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.

- **Overturning 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.

- **Overturning 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.
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


(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. 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. The bill 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.

(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) 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) 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) 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) 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.


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

SECTION 1. Section 47604.5 of the Education Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may 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 within
the jurisdiction of which the charter school proposes to operate is
notified in advance of the charter petition approval, the county
superintendent of schools and the Superintendent are notified of
the location of the charter school before it commences operations,
and either of the following circumstances exists:
(A) The 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 school chooses to locate.
(B) The site is needed for temporary use during a construction
or expansion project.
(6) Commencing January 1, 2003, a petition to establish a charter
school shall not be approved to serve pupils in a grade level that
is not served by the school district of the governing board
considering the petition, unless the petition proposes to serve pupils
in all of the grade levels served by that school district.
(b) No later than 30 days after receiving a petition, in
accordance with subdivision (a), the governing board of the school
district shall hold a public hearing on the provisions of the charter,
at which time the governing board of the school district shall
consider the level of support for the petition by teachers employed
by the school district, other employees of the school district, and
parents. Following review of the petition and the public hearing,
the governing board of the school district shall either grant or deny
the charter within 60 days of receipt of the petition, provided,
however, that the date may be extended by an additional 30 days
if both parties agree to the extension. In reviewing petitions for
the establishment of charter schools pursuant to this section, the
chartering authority shall be guided by the intent of the Legislature
that charter schools are and should become an integral part of the
California educational system and that the establishment of charter
schools should be encouraged. The governing board of the school
district may grant a charter for the operation of a school under this
part if it is satisfied that granting the charter is consistent with
sound educational practice. The governing board of the school
district shall not be required to approve a petition for the
establishment of a charter school, and may deny approval by
making written factual findings, specific to the particular petition,
setting forth specific facts to support one or more of the following
findings:
(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

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

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

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

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

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

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

(iii) If the proposed charter school will serve high school pupils, the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements.

Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A to G” admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils.
served by the charter school, as that term is defined in paragraph
(3) of subdivision (a) of Section 47607. The pupil outcomes shall
align with the state priorities, as described in subdivision (d) of
Section 52060, that apply for the grade levels served by the charter
school.

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

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

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

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

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

(G) 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.

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

(I) The manner in which annual, independent financial audits
shall be conducted, which shall employ generally accepted
accounting principles, and the manner in which audit exceptions
and deficiencies shall be resolved to the satisfaction of the
chartering authority.
(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 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 remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil’s parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil’s educational rights holder, and shall inform that individual of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil’s parent, guardian, or educational rights holder initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, “involuntarily removed” includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or federal social security.
(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

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

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

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

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

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

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

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

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

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

(2) (A) A charter school shall admit all pupils who wish to attend the charter school.
(B) If the number of pupils who wish to attend the charter school exceeds the charter school’s capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school’s teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:
(i) Each type of preference shall be approved by the chartering authority at a public hearing.
(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.
(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.
(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days, and shall, upon request,
provide that school district with a copy of the cumulative record
of the pupil, including report cards or a transcript of grades, and
health information. If the pupil is subsequently expelled or leaves
the school district without graduating or completing the school
year for any reason, the school district shall provide this
information to the charter school within 30 days if the charter
school demonstrates that the pupil had been enrolled in the charter
school. This paragraph applies only to pupils subject to compulsory
full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require an
employee of the school district to be employed in a charter school.
(f) The governing board of a school district shall not require a
pupil enrolled in the school district to attend a charter school.
(g) The governing board of a school district shall require that
the petitioner or petitioners provide information regarding the
proposed operation and potential effects of the charter school,
including, but not limited to, the facilities to be used by the charter
school, the manner in which administrative services of the charter
school are to be provided, and potential civil liability effects, if
any, upon the charter school and upon the school district. The
description of the facilities to be used by the charter school shall
specify where the charter school intends to locate. The petitioner
or petitioners also shall be required to provide financial statements
that include a proposed first-year operational budget, including
startup costs, and cashflow and financial projections for the first
three years of operation.

