

Guide to the
***2019 Changes to California's
Charter School Law***



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Introduction

2019 brought some of the most substantial changes to California's charter school laws since passage of the original California Charter Schools Act in 1992. These changes resulted from the increasing demands of parents, educators, and district administrators, as their schools faced the significant impacts of unregulated charter school growth, and increased evidence that charter schools have discouraged enrollment of some of the state's highest needs students.

Four new laws, approved by the Legislature and signed into law by Governor Newsom in 2019, brought these historic changes, including:

- **Senate Bill 126**, signed by the Governor in March, requires charter schools and charter school management organizations (CMOs) to follow the same open meetings, public records, conflict of interest and ethics laws as public school districts.
- **Senate Bill 75 (The 2019 Education Omnibus Trailer Bill)**, signed by the Governor in July, clarifies that discouraging enrollment of high-needs students – such as students who receive free and reduced lunch, or students with disabilities – is illegal. The bill also requires charter schools to hold public hearings on their Local Control and Accountability Plans (LCAPs) and to communicate with families in their home language.
- **Assembly Bill 1505**, signed by the Governor in October, marks the most significant changes to the charter school authorization, appeal, and renewal process since passage of the original charter law in 1992. AB 1505 allows school districts to consider the fiscal and community impact of new or expanding charter schools on their local community, moves control of charter school authorizing to a more local level, aligns charter school renewals with state standards, and requires charter school educators to hold the same credentials as district educators.
- **Assembly Bill 1507**, also signed in October, eliminates the ability to authorize charter schools outside the authorizing school district or county, and includes provisions for renewals of existing charter schools that are currently located outside their authorizing district or county.

These four new laws, taken together, represent a significant overhaul of existing laws. This guide is intended to provide an overview of the changes made in 2019 but is not a replacement for a review of the actual legislative language.

Approval of New Charter School Petitions

Protecting the Interests of the Entire Community – Fiscal and Community Impact

As Governor Newsom stated in his first budget proposal, unchecked charter school expansion has had real impacts on districts' ability to provide essential support and services for their students.¹ A growing body of research has confirmed that the fiscal impact of charter schools on public school districts is real and significant, including a 2018 study (and 2019 update) that found the annual cost is \$57.3 million in Oakland Unified, \$65.9 million in San Diego Unified, \$19.3 million in East Side Union High School District, and \$27.9 million in West Contra Costa Unified.² In earlier studies in Buffalo, New York and Durham, North Carolina, the net impact of charter schools was estimated to cause a loss of \$25 million per year to each school district.³ In Nashville, the loss was calculated to approach \$50 million per year.⁴ In Pennsylvania, a study of six school districts found the net fiscal impact to be between \$8,000 and \$17,000 per pupil in the first year, depending on the size of the district and the rate of charter school growth.⁵ Finally, in 2016 it was found that in Los Angeles the net loss was estimated at over \$500 million per year.⁶

As a result, Education Code 47605 (c) now includes additional factors regarding community and fiscal impact that a district must consider in granting or denying a petition:

- That the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate, a finding which shall include consideration of the fiscal impact of the proposed charter school, and

¹ <http://www.ebudget.ca.gov/budget/2019-20/#/BudgetSummary>

² <https://www.inthepublicinterest.org/report-the-cost-of-charter-schools-for-public-school-districts/> & <http://www.inthepublicinterest.org/report-the-cost-of-charter-schools-for-the-west-contra-costa-unified-school-district/>

³ Bifulco, Robert and Reback, Randall, "Fiscal Impacts of Charter Schools: Lessons from New York," Education Finance and Policy, vol. 9, No. 1, pp. 86-107, 2014; Ladd, Helen F. and Singleton, John D., The Fiscal Externalities of Charter Schools: Evidence from North Carolina (April 9, 2018). Economic Research Initiatives at Duke (ERID) Working Paper No. 261. Available at SSRN: <https://ssrn.com/abstract=3082968>.

⁴ MGT Associates, Charter School Financial Impact Model for Metropolitan Nashville Public Schools, MGT, September 11, 2014.

⁵ Lapp, David, et al., The Fiscal Impact of Charter School Expansion: Calculations in Six Pennsylvania School Districts, Research for Action, September 2017, pp. 15, 24.

⁶ MGT of America Consulting, Fiscal Impact of Charter Schools on LAUSD, May 2016, <http://thecostofcharterschools.org/ccs/eir>.

- The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings, and
- Whether the proposed charter school would duplicate programs with existing capacity that are currently offered within the school district.

