



AB 1505 (O'Donnell/Bonta) Local Accountability in Public Education

Bill Summary:

- **AB 1505 ensures all matters related to charter schools' authorization, renewal and other key decisions be made by the local school communities** —those parents, educators and locally-elected school board members who know the needs of their neighborhood children.
 - The bill repeals provisions allowing the State Board of Education to approve, renew or hear appeals of charter school petitions. Countywide benefit charters must get approval from the school district in which the charter school is located.
 - Charter schools operating under a charter approved by the state board may continue to operate under those charters only until the date on which the charter is required to be renewed.
- **AB 1505 allows local school boards to consider the economic, facilities and academic impact of a charter applicant on students in neighborhood public schools when approving charter schools in their communities.**
- **AB 1505 provides school districts additional discretion in the charter school approval, renewal and revocation processes and sets charter renewals at 2 to 5 years.**

Key Message: Approving and renewing charter petitions should be made by the school communities in which the charter will be located. Local school boards are elected by local communities. They are entrusted to make vital decisions about the education of the students living within the district's boundaries. Over the past two decades, local school boards have made decisions about charter school petitions in their districts, only to have them overturned by non-elected county and state governing boards. AB 1505 would return control of these decisions to the elected officials who know the needs of their local students best. Equally important, local school districts would be able to consider the economic, facilities and academic impact on students attending neighborhood public schools in the district.

Talking Points

- **Public education is for kids not profits.** All students, regardless of their ZIP code, deserve a quality public education. AB 1505 returns control of important decisions about charter school authorizations to the elected school board members who, together with parents, students and administrators, know the needs of their local students best.
- **Local accountability is good education policy.** The local school board is most knowledgeable of education programs and needs within its jurisdiction, and invests significant time and resources reviewing proposed charter school petitions. Local school

districts must have the authority to authorize charters seeking to operate in its district and must be able to consider the financial impact it will have on other neighborhood public schools. Studies show that in four school districts alone, neighborhood public schools lost more than \$650 million dollars that was shifted to charter schools.

The bill authorizes charter schools to be renewed for less than five years, giving school districts the opportunity to improve oversight. Most charter schools that close abruptly are in fiscal distress. AB 1505 permits consideration of charter school financial stability in the renewal process so that a school district can identify and respond to a problem before it becomes an emergency.

- **Default approval of new schools wastes public funding.** Studies show that nearly 450 charter schools have opened in places that already had enough classroom space for all students. According to the research, over the past 15 years, \$2.5 billion of taxpayer money has been misspent on charter school facilities that were not needed or delivered a low-quality education. Giving a school district total control over what public schools will operate within its boundaries allows school board members to use resources efficiently.
- **Overtaking locally-elected decision makers harms students.** The recent practices of county offices of education and the State Board of Education in overturning evaluations of charter petitions by local school boards is undermining the local communities and hurts students. One study shows that confirmed fraud and waste in California charter schools has reached more than \$149 million.
- **Overtaking locally-elected decision makers threatens democracy.** The school board is elected to make decisions in the best interest of the children living in their district, and democracy is a means for the people to choose their leaders and to hold their leaders accountable for their policies and their conduct in office. The establishment of charter schools in California was not meant to yield the control or sidestep our democratically-elected leaders.
- **Collaboration is critical to ensuring student success.** Rather than a willing partner, too many school districts have felt that charter schools were administratively forced into their jurisdiction. When a charter school is willingly approved in a school community, there is far greater opportunity to share best practices and cooperate in order to better serve diverse student needs. All students, regardless of their ZIP code, deserve the tools and time to learn.

AMENDED IN ASSEMBLY APRIL 1, 2019
AMENDED IN ASSEMBLY MARCH 14, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1505

**Introduced by Assembly Members O'Donnell, Bonta, McCarty,
and Smith
(Principal coauthor: Assembly Member Kalra)
(Coauthor: Senator Skinner)**

February 22, 2019

An act to amend Sections 47604.5, 47605, 47605.5, 47605.6, 47607, 47607.3, and 47613 of, to add Section 47605.9 to, and to repeal Sections 47605.6, 47605.8, 47605.8 and 47607.5 of, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1505, as amended, O'Donnell. Charter schools: petitions.

(1) The Charter Schools Act of 1992 provides for the establishment and operation of charter schools. Existing law generally requires a petition to establish a charter school to be submitted to the governing board of a school district, and, under specified circumstances, authorizes a petition to be submitted to and approved by a county board of education or the State Board of Education. Existing law authorizes a county board of education to approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. Existing law also authorizes a petition for the operation of a state charter school to be submitted directly to the state board, and authorizes the state board

to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state.

This bill would repeal those provisions authorizing a county board of education or the state board to approve a petition to establish a charter school, except that petitions for charter schools that would serve pupils for whom county offices of education would otherwise be responsible for providing direct education and related services could still be submitted to county boards of education. *school.* The bill would specify that a petition to establish a charter school may be submitted only to the school district or county office of education the boundaries within which the charter school would be ~~located~~. *located, and would provide that, commencing January 1, 2020, a county board of education could approve a petition for a countywide charter only under specified conditions and pursuant to a specified procedure, including requiring the petitioner to obtain the approval from each of the school districts where the charter school petitioner proposes to operate a facility.* The bill would provide that charter schools operating under a charter approved by the state board may continue to operate under those charters only until the date on which the charter is up for renewal.

(2) Existing law prohibits the governing board of a school district from denying a petition to establish a charter school unless it makes written factual findings in support of one or more specific findings.

This bill would authorize the governing board of a school district to also deny a petition if it makes written factual findings, specific to the particular petition, setting forth certain facts to support one or more specified findings.

(3) *Existing law requires teachers in charter schools to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to what a teacher in other public schools would be required to hold.*

This bill would instead require teachers in charter schools to hold the Commission on Teacher Credentialing certificate, permit, or other certificate, permit, or other document required for the teacher's certificated assignment.

(3)

(4) Existing law authorizes a charter school to appeal a school district's decision to deny a petition for a charter to the county board of education and, if the county board of education upholds the decision, to appeal the county board of education's decision to the state board.

If the governing board of a school district denies a petition, this bill would instead authorize the petitioner to appeal that denial to the county board of education. The bill would authorize the county board of education to only consider such an appeal if the appeal alleges that the governing board of the school district committed a procedural violation, as defined, in reviewing the petition. If the county board of education finds, by substantial evidence, that the governing board of the school district committed a procedural violation, or if the appeal contains new or different material terms, as defined, the bill would require the county board of education to remand the petition to the governing board of the school district for reconsideration. The bill would repeal those provisions authorizing a petitioner to appeal a denial of a petition to the state board.