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

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

(j) If the governing board of a school district denies a petition,
the petitioner may appeal that denial to the county board of
education. The county board of education may consider an appeal pursuant to this subdivision only if the appeal alleges that the governing board of the school district committed a procedural violation under this part in reviewing the petition. If the county board finds, by substantial evidence, that the governing board of the school district committed a procedural violation under this part in reviewing the petition, the county board of education shall remand the petition to the school district for reconsideration. If the appeal contains new or different material terms, the county board of education shall remand the petition to the governing board of the school district for reconsideration. As used in this section:

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

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

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

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

(m) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and
currently enrolled pupils that parental involvement is not a
requirement for acceptance to, or continued enrollment at, the
charter school.
SEC. 3. Section 47605.5 of the Education Code is amended to
read:
47605.5. A petition may be submitted directly to a county board
of education in the same manner as set forth in Section 47605 for
charter schools that will serve pupils for whom the county office
of education would otherwise be responsible for providing direct
education and related services. There shall be no appeal of a denial
of a petition pursuant to this section.
SEC. 4. Section 47605.6 of the Education Code is repealed.
SEC. 4. Section 47605.6 of the Education Code is amended to
read:
47605.6. (a) (1) In addition to the authority provided by
Section 47605.5, a county board of education may also 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. A county board of education may
approve a countywide charter only if it finds, in addition to the
other requirements of this section, that the educational services to
be provided by the charter school will offer services to a pupil
population that will benefit from those services and that cannot be
served as well by a charter school that operates in only one school
district in the county. A petition for the establishment of a
countywide charter school pursuant to this subdivision may be
circulated throughout the county by any one or more persons
seeking to establish the charter school. The petition may be
submitted to the county board of education for review after either
of the following conditions is met:
(A) The petition is signed by a number of parents or guardians
of pupils residing within the county that is equivalent to at least
one-half of the number of pupils that the charter school estimates
will enroll in the school for its first year of operation and each of
the school districts where the charter school petitioner proposes
to operate a facility has received at least 30 days’ notice of the
petitioner’s intent to operate a charter school pursuant to this
section.
(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days’ notice of the petitioner’s intent to operate a charter school pursuant to this section.

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

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

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A county board of education may impose any additional requirements beyond those required by this section that
it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

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

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

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

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

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

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

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

(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.
(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

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

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

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

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

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

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

(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 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 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
remove the pupil no less than five schooldays before the effective
date of the action. The written notice shall be in the native language
of the pupil or the pupil’s parent or guardian or, if the pupil is a
foster child or youth or a homeless child or youth, the pupil’s
educational rights holder, and shall inform him or her that person
of the right to initiate the procedures specified in clause (ii) before
the effective date of the action. If the pupil’s parent, guardian, or
educational rights holder initiates the procedures specified in clause
(ii), the pupil shall remain enrolled and shall not be removed until
the charter school issues a final decision. For purposes of this
clause, “involuntarily removed” includes disenrolled, dismissed,
transferred, or terminated, but does not include suspensions
specified in clauses (i) and (ii).

(K) The manner by which staff members of the charter school
will be covered by the State Teachers’ Retirement System, the
Public Employees’ Retirement System, or federal social security.
(L) The procedures to be followed by the charter school and the
county board of education to resolve disputes relating to provisions
of the charter.
(M) Admission policy and procedures, consistent with
subdivision (e).
(N) The public school attendance alternatives for pupils residing
within the county who choose not to attend the charter school.
(O) The rights of an employee of the county office of education,
upon leaving the employment of the county office of education,
to be employed by the charter school, and any rights of return to
the county office of education that an employee may have upon
leaving the employment of the charter school.
(P) The procedures to be used if the charter school closes. The
procedures shall ensure a final audit of the charter school to
determine the disposition of all assets and liabilities of the charter
school, including plans for disposing of any net assets and for the
maintenance and transfer of public records.
(Q) A clear explanation of why the proposed model cannot be
accomplished within the school district structure of neighborhood
public schools.

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

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

(7)

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

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

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

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

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

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

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

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

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

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

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

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

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil’s last known address within 30 days and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.
(f) The county board of education shall not require an employee of the county or a school district to be employed in a charter school.

