

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 58**

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**Introduced by Assembly Member Rodriguez**

December 2, 2014

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An act to amend Sections 32280, 32281, 32282, 32286, ~~and~~ 32288, *and* 47605 of, to add Sections 32286.1, 32288.1, and 32289.5 to, and to repeal Section 32289 of, the Education Code, relating to school safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 58, as amended, Rodriguez. School safety plans.

(1) Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools. Existing law requires the schoolsite council of a school to write and develop the school safety plan relevant to the needs and resources of the particular school. Existing law requires a schoolsite council or school safety planning committee, before adopting a school safety plan, to hold a public meeting at the schoolsite, as specified. Existing law requires schools to forward copies of their school safety plans to the school district or county office of education for approval. Existing law requires school districts and county offices of education annually to notify the State Department of Education regarding schools that fail to adopt a school safety plan.

This bill would revise and recast those procedures. The bill would require the comprehensive school safety plan to include procedures related to individuals with guns on school campuses and at

school-related functions, as provided. ~~The bill would remove the duties of school districts described above.~~ The bill would require, no later than October 15, 2016, and every year thereafter, each *superintendent of a school district and county office of education* to provide written notification to the Superintendent of Public Instruction ~~identifying~~ *certifying that* each school within the *school district and the county* ~~that~~ has ~~not~~ complied with the requirement to adopt a comprehensive school safety plan. The bill would require certain school administrators to keep and maintain a copy of the most recent comprehensive school safety plan, as provided. The bill would require the department to monitor compliance with these provisions using an existing monitoring framework. By requiring school and local educational agency officers to perform additional duties, the bill would impose a state-mandated local program.

*The Charter Schools Act of 1992 allows one or more persons seeking to establish a charter school within a school district to circulate a petition to that effect. The act provides that a petition for the establishment of a charter school may be denied by the governing board of a school district upon a finding that the petition does not contain a reasonably comprehensive description of the procedures that the school will follow to ensure the health and safety of pupils and staff, including a requirement that each employee of the school furnish the school with a criminal record summary. The renewal of a charter is also governed by these criteria.*

*This bill, in addition, would add the development of a school safety plan, which includes specified topics, and that is annually reviewed and updated by the school, to the procedures that the school will follow to ensure the health and safety of pupils and staff that are to be described in a petition for the establishment of, or application for the renewal of a charter of, a charter school.*

(2) 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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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.** *Section 32280 of the Education Code is amended*  
2 *to read:*

3     32280. (a) It is the intent of the Legislature that all California  
4 public schools, in kindergarten, and grades 1 to 12, inclusive,  
5 operated by school districts, in cooperation with local law  
6 enforcement agencies, community leaders, parents, pupils, teachers,  
7 administrators, and other persons who may be interested in the  
8 prevention of campus crime and violence, develop a comprehensive  
9 school safety plan that addresses the safety concerns identified  
10 through a systematic planning process. For the purposes of this  
11 section, law enforcement agencies include local police departments,  
12 county sheriffs' offices, school district police or security  
13 departments, probation departments, and district attorneys' offices.  
14 For purposes of this section, a "safety plan" means a plan to  
15 develop strategies aimed at the prevention of, and education about,  
16 potential incidents involving crime and violence on the school  
17 campus.

18     (b) *For purposes of Section 32281 and 32282, "principal"*  
19 *includes the principal's designee or administrator in charge of a*  
20 *school for charter schools without a principal.*

21     **SECTION 1.**

22     **SEC. 2.** *Section 32281 of the Education Code is amended to*  
23 *read:*

24     32281. (a) Each *school district and* county office of education  
25 is responsible for the overall development of all comprehensive  
26 school safety plans for its schools operating kindergarten or any  
27 of grades 1 to 12, inclusive.

28     (b) (1) Except as provided in subdivision (d) with regard to a  
29 small school district, the schoolsite council established pursuant  
30 to former Section 52012, as it existed before July 1, 2005, or  
31 Section 52852 shall write and develop a comprehensive school  
32 safety plan relevant to the needs and resources of that particular  
33 school.

34     (2) The schoolsite council may delegate this responsibility to a  
35 school safety planning committee made up of the following  
36 members:

37     (A) ~~The principal or the principal's designee.~~

1 (B) One teacher who is a representative of the recognized  
2 certificated employee organization.

3 (C) One parent whose child attends the school.

4 (D) One classified employee who is a representative of the  
5 recognized classified employee organization.

6 (E) Other members, if desired.

