



AB 1507 (Smith): Local Control at Charter Schools

Bill Summary:

- **AB 1507 closes a loophole in current law which allows a charter school to operate outside of its authorizing district on an indefinite basis.**
- **The bill ends the practice of local school districts being forced to accept a charter school in their district if it was authorized by a different school district.**

Key Message: The decades-old laws governing charter schools are broken and it's clear that Californians want significant changes in the flawed laws that have allowed corporate charter schools to divert millions of dollars away from our neighborhood public schools at the expense of our students. AB 1507 closes a loophole that allows a charter school to operate in a district, where it has not been authorized. This practice undermines the ability of a local school board to determine the educational practices of its community. It is a commonsense solution that will help ensure charter schools are authorized and operated in their local districts.

Talking Points:

- **Current law undermines the practice of local control, wherein districts develop priorities and plans with input from all stakeholders including parents, students, teachers, and community members.** The local school board is elected to make decisions, with input from parents, educators, community members and students, in the best interest of the children living in their district and is most knowledgeable of the programs and needs of local students. This is why local school districts must have the authority to decide if a charter school opens and operates in their school district. A school board should not make decisions about locating a charter school in another school district.
- **The lack of oversight of charter schools has robbed students in neighborhood public schools of millions of dollars.** Forcing charter schools to operate within the school district that approves its petition means decision makers who represent the constituents in the community being served, would be able to access and monitor the expenditures of local dollars intended to be used on local students. Studies show that over the past 15 years, \$2.5 billion of taxpayer money has been misspent on charter school facilities that were not needed or that delivered a low-quality education.

- **The law is broken and charter schools in various parts of the state have abused loopholes for financial gains.** Often, school districts faced with authorizing a charter school outside of its boundaries see an incentive in doing so because current law allows them to collect oversight fees, and in some cases have used these fees to stabilize their budget. Abuse of this loophole hurts students as the charter school operates without meaningful supervision and it diverts money away from student supports.
- **A charter school operating outside its authorizing-district boundaries can have unexpected impacts on the host district, which has little to no authority over the school.** Once the charter school has set up operations in a neighboring district, it often stays. With no real authority to ensure adequate safeguards and productive learning environments, the conditions of teaching and learning has, in many cases, deteriorated rapidly.

AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1507

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

February 22, 2019

An act to amend ~~Section 47605~~ *Sections 47605, 47605.1, and 60640* of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as amended, Smith. Charter schools: ~~location.~~ *location: resource center.*

Existing

(1) *Existing* law authorizes a charter school that is unable to locate within the jurisdiction or geographic boundaries of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either the charter school has attempted to locate a single site or facility to house the entire program, but ~~such~~ a site or facility is unavailable in the area in which the school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

This bill would delete the authority of a charter school to locate outside the jurisdiction or geographic boundaries of the chartering school district because the charter school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable

in the area in which the charter school chooses to locate, or the site is needed for temporary use during a construction or expansion project.

(2) Existing law authorizes a charter school to establish a resource center, meeting space, or other satellite facility located in a county adjacent to the county in which the charter school is authorized if specified conditions are met.

This bill instead would authorize a charter school to establish one resource center within the jurisdiction of the school district where the charter school is physically located if specified conditions are met.

This bill would make a conforming change.

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

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

1 SECTION 1. Section 47605 of the Education Code is amended
2 to read:

3 47605. (a) (1) Except as set forth in paragraph (2), a petition
4 for the establishment of a charter school within a school district
5 may be circulated by one or more persons seeking to establish the
6 charter school. A petition for the establishment of a charter school
7 shall identify a single charter school that will operate within the
8 geographic boundaries of that school district. A charter school
9 may propose to operate at multiple sites within the school district
10 if each location is identified in the charter school petition. The
11 petition may be submitted to the governing board of the school
12 district for review after either of the following conditions is met:

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

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

21 (2) A petition that proposes to convert an existing public school
22 to a charter school that would not be eligible for a loan pursuant
23 to subdivision (c) of Section 41365 may be circulated by one or
24 more persons seeking to establish the charter school. The petition
25 may be submitted to the governing board of the school district for

1 review after the petition is signed by not less than 50 percent of
2 the permanent status teachers currently employed at the public
3 school to be converted.