~~(4)~~

(5) Existing law authorizes a charter to be granted by a chartering authority under designated provisions for a period not to exceed 5 years. Existing law requires that charter renewals are for periods of 5 years.

This bill would instead provide that a renewal of a charter would be for a period of between 2 and 5 years. The bill would require a chartering authority, in deciding whether to grant a renewal, to consider specified issues relating to a school's financial condition. The bill would specify procedures to be followed by a chartering authority when a charter school requests technical assistance due to academic performance issues.

~~(5)~~

(6) Existing law authorizes a chartering authority to revoke a charter if the authority finds, through a showing of substantial evidence, that the charter school has committed any of several designated acts. Existing law requires the chartering authority to consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter. Existing law also provides for a procedure for an appeal of a revocation decision by a chartering authority.

This bill would delete the provision relating to increases in pupil academic achievement as the most important factor in determining whether to revoke a charter. The bill would also delete the process for appeal of a revocation of a charter by a chartering authority.

~~(6)~~

(7) This bill would also make conforming and nonsubstantive changes.

To the extent the bill would impose additional requirements on local educational agencies and charter schools, the bill would impose a state-mandated local program.

(7)

(8) 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 the statutory provisions noted above.

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 47604.5 of the Education Code is
2 amended to read:

3 47604.5. The state board may, based upon the recommendation
4 of the Superintendent, take appropriate action, including, but not
5 limited to, revocation of the *charter* school's charter, when the
6 state board finds any of the following:

7 (a) Gross financial mismanagement that jeopardizes the financial
8 stability of the charter school.

9 (b) Illegal or substantially improper use of charter school funds
10 for the personal benefit of any officer, director, or fiduciary of the
11 charter school.

12 (c) Substantial and sustained departure from measurably
13 successful practices such that continued departure would jeopardize
14 the educational development of the *charter* school's pupils.

15 (d) Failure to improve pupil outcomes across multiple state and
16 school priorities identified in the charter pursuant to subparagraph
17 (A) of paragraph (5) of subdivision (b) of Section ~~47605~~. 47605
18 or subparagraph (A) of paragraph (5) of subdivision (b) of Section
19 47605.6.

20 SEC. 2. Section 47605 of the Education Code is amended to
21 read:

22 47605. (a) (1) Except as set forth in paragraph (2), a petition
23 for the establishment of a charter school within a school district
24 may be circulated by one or more persons seeking to establish the

1 charter school. A petition for the establishment of a charter school
2 shall identify a single charter school that will operate within the
3 geographic boundaries of that school district. A charter school
4 may propose to operate at multiple sites within the school district
5 if each location is identified in the charter school petition. The
6 petition may be submitted to the governing board of the school
7 district for review after either of the following conditions is met:

8 (A) The petition is signed by a number of parents or legal
9 guardians of pupils that is equivalent to at least one-half of the
10 number of pupils that the charter school estimates will enroll in
11 the charter school for its first year of operation.

12 (B) The petition is signed by a number of teachers that is
13 equivalent to at least one-half of the number of teachers that the
14 charter school estimates will be employed at the charter school
15 during its first year of operation.

16 (2) A petition that proposes to convert an existing public school
17 to a charter school that would not be eligible for a loan pursuant
18 to subdivision (c) of Section 41365 may be circulated by one or
19 more persons seeking to establish the charter school. The petition
20 may be submitted to the governing board of the school district for
21 review after the petition is signed by not less than 50 percent of
22 the permanent status teachers currently employed at the public
23 school to be converted.

24 (3) A petition shall include a prominent statement that a
25 signature on the petition means that the parent or legal guardian
26 is meaningfully interested in having their child or ward attend the
27 charter school, or in the case of a teacher's signature, means that
28 the teacher is meaningfully interested in teaching at the charter
29 school. The proposed charter shall be attached to the petition.

30 (4) After receiving approval of its petition, a charter school that
31 proposes to establish operations at one or more additional sites
32 shall request a material revision to its charter and shall notify the
33 authority that granted its charter of those additional locations. The
34 authority that granted its charter shall consider whether to approve
35 those additional locations at an open, public meeting. If the
36 additional locations are approved, there shall be a material revision
37 to the charter school's charter.

38 (5) A charter school that is unable to locate within the
39 jurisdiction of the chartering school district may establish one site
40 outside the boundaries of the school district, but within the county

1 in which that school district is located, if the school district within
2 the jurisdiction of which the charter school proposes to operate is
3 notified in advance of the charter petition approval, the county
4 superintendent of schools and the Superintendent are notified of
5 the location of the charter school before it commences operations,
6 and either of the following circumstances exists:

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

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

12 (6) Commencing January 1, 2003, a petition to establish a charter
13 school shall not be approved to serve pupils in a grade level that
14 is not served by the school district of the governing board
15 considering the petition, unless the petition proposes to serve pupils
16 in all of the grade levels served by that school district.

17 (b) No later than ~~30~~ 60 days after receiving a petition, in
18 accordance with subdivision (a), the governing board of the school
19 district shall hold a public hearing on the provisions of the charter,
20 at which time the governing board of the school district shall
21 consider the level of support for the petition by teachers employed
22 by the school district, other employees of the school district, and
23 parents. Following review of the petition and the public hearing,
24 the governing board of the school district shall either grant or deny
25 the charter within ~~60~~ 90 days of receipt of the petition, provided,
26 however, that the date may be extended by an additional 30 days
27 if both parties agree to the extension. In reviewing petitions for
28 the establishment of charter schools pursuant to this section, the
29 chartering authority shall be guided by the intent of the Legislature
30 that charter schools are and should become an integral part of the
31 California educational system and that the establishment of charter
32 schools should be encouraged. The governing board of the school
33 district may grant a charter for the operation of a school under this
34 part if it is satisfied that granting the charter is consistent with
35 sound educational practice. The governing board of the school
36 district shall not be required to approve a petition for the
37 establishment of a charter school, and may deny approval by
38 making written factual findings, specific to the particular petition,
39 setting forth specific facts to support one or more of the following
40 findings:

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

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

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

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

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

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

17 (ii) The annual goals for the charter school for all pupils and
18 for each subgroup of pupils identified pursuant to Section 52052,
19 to be achieved in the state priorities, as described in subdivision
20 (d) of Section 52060, that apply for the grade levels served and
21 specific annual actions to achieve those goals. A charter petition
22 may identify additional school priorities, the goals for the school
23 priorities, and the specific annual actions to achieve those goals.

24 (iii) If the proposed charter school will serve high school pupils,
25 the manner in which the charter school will inform parents about
26 the transferability of courses to other public high schools and the
27 eligibility of courses to meet college entrance requirements.
28 Courses offered by the charter school that are accredited by the
29 Western Association of Schools and Colleges may be considered
30 transferable and courses approved by the University of California
31 or the California State University as creditable under the “A to G”
32 admissions criteria may be considered to meet college entrance
33 requirements.