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

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

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

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

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

(l) Teachers in charter schools shall be required to hold a hold the Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision
(b), to the county office of education, the Controller, and the
department by December 15 of each year. This subdivision does
not apply if the audit of the charter school is encompassed in the
audit of the chartering entity pursuant to Section 41020.

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

(o) (1) Commencing January 1, 2020, a county board of
education may only approve a new 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 if it finds, in addition to the other requirements
of this section, that the educational services to be provided by the
charter school will offer services to a pupil population that will
benefit from those services and that cannot be served as well by
a charter school that operates in only one school district in the
county. A petition for the establishment of a countywide charter
school pursuant to this subdivision may be circulated throughout
the county by any one or more persons seeking to establish the
charter school. The petition may be submitted to the county board
of education for review after one of the following requirements is
met:

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

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

(2) The petition may only be submitted to the county board of
education for review if the petitioner has first obtained approval
from each of the school districts where the charter school petitioner
proposes to operate a facility. The petitioner shall submit the same
petition and supporting documentation to the school districts where
the charter school proposes to operate a facility and to the county
board of education.
(3) An existing public school shall not be converted to a charter school in accordance with this section.

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

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

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

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

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

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

(c) A charter school operating under a charter approved by a county board of education pursuant to Section 47605, 47605.5 or 47605.6, as those sections read on January 1, 2019, may continue to operate under the authority of that chartering authority and may
submit a petition for renewal to that chartering authority or the
governing board of the school district within the boundaries of
which the charter school is located.

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

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

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

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

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

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

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

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

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

(i) Documented and clear and convincing data.

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

(iii) Information submitted by the charter school.

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

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

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

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

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

(2) If the governing body of a charter school requests technical assistance, the chartering authority shall provide technical assistance consistent with subparagraph (A) or (B) of paragraph
(4). If a charter school has not been identified for technical assistance pursuant to paragraph (4) and if the service requested creates an unreasonable or untenable cost burden for the chartering authority, the chartering authority may assess the charter school a fee not to exceed the cost of the service.

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

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

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

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

(C) Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in subparagraphs (A) and (B), or substantially similar activities, or has selected another service provider pursuant to paragraph (7) to work with the charter school to complete the activities described
in subparagraphs (A) and (B), or substantially similar activities,
and ongoing communication with the charter school to assess the
charter school’s progress in improving pupil outcomes.

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

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

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

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

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

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

(1) Committed a material violation of any of the conditions,
standards, or procedures set forth in the charter.
(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
(4) Violated any law.
(f) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.
(g) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school’s reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.
(h) A final decision of a revocation pursuant to subdivision (e) shall be reported to the chartering authority, the county board of education, and the department.
SEC. 8. Section 47607.3 of the Education Code is amended to read:

47607.3. (a) If a charter school fails to improve outcomes for three or more pupil subgroups identified pursuant to Section 52052, or, if the charter school has less than three pupil subgroups, all of the charter school’s pupil subgroups, in regard to one or more state school priority identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, 47605.6, in three out of four consecutive school years, all of the following shall apply:
(1) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, the chartering authority shall provide technical assistance to the charter school.

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

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

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

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

(c) A chartering authority shall comply with the hearing process described in subdivision (g) of Section 47607 in revoking a charter.

A charter school may not appeal a revocation of a charter made pursuant to this section.

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

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

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

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

(c) A local educational agency that is given the responsibility for supervisory oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, as it read on January 1, 2019, may charge for the actual costs of supervisory oversight, and administrative costs necessary to secure charter
school funding. A charter school that is charged for costs under
this subdivision may not be charged pursuant to subdivision (a)
or (b).
(d) This section does not prevent the charter school from
separately purchasing administrative or other services from the
chartering authority or any other source.
(e) For purposes of this section, “chartering authority” means
a school district or a county board of education.
(f) For purposes of this section, “revenue of the charter school”
means the amount received in the current fiscal year from the local
control funding formula calculated pursuant to Section 42238.02,
as implemented by Section 42238.03.
(g) For purposes of this section, “costs of supervisorial
oversight” include, but are not limited to, costs incurred pursuant
to Section 47607.3.
SEC. 11. If the Commission on State Mandates determines
that this act contains costs mandated by the state, reimbursement
to local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.