4 (3) A petition shall include a prominent statement that a
5 signature on the petition means that the parent or legal guardian
6 is meaningfully interested in having their child or ward attend the
7 charter school, or in the case of a teacher's signature, means that
8 the teacher is meaningfully interested in teaching at the charter
9 school. The proposed charter shall be attached to the petition.

10 (4) After receiving approval of its petition, a charter school that
11 proposes to establish operations at one or more additional sites
12 shall request a material revision to its charter and shall notify the
13 authority that granted its charter of those additional locations. The
14 authority that granted its charter shall consider whether to approve
15 those additional locations at an open, public meeting. If the
16 additional locations are approved, they shall be a material revision
17 to the charter school's charter.

18 (5) Commencing January 1, 2003, a petition to establish a charter
19 school shall not be approved to serve pupils in a grade level that
20 is not served by the school district of the governing board
21 considering the petition, unless the petition proposes to serve pupils
22 in all of the grade levels served by that school district.

23 (b) No later than 30 days after receiving a petition, in accordance
24 with subdivision (a), the governing board of the school district
25 shall hold a public hearing on the provisions of the charter, at
26 which time the governing board of the school district shall consider
27 the level of support for the petition by teachers employed by the
28 school district, other employees of the school district, and parents.
29 Following review of the petition and the public hearing, the
30 governing board of the school district shall either grant or deny
31 the charter within 60 days of receipt of the petition, provided,
32 however, that the date may be extended by an additional 30 days
33 if both parties agree to the extension. In reviewing petitions for
34 the establishment of charter schools pursuant to this section, the
35 chartering authority shall be guided by the intent of the Legislature
36 that charter schools are and should become an integral part of the
37 California educational system and that the establishment of charter
38 schools should be encouraged. The governing board of the school
39 district shall grant a charter for the operation of a school under this
40 part if it is satisfied that granting the charter is consistent with

1 sound educational practice. The governing board of the school
2 district shall not deny a petition for the establishment of a charter
3 school unless it makes written factual findings, specific to the
4 particular petition, setting forth specific facts to support one or
5 more of the following findings:

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

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

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

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

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

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

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

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

1 (B) The measurable pupil outcomes identified for use by the
2 charter school. "Pupil outcomes," for purposes of this part, means
3 the extent to which all pupils of the charter school demonstrate
4 that they have attained the skills, knowledge, and attitudes specified
5 as goals in the charter school's educational program. Pupil
6 outcomes shall include outcomes that address increases in pupil
7 academic achievement both schoolwide and for all groups of pupils
8 served by the charter school, as that term is defined in subparagraph
9 (B) of paragraph (3) of subdivision (a) of Section 47607. The pupil
10 outcomes shall align with the state priorities, as described in
11 subdivision (d) of Section 52060, that apply for the grade levels
12 served, or the nature of the program operated, by the charter school.

13 (C) The method by which pupil progress in meeting those pupil
14 outcomes is to be measured. To the extent practicable, the method
15 for measuring pupil outcomes for state priorities shall be consistent
16 with the way information is reported on a school accountability
17 report card.

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

21 (E) The qualifications to be met by individuals to be employed
22 by the charter school.

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

26 (i) That each employee of the charter school furnish the charter
27 school with a criminal record summary as described in Section
28 44237.

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

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

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

39 (H) Admission policies and procedures, consistent with
40 subdivision (d).

1 (I) The manner in which annual, independent financial audits
2 shall be conducted, which shall employ generally accepted
3 accounting principles, and the manner in which audit exceptions
4 and deficiencies shall be resolved to the satisfaction of the
5 chartering authority.

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

13 (i) For suspensions of fewer than 10 days, provide oral or written
14 notice of the charges against the pupil and, if the pupil denies the
15 charges, an explanation of the evidence that supports the charges
16 and an opportunity for the pupil to present their side of the story.

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

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

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

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

1 transferred, or terminated, but does not include suspensions
2 specified in clauses (i) and (ii).

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

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

8 (M) The rights of an employee of the school district upon
9 leaving the employment of the school district to work in a charter
10 school, and of any rights of return to the school district after
11 employment at a charter school.

12 (N) The procedures to be followed by the charter school and
13 the entity granting the charter to resolve disputes relating to
14 provisions of the charter.

15 (O) The procedures to be used if the charter school closes. The
16 procedures shall ensure a final audit of the charter school to
17 determine the disposition of all assets and liabilities of the charter
18 school, including plans for disposing of any net assets and for the
19 maintenance and transfer of pupil records.