34 (B) The measurable pupil outcomes identified for use by the
35 charter school. “Pupil outcomes,” for purposes of this part, means
36 the extent to which all pupils of the charter school demonstrate
37 that they have attained the skills, knowledge, and attitudes specified
38 as goals in the charter school’s educational program. Pupil
39 outcomes shall include outcomes that address increases in pupil
40 academic achievement both schoolwide and for all groups of pupils

1 served by the charter school, as that term is defined in paragraph
2 (3) of subdivision (a) of Section 47607. The pupil outcomes shall
3 align with the state priorities, as described in subdivision (d) of
4 Section 52060, that apply for the grade levels served by the charter
5 school.

6 (C) The method by which pupil progress in meeting those pupil
7 outcomes is to be measured. To the extent practicable, the method
8 for measuring pupil outcomes for state priorities shall be consistent
9 with the way information is reported on a school accountability
10 report card.

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

14 (E) The qualifications to be met by individuals to be employed
15 by the charter school.

16 (F) The procedures that the charter school will follow to ensure
17 the health and safety of pupils and staff. These procedures shall
18 require all of the following:

19 (i) That each employee of the charter school furnish the charter
20 school with a criminal record summary as described in Section
21 44237.

22 (ii) The development of a school safety plan, which shall include
23 the safety topics listed in subparagraphs (A) to (H), inclusive, of
24 paragraph (2) of subdivision (a) of Section 32282 and procedures
25 for conducting tactical responses to criminal incidents.

26 (iii) That the school safety plan be reviewed and updated by
27 March 1 of every year by the charter school.

28 (G) The means by which the charter school will achieve a racial
29 and ethnic balance among its *pupils, a balance of pupils receiving*
30 *special education services, and a balance of English learner* pupils
31 that is reflective of the general population residing within the
32 territorial jurisdiction of the school district to which the charter
33 petition is submitted.

34 (H) Admission policies and procedures, consistent with
35 subdivision (d).

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

1 (J) The procedures by which pupils can be suspended or expelled
2 from the charter school for disciplinary reasons or otherwise
3 involuntarily removed from the charter school for any reason.
4 These procedures, at a minimum, shall include an explanation of
5 how the charter school will comply with federal and state
6 constitutional procedural and substantive due process requirements
7 that is consistent with all of the following:

8 (i) For suspensions of fewer than 10 days, provide oral or written
9 notice of the charges against the pupil and, if the pupil denies the
10 charges, an explanation of the evidence that supports the charges
11 and an opportunity for the pupil to present the pupil's side of the
12 story.

13 (ii) For suspensions of 10 days or more and all other expulsions
14 for disciplinary reasons, both of the following:

15 (I) Provide timely, written notice of the charges against the pupil
16 and an explanation of the pupil's basic rights.

17 (II) Provide a hearing adjudicated by a neutral officer within a
18 reasonable number of days at which the pupil has a fair opportunity
19 to present testimony, evidence, and witnesses and confront and
20 cross-examine adverse witnesses, and at which the pupil has the
21 right to bring legal counsel or an advocate.

22 (iii) Contain a clear statement that no pupil shall be involuntarily
23 removed by the charter school for any reason unless the parent or
24 guardian of the pupil has been provided written notice of intent to
25 remove the pupil no less than five schooldays before the effective
26 date of the action. The written notice shall be in the native language
27 of the pupil or the pupil's parent or guardian or, if the pupil is a
28 foster child or youth or a homeless child or youth, the pupil's
29 educational rights holder, and shall inform that individual of the
30 right to initiate the procedures specified in clause (ii) before the
31 effective date of the action. If the pupil's parent, guardian, or
32 educational rights holder initiates the procedures specified in clause
33 (ii), the pupil shall remain enrolled and shall not be removed until
34 the charter school issues a final decision. For purposes of this
35 clause, "involuntarily removed" includes disenrolled, dismissed,
36 transferred, or terminated, but does not include suspensions
37 specified in clauses (i) and (ii).

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

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

3 (M) The rights of an employee of the school district upon
4 leaving the employment of the school district to work in a charter
5 school, and of any rights of return to the school district after
6 employment at a charter school.

7 (N) The procedures to be followed by the charter school and
8 the entity granting the charter to resolve disputes relating to
9 provisions of the charter.

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

15 *(P) A clear explanation of why the proposed model cannot be*
16 *accomplished within the school district structure of neighborhood*
17 *public schools.*

18 (6) The petition does not contain a declaration of whether or
19 not the charter school shall be deemed the exclusive public
20 employer of the employees of the charter school for purposes of
21 Chapter 10.7 (commencing with Section 3540) of Division 4 of
22 Title 1 of the Government Code.

23 *(7) The charter school would have a negative financial,*
24 *academic, or facilities impact on neighborhood public schools or*
25 *the school district.*

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

30 (2) Charter schools shall, on a regular basis, consult with their
31 parents, legal guardians, and teachers regarding the charter 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 a pupil
37 on the basis of the characteristics listed in Section 220. Except as
38 provided in paragraph (2), admission to a charter school shall not
39 be determined according to the place of residence of the pupil, or
40 of that pupil's 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 charter school.

7 (B) If the number of pupils who wish to attend the charter school
8 exceeds the charter school's capacity, attendance, except for
9 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 school district except as provided for in Section 47614.5.
13 Preferences, including, but not limited to, siblings of pupils
14 admitted or attending the charter school and children of the charter
15 school's teachers, staff, and founders identified in the initial charter,
16 may also be permitted by the chartering authority on an individual
17 charter school basis. Priority order for any preference shall be
18 determined in the charter petition in accordance with all of the
19 following:

20 (i) Each type of preference shall be approved by the chartering
21 authority at a public hearing.

22 (ii) Preferences shall be consistent with federal law, the
23 California Constitution, and Section 200.

24 (iii) Preferences shall not result in limiting enrollment access
25 for pupils with disabilities, academically low-achieving pupils,
26 English learners, neglected or delinquent pupils, homeless pupils,
27 or pupils who are economically disadvantaged, as determined by
28 eligibility for any free or reduced-price meal program, foster youth,
29 or pupils based on nationality, race, ethnicity, or sexual orientation.

30 (iv) In accordance with Section 49011, preferences shall not
31 require mandatory parental volunteer hours as a criterion for
32 admission or continued enrollment.

33 (C) In the event of a drawing, the chartering authority shall
34 make reasonable efforts to accommodate the growth of the charter
35 school and shall not take any action to impede the charter school
36 from expanding enrollment to meet pupil demand.

