

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN SENATE JUNE 6, 2012

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 925

Introduced by Assembly Members Lara and Alejo

February 18, 2011

An act to amend Section 47605 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 925, as amended, Lara. Charter schools: petition: description of personnel policies and procedures.

The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law prohibits the governing board of a school district from denying a petition for the establishment of a charter school unless the governing board finds that the petition does not contain specified information, including, among other information, the qualifications to be met by individuals to be employed by the school and a declaration whether or not the charter school will be deemed the exclusive public school employer of the employees of the charter school for purposes of laws governing collective bargaining.

This bill would require a petition for the establishment of a charter school, *except specified charter schools*, to include a description of the personnel policies and procedures of the charter school, including, but

not limited to, those related to jury duty, vacations, holidays, employee discipline, and leave for pregnancy, bereavement, and illness.

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 is met:

13 (A) The petition is 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 charter school for its first year of operation.

17 (B) The petition is signed by a number of teachers that is
18 equivalent to at least one-half of the number of teachers that the
19 charter school estimates will be employed at the charter school
20 during its 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 is signed by not less than 50 percent of
27 the permanent status teachers currently employed at the public
28 school to be converted.

29 (3) A petition shall include a prominent statement that a
30 signature on the petition means that the parent or legal guardian
31 is meaningfully interested in having his or her child or ward attend
32 the charter school, or in the case of a teacher's signature, means

1 that the teacher is meaningfully interested in teaching at the charter
2 school. The proposed charter shall be attached to the petition.

3 (4) After receiving approval of its petition, a charter school that
4 proposes to establish operations at one or more additional sites
5 shall request a material revision to its charter and shall notify the
6 authority that granted its charter of those additional locations. The
7 authority that granted its charter shall consider whether to approve
8 those additional locations at an open, public meeting. The approval
9 of additional locations of a charter school constitutes a material
10 revision to the charter school's charter.

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

20 (A) The charter school has attempted to locate a single site or
21 facility to house the entire program, but a site or facility is
22 unavailable in the area in which the charter school chooses to
23 locate.

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

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

31 (b) No later than 30 days after receiving a petition, in accordance
32 with subdivision (a), the governing board of the school district
33 shall hold a public hearing on the provisions of the charter, at
34 which time the governing board of the school district shall consider
35 the level of support for the petition by teachers employed by the
36 district, other employees of the district, and parents. Following
37 review of the petition and the public hearing, the governing board
38 of the school district shall either grant or deny the charter within
39 60 days of receipt of the petition. The 60-day period may be
40 extended by an additional 30 days if the governing board of the

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

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

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

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

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

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

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

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

1 (B) The measurable pupil outcomes identified for use by the
2 charter school. "Pupil outcomes," for purposes of this part, means
3 the extent to which all pupils of the charter school demonstrate
4 that they have attained the skills, knowledge, and attitudes specified
5 as goals in the charter school's educational program.

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

8 (D) The governance structure of the charter school, including,
9 but not limited to, the process to be followed by the charter school
10 to ensure parental involvement.

11 (E) The qualifications to be met by individuals to be employed
12 by the charter school.

13 (F) The procedures that the charter school will follow to ensure
14 the health and safety of pupils and staff. These procedures shall
15 include the requirement that each employee of the charter school
16 furnish the charter school with a criminal record summary as
17 described in Section 44237.

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

22 (H) Admission requirements, if applicable.

23 (I) The manner in which annual, independent financial audits
24 shall be conducted, which shall employ generally accepted
25 accounting principles, and the manner in which audit exceptions
26 and deficiencies shall be resolved to the satisfaction of the
27 chartering authority.

28 (J) The procedures by which pupils can be suspended or
29 expelled.

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

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

35 (M) A description of the rights of any employee of the school
36 district upon leaving the employment of the school district to work
37 in a charter school, and of any rights of return to the school district
38 after employment at a charter school.