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

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

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

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

1 school under this part shall adopt and maintain a policy giving
2 admission preference to pupils who reside within the former
3 attendance area of that public school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (j) (1) If the governing board of a school district denies a
39 petition, the petitioner may elect to submit the petition for the
40 establishment of a charter school to the county board of education.

1 The county board of education shall review the petition pursuant
2 to subdivision (b). If the petitioner elects to submit a petition for
3 establishment of a charter school to the county board of education
4 and the county board of education denies the petition, the petitioner
5 may file a petition for establishment of a charter school with the
6 state board, and the state board may approve the petition, in
7 accordance with subdivision (b). A charter school that receives
8 approval of its petition from a county board of education or from
9 the state board on appeal shall be subject to the same requirements
10 concerning geographic location to which it would otherwise be
11 subject if it received approval from the entity to which it originally
12 submitted its petition. A charter petition that is submitted to either
13 a county board of education or to the state board shall meet all
14 otherwise applicable petition requirements, including the
15 identification of the proposed site or sites where the charter school
16 will operate.

17 (2) In assuming its role as a chartering authority, the state board
18 shall develop criteria to be used for the review and approval of
19 charter school petitions presented to the state board. The criteria
20 shall address all elements required for charter approval, as
21 identified in subdivision (b), and shall define “reasonably
22 comprehensive,” as used in paragraph (5) of subdivision (b), in a
23 way that is consistent with the intent of this part. Upon satisfactory
24 completion of the criteria, the state board shall adopt the criteria
25 on or before June 30, 2001.

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

30 (4) If either the county board of education or the state board
31 fails to act on a petition within 120 days of receipt, the decision
32 of the governing board of the school district to deny the petition
33 shall be subject to judicial review.

34 (5) The state board shall adopt regulations implementing this
35 subdivision.

36 (6) Upon the approval of the petition by the county board of
37 education, the petitioner or petitioners shall provide written notice
38 of that approval, including a copy of the petition, to the department
39 and the state board.

1 (k) (1) The state board may, by mutual agreement, designate
2 its supervisory and oversight responsibilities for a charter school
3 approved by the state board to any local educational agency in the
4 county in which the charter school is located or to the governing
5 board of the school district that first denied the petition.

6 (2) The designated local educational agency shall have all
7 monitoring and supervising authority of a chartering authority,
8 including, but not limited to, powers and duties set forth in Section
9 47607, except the power of revocation, which shall remain with
10 the state board.

11 (3) A charter school that is granted its charter through an appeal
12 to the state board and elects to seek renewal of its charter shall,
13 before expiration of the charter, submit its petition for renewal to
14 the governing board of the school district that initially denied the
15 charter. If the governing board of the school district denies the
16 charter school's petition for renewal, the charter school may
17 petition the state board for renewal of its charter.

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

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

36 (n) A charter school may encourage parental involvement, but
37 shall notify the parents and guardians of applicant pupils and
38 currently enrolled pupils that parental involvement is not a
39 requirement for acceptance to, or continued enrollment at, the
40 charter school.

1 SEC. 2. *Section 47605.1 of the Education Code is amended to*
2 *read:*

3 47605.1. (a) (1) Notwithstanding any other law, a charter
4 school that is granted a charter from the governing board of a
5 school district or county office of education after July 1, 2002, and
6 commences providing educational services to pupils on or after
7 July 1, 2002, shall locate in accordance with the geographic and
8 site limitations of this part.

9 (2) Notwithstanding any other law, a charter school that is
10 granted a charter by the state board after July 1, 2002, and
11 commences providing educational services to pupils on or after
12 July 1, 2002, based on the denial of a petition by the governing
13 board of a school district or county board of education, as described
14 in paragraphs (1) and (2) of subdivision (j) of Section 47605, may
15 locate only within the geographic boundaries of the chartering
16 entity that initially denied the petition for the charter.

17 (3) A charter school that receives approval of its charter from
18 a governing board of a school district, a county office of education,
19 or the state board before July 1, 2002, but does not commence
20 operations until after January 1, 2003, shall be subject to the
21 geographic limitations of this part, in accordance with subdivision
22 ~~(e)~~: (d).

23 (b) This section is not intended to affect the admission
24 requirements contained in subdivision (d) of Section 47605.