The legislative background and intent of the fiscal impact provisions in AB 1505 have been clearly articulated. According to the AB 1505 “Fact Sheet” circulated by the author’s office, “[t]oo many school districts have felt that charter schools were administratively forced in to their jurisdiction” and the bill, “gives school districts greater authority to choose which charter schools are approved in their community.”⁷

More specifically, the Assembly Floor Analysis makes clear that the bill provides school districts, among other things, with additional tools to consider the impacts of proposed charter schools on the district’s finances, facilities, programs, and services. According to the author:

“This bill allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district. If a charter school is not enrolling as many students with disabilities, especially severely disabled students, the resulting negative fiscal impact on the school district may be considered during renewal if the charter school proposes to expand. Additionally, my intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students.”⁸

Protecting Districts in Fiscal Distress

AB 1505 also adds to subsection 47605 (c) a provision that allows denial when a school district is not positioned to absorb the fiscal impact of a proposed charter school, including a rebuttable presumption of denial in districts that are facing certain fiscal challenges. In other words, ordinarily a charter petition must be granted *unless* the chartering authority makes written factual findings setting forth specific facts supporting denial. However, if the petition is

⁷ AB 1505 Fact Sheet, 8/28/19

⁸ California State Assembly, Floor Analysis, September 9, 2019

in a district that is under state receivership or has a negative interim certification of their financial reports, the petition *must* be denied unless the petitioner can specifically overcome the presumption of denial. Additionally, school districts that have a qualified interim certification of their financial reports, and the county superintendent of schools, in consultation with the Fiscal Crisis and Management Assistance Team (FCMAT), certifies that approving a new charter school would result in the school district having a negative interim certification of its financial reports shall also have a rebuttable presumption of denial.

Assuring That Charter Schools Serve All Students

AB 1505 strengthens existing law requiring charter school petitions to contain a description of how the petitioner will achieve a racial and ethnic balance that is reflective of the school district (or county, in the case of charter schools approved by the county board of education), by requiring that petitioners also describe how they will achieve the same balance for English learners and students with disabilities. (Subsection 47605 (c)(5)(g))

Finally, AB 1505 gives authorizers the power to close charter schools that are not serving all students (for more information, see the Charter School Renewals section below).

Qualifications for Members of the Governing Body Required in Petition

In an effort to ensure that locally-elected officials adequately vet those who will be charged with allocating tax dollars to support public school students, AB 1505 requires charter school petitions to include “...the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.” (Subsection 47605 (h))

New Rules Regarding Petition Timelines and Procedures

AB 1505 gives charter school authorizers additional time to do their due diligence on new charter school petitions by allowing 60 days (previously 30 days for school districts) from receiving a petition until a public hearing is held, and allowing 90 days (previously 60 days for school districts) from receiving a petition until a vote is taken. The law continues to allow a 30-day extension of this timeline (up to 120 days total) by mutual agreement.

The new law also requires the chartering authority to publish all staff recommendations, including the recommended findings, at least 15 days prior to the vote and requires that the charter school be given equivalent time at the hearing at which the vote takes place to present testimony and evidence in response to staff recommendations. (Subsection 47605 (b))

County and State-Authorized Charter Schools

Countywide Charter Schools

County boards of education continue to be able to approve countywide benefit charter schools, as well as charter schools to serve students who would normally be served in county schools.

For these schools, county boards of education have always had the ability to deny for “any other basis that the county board of education finds justifies the denial of the petition,” including the fiscal and community impact of the proposed charter school on the county or on school districts within the county. (Subsection 47605.6 (b)(7))

Statewide Charter Schools

Statewide benefit charter schools are eliminated under AB 1505. Existing statewide benefit charter schools may be renewed one time by the State Board of Education, which will then assign authorization to either the local school district or the county board of education, in consultation with the charter school. Subsequent renewals and all oversight will be subject to the same requirements as other charter schools authorized by that chartering authority. (Subsection 47605.9 (c))

Charter Schools Authorized by the State Board On Appeal

Because the State Board of Education will no longer be a chartering authority, charter schools currently operating under a charter approved by the State Board of Education on appeal from a district or county, must apply to the district where the charter school is physically located for renewal. If denied by the district, the charter may appeal to the State Board of Education, and if the local decision is overturned, the State Board of Education will assign oversight and authorization to either the school district or the county board of education, in consultation with the charter school. Subsequent renewals and all oversight will be subject to the same requirements as other charter schools authorized by that chartering authority. (Subsection 47605.9 (b))

Appeals

County Board Appeals

Under AB 1505, charter schools may still appeal school district denials of a petition to the county board of education within 30 days of the denial. As with school districts, county boards of education may consider the community and fiscal impact of a new petition, or a petition for a school seeking to add locations or grades. Appeals to the county board of education have the same petitioning timelines as petitions submitted to the school district under AB 1505.