37 (3) If a pupil is expelled or leaves the charter school without
38 graduating or completing the school year for any reason, the charter
39 school shall notify the superintendent of the school district of the
40 pupil's last known address within 30 days, and shall, upon request,

1 provide that school district with a copy of the cumulative record
2 of the pupil, including report cards or a transcript of grades, and
3 health information. If the pupil is subsequently expelled or leaves
4 the school district without graduating or completing the school
5 year for any reason, the school district shall provide this
6 information to the charter school within 30 days if the charter
7 school demonstrates that the pupil had been enrolled in the charter
8 school. This paragraph applies only to pupils subject to compulsory
9 full-time education pursuant to Section 48200.

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

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

14 (g) The governing board of a school district shall require that
15 the petitioner or petitioners provide information regarding the
16 proposed operation and potential effects of the charter school,
17 including, but not limited to, the facilities to be used by the charter
18 school, the manner in which administrative services of the charter
19 school are to be provided, and potential civil liability effects, if
20 any, upon the charter school and upon the school district. The
21 description of the facilities to be used by the charter school shall
22 specify where the charter school intends to locate. The petitioner
23 or petitioners also shall be required to provide financial statements
24 that include a proposed first-year operational budget, including
25 startup costs, and cashflow and financial projections for the first
26 three years of operation.

27 (h) In reviewing petitions for the establishment of charter
28 schools within the school district, the governing board of the school
29 district shall give preference to petitions that demonstrate the
30 capability to provide comprehensive learning experiences to pupils
31 identified by the petitioner or petitioners as academically low
32 achieving pursuant to the standards established by the department
33 under Section 54032, as that section read before July 19, 2006.

34 (i) Upon the approval of the petition by the governing board of
35 the school district, the petitioner or petitioners shall provide written
36 notice of that approval, including a copy of the petition, to the
37 applicable county superintendent of schools, the department, and
38 the state board.

39 (j) If the governing board of a school district denies a petition,
40 the petitioner may appeal that denial to the county board of

1 education. The county board of education may consider an appeal
 2 pursuant to this subdivision only if the appeal alleges that the
 3 governing board of the school district committed a procedural
 4 violation under this part in reviewing the petition. If the county
 5 board of education finds, by substantial evidence, that the
 6 governing board of the school district committed a procedural
 7 violation under this part in reviewing the petition, the county board
 8 of education shall remand the petition to the school district for
 9 reconsideration. If the appeal contains new or different material
 10 terms, the county board of education shall remand the petition to
 11 the governing board of the school district for reconsideration. As
 12 used in this section:

13 (1) “Material terms” of the petition means the signatures,
 14 affirmations, disclosures, documents, and descriptions described
 15 in subdivisions (a), (b), and (g).

16 (2) A “procedural violation” means the failure to meet the
 17 requirements and deadlines, and to provide written findings
 18 regarding the denial, that are required pursuant to subdivisions (a)
 19 and (b).

20 (k) Teachers in charter schools shall hold ~~a~~ *the* Commission on
 21 Teacher Credentialing certificate, permit, or other document
 22 equivalent to that which a teacher in other public schools would
 23 ~~be required to hold.~~ *required for the teacher’s certificated*
 24 *assignment.* These documents shall be maintained on file at the
 25 charter school and are subject to periodic inspection by the
 26 chartering authority. ~~It is the intent of the Legislature that charter~~
 27 ~~schools be given flexibility with regard to noncore, noncollege~~
 28 ~~preparatory courses.~~

29 (l) A charter school shall transmit a copy of its annual,
 30 independent financial audit report for the preceding fiscal year, as
 31 described in subparagraph (I) of paragraph (5) of subdivision (b),
 32 to its chartering authority, the Controller, the county superintendent
 33 of schools of the county in which the charter school is sited, unless
 34 the county board of education of the county in which the charter
 35 school is sited is the chartering authority, and the department by
 36 December 15 of each year. This subdivision does not apply if the
 37 audit of the charter school is encompassed in the audit of the
 38 chartering authority pursuant to Section 41020.

39 (m) A charter school may encourage parental involvement, but
 40 shall notify the parents and guardians of applicant pupils and

1 currently enrolled pupils that parental involvement is not a
2 requirement for acceptance to, or continued enrollment at, the
3 charter school.

4 SEC. 3. Section 47605.5 of the Education Code is amended to
5 read:

6 47605.5. A petition may be submitted directly to a county board
7 of education in the same manner as set forth in Section 47605 for
8 charter schools that will serve pupils for whom the county office
9 of education would otherwise be responsible for providing direct
10 education and related services. There shall be no appeal of a denial
11 of a petition pursuant to this section.

12 ~~SEC. 4. Section 47605.6 of the Education Code is repealed.~~

13 SEC. 4. Section 47605.6 of the Education Code is amended to
14 read:

15 47605.6. (a) (1) In addition to the authority provided by
16 Section 47605.5, a county board of education may also approve a
17 petition for the operation of a charter school that operates at one
18 or more sites within the geographic boundaries of the county and
19 that provides instructional services that are not generally provided
20 by a county office of education. A county board of education may
21 approve a countywide charter only if it finds, in addition to the
22 other requirements of this section, that the educational services to
23 be provided by the charter school will offer services to a pupil
24 population that will benefit from those services and that cannot be
25 served as well by a charter school that operates in only one school
26 district in the county. A petition for the establishment of a
27 countywide charter school pursuant to this subdivision may be
28 circulated throughout the county by any one or more persons
29 seeking to establish the charter school. The petition may be
30 submitted to the county board of education for review after either
31 of the following conditions is met:

32 (A) The petition is signed by a number of parents or guardians
33 of pupils residing within the county that is equivalent to at least
34 one-half of the number of pupils that the charter school estimates
35 will enroll in the school for its first year of operation and each of
36 the school districts where the charter school petitioner proposes
37 to operate a facility has received at least 30 days' notice of the
38 petitioner's intent to operate a charter school pursuant to this
39 section.

1 (B) The petition is signed by a number of teachers that is
2 equivalent to at least one-half of the number of teachers that the
3 charter school estimates will be employed at the school during its
4 first year of operation and each of the school districts where the
5 charter school petitioner proposes to operate a facility has received
6 at least 30 days' notice of the petitioner's intent to operate a charter
7 school pursuant to this section.

8 (2) An existing public school shall not be converted to a charter
9 school in accordance with this section.

10 (3) After receiving approval of its petition, a charter school that
11 proposes to establish operations at additional sites within the
12 geographic boundaries of the county board of education shall notify
13 the school districts where those sites will be located. The charter
14 school shall also request a material revision of its charter by the
15 county board of education that approved its charter and the county
16 board of education shall consider whether to approve those
17 additional locations at an open, public meeting, held no sooner
18 than 30 days following notification of the school districts where
19 the sites will be located. If approved, the location of the approved
20 sites shall be a material revision of the charter school's approved
21 charter.