25 (c) Notwithstanding any other law, a charter school may
26 establish ~~a one resource center, meeting space, or other satellite~~
27 ~~facility located in a county adjacent to that in which the charter~~
28 ~~school is authorized~~ *center within the jurisdiction of the school*
29 *district where the charter school is physically located* if the
30 following conditions are met:

31 (1) The facility is used exclusively for the educational support
32 of pupils who are enrolled in nonclassroom-based independent
33 study of the charter school.

34 (2) The charter school provides its primary educational services
35 in, and a majority of the pupils it serves are residents of, the county
36 in which the charter school is authorized.

37 ~~(d) Notwithstanding subdivision (a) or subdivision (a) of Section~~
38 ~~47605, a charter school that is unable to locate within the~~
39 ~~geographic boundaries of the chartering school district may~~
40 ~~establish one site outside the boundaries of the school district, but~~

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

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

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

13 (e)

14 (d) (1) For a charter school that was granted approval of its
15 charter before July 1, 2002, and provided educational services to
16 pupils before July 1, 2002, this section only applies to new
17 educational services or schoolsites established or acquired by the
18 charter school on or after July 1, 2002.

19 (2) For a charter school that was granted approval of its charter
20 before July 1, 2002, but did not provide educational services to
21 pupils before July 1, 2002, this section only applies upon the
22 expiration of a charter that is in existence on January 1, 2003.

23 (3) Notwithstanding other implementation timelines in this
24 section, by June 30, 2005, or upon the expiration of a charter that
25 is in existence on January 1, 2003, whichever is later, all charter
26 schools shall be required to comply with this section for schoolsites
27 at which educational services are provided to pupils before or after
28 July 1, 2002, regardless of whether the charter school initially
29 received approval of its charter school petition before July 1, 2002.
30 To achieve compliance with this section, a charter school shall be
31 required to receive approval of a charter petition in accordance
32 with this section and Section 47605.

33 (4) This section is not intended to affect the authority of a
34 governmental entity to revoke a charter that is granted on or before
35 the effective date of this section.

36 (f)

37 (e) A charter school that submits its petition directly to a county
38 board of education, as authorized by Section 47605.5 or 47605.6,
39 may establish charter school operations only within the

1 geographical boundaries of the county in which that county board
2 of education has jurisdiction.

3 ~~(g)~~

4 (f) Notwithstanding any other law, the jurisdictional limitations
5 set forth in this section do not apply to a charter school that
6 provides instruction exclusively in partnership with any of the
7 following:

8 (1) The federal Workforce Innovation and Opportunity Act (29
9 U.S.C. Sec. 3101 et seq.).

10 (2) Federally affiliated Youth Build programs.

11 (3) Federal job corps training or instruction provided pursuant
12 to a memorandum of understanding with the federal provider.

13 (4) The California Conservation Corps or local conservation
14 corps certified by the California Conservation Corps pursuant to
15 Sections 14507.5 or 14406 of the Public Resources Code.

16 (5) Instruction provided to juvenile court school pupils pursuant
17 to subdivision (b) of Section 42238.18 or pursuant to Section 1981
18 for individuals who are placed in a residential facility.

19 *SEC. 3. Section 60640 of the Education Code is amended to*
20 *read:*

21 60640. (a) There is hereby established the California
22 Assessment of Student Performance and Progress, to be known as
23 the CAASPP.

24 (b) Commencing with the 2013–14 school year, the CAASPP
25 shall be composed of all of the following:

26 (1) (A) A consortium summative assessment in English
27 language arts and mathematics for grades 3 to 8, inclusive, and
28 grade 11 that measures content standards adopted by the state
29 board.

30 (B) In the 2013–14 school year, the consortium summative
31 assessment in English language arts and mathematics shall be a
32 field test only, to enable the consortium to gauge the validity and
33 reliability of these assessments and to conduct all necessary
34 psychometric procedures and studies, including, but not necessarily
35 limited to, achievement standard setting, and to allow the
36 department to conduct studies regarding full implementation of
37 the assessment system. These field tests and results shall not be
38 used for any other purpose, including the calculation of any
39 accountability measure.

1 (2) (A) Science grade level assessments in grades 5, 8, and 10
2 that measure content standards adopted pursuant to Section 60605,
3 until a successor assessment is implemented pursuant to
4 subparagraph (B).