7 (3) The schoolsite council shall consult with a representative  
8 from a law enforcement agency in the writing and development  
9 of the comprehensive school safety plan.

10 (4) In the absence of a schoolsite council, the members specified  
11 in paragraph (2) shall serve as the school safety planning  
12 committee.

13 (c) This article does not limit or take away the authority of  
14 school boards as guaranteed under this code.

15 (d) (1) Subdivision (b) shall not apply to a small school district,  
16 as defined in paragraph (2), if the small school district develops a  
17 districtwide comprehensive school safety plan that is applicable  
18 to each schoolsite.

19 (2) As used in this article, “small school district” means a school  
20 district that has fewer than 2,501 units of average daily attendance  
21 at the beginning of each fiscal year.

22 (e) (1) If a principal or the principal’s designee verifies through  
23 local law enforcement officials that a report has been filed of the  
24 occurrence of a violent crime on the schoolsite of an elementary  
25 or secondary school at which he or she is the principal, the principal  
26 or the principal’s designee may send to each pupil’s parent or legal  
27 guardian and each school employee a written notice of the  
28 occurrence and general nature of the crime. If the principal or  
29 designee chooses to send the written notice, the Legislature  
30 encourages the notice be sent no later than the end of business on  
31 the second regular workday after the verification. If, at the time  
32 of verification, local law enforcement officials determine that  
33 notification of the violent crime would hinder an ongoing  
34 investigation, the notification authorized by this subdivision shall  
35 be made within a reasonable period of time, to be determined by  
36 the local law enforcement agency and the school district. For  
37 purposes of this section, an act considered a “violent crime” shall  
38 meet the definition of Section 67381 and is an act for which a pupil  
39 could or would be expelled pursuant to Section 48915.

(2) This subdivision does not create any liability in a school district or its employees for complying with paragraph (1).

(f) (1) Notwithstanding subdivision (b), a *school district or* county office of education may, in consultation with law enforcement officials, elect to not have its schoolsite council develop and write those portions of its comprehensive school safety plan that include tactical responses to criminal incidents that may result in death or serious bodily injury at the schoolsite. The portions of a school safety plan that include tactical responses to criminal incidents may be developed by administrators of *the school district or* the county office of education in consultation with law enforcement officials and with a representative of an exclusive bargaining unit of employees of that *school district or* county office of education, if he or she chooses to participate. The *school district or* county office of education may elect not to disclose those portions of the comprehensive school safety plan that include tactical responses to criminal incidents.

(2) As used in this article, “tactical responses to criminal incidents” means steps taken to safeguard pupils and staff, to secure the affected school premises, and to apprehend the criminal perpetrator or perpetrators.

(3) (A) *Tactical responses to criminal incidents shall include procedures related to individuals with guns on school campuses and at school-related functions, including, but not limited to, training programs related to active shooters and other armed assailants. Training programs and drills to prepare for active shooters or other armed assailants shall be based on the specific needs and context of each school and community. Schools shall consider the most cost-effective method of preparing students and staff for an active shooter situation while balancing the physical and psychological risks associated with these drills. Regardless of the nature of the drills a school chooses, the school resource officer and school-employed mental health professionals shall be integrally involved in the planning and evaluation process to ensure appropriate implementation.*

(B) *As used in this subparagraph, “active shooter” means an individual who is actively engaged in killing or attempting to kill people in a confined and populated area.*

~~(3)~~

(4) This subdivision does not preclude the *governing board of a school district or county office of education* from conferring in a closed session with law enforcement officials pursuant to Section 54957 of the Government Code to approve a tactical response plan developed in consultation with those officials pursuant to this subdivision. A vote to approve the tactical response plan shall be announced in open session following the closed session.

(4)

(5) This subdivision does not reduce or eliminate the requirements of Section 32282.

~~SEC. 2.~~

*SEC. 3.* Section 32282 of the Education Code is amended to read:

32282. (a) The comprehensive school safety plan shall include, but not be limited to, both of the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency, including adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.). The disaster procedures shall also include, but not be limited to, both of the following:

(i) Establishing an earthquake emergency procedure system in every public school building having an occupant capacity of 50 or more pupils or more than one classroom. *A school district or county office of education* may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedure system. The system shall include, but not be limited to, all of the following:

(I) A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.

1 (II) A drop procedure whereby each pupil and staff member  
2 takes cover under a table or desk, dropping to his or her knees,  
3 with the head protected by the arms, and the back to the windows.  
4 A drop procedure practice shall be held at least once each school  
5 quarter in elementary schools and at least once a semester in  
6 secondary schools.

