

AMENDED IN SENATE JUNE 1, 1992
AMENDED IN SENATE MAY 21, 1992
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AMENDED IN SENATE MARCH 26, 1992

SENATE BILL

No. 1448

**Introduced by Senator Hart
(Coauthors: Senators Davis, Killea, Petris, and Presley)**

February 10, 1992

An act to add Part 26.8 (commencing with Section 47600) to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1448, as amended, Hart. Charter schools.

Under existing law, the public elementary and secondary schools are operated under the governance of school districts and county offices of education.

This bill would establish a procedure for the establishment of *no more than 100* "charter schools," that would receive certain public funding but would not be subject to the laws generally governing school districts. The *bill would prohibit the conversion of a private school to a charter school under this authority.*

The bill would authorize a school district governing board or the State Department of Education, in response to a petition signed by a specified number of credentialed teachers, to grant a revocable charter authorizing operation of a charter school for up to 5 years, subject to renewal for additional 5-year periods. The bill would allow a school district to convert all of its schools to charter schools only if certain conditions are met and the petition receives joint approval by

the State Board of Education and the Superintendent of Public Instruction.

The bill would require a charter school to be nonsectarian, and to comply with the conditions of its charter petition, including the attainment of identified educational objectives, health and safety standards, and racial and ethnic balance. The bill would prohibit school districts having one or more charter schools from requiring any pupil to attend, or any employee to be employed at, a charter school. Charter schools would be prohibited from discriminating on the basis of ethnicity, national origin, gender, or disability, and from determining admission on the basis of the residence of the pupil or his or her parent or guardian.

The bill would specify, for identified purposes of the California Constitution, that a charter school is under the authority of the public schools, and that it constitutes a "school district" for purposes of the state school funding guarantee for school districts and community college districts.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would impose a state-mandated local program by requiring school district governing boards to review and respond to petitions for the granting of charters within a specified time period.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

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

1 SECTION 1. Part 26.8 (commencing with Section
2 47600) is added to the Education Code, to read:

3
4 PART 26.8. CHARTER SCHOOLS

5
6 CHAPTER 1. GENERAL PROVISIONS

7
8 47600. This part shall be known, and may be cited, as
9 the "Charter Schools Act of 1992."

10 47601. It is the intent of the Legislature, in enacting
11 this part, to provide opportunities for teachers, parents,
12 pupils, and community members to establish and
13 maintain schools that operate independently from the
14 existing school district structure, as a method to
15 accomplish all of the following:

16 (a) Improve pupil learning.

17 (b) Increase learning opportunities for pupils.

18 (c) Encourage the use of different and innovative
19 teaching methods.

20 (d) Create new professional opportunities for
21 teachers, including the opportunity to be responsible for
22 the learning program at the school site.

23 (e) Provide parents and pupils with expanded choices
24 in the types of educational opportunities that are
25 available within the public school system.

26 (f) Hold the schools established under this part
27 accountable for meeting measurable pupil outcomes, and
28 provide the schools with a method to change from
29 rule-based to performance-based accountability systems.

30 47602. (a) The total number of charter schools
31 operating in this state in any school year shall not exceed
32 100, with not more than 10 charter schools in any single
33 school district. For the purposes of implementing this
34 section, the State Board of Education shall assign a
35 number to each charter notice it receives pursuant to
36 subdivision ~~(a)~~ (g) of Section 47605, based on the
37 chronological order in which the notice is received.

38 (b) *No charter shall be granted under this part that*

1 *authorizes the conversion of any private school to a*
2 *charter school.*

3 47603. This part shall not be construed to prohibit any
4 private person or organization from providing funding or
5 other assistance to the establishment or operation of a
6 charter school.

7

8 CHAPTER 2. ESTABLISHMENT OF CHARTER SCHOOLS

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10 47605. (a) A petition for the establishment of a
11 charter school within any school district may be
12 circulated by any one or more persons seeking to
13 establish the charter school. After the petition has been
14 signed by not less than 10 percent of the teachers
15 currently employed by the school district, or by not less
16 than 50 percent of the teachers currently employed at
17 one school of the district, it may be submitted to the
18 governing board of the school district for review.

19 (b) No later than 30 days after receiving a petition, in
20 accordance with subdivision (a), the governing board of
21 the school district shall hold a public hearing on the
22 provisions of the charter, at which time the board shall
23 consider the level of employee and parental support for
24 the petition. Following review of the petition and the
25 public hearing, the governing board shall either grant or
26 deny the charter within 60 days of receipt of the petition,
27 provided, however, that the date may be extended by an
28 additional 30 days if both parties agree to the extension.
29 A school district governing board may grant a charter for
30 the operation of a school under this part if it determines
31 that the petition contains the number of signatures
32 required by subdivision (a), a statement of each of the
33 conditions described in subdivision (d), and descriptions
34 of all of the following:

35 (1) The measurable pupil outcomes identified for use
36 by the charter school. "Pupil outcomes," for purposes of
37 this part, means the extent to which all pupils of the
38 school demonstrate that they have attained the skills,
39 knowledge, and attitudes specified in the school's
40 educational goals.

1 (2) The method by which pupil progress in meeting
2 those pupil outcomes is to be measured.

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

6 (4) The qualifications to be met by individuals to be
7 employed by the school.

8 (5) The procedures that the school will follow to
9 ensure the health and safety of pupils and staff.

10 (6) The means by which the school will achieve a
11 racial and ethnic balance among its pupils that is
12 reflective of the general population residing within the
13 territorial jurisdiction of the school district to which the
14 charter petition is submitted.

15 (7) Admission requirements, if applicable.

16 (8) The manner in which an annual audit of the
17 financial and programmatic operations of the school is to
18 be conducted.

19 (9) The procedures by which pupils can be suspended
20 or expelled.