5 (B) For science assessments, the Superintendent shall make a
6 recommendation to the state board as soon as is feasible after the
7 adoption of science content standards pursuant to *former* Section
8 ~~60605.85~~ 60605.85, *as that section read on June 30, 2014*,
9 regarding the assessment of the newly adopted standards. Before
10 making recommendations, the Superintendent shall consult with
11 stakeholders, including, but not necessarily limited to, California
12 science teachers, individuals with expertise in assessing English
13 learners and pupils with disabilities, parents, and measurement
14 experts, regarding the grade level and type of assessment. The
15 recommendations shall include cost estimates and a plan for
16 implementation of at least one assessment in each of the following
17 grade spans:

18 (i) Grades 3 to 5, inclusive.

19 (ii) Grades 6 to 9, inclusive.

20 (iii) Grades 10 to 12, inclusive.

21 (3) The California Alternate Performance Assessment in grades
22 2 to 11, inclusive, in English language arts and mathematics and
23 science in grades 5, 8, and 10, which measures content standards
24 adopted pursuant to Section 60605 until a successor assessment
25 is implemented. The successor assessment shall be limited to the
26 grades and subject areas assessed pursuant to paragraph (1) and
27 subparagraph (B) of paragraph (2).

28 (4) The Early Assessment Program established by Chapter 6
29 (commencing with Section 99300) of Part 65 of Division 14 of
30 Title 3.

31 (5) (A) A local educational agency may administer a primary
32 language assessment aligned to the English language arts standards
33 adopted pursuant to Section 60605, as it read on January 1, 2013,
34 to pupils who are identified as limited English proficient and
35 enrolled in any of grades 2 to 11, inclusive, until a subsequent
36 primary language assessment aligned to the common core standards
37 in English language arts adopted pursuant to Section 60605.8 is
38 developed pursuant to subparagraph (E).

39 (B) If a local educational agency chooses to administer a primary
40 language assessment to pupils identified as limited English

1 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant
2 to subparagraph (A), it shall notify the department in a manner to
3 be determined by the department and the costs shall be paid by the
4 state and included as part of the testing contract, and the department
5 shall provide the local educational agency a per pupil
6 apportionment for administering the assessment pursuant to
7 subdivision (I).

8 (C) The Superintendent shall consult with stakeholders,
9 including assessment and English learner experts, to determine
10 the content and purpose of a stand-alone language arts summative
11 assessment in primary languages other than English that aligns
12 with the English language arts content standards. The
13 Superintendent shall consider the appropriate purpose for this
14 assessment, including, but not necessarily limited to, support for
15 the State Seal of Biliteracy and accountability. It is the intent of
16 the Legislature that an assessment developed pursuant to this
17 section be included in the state accountability system.

18 (D) The Superintendent shall report and make recommendations
19 to the state board at a regularly scheduled public meeting no sooner
20 than one year after the first full administration of the consortium
21 computer-adaptive assessments in English language arts and
22 mathematics summative assessments in grades 3 to 8, inclusive,
23 and grade 11, regarding an implementation timeline and estimated
24 costs of a stand-alone language arts summative assessment in
25 primary languages other than English.

26 (E) The Superintendent shall develop, and the state board shall
27 adopt, a primary language assessment. The Superintendent shall
28 administer this assessment no later than the 2016–17 school year.

29 (F) This paragraph shall be operative only to the extent that
30 funding is provided in the annual Budget Act or another statute
31 for the purpose of this section.

32 (c) No later than March 1, 2016, the Superintendent shall submit
33 to the state board recommendations on expanding the CAASPP
34 to include additional assessments, for consideration at a regularly
35 scheduled public meeting. The Superintendent shall also submit
36 these recommendations to the appropriate policy and fiscal
37 committees of the Legislature and to the Director of Finance in
38 accordance with all of the following:

39 (1) In consultation with stakeholders, including, but not
40 necessarily limited to, California teachers, individuals with

1 expertise in assessing English learners and pupils with disabilities,
2 parents, and measurement experts, the Superintendent shall make
3 recommendations regarding assessments, including the grade level,
4 content, and type of assessment. These recommendations shall
5 take into consideration the assessments already administered or
6 planned pursuant to subdivision (b). The Superintendent shall
7 consider the use of consortium-developed assessments, various
8 item types, computer-based testing, and a timeline for
9 implementation.