7 (III) Protective measures to be taken before, during, and  
8 following an earthquake.

9 (IV) A program to ensure that pupils and both the certificated  
10 and classified staff are aware of, and properly trained in, the  
11 earthquake emergency procedure system.

12 (ii) Establishing a procedure to allow a public agency or  
13 nongovernmental organization, including the American Red Cross,  
14 to use school buildings, grounds, and equipment for mass care and  
15 welfare shelters during disasters or other emergencies affecting  
16 the public health and welfare. The *school district or* county office  
17 of education shall cooperate with the public agency or  
18 nongovernmental organization in furnishing and maintaining the  
19 services as the *school district or* county office of education may  
20 deem necessary to meet the needs of the community.

21 (C) Policies pursuant to subdivision (d) of Section 48915 for  
22 pupils who committed an act listed in subdivision (c) of Section  
23 48915 and other school-designated serious acts that would lead to  
24 suspension, expulsion, or mandatory expulsion recommendations  
25 pursuant to Article 1 (commencing with Section 48900) of Chapter  
26 6 of Part 27 of Division 4 of Title 2.

27 (D) Procedures to notify teachers of dangerous pupils pursuant  
28 to Section 49079.

29 (E) A discrimination and harassment policy consistent with the  
30 prohibition against discrimination contained in Chapter 2  
31 (commencing with Section 200) of Part 1.

32 (F) The provisions of any schoolwide dress code, pursuant to  
33 Section 35183, that prohibits pupils from wearing “gang-related  
34 apparel,” if the school has adopted that type of a dress code. For  
35 those purposes, the comprehensive school safety plan shall define  
36 “gang-related apparel.” The definition shall be limited to apparel  
37 that, if worn or displayed on a school campus, reasonably could  
38 be determined to threaten the health and safety of the school  
39 environment. Any schoolwide dress code established pursuant to  
40 this section and Section 35183 shall be enforced on the school

1 campus and at any school-sponsored activity by the principal of  
2 ~~the school or the person designated by the principal.~~ *school*. For  
3 purposes of this paragraph, “gang-related apparel” shall not be  
4 considered a protected form of speech pursuant to Section 48950.

5 (G) Procedures for safe ingress and egress of pupils, parents,  
6 and school employees to and from school.

7 (H) A safe and orderly environment conducive to learning at  
8 the school.

9 ~~(I) (i) Procedures related to individuals with guns on school~~  
10 ~~campuses and at school-related functions, including, but not limited~~  
11 ~~to, training programs related to active shooters and other armed~~  
12 ~~assailants. Training programs and drills to prepare for active~~  
13 ~~shooters or other armed assailants shall be based on the specific~~  
14 ~~needs and context of each school and community. Schools shall~~  
15 ~~consider the most cost-effective method of preparing students and~~  
16 ~~staff for an active shooter situation while balancing the physical~~  
17 ~~and psychological risks associated with these drills. Regardless of~~  
18 ~~the nature of the drills a school chooses, the school resource officer~~  
19 ~~and school-employed mental health professionals shall be integrally~~  
20 ~~involved in the planning and evaluation process to ensure~~  
21 ~~appropriate implementation.~~

22 ~~(ii) As used in this subparagraph, “active shooter” means an~~  
23 ~~individual who is actively engaged in killing or attempting to kill~~  
24 ~~people in a confined and populated area.~~

25 (J)

26 (I) The rules and procedures on school discipline adopted  
27 pursuant to Sections 35291 and 35291.5.

28 (b) It is the intent of the Legislature that schools develop  
29 comprehensive school safety plans using existing resources,  
30 including the materials and services of the partnership, pursuant  
31 to this chapter. It is also the intent of the Legislature that schools  
32 use the handbook developed and distributed by the School/Law  
33 Enforcement Partnership Program entitled “Safe Schools: A  
34 Planning Guide for Action” and the report by the National  
35 Association of School Psychologists and the National Association  
36 of School Resource Officers on “Best Practice Considerations for  
37 Schools in Active Shooter and Other Armed Assailant Drills” in  
38 conjunction with developing their plan for school safety.

39 (c) Each schoolsite council or school safety planning committee  
40 in developing and updating a comprehensive school safety plan



1 shall, where practical, consult, cooperate, and coordinate with  
2 other schoolsite councils or school safety planning committees.

