

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1146

Introduced by Assembly Member Knight

February 27, 2009

An act to amend Section ~~47604.5~~ 47605.1 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1146, as amended, Knight. Charter ~~revocation~~ schools.

The Charter Schools Act of 1992 authorizes a charter school to establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if the specified conditions are met, including that the facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

This bill, in addition, would authorize a charter school to establish one or more resource centers, meeting spaces, or other satellite facilities located in the county in which the charter school is authorized if each of the facilities is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.

~~Existing law authorizes the State Board of Education, whether or not it is the chartering authority, to take appropriate action based upon the recommendation of the Superintendent of Public Instruction, including, but not limited to, revocation of the school's charter when the state board finds that the school has committed one of several specified misdeeds.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

1 SECTION 1. Section 47605.1 of the Education Code is amended
2 to read:

3 47605.1. (a) (1) Notwithstanding any other provision of law,
4 a charter school that is granted a charter from the governing board
5 of a school district or county office of education after July 1, 2002,
6 and commences providing educational services to pupils on or
7 after July 1, 2002, shall locate in accordance with the geographic
8 and site limitations of this part.

9 (2) Notwithstanding any other provision of law, a charter school
10 that is granted a charter by the State Board of Education after July
11 1, 2002, and commences providing educational services to pupils
12 on or after July 1, 2002, based on the denial of a petition by the
13 governing board of a school district or county board of education,
14 as described in paragraphs (1) and (2) of subdivision (j) of Section
15 47605, may locate only within the geographic boundaries of the
16 chartering entity that initially denied the petition for the charter.

17 (3) A charter school that receives approval of its charter from
18 a governing board of a school district, a county office of education,
19 or the State Board of Education prior to July 1, 2002, but does not
20 commence operations until after January 1, 2003, shall be subject
21 to the geographic limitations of ~~the~~ this part, in accordance with
22 subdivision ~~(e)~~ (f).

23 (b) Nothing in this section is intended to affect the admission
24 requirements contained in subdivision (d) of Section 47605.

25 (c) *Notwithstanding any other provision of law, a charter school*
26 *may establish one or more resource centers, meeting spaces, or*
27 *other satellite facilities located in the county in which the charter*
28 *school is authorized if each of the facilities is used exclusively for*
29 *the educational support of pupils who are enrolled in*
30 *nonclassroom-based independent study of the charter school.*

31 ~~(e)~~

32 (d) Notwithstanding any other provision of law, a charter school
33 may establish ~~a one or more resource center centers, meeting space~~

1 ~~spaces~~, or other satellite-~~facility~~ *facilities* located in a county
2 adjacent to that in which the charter school is authorized if the
3 following conditions are met:

4 (1) ~~The facility~~ *Each of the facilities* is used exclusively for the
5 educational support of pupils who are enrolled in
6 nonclassroom-based independent study of the charter school.

7 (2) The charter school provides its primary educational services
8 in, and a majority of the pupils it serves are residents of, the county
9 in which the school is authorized.

10 ~~(d)~~

11 (e) Notwithstanding subdivision (a) or subdivision (a) of Section
12 47605, a charter school that is unable to locate within the
13 geographic boundaries of the chartering school district may
14 establish one site outside the boundaries of the school district, but
15 within the county within which that school district is located, if
16 the school district where the charter school proposes to operate is
17 notified in advance of the charter petition approval, the county
18 superintendent of schools is notified of the location of the charter
19 school before it commences operations, and either of the following
20 circumstances exist:

21 (1) The school has attempted to locate a single site or facility
22 to house the entire program, but ~~such a single site or facility or~~
23 ~~site~~ is unavailable in the area in which the school chooses to locate.

24 (2) The site is needed for temporary use during a construction
25 or expansion project.

26 ~~(e)~~

27 (f) (1) For a charter school that was granted approval of its
28 charter prior to July 1, 2002, and provided educational services to
29 pupils before July 1, 2002, this section shall only apply to any new
30 educational services or schoolsites established or acquired by the
31 charter school on or after July 1, 2002.

32 (2) For a charter school that was granted approval of its charter
33 prior to July 1, 2002, but did not provide educational services to
34 pupils before July 1, 2002, this section shall only apply upon the
35 expiration of a charter that is in existence on January 1, 2003.

36 (3) Notwithstanding other implementation timelines in this
37 section, by June 30, 2005, or upon the expiration of a charter that
38 is in existence on January 1, 2003, whichever is later, all charter
39 schools shall be required to comply with this section for schoolsites
40 at which education services are provided to pupils prior to or after

1 July 1, 2002, regardless of whether the charter school initially
2 received approval of its charter school petition prior to July 1,
3 2002. To achieve compliance with this section, a charter school
4 shall be required to receive approval of a charter petition in
5 accordance with this section and Section 47605.

6 (4) Nothing in this section is intended to affect the authority of
7 a governmental entity to revoke a charter that is granted on or
8 before the effective date of this section.

9 ~~(f)~~

10 (g) A charter school that submits its petition directly to a county
11 board of education, as authorized by Sections 47605.5 or 47605.6,
12 may establish charter school operations only within the
13 geographical boundaries of the county in which that county board
14 of education has jurisdiction.

15 ~~(g)~~

16 (h) Notwithstanding any other provision of law, the jurisdictional
17 limitations set forth in this section do not apply to a charter school
18 that provides instruction exclusively in partnership with any of the
19 following:

20 (1) The federal Workforce Investment Act of 1998 (29 U.S.C.
21 Sec. 2801 et seq.).

22 (2) Federally affiliated Youth Build programs.

23 (3) Federal job corps training or instruction provided pursuant
24 to a memorandum of understanding with the federal provider.

25 (4) The California Conservation Corps or local conservation
26 corps certified by the California Conservation Corps pursuant to
27 Sections 14507.5 or 14406 of the Public Resources Code.

28 (5) Instruction provided to juvenile court school pupils pursuant
29 to subdivision (c) of Section 42238.18 or pursuant to Section 1981
30 for individuals who are placed in a residential facility.

31 ~~SECTION 1. Section 47604.5 of the Education Code is~~
32 ~~amended to read:~~

33 ~~47604.5. The state board, whether or not it is the chartering~~
34 ~~authority, may take appropriate action based upon the~~
35 ~~recommendation of the Superintendent, including, but not limited~~
36 ~~to, revocation of the school's charter if the state board finds any~~
37 ~~of the following:~~

38 ~~(a) Gross financial mismanagement that jeopardizes the financial~~
39 ~~stability of the charter school.~~

- 1 ~~(b) Illegal or substantially improper use of charter school funds~~
- 2 ~~for the personal benefit of any officer, director, or fiduciary of the~~
- 3 ~~charter school.~~
- 4 ~~(c) Substantial and sustained departure from measurably~~
- 5 ~~successful practices such that continued departure would jeopardize~~
- 6 ~~the educational development of the charter school's pupils.~~