22 (4) A petition shall include a prominent statement indicating
23 that a signature on the petition means that the parent or guardian
24 is meaningfully interested in having ~~his or her~~ *their* child or ward
25 attend the charter school, or in the case of a teacher's signature,
26 means that the teacher is meaningfully interested in teaching at
27 the charter school. The proposed charter shall be attached to the
28 petition.

29 (b) No later than 60 days after receiving a petition, in accordance
30 with subdivision (a), the county board of education shall hold a
31 public hearing on the provisions of the charter, at which time the
32 county board of education shall consider the level of support for
33 the petition by teachers, parents or guardians, and the school
34 districts where the charter school petitioner proposes to place
35 school facilities. Following review of the petition and the public
36 hearing, the county board of education shall either grant or deny
37 the charter within 90 days of receipt of the petition. However, this
38 date may be extended by an additional 30 days if both parties agree
39 to the extension. A county board of education may impose any
40 additional requirements beyond those required by this section that

1 it considers necessary for the sound operation of a countywide
2 charter school. A county board of education may grant a charter
3 for the operation of a charter school under this part only if it is
4 satisfied that granting the charter is consistent with sound
5 educational practice and that the charter school has reasonable
6 justification for why it could not be established by petition to a
7 school district pursuant to Section 47605. The county board of
8 education shall deny a petition for the establishment of a charter
9 school if it finds one or more of the following:

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

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

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

16 (4) The petition does not contain an affirmation of each of the
17 conditions described in subdivision (e).

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

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

27 (ii) The annual goals for the charter school for all pupils and
28 for each subgroup of pupils identified pursuant to Section 52052,
29 to be achieved in the state priorities, as described in subdivision
30 (d) of Section 52060, that apply for the grade levels served, or the
31 nature of the program operated, by the charter school, and specific
32 annual actions to achieve those goals. A charter petition may
33 identify additional school priorities, the goals for the school
34 priorities, and the specific annual actions to achieve those goals.

35 (iii) If the proposed charter school will enroll high school pupils,
36 the manner in which the charter school will inform parents
37 regarding the transferability of courses to other public high schools.
38 Courses offered by the charter school that are accredited by the
39 Western Association of Schools and Colleges may be considered
40 to be transferable to other public high schools.

1 (iv) If the proposed charter school will enroll high school pupils,
2 information as to the manner in which the charter school will
3 inform parents as to whether each individual course offered by the
4 charter school meets college entrance requirements. Courses
5 approved by the University of California or the California State
6 University as satisfying their prerequisites for admission may be
7 considered as meeting college entrance requirements for purposes
8 of this clause.

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 charter school demonstrate
12 that they have attained the skills, knowledge, and aptitudes
13 specified as goals in the charter school's educational program.
14 Pupil outcomes shall include outcomes that address increases in
15 pupil academic achievement both schoolwide and for all groups
16 of pupils served by the charter school, as that term is defined in
17 subparagraph (B) of paragraph (3) of subdivision (a) of Section
18 47607. The pupil outcomes shall align with the state priorities, as
19 described in subdivision (d) of Section 52060, that apply for the
20 grade levels served, or the nature of the program operated, by the
21 charter school.

22 (C) The method by which pupil progress in meeting those pupil
23 outcomes is to be measured. To the extent practicable, the method
24 for measuring pupil outcomes for state priorities shall be consistent
25 with the way information is reported on a school accountability
26 report card.

27 (D) The location of each charter school facility that the petitioner
28 proposes to operate.

29 (E) The governance structure of the charter school, including,
30 but not limited to, the process to be followed by the charter school
31 to ensure parental involvement.

32 (F) The qualifications to be met by individuals to be employed
33 by the charter school.

34 (G) The procedures that the charter school will follow to ensure
35 the health and safety of pupils and staff. These procedures shall
36 require all of the following:

37 (i) That each employee of the charter school furnish the charter
38 school with a criminal record summary as described in Section
39 44237.

(ii) The development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (H), inclusive, of paragraph (2) of subdivision (a) of Section 32282 and procedures for conducting tactical responses to criminal incidents.

(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.

(H) The means by which the charter school will achieve a racial and ethnic balance among its *pupils, a balance of pupils receiving special education services, and a balance of English learner pupils* that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:

(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present ~~his or her~~ *the pupil's* side of the story.

(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:

(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.

(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to

1 remove the pupil no less than five schooldays before the effective
2 date of the action. The written notice shall be in the native language
3 of the pupil or the pupil's parent or guardian or, if the pupil is a
4 foster child or youth or a homeless child or youth, the pupil's
5 educational rights holder, and shall inform ~~him or her~~ *that person*
6 of the right to initiate the procedures specified in clause (ii) before
7 the effective date of the action. If the pupil's parent, guardian, or
8 educational rights holder initiates the procedures specified in clause
9 (ii), the pupil shall remain enrolled and shall not be removed until
10 the charter school issues a final decision. For purposes of this
11 clause, "involuntarily removed" includes disenrolled, dismissed,
12 transferred, or terminated, but does not include suspensions
13 specified in clauses (i) and (ii).

14 (K) The manner by which staff members of the charter school
15 will be covered by the State Teachers' Retirement System, the
16 Public Employees' Retirement System, or federal social security.

17 (L) The procedures to be followed by the charter school and the
18 county board of education to resolve disputes relating to provisions
19 of the charter.

20 (M) Admission policy and procedures, consistent with
21 subdivision (e).

22 (N) The public school attendance alternatives for pupils residing
23 within the county who choose not to attend the charter school.

24 (O) The rights of an employee of the county office of education,
25 upon leaving the employment of the county office of education,
26 to be employed by the charter school, and any rights of return to
27 the county office of education that an employee may have upon
28 leaving the employment of the charter school.

29 (P) The procedures to be used if the charter school closes. The
30 procedures shall ensure a final audit of the charter school to
31 determine the disposition of all assets and liabilities of the charter
32 school, including plans for disposing of any net assets and for the
33 maintenance and transfer of public records.

34 (Q) *A clear explanation of why the proposed model cannot be*
35 *accomplished within the school district structure of neighborhood*
36 *public schools.*

37 (6) A declaration of whether or not the charter school shall be
38 deemed the exclusive public school employer of the employees of
39 the charter school for purposes of the Educational Employment

1 Relations Act (Chapter 10.7 (commencing with Section 3540) of
2 Division 4 of Title 1 of the Government Code).

3 *(7) The charter school would have a negative financial,*
4 *academic, or facilities impact on neighborhood public schools, a*
5 *school district, or the county office of education.*

6 ~~(7)~~

7 (8) Any other basis that the county board of education finds
8 justifies the denial of the petition.

