

Hart 4074
Replacement

SB 1448
APPR: YES
URGENCY: YES

SENATE COMMITTEE ON EDUCATION

Staff Analysis of
SB 1448 (HART)
As Amended: April 6, 1992

SUMMARY

This bill establishes a procedure whereby teachers can petition local school district governing boards for the establishment of charter schools.

PROPOSITION 98 IMPACT

This bill would require an appropriation from the K-14 portion of the state General Fund which falls within the Proposition 98 formula.

BACKGROUND

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 statutes and regulations.

ANALYSIS

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, (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

entire 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 average unified revenue limit for unified districts for each pupil enrolled in the charter school 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

Several other states, including Connecticut, Florida, Massachusetts, Michigan and Tennessee are considering legislation to establish charter schools as a way to provide expanded educational opportunities within the public school system. Minnesota was the first state to enact a charter school law in 1991, which authorizes 8 charter schools to be established in that state.

SUPPORT

California State Department of Education
Church State Council
Small School District Association

OPPOSITION

California School Employees Association
California Teachers Association
Service Employees International Union - California State Council

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