3 (d) The comprehensive school safety plan may be evaluated  
4 and amended, as needed, by the school safety planning committee,  
5 but shall be evaluated at least once a year to ensure that the  
6 comprehensive school safety plan is properly implemented. An  
7 updated file of all safety-related plans and materials shall be readily  
8 available for inspection by the public, law enforcement, and school  
9 employees.

10 (e) As comprehensive school safety plans are reviewed and  
11 updated, the Legislature encourages all plans, to the extent that  
12 resources are available, to include policies and procedures aimed  
13 at the prevention of bullying.

14 (f) The comprehensive school safety plan, as written and updated  
15 by the schoolsite council or school safety planning committee,  
16 shall be submitted for approval under subdivision (a) of Section  
17 32288.

18 ~~SEC. 3.~~

19 *SEC. 4.* Section 32286 of the Education Code is amended to  
20 read:

21 32286. (a) Each school shall adopt its comprehensive school  
22 safety plan by March 1, 2000, and shall review and update its plan  
23 by March 1 every year thereafter. A new school campus that begins  
24 offering classes to pupils after March 1, 2001, shall adopt a  
25 comprehensive school safety plan within one year of initiating  
26 operation, and shall review and update its plan by March 1 every  
27 year thereafter.

28 (b) Commencing July 2000 and every year thereafter, the  
29 principal of each school shall accurately report on the status of the  
30 principal's school's safety plan for the upcoming school year,  
31 including a description of its key elements in the annual school  
32 accountability report card prepared pursuant to Sections 33126  
33 and 35256. The report shall include, but is not limited to, the date  
34 the school safety plan was adopted and a description of the safety  
35 plan's elements as set forth in Section 32282.

36 (c) Each school principal shall provide written or electronic  
37 notice to each teacher and classified employee of that school that  
38 the adopted school safety plan is readily available for inspection.

1     ~~SEC. 4.~~

2     SEC. 5. Section 32286.1 is added to the Education Code, to  
3 read:

4     32286.1. No later than October 15, 2016, and each year  
5 thereafter, each *superintendent of a school district and county*  
6 office of education shall provide written notification to the  
7 Superintendent ~~identifying~~ *certifying that* each school within the  
8 *school district and county* ~~that~~ has ~~not~~ complied with Section  
9 32281 or subdivision (b) of Section 32286 for that school year.

10    ~~SEC. 5.~~

11    SEC. 6. Section 32288 of the Education Code is amended to  
12 read:

13     32288. (a) In order to ensure compliance with this article, each  
14 school shall forward its comprehensive school safety plan to *the*  
15 *school district or the county office of education for approval.*

16     (b) (1) (A) Before adopting its comprehensive school safety  
17 plan, the schoolsite council or school safety planning committee  
18 shall hold a public meeting at the schoolsite in order to allow  
19 members of the public the opportunity to express an opinion about  
20 the school safety plan.

21     (B) Confidential information relating to tactical responses to  
22 criminal incidents, pursuant to paragraph (1) of subdivision (f) of  
23 Section 32281, shall not be included at the public meeting.

24     (2) The schoolsite council or school safety planning committee  
25 shall notify, in writing, the following persons and entities, if  
26 available, of the public meeting:

27     (A) The local mayor.

28     (B) A representative of the local school employee organization.

29     (C) A representative of each parent organization at the  
30 schoolsite, including the parent teacher association and parent  
31 teacher clubs.

32     (D) A representative of each teacher organization at the  
33 schoolsite.

34     (E) A representative of the student body government.

35     (F) All persons who have indicated they want to be notified.

36     (3) The schoolsite council or school safety planning committee  
37 is encouraged to notify, in writing, the following persons and  
38 entities, if available, of the public meeting:

39     (A) A representative of the local churches.

40     (B) Local civic leaders.

1 (C) Local business organizations.

2 ~~SEC. 6.~~

3 *SEC. 7.* Section 32288.1 is added to the Education Code, to  
4 read:

5 32288.1. (a) Each principal shall keep and maintain a copy of  
6 the most recent comprehensive school safety plan for that school.

7 (b) Each *superintendent of a school district or county office of*  
8 education shall keep and maintain a copy of the most recent  
9 comprehensive school safety plan filed pursuant to Section 32288  
10 and a copy of every notification made pursuant to Section 32286.1.

11 (c) (1) All books, documents, records, and other papers kept  
12 and maintained pursuant to subdivisions (a) and (b) shall be open  
13 for inspection and copying, during business hours at a district  
14 office or during school hours at a school, on business days,  
15 excluding legal holidays, within 48 hours of a written, verbal, or  
16 electronic request by a law enforcement agency described in  
17 Section 32280.