9 (c) A county board of education that approves a petition for the
10 operation of a countywide charter may, as a condition of charter
11 approval, enter into an agreement with a third party, at the expense
12 of the charter school, to oversee, monitor, and report to the county
13 board of education on the operations of the charter school. The
14 county board of education may prescribe the aspects of the charter
15 school's operations to be monitored by the third party and may
16 prescribe appropriate requirements regarding the reporting of
17 information concerning the operations of the charter school to the
18 county board of education.

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

23 (2) Charter schools shall on a regular basis consult with their
24 parents and teachers regarding the charter school's educational
25 programs.

26 (e) (1) In addition to any other requirement imposed under this
27 part, a charter school shall be nonsectarian in its programs,
28 admission policies, employment practices, and all other operations,
29 shall not charge tuition, and shall not discriminate against any
30 pupil on the basis of ethnicity, national origin, gender, gender
31 identity, gender expression, or disability. Except as provided in
32 paragraph (2), admission to a charter school shall not be determined
33 according to the place of residence of the pupil, or of ~~his or her~~
34 *the pupil's* parent or guardian, within this state.

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

37 (B) If the number of pupils who wish to attend the charter school
38 exceeds the charter school's capacity, attendance, except for
39 existing pupils of the charter school, shall be determined by a
40 public random drawing. Preference shall be extended to pupils

1 currently attending the charter school and pupils who reside in the
2 county except as provided for in Section 47614.5. Preferences,
3 including, but not limited to, siblings of pupils admitted or
4 attending the charter school and children of the charter school's
5 teachers, staff, and founders identified in the initial charter, may
6 also be permitted by the chartering authority on an individual
7 charter school basis. Priority order for any preference shall be
8 determined in the charter petition in accordance with all of the
9 following:

10 (i) Each type of preference shall be approved by the chartering
11 authority at a public hearing.

12 (ii) Preferences shall be consistent with federal law, the
13 California Constitution, and Section 200.

14 (iii) Preferences shall not result in limiting enrollment access
15 for pupils with disabilities, academically low-achieving pupils,
16 English learners, neglected or delinquent pupils, homeless pupils,
17 or pupils who are economically disadvantaged, as determined by
18 eligibility for any free or reduced-price meal program, foster youth,
19 or pupils based on nationality, race, ethnicity, or sexual orientation.

20 (iv) In accordance with Section 49011, preferences shall not
21 require mandatory parental volunteer hours as a criterion for
22 admission or continued enrollment.

23 (C) In the event of a drawing, the county board of education
24 shall make reasonable efforts to accommodate the growth of the
25 charter school and in no event shall take any action to impede the
26 charter school from expanding enrollment to meet pupil demand.

27 (3) If a pupil is expelled or leaves the charter school without
28 graduating or completing the school year for any reason, the charter
29 school shall notify the superintendent of the school district of the
30 pupil's last known address within 30 days and shall, upon request,
31 provide that school district with a copy of the cumulative record
32 of the pupil, including report cards or a transcript of grades, and
33 health information. If the pupil is subsequently expelled or leaves
34 the school district without graduating or completing the school
35 year for any reason, the school district shall provide this
36 information to the charter school within 30 days if the charter
37 school demonstrates that the pupil had been enrolled in the charter
38 school. This paragraph applies only to pupils subject to compulsory
39 full-time education pursuant to Section 48200.

1 (f) The county board of education shall not require an employee
2 of the county or a school district to be employed in a charter school.

3 (g) The county board of education shall not require a pupil
4 enrolled in a county program to attend a charter school.

5 (h) The county board of education shall require that the
6 petitioner or petitioners provide information regarding the proposed
7 operation and potential effects of the charter school, including, but
8 not limited to, the facilities to be used by the charter school, the
9 manner in which administrative services of the charter school are
10 to be provided, and potential civil liability effects, if any, upon the
11 charter school, any school district where the charter school may
12 operate, and upon the county board of education. The petitioner
13 or petitioners shall also be required to provide financial statements
14 that include a proposed first-year operational budget, including
15 startup costs, and cashflow and financial projections for the first
16 three years of operation.

17 (i) In reviewing petitions for the establishment of charter schools
18 within the county, the county board of education shall give
19 preference to petitions that demonstrate the capability to provide
20 comprehensive learning experiences to pupils identified by the
21 petitioner or petitioners as academically low achieving pursuant
22 to the standards established by the department under Section 54032,
23 as that section read before July 19, 2006.

24 (j) Upon the approval of the petition by the county board of
25 education, the petitioner or petitioners shall provide written notice
26 of that approval, including a copy of the petition, to the school
27 districts within the county, the Superintendent, and the state board.

28 (k) If a county board of education denies a petition, the petitioner
29 shall not elect to submit the petition for the establishment of the
30 charter school to the state board.

31 (l) Teachers in charter schools shall ~~be required to hold a~~ *hold*
32 *the* Commission on Teacher Credentialing certificate, permit, or
33 other document ~~equivalent to that which a teacher in other public~~
34 ~~schools would be required to hold.~~ *required for the teacher's*
35 *certificated assignment.* These documents shall be maintained on
36 file at the charter school and shall be subject to periodic inspection
37 by the chartering authority.

38 (m) A charter school shall transmit a copy of its annual,
39 independent, financial audit report for the preceding fiscal year,
40 as described in subparagraph (I) of paragraph (5) of subdivision

1 (b), to the county office of education, the Controller, and the
2 department by December 15 of each year. This subdivision does
3 not apply if the audit of the charter school is encompassed in the
4 audit of the chartering entity pursuant to Section 41020.

5 (n) A charter school may encourage parental involvement but
6 shall notify the parents and guardians of applicant pupils and
7 currently enrolled pupils that parental involvement is not a
8 requirement for acceptance to, or continued enrollment at, the
9 charter school.