If the school district denied the petition due to fiscal impact, the county board of education *must* consider the school district's fiscal impact findings on appeal.

If the school district denied the petition due to fiscal distress, the county board of education *must* consider the school district's fiscal distress findings on appeal. There is a presumption of denial in these instances, unless the district's finding is proven to be inaccurate. (Subsection 47605 (k)(1)(A))

If the county board of education fails to act on the appealed petition within 180 days of receipt (previously 120 days), the decision of the school district to deny the petition is subject to judicial review, as before. (Subsection 47605 (k)(6))

Limited Appeals to the State Board

Under the changes made by AB 1505, the State Board of Education will be allowed to reverse the determination of a county board of education *only* upon determining that there was an abuse of discretion by the school district or county board of education.

If a charter school appeals to the State Board of Education within 30 days of being denied by the county board of education, the Advisory Commission on Charter Schools (ACCS) will hold a public hearing on the appeal, and then submit a recommendation to the State Board. The State Board of Education can then either hear the appeal or summarily deny review of the appeal based on the documentary record. If the State Board of Education elects to hear the appeal, it can then either affirm the decision of the lower boards, or reverse the lower boards' decisions, but *only* upon a determination that there was an abuse of discretion.

If the State Board of Education fails to act on the appealed petition within 180 days of receipt (previously 120 days), the decision of the school district to deny the petition is subject to judicial review.

If the State Board of Education reverses denial by the school district and county board of education on appeal, it is required to designate either the school district or the county board of

education for oversight and authorization. Subsequent renewals and all oversight will be subject to the same requirements as other charter schools authorized by that chartering authority. (Subsection 47605 (k))

Material Revisions in Appeals

AB 1505 requires charter petitions submitted on appeal that contain new or different material terms to be immediately remanded back to the school district for reconsideration, ensuring that throughout the appeals process the same petition is being evaluated, and that each appellate body has access to the same information.

The school district has 30 days to grant or deny a petition with material revisions. If the petition is denied again, the charter petitioner may resubmit the petition to the county board of education. (Subsection 47605 (k))

Renewals

Aligning Renewals With State Standards

AB 1505 aligns charter school accountability with California’s K-12 accountability system — specifically the evaluation rubric as displayed by the California School Dashboard (Dashboard). This is an important improvement, as previously the law used the Academic Performance Index (API), which was discontinued in 2014.

The Dashboard contains performance data based around eight state priority areas using multiple measures, including state academic assessments, absenteeism, student engagement, and graduation and suspension rates. These priority areas are analyzed for multiple student subgroups, including race and ethnicity, English Learner status, students with disabilities, foster youth, homeless youth, and students who are socioeconomically disadvantaged.

The changes in AB 1505 create three tiers for charter school renewals:

Bottom Tier	Middle Tier	Top Tier
No renewal is the default	Possible 5-year renewal	5-7-year renewal is the default
Criteria: <i>either</i> 1. All red and orange (lowest level) indicators schoolwide, <i>or</i> 2. Same or <u>lower</u> than the statewide average schoolwide <i>and</i> lower than statewide average on a majority of the state’s lowest-performing subgroups <i>Possible 2-year renewal if the charter school is taking meaningful steps to address the underlying cause(s) of low Dashboard indicators.</i>	Criteria: 1. Considering all dashboard indicators for all student subgroups, <i>and</i> 2. Charter school does not fit criteria for Bottom Tier or Top Tier	Criteria: <i>either</i> 1. All blue and green (top level) indicators schoolwide, <i>or</i> 2. Same or <u>higher</u> than the statewide average schoolwide <i>and</i> higher than the statewide average on a majority of the state’s lowest-performing subgroups

AB 1505 removes outdated and vague language around acceptable performance data, and instead requires the State Board of Education to adopt “verified data,” by January 1, 2021, that chartering authorities must consider when assessing renewals of Bottom Tier and Middle Tier charter schools. Use of verified data is limited to a defined transition period, at the end of which all charter schools will be held accountable to the Dashboard. Bottom Tier charter

schools may use verified data until June 30, 2025; Middle Tier charter schools may use verified data until January 1, 2026. (Subsection 47607 and 47607.2)