1 (N) The procedures to be followed by the charter school and
2 the entity granting the charter to resolve disputes relating to
3 provisions of the charter.

4 (O) A declaration whether or not the charter school shall be
5 deemed the exclusive public school employer of the employees of
6 the charter school for the purposes of Chapter 10.7 (commencing
7 with Section 3540) of Division 4 of Title 1 of the Government
8 Code.

9 (P) A description of the procedures to be used if the charter
10 school closes. The procedures shall ensure a final audit of the
11 charter school to determine the disposition of all assets and
12 liabilities of the charter school, including plans for disposing of
13 any net assets and for the maintenance and transfer of pupil records.

14 (Q) A description of the personnel policies and procedures of
15 the charter school, including, but not limited to, those related to
16 jury duty, vacations, holidays, employee discipline, and leave for
17 pregnancy, bereavement, and illness. *This subparagraph does not*
18 *apply to a charter school to which subdivision (g) of Section*
19 *47605.1 applies.*

20 (c) (1) Charter schools shall meet all statewide standards and
21 conduct the pupil assessments required pursuant to Sections 60605
22 and 60851 and any other statewide standards authorized in statute
23 or pupil assessments applicable to pupils in noncharter public
24 schools.

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

28 (d) (1) In addition to any other requirement imposed under this
29 part, a charter school shall be nonsectarian in its programs,
30 admission policies, employment practices, and all other operations,
31 shall not charge tuition, and shall not discriminate against any
32 pupil on the basis of the characteristics listed in Section 220. Except
33 as provided in paragraph (2), admission to a charter school shall
34 not be determined according to the place of residence of the pupil,
35 or of his or her parent or legal guardian, within this state, except
36 that an existing public school converting partially or entirely to a
37 charter school under this part shall adopt and maintain a policy
38 giving admission preference to pupils who reside within the former
39 attendance area of that public school.

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

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

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

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

23 (e) The governing board of a school district shall not require an
24 employee of the school district to be employed in a charter school.

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

27 (g) The governing board of a school district shall require that
28 the petitioner or petitioners provide information regarding the
29 proposed operation and potential effects of the charter school,
30 including, but not limited to, the facilities to be used by the charter
31 school, the manner in which administrative services of the charter
32 school are to be provided, and potential civil liability effects, if
33 any, upon the charter school and upon the school district. The
34 description of the facilities to be used by the charter school shall
35 specify where the charter school intends to locate. The petitioner
36 or petitioners also shall be required to provide financial statements
37 that include a proposed first-year operational budget, including
38 startup costs, and cashflow and financial projections for the first
39 three years of operation.

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

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

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

32 (2) In assuming its role as a chartering agency, the state board
33 shall develop criteria to be used for the review and approval of
34 charter school petitions presented to the state board. The criteria
35 shall address all elements required for charter approval, as
36 identified in subdivision (b), and shall define “reasonably
37 comprehensive,” as used in paragraph (5) of subdivision (b), in a
38 way that is consistent with the intent of this part. Upon satisfactory
39 completion of the criteria, the state board shall adopt the criteria
40 on or before June 30, 2001.

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

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

9 (5) The state board shall adopt regulations implementing this
10 subdivision.

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

15 (k) (1) The state board, by mutual agreement, may designate
16 its supervisory and oversight responsibilities for a charter school
17 it approves to any local educational agency in the county in which
18 the charter school is located or to the governing board of the school
19 district that first denied the petition.

20 (2) The designated local educational agency shall have all
21 monitoring and supervising authority of a chartering agency,
22 including, but not limited to, powers and duties set forth in Section
23 47607, except the power of revocation, which shall remain with
24 the state board.

25 (3) A charter school that is granted its charter through an appeal
26 to the state board and elects to seek renewal of its charter shall
27 submit its petition for renewal, before the charter expires, to the
28 governing board of the school district that initially denied the
29 charter. If the governing board of the school district denies the
30 school's petition for renewal, the school may petition the state
31 board for renewal of its charter.

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

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

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