10 (o) *(1) Commencing January 1, 2020, a county board of*
11 *education may only approve a new petition for the operation of a*
12 *charter school that operates at one or more sites within the*
13 *geographic boundaries of the county and that provides*
14 *instructional services that are not generally provided by a county*
15 *office of education if it finds, in addition to the other requirements*
16 *of this section, that the educational services to be provided by the*
17 *charter school will offer services to a pupil population that will*
18 *benefit from those services and that cannot be served as well by*
19 *a charter school that operates in only one school district in the*
20 *county. A petition for the establishment of a countywide charter*
21 *school pursuant to this subdivision may be circulated throughout*
22 *the county by any one or more persons seeking to establish the*
23 *charter school. The petition may be submitted to the county board*
24 *of education for review after one of the following requirements is*
25 *met:*

26 (A) *The petition is signed by a number of parents or guardians*
27 *of pupils residing within the county that is equivalent to at least*
28 *one-half of the number of pupils that the charter school estimates*
29 *will enroll in the school for its first year of operation.*

30 (B) *The petition is signed by a number of teachers that is*
31 *equivalent to at least one-half of the number of teachers that the*
32 *charter school estimates will be employed at the school during its*
33 *first year of operation.*

34 (2) *The petition may only be submitted to the county board of*
35 *education for review if the petitioner has first obtained approval*
36 *from each of the school districts where the charter school petitioner*
37 *proposes to operate a facility. The petitioner shall submit the same*
38 *petition and supporting documentation to the school districts where*
39 *the charter school proposes to operate a facility and to the county*
40 *board of education.*

1 (3) *An existing public school shall not be converted to a charter*
2 *school in accordance with this section.*

3 (4) *After receiving approval of its initial petition, a charter*
4 *school that proposes to establish operations at additional sites*
5 *within the geographic boundaries of the county board of education*
6 *shall first obtain approval from the school districts where those*
7 *sites will be located before submitting a request for a material*
8 *revision of its charter to the county board of education. The charter*
9 *school shall request a material revision of its charter by the county*
10 *board of education that approved its charter, and the county board*
11 *of education shall consider whether to approve those additional*
12 *locations at an open, public meeting, held no sooner than 30 days*
13 *following approval from the school districts where the sites will*
14 *be located. If approved, the location of the approved sites shall be*
15 *a material revision of the charter school's approved charter.*

16 (5) *A petition shall include a prominent statement indicating*
17 *that a signature on the petition means that the parent or guardian*
18 *is meaningfully interested in having their child or ward attend the*
19 *charter school, or in the case of a teacher's signature, means that*
20 *the teacher is meaningfully interested in teaching at the charter*
21 *school. The proposed charter shall be attached to the petition.*

22 SEC. 5. Section 47605.8 of the Education Code is repealed.

23 SEC. 6. Section 47605.9 is added to the Education Code, to
24 read:

25 47605.9. (a) A petition to establish a charter school under this
26 part may be submitted only to the governing board of the school
27 district or county office of education within the boundaries of
28 which the charter school proposes to locate.

29 (b) A charter school operating under a charter approved by the
30 state board pursuant to Section 47605 or 47605.8, as those sections
31 read on January 1, 2019, may continue to operate under the
32 authority of that chartering authority only until the date on which
33 the charter is up for renewal, at which point the charter school
34 shall submit a petition for renewal to the governing board of the
35 school district within the boundaries of which the charter school
36 is located.

37 (c) A charter school operating under a charter approved by a
38 county board of education pursuant to Section 47605, 47605.5 or
39 47605.6, as those sections read on January 1, 2019, may continue
40 to operate under the authority of that chartering authority and may

1 submit a petition for renewal to that chartering authority or the
2 governing board of the school district within the boundaries of
3 which the charter school is located.

4 SEC. 7. Section 47607 of the Education Code is amended to
5 read:

6 47607. (a) (1) A charter may be granted for a period not to
7 exceed five years, and may be granted one or more subsequent
8 renewals by the chartering authority for a period of between two
9 and five years for each renewal. If a charter school has been
10 identified for technical assistance from the chartering authority,
11 the charter school shall be renewed for less than five years. A
12 material revision of the provisions of a charter petition may be
13 made only with the approval of the chartering authority. The
14 chartering authority may inspect or observe any part of the charter
15 school at any time.

16 (2) Renewals and material revisions of charters are governed
17 by the standards and criteria in Section 47605, and shall include,
18 but not be limited to, a reasonably comprehensive description of
19 any new requirement of charter schools enacted into law after the
20 charter was originally granted or last renewed. The chartering
21 authority shall consider during renewal whether the charter school
22 maintains sound management of its business and financial
23 operations, and whether the school is expected to meet its financial
24 obligations for the current and two subsequent fiscal years.

25 (3) For purposes of this section, “all groups of pupils served by
26 the charter school” means a numerically significant pupil subgroup,
27 as defined by paragraph (3) of subdivision (a) of Section 52052,
28 served by the charter school.

29 (b) Commencing on January 1, 2005, or after a charter school
30 has been in operation for four years, whichever date occurs later,
31 a charter school shall meet at least one of the following criteria
32 before receiving a charter renewal pursuant to paragraph (1) of
33 subdivision (a):

34 (1) Attained its Academic Performance Index (API) growth
35 target in the prior year or in two of the last three years both
36 schoolwide and for all groups of pupils served by the charter
37 school.

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

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

4 (4) (A) The entity that granted the charter determines that the
5 academic performance of the charter school is at least equal to the
6 academic performance of the public schools that the charter school
7 pupils would otherwise have been required to attend, as well as
8 the academic performance of the schools in the school district in
9 which the charter school is located, taking into account the
10 composition of the pupil population that is served at the charter
11 school.

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

14 (i) Documented and clear and convincing data.

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

20 (iii) Information submitted by the charter school.

21 (C) A chartering authority shall submit to the Superintendent
22 copies of supporting documentation and a written summary of the
23 basis for any determination made pursuant to this paragraph. The
24 Superintendent shall review the materials and make
25 recommendations to the chartering authority based on that review.
26 The review may be the basis for a recommendation made pursuant
27 to Section 47604.5.

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

31 (5) Qualified for an alternative accountability system pursuant
32 to subdivision (h) of Section 52052.

33 (c) Notwithstanding any other law, the following shall apply to
34 charter schools:

35 (1) The evaluation rubrics and performance criteria adopted by
36 the state board pursuant to Section 52064.5 shall be applied equally
37 to both school districts and charter schools.

38 (2) If the governing body of a charter school requests technical
39 assistance, the chartering authority shall provide technical
40 assistance consistent with subparagraph (A) or (B) of paragraph

1 (4). If a charter school has not been identified for technical
2 assistance pursuant to paragraph (4) and if the service requested
3 creates an unreasonable or untenable cost burden for the chartering
4 authority, the chartering authority may assess the charter school a
5 fee not to exceed the cost of the service.

6 (3) If a chartering authority does not approve a local control
7 and accountability plan or annual update to the local control and
8 accountability plan approved by a governing body of a charter
9 school, the chartering authority shall provide technical assistance
10 focused on revising the local control and accountability plan or
11 annual update so that it can be approved.

12 (4) For any charter school for which one or more pupil
13 subgroups identified pursuant to Section 52052 meets the criteria
14 established pursuant to subdivision (g) of Section 52064.5, the
15 chartering authority shall provide technical assistance focused on
16 building the charter school's capacity to develop and implement
17 actions and services responsive to pupil and community needs,
18 including, but not limited to, any of the following:

19 (A) Assisting the charter school to identify its strengths and
20 weaknesses in regard to the state priorities described in subdivision
21 (d) of Section 52060. This shall include working collaboratively
22 with the charter school to review performance data on the state
23 and local indicators included in the California School Dashboard
24 authorized by subdivision (f) of Section 52064.5 and other relevant
25 local data, and to identify effective, evidence-based programs or
26 practices that address any areas of weakness.