18 (2) An electronic version of a book, document, record, or other  
19 paper shall be sufficient to satisfy the requirements of paragraph  
20 (1).

21 ~~SEC. 7.~~

22 *SEC. 8.* Section 32289 of the Education Code, as added by  
23 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

24 ~~SEC. 8.~~

25 *SEC. 9.* Section 32289.5 is added to the Education Code, to  
26 read:

27 32289.5. The department shall monitor compliance with this  
28 article using an existing monitoring framework.

29 *SEC. 10.* *Section 47605 of the Education Code is amended to*  
30 *read:*

31 47605. (a) (1) Except as set forth in paragraph (2), a petition  
32 for the establishment of a charter school within a school district  
33 may be circulated by one or more persons seeking to establish the  
34 charter school. A petition for the establishment of a charter school  
35 shall identify a single charter school that will operate within the  
36 geographic boundaries of that school district. A charter school  
37 may propose to operate at multiple sites within the school district,  
38 as long as each location is identified in the charter school petition.  
39 The petition may be submitted to the governing board of the school  
40 district for review after either of the following conditions is met:

1 (A) The petition is signed by a number of parents or legal  
2 guardians of pupils that is equivalent to at least one-half of the  
3 number of pupils that the charter school estimates will enroll in  
4 the school for its first year of operation.

5 (B) The petition is signed by a number of teachers that is  
6 equivalent to at least one-half of the number of teachers that the  
7 charter school estimates will be employed at the school during its  
8 first year of operation.

9 (2) A petition that proposes to convert an existing public school  
10 to a charter school that would not be eligible for a loan pursuant  
11 to subdivision (b) of Section 41365 may be circulated by one or  
12 more persons seeking to establish the charter school. The petition  
13 may be submitted to the governing board of the school district for  
14 review after the petition is signed by not less than 50 percent of  
15 the permanent status teachers currently employed at the public  
16 school to be converted.

17 (3) A petition shall include a prominent statement that a  
18 signature on the petition means that the parent or legal guardian  
19 is meaningfully interested in having his or her child or ward attend  
20 the charter school, or in the case of a teacher's signature, means  
21 that the teacher is meaningfully interested in teaching at the charter  
22 school. The proposed charter shall be attached to the petition.

23 (4) After receiving approval of its petition, a charter school that  
24 proposes to establish operations at one or more additional sites  
25 shall request a material revision to its charter and shall notify the  
26 authority that granted its charter of those additional locations. The  
27 authority that granted its charter shall consider whether to approve  
28 those additional locations at an open, public meeting. If the  
29 additional locations are approved, they shall be a material revision  
30 to the charter school's charter.

31 (5) A charter school that is unable to locate within the  
32 jurisdiction of the chartering school district may establish one site  
33 outside the boundaries of the school district, but within the county  
34 in which that school district is located, if the school district within  
35 the jurisdiction of which the charter school proposes to operate is  
36 notified in advance of the charter petition approval, the county  
37 superintendent of schools and the Superintendent are notified of  
38 the location of the charter school before it commences operations,  
39 and either of the following circumstances exists:

1 (A) The school has attempted to locate a single site or facility  
2 to house the entire program, but a site or facility is unavailable in  
3 the area in which the school chooses to locate.

4 (B) The site is needed for temporary use during a construction  
5 or expansion project.

6 (6) Commencing January 1, 2003, a petition to establish a charter  
7 school may not be approved to serve pupils in a grade level that  
8 is not served by the school district of the governing board  
9 considering the petition, unless the petition proposes to serve pupils  
10 in all of the grade levels served by that school district.

11 (b) No later than 30 days after receiving a petition, in accordance  
12 with subdivision (a), the governing board of the school district  
13 shall hold a public hearing on the provisions of the charter, at  
14 which time the governing board of the school district shall consider  
15 the level of support for the petition by teachers employed by the  
16 district, other employees of the district, and parents. Following  
17 review of the petition and the public hearing, the governing board  
18 of the school district shall either grant or deny the charter within  
19 60 days of receipt of the petition, provided, however, that the date  
20 may be extended by an additional 30 days if both parties agree to  
21 the extension. In reviewing petitions for the establishment of  
22 charter schools pursuant to this section, the chartering authority  
23 shall be guided by the intent of the Legislature that charter schools  
24 are and should become an integral part of the California educational  
25 system and that establishment of charter schools should be  
26 encouraged. The governing board of the school district shall grant  
27 a charter for the operation of a school under this part if it is satisfied  
28 that granting the charter is consistent with sound educational  
29 practice. The governing board of the school district shall not deny  
30 a petition for the establishment of a charter school unless it makes  
31 written factual findings, specific to the particular petition, setting  
32 forth specific facts to support one or more of the following  
33 findings:

34 (1) The charter school presents an unsound educational program  
35 for the pupils to be enrolled in the charter school.

