

AMENDED IN ASSEMBLY APRIL 28, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

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 amended, 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 *a charter school to submit a renewal petition to the chartering authority no later than September 15 prior to the expiration of the charter, or by a later date if mutually agreed upon by the chartering authority and the charter school. The 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 15 prior to the expiration of the charter. The bill would authorize require a charter school that elects 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, *the denial of its renewal application to submit the application to the county board or the state board, as applicable*, 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~~-no.
State-mandated local program: ~~yes~~-no.

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~~-(A) *A charter school shall submit a renewal petition*
19 *to the chartering authority no later than September 15 prior to the*
20 *expiration of the charter, or by a later date if mutually agreed*
21 *upon by the chartering authority and the charter school. This*
22 *paragraph does not preclude a chartering authority from*

1 *establishing a charter renewal deadline prior to September 15.*
2 *Existing timelines for the consideration of a charter renewal*
3 *petition by a chartering authority pursuant to this section, Section*
4 *47605, or any other provision of this part shall not be affected by*
5 *this paragraph.*

6 (B) The governing board of a school district or a county board
7 of education shall approve or deny a renewal petition submitted
8 by a charter school authorized by that board no later than ~~December~~
9 ~~1 of the renewal year. A charter school may appeal a district~~
10 ~~board's denial of a renewal petition to the county board of~~
11 ~~education, or a county board's denial of a renewal petition to the~~
12 ~~state board, December 15 prior to the expiration of the charter. A~~
13 ~~charter school that elects to appeal the denial of its renewal~~
14 ~~application pursuant to Section 47607.5 shall submit its application~~
15 ~~to the county board or state board, as applicable, within 30 days~~
16 ~~of the date of the denial.~~

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

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

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

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

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

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

40 (i) Documented and clear and convincing data.

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

6 (iii) Information submitted by the charter school.

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

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

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

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

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

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

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

29 (4) Violated any provision of law.

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

36 (e) Prior to revoking a charter for failure to remedy a violation
37 pursuant to subdivision (d), and after expiration of the school's
38 reasonable opportunity to remedy without successfully remedying
39 the violation, the chartering authority shall provide a written notice
40 of intent to revoke and notice of facts in support of revocation to

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

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

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

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

25 (4) The state board may reverse the revocation decision if the
26 state board determines that the findings made by the chartering
27 authority under subdivision (e) are not supported by substantial
28 evidence. The state board may uphold the revocation decision of
29 the school district if the state board determines that the findings
30 made by the chartering authority under subdivision (e) are
31 supported by substantial evidence.

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

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

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

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

11 (j) Immediately following the decision of a county board to
12 reverse a decision of a school district to revoke a charter, the
13 following shall apply:

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

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

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

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

25 ~~SEC. 2.—If the Commission on State Mandates determines that~~
26 ~~this act contains costs mandated by the state, reimbursement to~~
27 ~~local agencies and school districts for those costs shall be made~~
28 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
29 ~~4 of Title 2 of the Government Code.~~