Differentiated Assistance

AB 1505 requires that charter schools receive differentiated assistance and intervention for academic concerns on the same terms and timelines as school districts. This provision applies to currently operating charter schools as of July 1, 2022. A charter school receiving differentiated assistance and intervention is not eligible to be placed in the Top Tier for default renewal. (Subsection 47606.3)

Additional Reasons to Deny a Renewal

AB 1505 eliminates the requirement that academics be the highest priority during charter renewal and revocation, and adds three additional reasons for denial of the renewal of even a “Top Tier” charter school:

- **Not Serving All Students**

AB 1505 allows authorizers considering charter school renewal requests to assess whether a charter school is serving all students or excluding some, the result of which may be the artificial inflation of the charter school’s performance on the Dashboard. To reach a finding that a charter school is not serving all students, authorizers may request aggregate data from the California Department of Education for each year of the charter’s term that includes three things:

1. Cumulative enrollment – i.e., the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups who enrolled at any time during the school year.
2. The percentage of pupils enrolled between the first day of school and census day (the date on which pupils are counted for funding purposes) who were not still enrolled at the conclusion of the school year and the average results of statewide reading and math assessments for such pupils in the prior school year.
3. The percentage of pupils enrolled in the prior school year who were not enrolled on census day of the current school year (excluding students who completed the highest grade served at the school) and the average results of statewide reading and math assessments for such pupils in the prior school year. (Subsection 47606 (d))

- **Transparency, Governance, and Ethics**

SB 126 requires charter school governing boards to comply with the same transparency, open meetings, and ethics laws that traditional school district governing

boards currently follow (see more on this below). AB 1505 builds on this new law by permitting a chartering authority to deny renewal for substantial governance issues. (Subsection 47606 (e))

- **Financial Stability**

AB 1505 also permits consideration of charter school financial stability in the renewal process and allows authorizers to deny renewal of a charter school for substantial fiscal issues. (Subsection 47606 (e))

In order to deny a renewal based on any of the three reasons above, an authorizer must first give the charter school 30 days' notice of the alleged violation, with a reasonable opportunity to clear the violation, and include a corrective action plan proposed by the charter school. The authorizer can then deny renewal based upon a finding that the school is "demonstrably unlikely to successfully implement the program" and that the corrective action has been unsuccessful or that "the violation is sufficiently severe and pervasive as to render the corrective action plan unviable." (Subsection 47606 (e))

Fiscal Impact Can Be Considered in Requests to Expand

AB 1505 requires charter schools requesting to add grade levels or additional sites concurrently with their renewal to submit those requests as material revisions to their charter. While authorizers *are not* permitted to consider the fiscal impact of charter school renewals on other district schools, programs and services, *they are* able to consider these issues with expansion requests. (Subsection 47607 (a) (4))

District-Authorized Charter Schools Located Outside Their Authorizing District

AB 1507 closed loopholes in the charter law that allowed charter schools, in some circumstances, to operate outside their authorizing school district.

End the Facility Exemption for District-Authorized Schools

Prior to the 2019 changes to the law, a charter school that could not find a suitable facility inside its chartering school district, or needed a temporary facility during construction of a permanent facility, could locate outside its authorizing district, but within the same county. This exemption has been removed by AB 1507. Beginning January 1, 2020, new charter schools will be required to be located inside their authorizing school district.

Charter schools that are operating under this exemption prior to January 1, 2020 may continue to operate at that location until their next renewal. At their next renewal, AB 1507 requires these schools to either obtain approval in writing from the school district where the charter is currently operating to continue at that location or apply to the school district where they are physically located for renewal. Not explicitly stated in AB 1507, but also an option, would be for these schools to relocate prior to renewal by requesting a material revision of their charter to their authorizing district. (Subsection 47605 (a) (5))

Temporary Exemption for Presidential Emergencies

AB 1507 also creates an exemption to allow charter schools that are operating in an area subject to a presidential declaration of a major disaster to relocate outside that area for no more than five years, and only with approval from the school district where the charter wishes to operate. (Subsection 47605 (a) (5) (B))

Exemption for Charter Schools on California Tribal Land or Operated by Tribes

A charter school located on a federally recognized California Indian reservation, rancheria, or operated by a federally recognized California Indian tribe is exempt from the provisions of AB 1507. (Subsection 47605 (a) (5) (D))

