

ASSEMBLY BILL

No. 2543

Introduced by Assembly Member Bonnie Lowenthal
(Coauthor: Senator Price)

February 19, 2010

An act to amend Section 47607 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2543, as introduced, Bonnie Lowenthal. Charter schools: renewal.

(1) The Charter Schools Act of 1992 authorizes the governing board of a school district, a county board of education, or the State Board of Education to grant a petition to establish a charter school according to specified procedures. The act provides that a charter may be granted for a period not to exceed 5 years. The act authorizes each of those chartering authorities to grant one or more subsequent renewals of a charter that it authorized. The act requires that each renewal be for a period of 5 years.

This bill would require the governing board of a school district or a county board of education to approve or deny a renewal petition submitted by a charter school authorized by that board no later than December 1 of the renewal year. The bill would authorize a charter school to appeal a district board's denial of a renewal petition to the county board of education, or to appeal a county board's denial of a renewal petition to the state board, within 30 days of the date of the denial. By requiring county boards of education to perform additional duties by hearing appeals of renewal denials, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 47607 of the Education Code is amended
2 to read:

3 47607. (a) (1) A charter may be granted pursuant to Sections
4 47605, 47605.5, 47605.6, 47605.8, and 47606 for a period not to
5 exceed five years. A charter granted by a school district governing
6 board, a county board of education or the state board, may be
7 granted one or more subsequent renewals by that entity. Each
8 renewal shall be for a period of five years. A material revision of
9 the provisions of a charter petition may be made only with the
10 approval of the authority that granted the charter. The authority
11 that granted the charter may inspect or observe any part of the
12 charter school at any time.

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

18 (3) *The governing board of a school district or a county board*
19 *of education shall approve or deny a renewal petition submitted*
20 *by a charter school authorized by that board no later than*
21 *December 1 of the renewal year. A charter school may appeal a*
22 *district board's denial of a renewal petition to the county board*
23 *of education, or a county board's denial of a renewal petition to*
24 *the state board, within 30 days of the date of the denial.*

25 (b) Commencing on January 1, 2005, or after a charter school
26 has been in operation for four years, whichever date occurs later,
27 a charter school shall meet at least one of the following criteria

1 prior to receiving a charter renewal pursuant to paragraph (1) of
2 subdivision (a):

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

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

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

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

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

21 (i) Documented and clear and convincing data.

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

27 (iii) Information submitted by the charter school.

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

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

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

1 (c) A charter may be revoked by the authority that granted the
2 charter under this chapter if the authority finds, through a showing
3 of substantial evidence, that the charter school did any of the
4 following:

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

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

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

11 (4) Violated any provision of law.

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

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

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

38 (2) The county board may reverse the revocation decision if the
39 county board determines that the findings made by the chartering
40 authority under subdivision (e) are not supported by substantial

1 evidence. The school district may appeal the reversal to the state
2 board.

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

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

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

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

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

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

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

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

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

39 (3) Any funding, grants, resources, and facilities that had been
40 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 (k) 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.

6 SEC. 2. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.