27 (B) Working collaboratively with the charter school to secure
28 assistance from an academic, programmatic, or fiscal expert or
29 team of experts to identify and implement effective programs and
30 practices that are designed to improve performance in any areas
31 of weakness identified by the charter school. The chartering
32 authority, in consultation with the charter school, may solicit
33 another service provider, which may include, but is not limited to,
34 a school district, county office of education, or charter school, to
35 act as a partner to the charter school in need of technical assistance.

36 (C) Obtaining from the charter school timely documentation
37 demonstrating that it has completed the activities described in
38 subparagraphs (A) and (B), or substantially similar activities, or
39 has selected another service provider pursuant to paragraph (7) to
40 work with the charter school to complete the activities described

1 in subparagraphs (A) and (B), or substantially similar activities,
2 and ongoing communication with the charter school to assess the
3 charter school's progress in improving pupil outcomes.

4 (D) Requesting that the California Collaborative for Educational
5 Excellence provide advice and assistance to the charter school,
6 pursuant to subdivision (g) of Section 52074.

7 (5) Upon request of a chartering authority or a charter school,
8 a geographic lead agency identified pursuant to Section 52073
9 may provide technical assistance pursuant to paragraph (4). A
10 geographic lead agency identified pursuant to Section 52073 may
11 request that another geographic lead agency, an expert lead agency
12 identified pursuant to Section 52073.1, a special education resource
13 lead identified pursuant to Section 52073.2, or the California
14 Collaborative for Educational Excellence provide the assistance
15 described in this subdivision.

16 (6) A charter school shall accept the technical assistance
17 provided by the chartering authority pursuant to paragraphs (3)
18 and (4). For purposes of accepting technical assistance provided
19 by the chartering authority pursuant to paragraph (4), a charter
20 school may satisfy this requirement by providing the timely
21 documentation to, and maintaining regular communication with,
22 the chartering authority as specified in subparagraph (C) of
23 paragraph (4).

24 (7) This section shall not preclude a charter school from
25 soliciting technical assistance from entities other than the chartering
26 authority at its own cost.

27 (d) The Superintendent shall make recommendations to the
28 Legislature, including the appropriate policy committees in the
29 Assembly and the Senate, by September 1, 2020, regarding charter
30 school student academic achievement criteria that shall prohibit a
31 charter school from being renewed, charter school student academic
32 achievement criteria that may warrant a charter school not to be
33 renewed, and charter school student academic criteria that may
34 warrant charter revocation.

35 (e) A charter may be revoked by the authority that granted the
36 charter under this chapter if the chartering authority finds, through
37 a showing of substantial evidence, that the charter school did any
38 of the following:

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

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

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

5 (4) Violated any law.

6 (f) Before revocation, the chartering authority shall notify the
7 charter school of any violation of this section and give the school
8 a reasonable opportunity to remedy the violation, unless the
9 authority determines, in writing, that the violation constitutes a
10 severe and imminent threat to the health or safety of the pupils.

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

27 (h) A final decision of a revocation pursuant to subdivision (e)
28 shall be reported to the chartering authority, the county board of
29 education, and the department.

30 SEC. 8. Section 47607.3 of the Education Code is amended to
31 read:

32 47607.3. (a) If a charter school fails to improve outcomes for
33 three or more pupil subgroups identified pursuant to Section 52052,
34 or, if the charter school has less than three pupil subgroups, all of
35 the charter school's pupil subgroups, in regard to one or more state
36 or school priority identified in the charter pursuant to subparagraph
37 (A) of paragraph (5) of subdivision (b) of Section ~~47605~~, 47605
38 *or subparagraph (A) of paragraph (5) of subdivision (b) of Section*
39 *47605.6*, in three out of four consecutive school years, all of the
40 following shall apply:

1 (1) Using an evaluation rubric adopted by the state board
2 pursuant to Section 52064.5, the chartering authority shall provide
3 technical assistance to the charter school.

4 (2) At the request of the chartering authority, the California
5 Collaborative for Educational Excellence may, after consulting
6 with the Superintendent, and with the approval of the state board,
7 provide advice and assistance to the charter school pursuant to
8 Section 52074.

9 (b) A chartering authority shall consider for revocation any
10 charter school to which the California Collaborative for Educational
11 Excellence has provided advice and assistance pursuant to
12 subdivision (a) and about which it has made either of the following
13 findings, which shall be submitted to the chartering authority:

14 (1) That the charter school has failed, or is unable, to implement
15 the recommendations of the California Collaborative for
16 Educational Excellence.

17 (2) That the inadequate performance of the charter school, based
18 upon an evaluation rubric adopted pursuant to Section 52064.5, is
19 either so persistent or so acute as to require revocation of the
20 charter.

21 (c) A chartering authority shall comply with the hearing process
22 described in subdivision (g) of Section 47607 in revoking a charter.
23 A charter school may not appeal a revocation of a charter made
24 pursuant to this section.

25 SEC. 9. Section 47607.5 of the Education Code is repealed.

26 SEC. 10. Section 47613 of the Education Code is amended to
27 read:

28 47613. (a) Except as set forth in subdivision (b), a chartering
29 authority may charge for the actual costs of supervisory oversight
30 of a charter school not to exceed 1 percent of the revenue of the
31 charter school.

32 (b) A chartering authority may charge for the actual costs of
33 supervisory oversight of a charter school not to exceed 3 percent
34 of the revenue of the charter school if the charter school is able to
35 obtain substantially rent free facilities from the chartering authority.

36 (c) A local educational agency that is given the responsibility
37 for supervisory oversight of a charter school, pursuant to
38 paragraph (1) of subdivision (k) of Section 47605, as it read on
39 January 1, 2019, may charge for the actual costs of supervisory
40 oversight, and administrative costs necessary to secure charter

1 school funding. A charter school that is charged for costs under
2 this subdivision may not be charged pursuant to subdivision (a)
3 or (b).

4 (d) This section does not prevent the charter school from
5 separately purchasing administrative or other services from the
6 chartering authority or any other source.

7 (e) For purposes of this section, “chartering authority” means
8 a school district or a county board of education.

9 (f) For purposes of this section, “revenue of the charter school”
10 means the amount received in the current fiscal year from the local
11 control funding formula calculated pursuant to Section 42238.02,
12 as implemented by Section 42238.03.

13 (g) For purposes of this section, “costs of supervisory
14 oversight” include, but are not limited to, costs incurred pursuant
15 to Section 47607.3.

16 SEC. 11. If the Commission on State Mandates determines
17 that this act contains costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.