Charters Operating Resource Centers Outside Their Authorizing District or County

Charter Schools Operating Resource Centers Outside the District

AB 1507 allows a charter school that was operating a resource center, meeting space, or other satellite facility prior to January 1, 2020 in a school district outside the district where the charter is physically located to continue to operate in that district until its next renewal. At the time it applies for renewal, the charter school must have approval in writing from the school district where the resource center is located to continue operations there. (Subsection 47605.1 (c) (5))

Countywide Charter Schools Operating Resource Centers Outside the County

AB 1507 allows a countywide charter that was operating a resource center, meeting space, or other satellite facility in a county other than the county where the charter school is located to continue to operate in that county until its next renewal. At the time it applies for renewal, the charter school must have approval in writing from the county office of education where the resource center is located to continue operations there. (Subsection 47605.1 (c) (6))

Temporary Exemption for Presidential Emergencies

AB 1507 also creates an exemption to allow charter schools that are operating resource centers in an area subject to a presidential declaration of a major disaster to relocate those resource centers outside that area for no more than five years, and only with approval from the school district where the charter wishes to operate the resource center. (Subsection 47605.1 (c) (7))

Additional Resource Centers Within the Authorizing District or County

AB 1507 allows charter schools to establish additional resource centers, meeting spaces, or other satellite facilities within the authorizing school district or county as long as the charter school has written approval from the authorizer. (Subsection 47605.1 (c) (8))

Creaming and Cropping

For years, public education advocates have pointed out that charter schools are explicitly and implicitly discouraging the highest needs students from enrolling in their schools, and also pushing out those students who do enroll, creating an artificial inflation of charter performance on assessments of student achievement. In fact, an August 2019 report focusing on three major California school districts found not only that charter schools enroll fewer students with disabilities than district schools, but those students with disabilities they do serve have less severe disabilities.⁹ Several changes to the law this year begin to address these issues.

Creaming & Cropping is Illegal

State law has always required charter schools to admit any student who applies. In enacting the 2019-20 budget, the legislature and the governor tightened the language prohibiting charter schools from discouraging students from enrolling, or encouraging students to disenroll, from a charter school on the basis of academic performance or student characteristics, such as special education status.

SB 75, the 2019 Education Omnibus Trailer Bill, states with no ambiguities that a “charter school shall not discourage a pupil from enrolling or seeking to enroll in a charter school for any reason...,” and “[a] charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason....”

SB 75 includes a list of student characteristics for which discouraging enrollment or encouraging disenrollment are illegal, including, but not limited to: “...pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.”

SB 75 prohibits charter schools from requesting a pupil’s academic records or requiring that a pupil’s records be submitted to the charter school prior to enrollment, including Individualized Education Programs (IEPs) of students with disabilities. The bill also establishes a uniform complaint process that allows parents to report concerns to the charter school’s authorizer if they believe they were discriminated against. Additionally, SB 75 requires that charter schools post parental rights on their websites and make parents aware of them during enrollment and when students are expelled or leave during the year. (Subsection 47605 (d) (4))

⁹ LeClair, A., Regullano, E. G., & Swinburn, A.; State of Denial: California Charter Schools and Special Education Students (August 2019). California Teachers Association and United Teachers Los Angeles. Available here: <https://www.cta.org/~media/Documents/Anqi/Report/Report%20-%20FINAL.ashx>.

Not Serving All Students as a Reason to Deny Renewal of a Charter School

As described above in more detail, AB 1505 allows authorizers considering charter school renewal requests to assess whether a charter school is serving all students, the result of which may be the artificial inflation of the charter school's performance on the Dashboard. A finding that a charter school is not serving all students is a reason to deny renewal under AB 1505's changes to the charter school law.

Open Meetings, Public Records and Ethics Requirements

For many years, the California charter school industry denied that their schools and management organizations were required to follow California's open meetings, public records and ethics laws. In December 2018, California's Attorney General weighed in affirmatively that charter schools are required to follow these laws.¹⁰ SB 126 made compliance requirements very clear for charter schools, and entities managing charter schools.

Open Meetings

California's open meeting laws (the Ralph M. Brown Act and the Bagley-Keene Open Meetings Act) require that all meetings of legislative bodies be open and public. SB 126 requires that charter schools and the entities managing charter schools follow the provisions. (Subsection 47604.1 (b) (1))

Meeting Locations & Audio/Video Recording

SB 126 requires that charter school governing board meetings be audio recorded, video recorded, or both, and posted on the charter school's website.

