

Senate Bill No. 1264

Passed the Senate August 29, 1994

Secretary of the Senate

Passed the Assembly August 25, 1994

Chief Clerk of the Assembly

This bill was received by the Governor this _____
day of _____, 1994, at _____ o'clock _____ M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 47607 and 47612 of, and to add Sections 47605.5 and 47608 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1264, Hart. Charter schools.

(1) Under existing law, a petition for the establishment of a charter school may be circulated by any one or more persons seeking to establish the charter school.

This bill would require that the petition include a copy of the provisions of the proposed charter. The bill would require a proposed charter to be recirculated to obtain the necessary number of signatures, or to otherwise be reaffirmed, if any substantive changes are made to the proposed charter after obtaining the necessary number of signatures, but before the charter is submitted to the governing board of the school district.

(2) Under the act, a charter may not be granted for a period of more than 5 years after which the charter may be renewed for up to another 5 years. Also, a charter may be revoked by the granting authority under specified circumstances.

This bill would establish an appeals procedure in the event of a decision to revoke or not renew a charter involving a review panel selected by the county superintendent of schools and ultimately, the county board of education or the State Board of Education, under specified circumstances. The duties imposed on the county superintendent and the county board of education would constitute a state-mandated local program.

(3) Under existing law, the Superintendent of Public Instruction is required to make certain apportionments to each charter school for each fiscal year, including apportionment of funds for state categorical programs to the extent that any pupil enrolled in the charter school is eligible to participate in the program.

This bill, among other things, would provide that for the purposes of apportionment of state and federal funds, a charter school shall be operative no sooner than the first July 1 following notification of approval to the State Board of Education or on the July 1 of a subsequent calendar year specified in the charter petition. The bill would provide that, with respect to the state-funded categorical programs, the charter school shall qualify for a full entitlement without regard to any provision of the program that requires the charter school to have expended the funds received in the prior year in a prescribed manner.

(4) Under existing law, for purposes of state apportionments, the county superintendent of schools computes an amount for each school district's summer school attendance in a prescribed manner.

This bill would specify that charter schools are entitled to receive funding for summer school programs as part of the state apportionments to its parent school district.

(5) 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 provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

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

SECTION 1. Section 47605.5 is added to the Education Code, to read:

47605.5. A petition being circulated to obtain the necessary signatures to establish a charter school shall include a copy of the provisions of the proposed charter.

If any substantive changes are made to the proposed charter after obtaining the necessary number of signatures, but before the charter is submitted to the governing board of the school district, the proposed charter shall be recirculated to obtain the necessary number of signatures, or in some other manner shall be reaffirmed by those who initially signed the proposed charter.

SEC. 2. Section 47607 of the Education Code is amended to read:

47607. (a) A charter may be granted pursuant to Sections 47605 and 47606 for a period not to exceed five years. A charter granted under this part may be granted one or more subsequent renewals by the approving authority. Each renewal shall be for a period not to exceed five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter.

(b) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds 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 petition.

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

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

(4) Violated any law.

SEC. 3. Section 47608 is added to the Education Code, to read:

47608. (a) A charter school whose charter is revoked or not renewed may appeal that decision pursuant to this section.

(b) (1) If the governing board of the school district or the county board of education, as the case may be, revokes or decides not to renew a charter, the county superintendent of schools, at the request of the petitioner or petitioners, shall select and convene a review panel to review that action. The review panel shall consist of three governing board members from other school districts in

the county and three teachers from other school districts in the county unless only one school district is located in the county, in which case the panel members shall be selected from school districts in adjoining counties.

(2) If the review panel determines that the board failed to appropriately consider renewing the charter, or acted in an arbitrary manner in revoking the charter, the review panel shall request the board to reconsider its decision. In the case of a tie vote of the panel, the county superintendent of schools shall vote to break the tie.

(3) If, upon reconsideration, the board again revokes or decides not to renew a charter, the county board of education, in the case of a charter granted by a school district governing board, at the request of the petitioner or petitioners, shall hold a public hearing in the manner described in subdivision (b) of Section 47605 and, accordingly, may reverse the decision to revoke a charter or may renew a charter, as the case may be. In the case of a charter granted by a county board of education, this hearing and decision shall be conducted by the State Board of Education.

SEC. 4. Section 47612 of the Education Code is amended to read:

47612. (a) The Superintendent of Public Instruction shall make all of the following apportionments to each charter school for each fiscal year:

(1) From funds appropriated to Section A of the State School Fund for apportionment for that fiscal year pursuant to Article 2 (commencing with Section 42238) of Chapter 7 of Part 24, an amount for each unit of regular average daily attendance in the charter school that is equal to the current fiscal year base revenue limit for the school district to which the charter petition was submitted. If provided for in a petition for the establishment of a charter school that is approved pursuant to Section 47605, a portion of this amount may be augmented or retained by the charter school's parent district to reflect (A) the grade level of instruction offered by the charter school or (B) the services provided by the school district to the charter school, or both.

(2) For each pupil enrolled in the charter school who

is entitled to special education services, the state and federal funds for special education services for that pupil that would have been apportioned for that pupil to the school district to which the charter petition was submitted.

(3) Funds for the programs described in clause (i) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 54761, and Sections 63000 and 64000, to the extent that any pupil enrolled in the charter school is eligible to participate. For any state-funded program identified in this paragraph, the charter school shall qualify for a full entitlement without regard to any provision of that program that requires the charter school to have expended the funds received in the prior year in a prescribed manner.

(4) Charter schools are entitled to receive funding for summer school programs as part of the state apportionments to its parent school district, pursuant to Section 42239, as funded by state appropriations for summer school programs.

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

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

(d) For purposes of the apportionment of state and federal funds, a charter school shall be operative no sooner than the first July 1 following notification of approval to the State Board of Education pursuant to subdivision (i) of Section 47605 or on July 1 of a subsequent calendar year specified in the charter petition.

SEC. 5. Notwithstanding Section 17610 of the Government Code, 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. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Approved _____, 1994

Governor