21 (10) The manner by which staff members of the
22 charter schools will be covered by the State Teachers'
23 Retirement System, the Public Employees' Retirement
24 System, or federal social security.

25 (11) The public school attendance alternatives for
26 pupils residing within the school district who choose not
27 to attend charter schools.

28 (12) A description of the rights of any employee of the
29 district upon leaving the employment of the school
30 district to work in a charter school, and of any rights of
31 return to the school district after employment at a
32 charter school.

33 (c) Charter schools shall meet the statewide
34 performance standards and conduct the pupil
35 assessments required pursuant to Section 60602.5.

36 (d) In addition to any other requirement imposed
37 under this part, a charter school shall be nonsectarian in
38 its programs, admission policies, employment practices,
39 and all other operations, shall not charge tuition, and shall
40 not discriminate against any pupil on the basis of

1 ethnicity, national origin, gender, or disability. Admission
2 to a charter school shall not be determined according to
3 the place of residence of the pupil, or of his or her parent
4 or guardian, within this state.

5 (e) No governing board of a school district shall
6 require any employee of the school district to be
7 employed in a charter school.

8 (f) No governing board of a school district shall
9 require any pupil enrolled in the school district to attend
10 a charter school.

11 (g) Upon the approval of the petition by the
12 governing board of the school district, the petitioner or
13 petitioners shall provide written notice of that approval,
14 including a copy of the petition, to the State Board of
15 Education. If the governing board of the school district
16 denies a charter, the petitioners may submit a request for
17 a charter to the State Department of Education, which
18 may grant a charter pursuant to the conditions set forth
19 in this section by joint action of the State Board of
20 Education and the Superintendent of Public Instruction.

21 47606. (a) A school district may convert all of its
22 schools to charter schools under this part only if it meets
23 all of the following conditions:

24 (1) Fifty percent of the teachers within the school
25 district sign the charter petition.

26 (2) The charter petition contains all of the
27 requirements set forth in subdivisions (b), (c), (d), (e),
28 and (f) of Section 47605 and a provision that specifies
29 alternative public school attendance arrangements for
30 pupils residing within the school district who choose not
31 to attend charter schools.

32 (b) Notwithstanding subdivision (b) of Section 47605,
33 the districtwide charter petition shall be approved only
34 by joint action of the Superintendent of Public
35 Instruction and the State Board of Education.

36 47607. (a) A charter may be granted pursuant to
37 Sections 47605 and 47606 for a period not to exceed five
38 years. A charter granted by a school district governing
39 board or the State Department of Education may be
40 granted one or more subsequent renewals by that entity.

1 Each renewal shall be for a period not to exceed five
2 years. A material revision of the provisions of a charter
3 petition may be made only with the approval of the
4 authority that granted the charter.

5 (b) A charter may be revoked by the authority that
6 granted the charter under this chapter if the authority
7 finds that the charter school did any of the following:

8 (1) Committed a material violation of any of the
9 conditions, standards, or procedures set forth in the
10 charter petition.

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

13 (3) Failed to meet generally accepted accounting
14 standards of fiscal management.

15 (4) Violated any provision of law.

16

17 CHAPTER 3. CHARTER SCHOOL OPERATION AND
18 FUNDING

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20 47610. A charter school shall comply with all of the
21 provisions set forth in its charter petition, but is otherwise
22 exempt from the laws governing school districts except as
23 specified in Section 47611.

24 47611. (a) The Superintendent of Public Instruction
25 shall make all of the following apportionments to each
26 charter school for each fiscal year:

27 (1) From funds appropriated to Section A of the State
28 School Fund for apportionment for that fiscal year
29 pursuant to Article 2 (commencing with Section 42238)
30 of Chapter 7 of Part 24, an amount for each pupil enrolled
31 in the charter school that is equal to the current fiscal
32 year base revenue limit for the school district to which
33 the charter petition was submitted.

34 (2) For each pupil enrolled in the charter school who
35 is entitled to special education services, the state and
36 federal funds for special education services for that pupil
37 that would have been apportioned for that pupil to the
38 school district to which the charter petition was
39 submitted.

40 (3) Funds for the programs described in clause (i) of

1 subparagraph (B) of paragraph (1) of subdivision (a) of
2 Section 54761, and Sections 63000 and 64000, to the extent
3 that any pupil enrolled in the charter school is eligible to
4 participate.

5 (d) A charter school shall be deemed to be under the
6 exclusive control of the officers of the public schools for
7 purposes of Section 8 of Article IX of the California
8 Constitution, with regard to the appropriation of public
9 moneys to be apportioned to any charter school,
10 including, but not limited to, appropriations made for the
11 purposes of subdivisions (a) and (b).

12 (e) A charter school shall be deemed to be a "school
13 district" for purposes of Section 41302.5 and Sections 8
14 and 8.5 of Article XVI of the California Constitution.

15
16 CHAPTER 4. NOTICE
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18 47615. The State Board of Education shall distribute
19 information announcing the availability of the charter
20 school process described in this part to each school
21 district, county office of education, and public
22 postsecondary educational institution and, through press
23 releases, to each major newspaper in the state.

24 SEC. 2. No reimbursement shall be made from the
25 State Mandates Claims Fund pursuant to Part 7
26 (commencing with Section 17500) of Division 4 of Title
27 2 of the Government Code for costs mandated by the
28 state pursuant to this act. It is recognized, however, that
29 a local agency or school district may pursue any remedies
30 to obtain reimbursement available to it under Part 7
31 (commencing with Section 17500) and any other
32 provisions of law. Notwithstanding Section 17580 of the
33 Government Code, unless otherwise specified in this act,
34 the provisions of this act shall become operative on the
35 same date that the act takes effect pursuant to the
36 California Constitution.