36 (2) The petitioners are demonstrably unlikely to successfully  
37 implement the program set forth in the petition.

38 (3) The petition does not contain the number of signatures  
39 required by subdivision (a).

1 (4) The petition does not contain an affirmation of each of the  
2 conditions described in subdivision (d).

3 (5) The petition does not contain reasonably comprehensive  
4 descriptions of all of the following:

5 (A) (i) A description of the educational program of the school,  
6 designed, among other things, to identify those whom the school  
7 is attempting to educate, what it means to be an “educated person”  
8 in the 21st century, and how learning best occurs. The goals  
9 identified in that program shall include the objective of enabling  
10 pupils to become self-motivated, competent, and lifelong learners.

11 (ii) A description, for the charter school, of annual goals, for  
12 all pupils and for each subgroup of pupils identified pursuant to  
13 Section 52052, to be achieved in the state priorities, as described  
14 in subdivision (d) of Section 52060, that apply for the grade levels  
15 served, or the nature of the program operated, by the charter school,  
16 and specific annual actions to achieve those goals. A charter  
17 petition may identify additional school priorities, the goals for the  
18 school priorities, and the specific annual actions to achieve those  
19 goals.

20 (iii) If the proposed school will serve high school pupils, a  
21 description of the manner in which the charter school will inform  
22 parents about the transferability of courses to other public high  
23 schools and the eligibility of courses to meet college entrance  
24 requirements. Courses offered by the charter school that are  
25 accredited by the Western Association of Schools and Colleges  
26 may be considered transferable and courses approved by the  
27 University of California or the California State University as  
28 creditable under the “A” to “G” admissions criteria may be  
29 considered to meet college entrance requirements.

30 (B) The measurable pupil outcomes identified for use by the  
31 charter school. “Pupil outcomes,” for purposes of this part, means  
32 the extent to which all pupils of the school demonstrate that they  
33 have attained the skills, knowledge, and attitudes specified as goals  
34 in the school’s educational program. Pupil outcomes shall include  
35 outcomes that address increases in pupil academic achievement  
36 both schoolwide and for all groups of pupils served by the charter  
37 school, as that term is defined in subparagraph (B) of paragraph  
38 (3) of subdivision (a) of Section 47607. The pupil outcomes shall  
39 align with the state priorities, as described in subdivision (d) of

1 Section 52060, that apply for the grade levels served, or the nature  
2 of the program operated, by the charter school.

3 (C) The method by which pupil progress in meeting those pupil  
4 outcomes is to be measured. To the extent practicable, the method  
5 for measuring pupil outcomes for state priorities shall be consistent  
6 with the way information is reported on a school accountability  
7 report card.

8 (D) The governance structure of the school, including, but not  
9 limited to, the process to be followed by the school to ensure  
10 parental involvement.

11 (E) The qualifications to be met by individuals to be employed  
12 by the school.

13 (F) The procedures that the school will follow to ensure the  
14 health and safety of pupils and staff. These procedures shall include  
15 ~~the requirement that each employee of the school furnish the school~~  
16 ~~with a criminal record summary as described in Section 44237.~~  
17 *both of the following:*

18 *(i) A requirement that each employee of the school furnish the*  
19 *school with a criminal record summary as described in Section*  
20 *44237.*

21 *(ii) The development of a school safety plan, which shall include*  
22 *the topics listed in subparagraphs (A) to (I), inclusive, of paragraph*  
23 *(2) of subdivision (a) of Section 32282, that is reviewed and*  
24 *updated by March 1 of every year by the school.*

25 (G) The means by which the school will achieve a racial and  
26 ethnic balance among its pupils that is reflective of the general  
27 population residing within the territorial jurisdiction of the school  
28 district to which the charter petition is submitted.

29 (H) Admission requirements, if applicable.

30 (I) The manner in which annual, independent financial audits  
31 shall be conducted, which shall employ generally accepted  
32 accounting principles, and the manner in which audit exceptions  
33 and deficiencies shall be resolved to the satisfaction of the  
34 chartering authority.

