

**CALIFORNIA STATE BOARD OF EDUCATION
PRELIMINARY SUMMARY OF THE CHARTER SCHOOLS ACT OF 1992**

Background:

The Governor recently signed SB 1448 (Chapter 781, Statutes of 1992), authored by Senator Gary Hart, which establishes a procedure for individuals to petition local school district governing boards to establish charter public schools.

Under current law, public elementary and secondary schools are operated under the governance of school districts and county offices of education and are regulated by a variety of state and federal statutes and regulations. Schools can currently acquire flexibility through waivers of state law or regulation, but these tend to be granted one issue at a time. SB 1448 requires charter schools to comply with all the provisions in their charter petition, but otherwise exempts these schools from the state laws governing school districts. SB 1448 does not, however, exempt charter schools from either the California State Constitution or federal regulations and requirements.

Intent:

It is the intent of SB 1448 to provide opportunities for teachers, parents, students, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following: (a) improve student learning, (b) increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving students, (c) encourage the use of different and innovative teaching methods, (d) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site, (e) provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system, and (f) hold the schools established under SB 1448 accountable for meeting measurable student outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.

Funding:

SB 1448 requires the State Superintendent of Public Instruction (SSPI) to apportion funding for each unit of regular average daily attendance in the charter school in an amount equal to the base revenue limit for the school district to which the charter petition was submitted. In addition, funding must be provided to the charter school for special education services and categorical programs to the extent that the charter school serves students who are eligible for this funding.

Steps To Establishing a Charter School:

Step One: Develop the School Charter

SB 1448 requires a charter school petition to contain specified educational as well as procedural elements before it can be approved by the local governing board. These elements are enumerated on pages four and five under Elements of a School Charter. For purposes of SB 1448, the "charter" refers to the document that contains those required elements described on pages four and five. The "charter petition" or "petition" refers to the entire document, including both the charter and the required signatures, that is submitted for review to the local governing board.

Step Two: Circulate the Charter School Petition

A petition for the establishment of a charter school may be circulated by any person seeking to establish the school, except that a private school may not seek to convert to a charter school. The petition must be signed by not less than 10% of the teachers currently employed in the school district, or by not less than 50% of the teachers employed at one school in the district.

Step Three: Submit Petition to Local Governing Board

After securing the required signatures, the petition may be submitted to the governing board of the school district for review. No later than 30 days after receiving the petition, the governing board must hold a public hearing on the provisions of the charter.

Step Four: Local Governing Board Approval

Within 60 days of receipt of the petition, the local governing board must review the petition, determine that the charter contains all of the elements specified by SB 1448, consider the level of employee and parental support for the petition, and either approve or deny the petition. The governing board may also require that the petitioner provide additional information regarding the proposed operation and potential effects of the school, including the facilities to be utilized by the school, the manner in which fiscal services are to be provided, and potential civil liability effects on the school and school district. The governing board is required to give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to students identified by the petitioner as academically low achieving pursuant to the standards established by the California Department of Education for purposes of identifying students for Economic Impact Aid funding. A charter may be granted for a period not to exceed five years. It may be granted for subsequent five-year renewals. A material revision of a charter petition may be made only with the approval of the authority that granted the charter (in this case, the local governing board). A charter may be revoked by the granting authority at any time if the authority finds that the school did any of the following:

- ◆ Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.

- ◆ Failed to meet or pursue any of the student outcomes identified in the charter petition.
- ◆ Failed to meet generally accepted accounting standards of fiscal management.
- ◆ Violated any provision of law.

Step Five: Provide Notice to the State Board of Education (SBE)

Upon approval of the petition by the local governing board, the petitioners must provide written notice of the approval, including a copy of the petition, to the State Board of Education.

Step Six: The State Board of Education Assigns Numbers

The State Board of Education has the responsibility, when it receives a charter school petition, of making sure that it has the appropriate signatures, has been approved by the local governing board, and that the charter contains all of the components specified in SB 1448. The State Board of Education will assign a number to complete charter petitions only on a first come, first served basis. SB 1448 specifies that there be no more than 100 charter schools operating in the state at one time. The State Board of Education has no authority to assign a number until the statute becomes effective on January 1, 1993.

If the Local Governing Board Does Not Approve the Charter Petition:

SB 1448 spells out several additional steps if the local governing board does not approve the charter petition:

- (1) If the governing board of the school district denies a charter petition, the county superintendent of schools, at the request of the petitioners, shall select and convene a review panel to review the action of the governing board. The review panel must consist of three governing board members and three teachers from other school districts in the county, or from adjoining counties if there is only one district in the county. The county superintendent of schools has a tie breaking vote.
- (2) If the review panel determines that the governing board failed to appropriately consider the charter petition, or acted in an arbitrary manner in denying the petition, the panel shall request the governing board to reconsider the charter petition.
- (3) If, on reconsideration, the governing board denies a charter petition, the county board of education, at the request of the petitioners, shall hold a public hearing under the same conditions and timelines as those described under steps three and four on page two for local governing board approval, and may grant a charter.

Charter School Districts:

SB 1448 also describes an option for creating a "charter school district" in which a school district may convert all of its schools to charter schools if it meets the following conditions:

(1) Fifty percent of the teachers within the school district sign the charter petition; and (2) the charter petition contains all of the elements required of an individual school charter petition and a provision that specifies alternative school attendance arrangements for students living within the school district that choose not to attend charter schools. In addition, no more than 10 schools in a single district can become charter schools. A districtwide charter petition may not be granted without the joint approval of the SSPI and the SBE.

Elements of a School Charter:

- (1) A description of the educational program of the school, designed, among other things, to identify those whom the 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 the program must include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
- (2) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all students of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.
- (3) The method by which pupil progress in meeting those pupil outcomes is to be measured.
- (4) The governance structure of the school, including but not limited to, the process to be followed by the school to ensure parental involvement.
- (5) The qualifications to be met by individuals to be employed by the school.
- (6) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.
- (7) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.
- (8) Admission requirements, if applicable.
- (9) The manner in which an annual audit of the financial and programmatic operations of the school is to be conducted.
- (10) The procedures by which pupils can be suspended or expelled.
- (11) 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.
- (12) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
- (13) A description of the rights of any 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.

In addition to the elements specified above, a charter school must:

- ◆ Meet the statewide performance standards and conduct pupil assessments that include authentic performance-based assessments developed by the California Department of Education pursuant to Section 60602.5. The performance standards developed under this section will allow pupils to demonstrate their integration of knowledge across major subject areas.
- ◆ Be nonsectarian in its programs, admission policies, employment practices, and all other operations, and cannot discriminate against any student on the basis of ethnicity, national origin, gender, or disability.

Finally, a charter school may not charge tuition.

The California Department of Education is required to review the educational effectiveness of the charter school approach and, by January 1, 1999, report to the Legislature with recommendations to modify, expand, or terminate that approach.

For more information on SB 1448, contact the Regional Programs and Special Projects Division in the California Department of Education at (916) 657-2516.

NOTICE

The guidance in this Preliminary Summary is not binding on local education agencies or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, this Preliminary Summary is exemplary, and compliance with it is not mandatory. (See Education Code section 33308.5).