In addition, SB 126 establishes a number of requirements regarding charter school governing board meeting locations:

- Single charter school: Meetings shall take place within the county where the charter school is physically located, and a two-way teleconference shall be located at each school site.
- Nonclassroom-based charter school: A nonclassroom-based charter school with no physical facility or that operates one or more resource centers shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled reside. In addition, a two-way teleconference shall be established at each resource center.
- One or more charter schools within the same county: Entities managing one or more charter schools located within the same county shall meet within the physical boundaries of that county. In addition, a two-way teleconference shall be established at each school and each resource center.
- Two or more charter schools not in the same county: Entities managing two or more charter schools that are not located in the same county shall meet within the physical boundaries of the county in which the greatest number of pupils in the schools

¹⁰ https://oag.ca.gov/system/files/opinions/pdfs/11-201_4.pdf

managed by that entity reside. In addition, a two-way teleconference shall be established at each school and each resource center. (Subsection 47604.1 (c))

Public Records

The California Public Records Act requires state and local agencies to make their records available for the public to inspect and make copies available upon request. SB 126 requires that charter schools and the entities managing charter schools follow the California Public Records Act. (Subsection 47604.1 (b) (2))

Ethics Laws - Contracting

California Government Code 1090 prohibits public officials from being financially interested in any contract made by them in their official capacity, or by any board or body of which they are a member. SB 126 applies Government Code 1090 to charter schools but makes one exemption to allow employees of charter schools to be members of a charter school's governing board, provided that the employees abstain from voting on, influencing, or attempting to influence a vote on any matter affecting their employment. (Subsection 47604.1 (b) (3))

Conflict of Interest

The Political Reform Act of 1974 requires state and local agencies to adopt a conflict of interest code that requires some employees and governing board members to file statements of economic interest to disclose investments, business positions, real property, or sources of income that may lead to that individual financially or otherwise materially benefitting from decisions made by that agency that they would participate in. SB 126 requires charter schools to comply with this Act. (Subsection 47604.1 (b) (4))

Teacher Credentialing

AB 1505 eliminates charter schools' previous flexibility with regard to non-core, non-college preparatory courses. Subsection 47605 (l) now requires all teachers, as of the 2020-21 school year and beyond, to hold the required credential for their assignment, with no exceptions. However, the law does give charter school teachers currently employed up to five years to obtain the required credential for their assignment. The legislative intent was made clear in the Assembly Floor Analysis preceding the final vote of the full Assembly. According to the author:

"It is further my intent that all charter school teachers employed in the 2019-20 school year must hold all required certificates and authorizations required for their assignment by July 1, 2025, and not hold emergency permits after that date."¹¹

Beginning on July 1, 2020, all teachers (new or continuing) in charter schools will be required to hold a Certificate of Clearance from the California Commission on Teacher Credentialing.

Moratorium on New Nonclassroom-Based Schools

AB 1505 establishes a moratorium of two years (January 1, 2020 until January 2, 2022) on new nonclassroom-based charter schools (including home, independent study and virtual schools). In light of increased scrutiny into this sector of the charter school industry, this moratorium will provide time to make much-needed adjustments to ensure all students receive the tools, resources, and overall quality education they need and deserve. (Subsection 47612.7)

Data Collection

AB 1505 requires the California Department of Education to collect and monitor data on implementation of the bill, including patterns in authorization and appeals. This data will be useful as the Legislature considers further changes to meet the intended purpose of AB 1505. (Subsection 47607.8)

¹¹ California State Assembly, Floor Analysis, September 9, 2019

New LCAP Requirements

LCAP Public Hearings and Meetings

Existing law requires school boards, county boards of education, and charter schools to adopt and annually update their LCAPs. Existing law also requires school boards and county boards of education to hold at least one public hearing regarding their LCAPs or annual update to the LCAPs. Finally, existing law authorizes school boards and the county superintendent of schools to adopt revisions to an LCAP during the period it is in effect and requires those revisions to be adopted in a public meeting.

SB 75 requires charter schools to follow the same public hearing and meeting provisions as districts and county boards of education. (Subsection 47606.5 (a))

Post LCAPs to District, County and Department of Education Websites

Under current law, charter schools are required to post their LCAPs to their own websites. SB 75 requires that authorizing school districts, county offices of education, and the Superintendent of Public Instruction are all required to post links to charter school LCAPs to their websites as well. (Subsection 52065)

Communicate with Families in their Primary Language

Under existing law, if 15% or more of the pupils enrolled in a district public school speak a single primary language other than English, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall be written in English *and* the family's primary language, and the parent or guardian must be allowed to respond either in English or the primary language. SB 75 applies this same requirement to charter schools. (Subsection 48985)