35 (J) The procedures by which pupils can be suspended or  
36 expelled.

37 (K) The manner by which staff members of the charter schools  
38 will be covered by the State Teachers' Retirement System, the  
39 Public Employees' Retirement System, or federal social security.

1 (L) The public school attendance alternatives for pupils residing  
2 within the school district who choose not to attend charter schools.

3 (M) A description of the rights of any employee of the school  
4 district upon leaving the employment of the school district to work  
5 in a charter school, and of any rights of return to the school district  
6 after employment at a charter school.

7 (N) The procedures to be followed by the charter school and  
8 the entity granting the charter to resolve disputes relating to  
9 provisions of the charter.

10 (O) A declaration whether or not the charter school shall be  
11 deemed the exclusive public school employer of the employees of  
12 the charter school for purposes of Chapter 10.7 (commencing with  
13 Section 3540) of Division 4 of Title 1 of the Government Code.

14 (P) A description of the procedures to be used if the charter  
15 school closes. The procedures shall ensure a final audit of the  
16 school to determine the disposition of all assets and liabilities of  
17 the charter school, including plans for disposing of any net assets  
18 and for the maintenance and transfer of pupil records.

19 (c) (1) Charter schools shall meet all statewide standards and  
20 conduct the pupil assessments required pursuant to Sections 60605  
21 and 60851 and any other statewide standards authorized in statute  
22 or pupil assessments applicable to pupils in noncharter public  
23 schools.

24 (2) Charter schools shall, on a regular basis, consult with their  
25 parents, legal guardians, and teachers regarding the school's  
26 educational programs.

27 (d) (1) In addition to any other requirement imposed under this  
28 part, a charter school shall be nonsectarian in its programs,  
29 admission policies, employment practices, and all other operations,  
30 shall not charge tuition, and shall not discriminate against any  
31 pupil on the basis of the characteristics listed in Section 220. Except  
32 as provided in paragraph (2), admission to a charter school shall  
33 not be determined according to the place of residence of the pupil,  
34 or of his or her parent or legal guardian, within this state, except  
35 that an existing public school converting partially or entirely to a  
36 charter school under this part shall adopt and maintain a policy  
37 giving admission preference to pupils who reside within the former  
38 attendance area of that public school.

39 (2) (A) A charter school shall admit all pupils who wish to  
40 attend the school.



1 (B) If the number of pupils who wish to attend the charter school  
2 exceeds the school's capacity, attendance, except for existing pupils  
3 of the charter school, shall be determined by a public random  
4 drawing. Preference shall be extended to pupils currently attending  
5 the charter school and pupils who reside in the district except as  
6 provided for in Section 47614.5. Other preferences may be  
7 permitted by the chartering authority on an individual school basis  
8 and only if consistent with the law.

9 (C) In the event of a drawing, the chartering authority shall  
10 make reasonable efforts to accommodate the growth of the charter  
11 school and in no event shall take any action to impede the charter  
12 school from expanding enrollment to meet pupil demand.

13 (3) If a pupil is expelled or leaves the charter school without  
14 graduating or completing the school year for any reason, the charter  
15 school shall notify the superintendent of the school district of the  
16 pupil's last known address within 30 days, and shall, upon request,  
17 provide that school district with a copy of the cumulative record  
18 of the pupil, including a transcript of grades or report card, and  
19 health information. This paragraph applies only to pupils subject  
20 to compulsory full-time education pursuant to Section 48200.

21 (e) The governing board of a school district shall not require  
22 any employee of the school district to be employed in a charter  
23 school.

24 (f) The governing board of a school district shall not require  
25 any pupil enrolled in the school district to attend a charter school.

26 (g) The governing board of a school district shall require that  
27 the petitioner or petitioners provide information regarding the  
28 proposed operation and potential effects of the school, including,  
29 but not limited to, the facilities to be used by the school, the manner  
30 in which administrative services of the school are to be provided,  
31 and potential civil liability effects, if any, upon the school and  
32 upon the school district. The description of the facilities to be used  
33 by the charter school shall specify where the school intends to  
34 locate. The petitioner or petitioners shall also be required to provide  
35 financial statements that include a proposed first-year operational  
36 budget, including startup costs, and cashflow and financial  
37 projections for the first three years of operation.

38 (h) In reviewing petitions for the establishment of charter  
39 schools within the school district, the governing board of the school  
40 district shall give preference to petitions that demonstrate the

1 capability to provide comprehensive learning experiences to pupils  
2 identified by the petitioner or petitioners as academically low  
3 achieving pursuant to the standards established by the department  
4 under Section 54032, as it read before July 19, 2006.

