall consider
38 the level of support for the petition by teachers employed by the
39 district, other employees of the district, and parents. Following
40 review of the petition and the public hearing, the governing board

1 of the school district shall either grant or deny the charter within
2 60 days of receipt of the petition, provided, however, that the date
3 may be extended by an additional 30 days if both parties agree to
4 the extension. In reviewing petitions for the establishment of
5 charter schools pursuant to this section, the chartering authority
6 shall be guided by the intent of the Legislature that charter schools
7 are and should become an integral part of the California educational
8 system and that establishment of charter schools should be
9 encouraged. The governing board of the school district shall grant
10 a charter for the operation of a school under this part if it is satisfied
11 that granting the charter is consistent with sound educational
12 practice. The governing board of the school district shall not deny
13 a petition for the establishment of a charter school unless it makes
14 written factual findings, specific to the particular petition, setting
15 forth specific facts to support one or more of the following
16 findings:

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

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

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

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

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

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

33 (ii) If the proposed school will serve high school pupils, a
34 description of the manner in which the charter school will inform
35 parents about the transferability of courses to other public high
36 schools and the eligibility of courses to meet college entrance
37 requirements. Courses offered by the charter school that are
38 accredited by the Western Association of Schools and Colleges
39 may be considered transferable and courses approved by the
40 University of California or the California State University as

1 creditable under the “A” to “G” admissions criteria may be
2 considered to meet college entrance requirements.

3 (iii) A detailed description of the different and innovative
4 teaching methods the school will use.

5 (iv) How the implementation of the items described in clauses
6 (i) to (iii), inclusive, will provide vigorous competition within the
7 public school system to stimulate continual improvements in all
8 public schools.

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

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

16 (D) The governance structure of the school, including, but not
17 limited to, the process to be followed by the school to ensure
18 parental involvement and how that governance structure will create
19 new professional opportunities for teachers, including the
20 opportunity to be responsible for the learning program at the
21 schoolsite.

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

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

28 (G) The means by which the school will achieve a racial and
29 ethnic balance among its pupils, and a balance of pupils who
30 receive free and reduced-price ~~lunches~~ *meals*, are English language
31 learners, or are individuals with exceptional needs, that is reflective
32 of the general population residing within the territorial jurisdiction
33 of the school district to which the charter petition is submitted.

34 (H) Admission requirements, if applicable.

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

1 (J) The procedures by which pupils can be suspended or
2 expelled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 provide financial statements that include a proposed first-year
2 operational budget, including startup costs, and cashflow and
3 financial projections for the first three years of operation.

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

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

16 (j) If the governing board of a school district denies a petition,
17 the petitioner may appeal that denial to the county board of
18 education. A county board of education may consider an appeal
19 pursuant to this subdivision only if the appeal alleges that the
20 school district governing board committed a procedural violation
21 under this part in reviewing the petition. If a county board of
22 education finds, by substantial evidence, that the school district
23 governing board committed a procedural violation under this part
24 in reviewing the petition, the county board shall remand the petition
25 to the school district governing board to correct the procedural
26 violation.

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

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. 2. Section 47605.5 of the Education Code is repealed.

6 SEC. 3. *Section 47607 of the Education Code is amended to*
7 *read:*

8 47607. (a) (1) A charter may be granted pursuant to Sections
9 47605, ~~47605.5~~, and 47606 for a period not to exceed five years.
10 A charter granted by a school district governing board, a county
11 board of education or the state board, may be granted one or more
12 subsequent renewals by that entity. Each renewal shall be for a
13 period of five years. A material revision of the provisions of a
14 charter petition may be made only with the approval of the
15 authority that granted the charter. The authority that granted the
16 charter may inspect or observe any part of the charter school at
17 any time.

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

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

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

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

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

36 (4) (A) The entity that granted the charter determines that the
37 academic performance of the charter school is at least equal to the
38 academic performance of the public schools that the charter school
39 pupils would otherwise have been required to attend, as well as
40 the academic performance of the schools in the school district in

1 which the charter school is located, taking into account the
2 composition of the pupil population that is served at the charter
3 school.

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

6 (i) Documented and clear and convincing data.