10 (2) The recommendations shall consider assessments in subjects,
11 including, but not necessarily limited to, history-social science,
12 technology, visual and performing arts, and other subjects as
13 appropriate, as well as English language arts, mathematics, and
14 science assessments to augment the assessments required under
15 subdivision (b), and the use of various assessment options,
16 including, but not necessarily limited to, computer-based tests,
17 locally scored performance tasks, and portfolios.

18 (3) The recommendations shall include the use of an assessment
19 calendar that would schedule the assessments identified pursuant
20 to paragraph (2) over several years, the use of matrix sampling, if
21 appropriate, and the use of population sampling.

22 (4) The recommendations shall include a timeline for test
23 development, and shall include cost estimates for subject areas, as
24 appropriate.

25 (5) Upon approval by the state board and the appropriation of
26 funding for this purpose, the Superintendent shall develop and
27 administer approved assessments. The state board shall approve
28 test blueprints, achievement level descriptors, testing periods,
29 performance standards, and a reporting plan for each approved
30 assessment.

31 (6) The Superintendent shall convene an advisory panel,
32 consisting of, but not necessarily limited to, secondary teachers,
33 school administrators, school board members, parents, a student
34 chosen from among the two finalists who were not appointed by
35 the Governor to serve as the student member on the state board
36 pursuant to Section 33000.5, representatives of a dropout recovery
37 charter school operating pursuant to subdivision-~~(g)~~ (f) of Section
38 47605.1, measurement experts, and individuals with expertise in
39 assessing English learners and pupils with disabilities, to provide
40 recommendations to the Superintendent on the continuation of the

1 high school exit examination, described in Chapter 9 (commencing
2 with Section 60850), and on alternative pathways to satisfy the
3 high school graduation requirements pursuant to Sections 51224.5
4 and 51225.3.

5 (d) For the 2013–14 and 2014–15 school years, the department
6 shall make available to local educational agencies Standardized
7 Testing and Reporting Program test forms no longer required by
8 the CAASPP. The cost of implementing this subdivision, including,
9 but not necessarily limited to, shipping, printing, scoring, and
10 reporting per pupil shall be the same for all local educational
11 agencies, and shall not exceed the marginal cost of the assessment,
12 including any cost the department incurs to implement this section.
13 A local educational agency that chooses to administer an
14 assessment pursuant to this subdivision shall do so at its own
15 expense, and shall enter into an agreement for that purpose with
16 a contractor, subject to the approval of the department.

17 (e) The Superintendent shall make available a paper and pencil
18 version of any computer-based CAASPP assessment for use by
19 pupils who are unable to access the computer-based version of the
20 assessment for a maximum of three years after a new operational
21 test is first administered.

22 (f) (1) From the funds available for that purpose, each local
23 educational agency shall administer assessments to each of its
24 pupils pursuant to subdivision (b). As allowable by federal statute,
25 recently arrived English learner pupils are exempted from taking
26 the assessment in English language arts. The state board shall
27 establish a testing period to provide that all schools administer
28 these tests to pupils at approximately the same time during the
29 instructional year. The testing period established by the state board
30 shall take into consideration the need of local educational agencies
31 to provide makeup days for pupils who were absent during testing,
32 as well as the need to schedule testing on electronic computing
33 devices.

34 (2) For the 2013–14 school year, each local educational agency
35 shall administer the field tests in a manner described by the
36 department in consultation with the president or executive director
37 of the state board. Additional participants in the field test beyond
38 the representative sample may be approved by the department, and
39 the department shall use existing contract savings to fund local
40 educational agency participation in one or more tests per

1 participant. Funds for this purpose shall be used to allow for
2 maximum participation in the field tests across the state. To the
3 extent savings in the current contract are not available to fully fund
4 this participation, the department shall prorate available funds by
5 test. Local educational agencies shall bear any additional costs to
6 administer these assessments that are in excess of the contracted
7 amount. With the approval of the state board and the Director of
8 Finance, the department shall amend the existing assessment
9 contract to accommodate field testing beyond the representative
10 sample, and to allow for special studies using information collected
11 from the field tests.

12 (g) From the funds available for that purpose, each local
13 educational agency shall administer assessments as determined by
14 the state board pursuant to paragraph (5) of subdivision (c).

15 (h) As feasible, the CAASPP field tests shall be conducted in
16 a manner that will minimize the testing burden on individual
17 schools. The CAASPP field tests shall not produce individual pupil
18 scores unless it is determined that these scores are valid and
19 reliable.

