

SB 1448  
BILL STATEMENT

SENATE APPROPRIATIONS COMMITTEE

*Leanna*  
*Comment*  
*1 Sam Sim*  
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*SB1448*  
*1. State Const. to have*  
*religion, separate but =*  
*2. attract students*

PURPOSE OF THE BILL

To provide teachers with the opportunity to create new public schools which are teacher and parent initiated and outcome-based.

COMPONENTS OF THE BILL

This bill:

- 1) Allows credentialed teachers to circulate a petition for the establishment of a charter school within any school district. Requires the petition to be signed by not less than 10% of the teachers employed by the school district, or not less than 50% of the teachers employed at a school site and authorizes the petitioners to submit the petition to the governing board of the school district for review and action.
- 2) Limits to 100 the number of charter schools which can operate in the state, and specifies that no more than 10 charter schools can exist in a single school district. Requires the petitioners to submit a letter of intent to the State Board of Education (SBE) at the time the petition is submitted to the local governing board. The SBE is required to assign a number to each charter notice it receives based on the chronological order in which the notice is received.
- 3) Requires the governing board to hold a public hearing on the charter petition within 30 days to review the petition and consider the level of employee and parental support for the charter petition. Requires the board to either grant or deny the charter within 60 days of the receipt of the petition. The deadline for action can be extended by 30 days, upon mutual agreement by the petitioners and the governing board members.
- 4) Requires the charter school petition to contain specified elements including (a) educational objectives of the charter school, including the process to be followed to ensure parental input, (b) the method by which pupil progress in meeting those objectives is to be measured, (c) the governance structure of the school, (d) health and safety procedures to be followed for students and staff, (e) the means by which the school will achieve a racial and ethnic balance among its pupils which reflects the school district's pupil enrollment, (f) admission requirements, if applicable, (g) the manner in which annual fiscal and programmatic audits will be conducted, (h) procedures by which pupils can be expelled or suspended (i) the manner in which employees will be covered for retirement benefits and (j) a description of employees' employment rights to leave an existing district position and return to a position following charter school employment. Requires that charter petitions which request conversion of an existing school to charter status to contain a provision which

specifies alternative public school attendance arrangements for pupils residing in the school's attendance area who choose to attend a non-charter school.

- 5) Specifies that the charter school shall be nonsectarian in its programs, admission policies, employment practices and all other operations. Prohibits charter schools from charging tuition and discriminating against any pupil on the basis of ethnicity, national origin, gender, or disability. Requires charter schools to meet the statewide performance standards developed under the California Assessment Program (CAP) and administer the statewide pupil assessments.
- 6) Specifies that admission to a charter school shall not be determined according to the residence of the pupil or his or her parent or guardian. Specifies that employment and pupil attendance at charter schools is **entirely voluntary**.
- 7) Provides that, if the local governing board denies the charter request, the petitioners may submit a request for a charter to the State Board of Education (SBE). Requires that charters granted at the state level must be granted jointly by the SBE and the Superintendent of Public Instruction (SPI).
- 8) Allows **entire school districts** to convert to **charter districts** if the following conditions are met (a) 50% of the teachers within the district sign the charter petition, (b) the charter petition contains all of the requirements specified in #4 above plus a provision which specifies alternative public school attendance arrangements for pupils residing with the district but choose to attend non-charter schools. Charter petitions requesting conversion of the district are required to be approved by joint action of the SBE and the SPI.
- 9) Specifies that a charter may be granted for up to 5 years, and authorizes the charter-granting agency to renew the charter for one additional 5-year period. Provides that material revisions to the charter can be made only with the approval of the charter-granting agency.
- 10) Requires charter schools to comply with all the provisions in its charter petition, but otherwise exempts these schools from the laws governing school districts.
- 11) Allows the charter-granting agency to revoke a school's charter if the charter school does any of the following (a) commits a material violation of any of the conditions, standards, or procedures set forth in the charter petition, (b) fails to meet or pursue any of the education objectives set forth in the charter petition, (c) fails to meet generally accepted accounting standards of fiscal management or (d) violates any provision of law.
- 12) Authorizes charter schools to receive state funding in the amount equal to the revenue limit of the charter granting district and categorical funding for each eligible pupil. In addition, charter

schools would receive funding for each pupil enrolled in the school who is entitled to special education services in an amount equal to the statewide average expenditure of state and federal funds for special education services in unified school districts.

- 13) Requires the SBE to widely disseminate information announcing the availability of the charter school process.

**STAFF COMMENTS**

**POSSIBLE AMENDMENTS:** (I would recommend that you advise the committee that all amendments will be taken care of while the bill is on suspense, but these are some possible issues which will be brought up by the committee analysis or Finance, and other miscellaneous amendments)

1. The amount of funding for special education should be amended to be equal to the amount provided by the charter granting district (this is consistent with the amendment we took in policy committee on the revenue limit.)
2. The Finance analyst keeps asking me if these schools could make a profit; e.g. could they take a portion of the money and invest it, or worse yet use it for perks for employees. The bill says they must meet generally accepted accounting standards of fiscal management or have their charter revoked, but we can tighten this up to eliminate profit-making, if necessary.
3. Technical amendment - On page 4, lines 34-35 should be moved to line 38. This deals with the parental input issue and it should accompany the governance issue in the petition (line 38), not the educational objectives issue (lines 34-35). This corrects a drafting error by Counsel.
4. PTA amendment - Add a provision to the charter petition which requires that they articulate the staffing qualifications for employees of the charter school.