7 (ii) Pupil achievement data from assessments, including, but
8 not limited to, the Standardized Testing and Reporting Program
9 established by Article 4 (commencing with Section 60640) for
10 demographically similar pupil populations in the comparison
11 schools.

12 (iii) Information submitted by the charter school.

13 (C) A chartering authority shall submit to the Superintendent
14 copies of supporting documentation and a written summary of the
15 basis for any determination made pursuant to this paragraph. The
16 Superintendent shall review the materials and make
17 recommendations to the chartering authority based on that review.
18 The review may be the basis for a recommendation made pursuant
19 to Section 47604.5.

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

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

25 (c) A charter may be revoked by the authority that granted the
26 charter under this chapter if the authority finds, through a showing
27 of substantial evidence, that the charter school did any of the
28 following:

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

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

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

35 (4) Violated any provision of law.

36 (d) Prior to revocation, the authority that granted the charter
37 shall notify the charter public school of any violation of this section
38 and give the school a reasonable opportunity to remedy the
39 violation, unless the authority determines, in writing, that the

1 violation constitutes a severe and imminent threat to the health or
2 safety of the pupils.

3 (e) Prior to revoking a charter for failure to remedy a violation
4 pursuant to subdivision (d), and after expiration of the school's
5 reasonable opportunity to remedy without successfully remedying
6 the violation, the chartering authority shall provide a written notice
7 of intent to revoke and notice of facts in support of revocation to
8 the charter school. No later than 30 days after providing the notice
9 of intent to revoke a charter, the chartering authority shall hold a
10 public hearing, in the normal course of business, on the issue of
11 whether evidence exists to revoke the charter. No later than 30
12 days after the public hearing, the chartering authority shall issue
13 a final decision to revoke or decline to revoke the charter, unless
14 the chartering authority and the charter school agree to extend the
15 issuance of the decision by an additional 30 days. The chartering
16 authority shall not revoke a charter, unless it makes written factual
17 findings supported by substantial evidence, specific to the charter
18 school, that support its findings.

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

23 (2) The county board may reverse the revocation decision if the
24 county board determines that the findings made by the chartering
25 authority under subdivision (e) are not supported by substantial
26 evidence. The school district may appeal the reversal to the state
27 board.

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

32 (4) The state board may reverse the revocation decision if the
33 state board determines that the findings made by the chartering
34 authority under subdivision (e) are not supported by substantial
35 evidence. The state board may uphold the revocation decision of
36 the school district if the state board determines that the findings
37 made by the chartering authority under subdivision (e) are
38 supported by substantial evidence.

39 (g) (1) If a county office of education is the chartering authority
40 and the county board revokes a charter pursuant to this section,

1 the charter school may appeal the revocation to the state board
2 within 30 days following the decision of the chartering authority.

3 (2) The state board may reverse the revocation decision if the
4 state board determines that the findings made by the chartering
5 authority under subdivision (e) are not supported by substantial
6 evidence.

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

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

17 (j) Immediately following the decision of a county board to
18 reverse a decision of a school district to revoke a charter, the
19 following shall apply:

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

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

24 (3) Any funding, grants, resources, and facilities that had been
25 withheld from the charter school, or that the charter school had
26 otherwise been deprived of use, as a result of the revocation of the
27 charter shall be immediately reinstated or returned.

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

31 ~~SEC. 3. Section 47605.8 of the Education Code is amended to~~
32 ~~read:~~

33 ~~47605.8. (a) A petition for the operation of a state charter~~
34 ~~school may be submitted directly to the state board, and the state~~
35 ~~board shall have the authority to approve a charter for the operation~~
36 ~~of a state charter school that may operate at multiple sites~~
37 ~~throughout the state, provided that the charter school will operate~~
38 ~~in partnership with any of the entities described in Section 47612.1.~~
39 ~~The state board shall adopt regulations, pursuant to the~~
40 ~~Administrative Procedure Act (Chapter 5 (commencing with~~

Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) for the implementation of this section. Regulations adopted pursuant to this section shall ensure that a charter school approved pursuant to this section meets all requirements otherwise imposed on charter schools pursuant to this part, except that a state charter school approved pursuant to this section shall not be subject to the geographic and site limitations otherwise imposed on charter schools. The petitioner shall submit a copy of the petition, for notification purposes, to the county superintendent of schools of each county in which the petitioner proposes to operate the state charter school. The petitioner also shall ensure that the governing board of each school district in which a site is proposed to be located is notified no later than 120 days prior to the commencement of instruction at each site, as applicable.