20 (i) The governing board of a school district may administer
21 achievement tests in grades other than those required by this section
22 as it deems appropriate.

23 (j) Subject to the approval of the state board, the department
24 may make available to local educational agencies a primary
25 language assessment aligned to the English language arts standards
26 adopted pursuant to Section 60605, as it read on January 1, 2013,
27 for assessing pupils who are enrolled in a dual language immersion
28 program that includes the primary language of the assessment and
29 who are either nonlimited English proficient or redesignated fluent
30 English proficient until a subsequent primary language assessment
31 aligned to the common core standards in English language arts
32 adopted pursuant to Section 60605.8 is developed pursuant to
33 paragraph (5) of subdivision (b). The cost for the assessment shall
34 be the same for all local educational agencies and shall not exceed
35 the marginal cost of the assessment, including any cost the
36 department incurs to implement this section. A local educational
37 agency that elects to administer a primary language assessment
38 pursuant to this subdivision shall do so at its own expense and
39 shall enter into an agreement for that purpose with the state testing
40 contractor, subject to the approval of the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and the individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l) (1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the CAASPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to local educational agencies for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the CAASPP, including, but not limited to, the number and type of tests administered and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal

1 committees of both houses of the Legislature with accompanying
2 material justifying the proposed adjustment. The Director of
3 Finance is authorized to approve only those adjustments related
4 to activities required by statute. The Director of Finance shall
5 approve or disapprove the amount within 30 days of receipt of the
6 request and shall notify the chairpersons of the fiscal committees
7 of both houses of the Legislature of the decision.

8 (m) For purposes of making the computations required by
9 Section 8 of Article XVI of the California Constitution, the
10 appropriation for the apportionments made pursuant to paragraph
11 (1) of subdivision (I), and the payments made to the contractors
12 under the contracts required pursuant to Section 60643 or
13 subparagraph (C) of paragraph (1) of subdivision (a) of Section
14 60605 between the department and the contractor, are “General
15 Fund revenues appropriated for school districts,” as defined in
16 subdivision (c) of Section 41202, for the applicable fiscal year,
17 and included within the “total allocations to school districts and
18 community college districts from General Fund proceeds of taxes
19 appropriated pursuant to Article XIII B,” as defined in subdivision
20 (e) of Section 41202, for that fiscal year.

21 (n) As a condition to receiving an apportionment pursuant to
22 subdivision (I), a local educational agency shall report to the
23 Superintendent all of the following:

24 (1) The pupils enrolled in the local educational agency in the
25 grades in which assessments were administered pursuant to
26 subdivisions (b) and (c).

27 (2) The pupils to whom an achievement test was administered
28 pursuant to subdivisions (b) and (c) in the local educational agency.

29 (3) The pupils in paragraph (1) who were exempted from the
30 test pursuant to this section.

31 (o) The Superintendent and the state board are authorized and
32 encouraged to assist postsecondary educational institutions to use
33 the assessment results of the CAASPP, including, but not
34 necessarily limited to, the grade 11 consortium summative
35 assessments in English language arts and mathematics, for
36 academic credit, placement, or admissions processes.

37 (p) Subject to the availability of funds in the annual Budget Act
38 for this purpose, and exclusive of the consortium assessments, the
39 Superintendent, with the approval of the state board, annually shall
40 release to the public test items from the achievement tests pursuant

1 to Section 60642.5 administered in previous years. Where feasible
2 and practicable, the minimum number of test items released per
3 year shall be equal to 25 percent of the total number of test items
4 on the test administered in the previous year.

5 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
6 of Title 5 of the California Code of Regulations shall be revised
7 by the state board to conform to the changes made to this section
8 in the first year of the 2013–14 Regular Session. The state board
9 shall adopt initial regulations as emergency regulations to
10 immediately implement the CAASPP assessments, including, but
11 not necessarily limited to, the administration, scoring, and reporting
12 of the tests, as the adoption of emergency regulations is necessary
13 for the immediate preservation of the public peace, health, safety,
14 or general welfare within the meaning of Section 11346.1 of the
15 Government Code. The emergency regulations shall be followed
16 by the adoption of permanent regulations, in accordance with the
17 Administrative Procedure Act (Chapter 3.5 (commencing with
18 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
19 Code).