5 (i) Upon the approval of the petition by the governing board of  
6 the school district, the petitioner or petitioners shall provide written  
7 notice of that approval, including a copy of the petition, to the  
8 applicable county superintendent of schools, the department, and  
9 the state board.

10 (j) (1) If the governing board of a school district denies a  
11 petition, the petitioner may elect to submit the petition for the  
12 establishment of a charter school to the county board of education.  
13 The county board of education shall review the petition pursuant  
14 to subdivision (b). If the petitioner elects to submit a petition for  
15 establishment of a charter school to the county board of education  
16 and the county board of education denies the petition, the petitioner  
17 may file a petition for establishment of a charter school with the  
18 state board, and the state board may approve the petition, in  
19 accordance with subdivision (b). A charter school that receives  
20 approval of its petition from a county board of education or from  
21 the state board on appeal shall be subject to the same requirements  
22 concerning geographic location to which it would otherwise be  
23 subject if it received approval from the entity to which it originally  
24 submitted its petition. A charter petition that is submitted to either  
25 a county board of education or to the state board shall meet all  
26 otherwise applicable petition requirements, including the  
27 identification of the proposed site or sites where the charter school  
28 will operate.

29 (2) In assuming its role as a chartering agency, the state board  
30 shall develop criteria to be used for the review and approval of  
31 charter school petitions presented to the state board. The criteria  
32 shall address all elements required for charter approval, as  
33 identified in subdivision (b) and shall define “reasonably  
34 comprehensive” as used in paragraph (5) of subdivision (b) in a  
35 way that is consistent with the intent of this part. Upon satisfactory  
36 completion of the criteria, the state board shall adopt the criteria  
37 on or before June 30, 2001.

38 (3) A charter school for which a charter is granted by either the  
39 county board of education or the state board based on an appeal

1 pursuant to this subdivision shall qualify fully as a charter school  
2 for all funding and other purposes of this part.

3 (4) If either the county board of education or the state board  
4 fails to act on a petition within 120 days of receipt, the decision  
5 of the governing board of the school district to deny a petition  
6 shall, thereafter, be subject to judicial review.

7 (5) The state board shall adopt regulations implementing this  
8 subdivision.

9 (6) Upon the approval of the petition by the county board of  
10 education, the petitioner or petitioners shall provide written notice  
11 of that approval, including a copy of the petition to the department  
12 and the state board.

13 (k) (1) The state board may, by mutual agreement, designate  
14 its supervisorial and oversight responsibilities for a charter school  
15 approved by the state board to any local educational agency in the  
16 county in which the charter school is located or to the governing  
17 board of the school district that first denied the petition.

18 (2) The designated local educational agency shall have all  
19 monitoring and supervising authority of a chartering agency,  
20 including, but not limited to, powers and duties set forth in Section  
21 47607, except the power of revocation, which shall remain with  
22 the state board.

23 (3) A charter school that is granted its charter through an appeal  
24 to the state board and elects to seek renewal of its charter shall,  
25 before expiration of the charter, submit its petition for renewal to  
26 the governing board of the school district that initially denied the  
27 charter. If the governing board of the school district denies the  
28 school's petition for renewal, the school may petition the state  
29 board for renewal of its charter.

30 (l) Teachers in charter schools shall hold a Commission on  
31 Teacher Credentialing certificate, permit, or other document  
32 equivalent to that which a teacher in other public schools would  
33 be required to hold. These documents shall be maintained on file  
34 at the charter school and are subject to periodic inspection by the  
35 chartering authority. It is the intent of the Legislature that charter  
36 schools be given flexibility with regard to noncore, noncollege  
37 preparatory courses.

38 (m) A charter school shall transmit a copy of its annual,  
39 independent financial audit report for the preceding fiscal year, as  
40 described in subparagraph (I) of paragraph (5) of subdivision (b),

1 to its chartering entity, the Controller, the county superintendent  
2 of schools of the county in which the charter school is sited, unless  
3 the county board of education of the county in which the charter  
4 school is sited is the chartering entity, and the department by  
5 December 15 of each year. This subdivision does not apply if the  
6 audit of the charter school is encompassed in the audit of the  
7 chartering entity pursuant to Section 41020.

8 ~~SEC. 9.~~

9 *SEC. 11.* If the Commission on State Mandates determines  
10 that this act contains costs mandated by the state, reimbursement  
11 to local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.