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

(c) The state board, as a condition of charter petition approval, 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 47606 of the Education Code is repealed.

SEC. 5. Section 47607 of the Education Code is amended to read:

47607. (a) (1) A charter may be granted pursuant to Section 47605 for a period not to exceed five years. A charter granted by

1 a school district governing board, a county board of education or
2 the state board, may be granted one or more subsequent renewals
3 by that entity. Each renewal shall be for a period of five years. A
4 material revision of the provisions of a charter petition may be
5 made only with the approval of the authority that granted the
6 charter. The authority that granted the charter may inspect or
7 observe any part of the charter school at any time.

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

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

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

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

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

26 (4) (A) The entity that granted the charter determines that the
27 academic performance of the charter school is at least equal to the
28 academic performance of the public schools that the charter school
29 pupils would otherwise have been required to attend, as well as
30 the academic performance of the schools in the school district in
31 which the charter school is located, taking into account the
32 composition of the pupil population that is served at the charter
33 school.

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

36 (i) Documented and clear and convincing data.

37 (ii) Pupil achievement data from assessments, including, but
38 not limited to, the Standardized Testing and Reporting Program
39 established by Article 4 (commencing with Section 60640) for

1 demographically similar pupil populations in the comparison
2 schools:

3 (iii) Information submitted by the charter school:

4 (C) A chartering authority shall submit to the Superintendent
5 copies of supporting documentation and a written summary of the
6 basis for any determination made pursuant to this paragraph. The
7 Superintendent shall review the materials and make
8 recommendations to the chartering authority based on that review.
9 The review may be the basis for a recommendation made pursuant
10 to Section 47604.5.

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

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

16 (c) A charter may be revoked by the authority that granted the
17 charter under this chapter if the authority finds, through a showing
18 of substantial evidence, that the charter school did any of the
19 following:

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

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

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

26 (4) Violated any provision of law.

27 (d) Prior to revocation, the authority that granted the charter
28 shall notify the charter public school of any violation of this section
29 and give the school a reasonable opportunity to remedy the
30 violation, unless the authority determines, in writing, that the
31 violation constitutes a severe and imminent threat to the health or
32 safety of the pupils.

33 (e) Prior to revoking a charter for failure to remedy a violation
34 pursuant to subdivision (d), and after expiration of the school's
35 reasonable opportunity to remedy without successfully remedying
36 the violation, the chartering authority shall provide a written notice
37 of intent to revoke and notice of facts in support of revocation to
38 the charter school. No later than 30 days after providing the notice
39 of intent to revoke a charter, the chartering authority shall hold a
40 public hearing, in the normal course of business, on the issue of

1 whether evidence exists to revoke the charter. No later than 30
2 days after the public hearing, the chartering authority shall issue
3 a final decision to revoke or decline to revoke the charter, unless
4 the chartering authority and the charter school agree to extend the
5 issuance of the decision by an additional 30 days. The chartering
6 authority shall not revoke a charter, unless it makes written factual
7 findings supported by substantial evidence, specific to the charter
8 school, that support its findings.

9 (f) (1) If a school district is the chartering authority and it
10 revokes a charter pursuant to this section, the charter school may
11 appeal the revocation to the county board of education within 30
12 days following the final decision of the chartering authority. The
13 county board may consider an appeal submitted pursuant to this
14 subdivision only if the appeal alleges that the school district
15 governing board committed a procedural violation under this part.
16 If the county board finds, by substantial evidence, that the school
17 district governing board committed a procedural violation under
18 this part in revoking a charter, the county board shall remand the
19 revocation to the school district governing board to correct the
20 procedural violation.

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

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

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

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

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

38 (3) Any funding, grants, resources, and facilities that had been
39 withheld from the charter school, or that the charter school had

- 1 otherwise been deprived of use, as a result of the revocation of the
2 charter shall be immediately reinstated or returned.
3 (j) ~~A final decision of a revocation or appeal of a revocation~~
4 ~~pursuant to subdivision (c) shall be reported to the chartering~~
5 ~~authority, the county board, and the department.~~