

Assembly Bill No. 3384

CHAPTER 786

An act to amend Sections 47605 and 47610 of, to add Sections 41365 and 47608 to, and to repeal Section 41309 of, the Education Code, relating to charter schools, and making an appropriation therefor.

[Approved by Governor September 21, 1996. Filed
with Secretary of State September 23, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3384, Knox. Charter schools.

(1) Existing law permits loans, as specified, to be made to newly organized elementary, high school, and unified school districts from the School District Organization Revolving Fund.

This bill would create the Charter School Revolving Loan Fund in the State Treasury to loan money to school districts for charter schools that are not a conversion of an existing school, as specified, and would provide the fund be comprised of federal funds, as specified, and any other funds appropriated or transferred to the fund. The bill would continuously appropriate funds in the fund, and require the Superintendent of Public Instruction to deposit \$114,000 of specified federal funds appropriated in the Budget Act of 1996 into the Charter School Revolving Loan Fund. The bill would also permit the Superintendent of Public Instruction to transfer additional specified federal funds appropriated in the Budget Act of 1996 to the Charter School Revolving Loan Fund upon approval by the Department of Finance.

(2) Existing law specifies the elements that must be contained in the charter for a charter school.

This bill would require that the charter for a charter school specify the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(3) Existing law requires charter schools to meet statewide performance standards and conduct pupil assessments pursuant to a statute that has been repealed.

This bill would require charter schools to meet the statewide performance standards and conduct pupil assessments pursuant to the Leroy Greene California Assessment of Academic Achievement Act.

(4) Existing law requires the meetings of the legislative body of a local agency to be open and public, except as specified. Existing law also requires the governing board of a school district to hold a public



hearing on the provisions of a charter submitted to the board with a petition requesting approval for a charter school.

This bill would require that all meetings of the governing board of the school district, a specified review panel, and the county board of education at which the granting, revocation, appeal, or renewal of a charter petition is discussed to comply with the Ralph M. Brown Act.

(5) This bill would incorporate additional amendments to Section 47610 of the Education Code proposed by AB 66 to be operative only if AB 66 and this bill are both enacted and become effective as specified and this bill is enacted last.

Appropriation: yes.

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

SECTION 1. Section 41309 of the Education Code is repealed.

SEC. 2. Section 41365 is added to the Education Code, to read:

41365. (a) The Charter School Revolving Loan Fund is hereby created in the State Treasury. The Charter School Revolving Loan Fund shall be comprised of federal funds obtained by the State Department of Education for charter schools and any other funds appropriated or transferred to the fund. The amount in the Charter School Revolving Loan Fund is continuously appropriated for the purposes of the fund. From the federal Public Charter Schools Program grant funds awarded to the Department of Education for 1996–97 and appropriated in Item 6110-112-0890 of Section 2.00 of Chapter 162 of the Statutes of 1996, one hundred fourteen thousand dollars (\$114,000) shall be deposited by the Superintendent of Public Instruction in the Charter School Revolving Loan Fund. Additional federal Public Charter Schools Program grant funds appropriated in Item 6110-112-0890 of Section 2.00 of Chapter 162 of the Statutes of 1996 may be transferred by the Superintendent of Public Instruction to the Charter School Revolving Loan Fund subject to approval by the Department of Finance.

(b) Loans may be made from moneys in the Charter School Revolving Loan Fund to school districts for charter schools that are not a conversion of an existing school upon application of a school district and approval by the Superintendent of Public Instruction. A loan is for use by the charter school during the period from the date the charter is granted pursuant to Section 47605 and the end of the fiscal year in which the charter school first enrolls pupils. Money loaned to a school district for charter school pursuant to this section shall be used only to meet the purposes of the charter granted pursuant to Section 47605. The loan to a school district for a charter school pursuant to this subdivision shall not exceed fifty thousand dollars (\$50,000). This subdivision does not apply to a renewal of a charter pursuant to Section 47607.



(c) During each of the two successive fiscal years commencing with the first fiscal year following the fiscal year the charter school first enrolls pupils, the Controller shall deduct from apportionments made to the school district an amount equal to one-half of the amount loaned to the school district for the charter school under this section and pay the same amount into the Charter School Revolving Loan Fund in the State Treasury.

SEC. 3. Section 47605 of the Education Code is amended to read:

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

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

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

(2) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.

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

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

(5) The qualifications to be met by individuals to be employed by the school.



(6) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

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

(8) Admission requirements, if applicable.

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

(10) The procedures by which pupils can be suspended or expelled.

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

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

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

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

(c) Charter schools shall meet the statewide performance standards and conduct the pupil assessments required pursuant to Section 60605.

(d) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

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

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

(g) The governing board may require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which



administrative services of the school are to be provided, and potential civil liability effects upon the school and upon the school district.

(h) In reviewing petitions for the establishment of charter schools within the school district, the school district governing board shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the State Board of Education.

(j) (1) If the governing board of the school district denies a charter, the county superintendent of schools, at the request of the petitioner or petitioners, shall select and convene a review panel to review the action of the governing board. 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 governing board failed to appropriately consider the charter request, or acted in an arbitrary manner in denying the request, the review panel shall request the governing board to reconsider the charter request. 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 governing board denies a charter, the county board of education, at the request of the petitioner or petitioners, shall hold a public hearing in the manner described in subdivision (b) and, accordingly, may grant a charter. A charter school for which a charter is granted by a county board of education pursuant to this paragraph shall qualify fully as a charter school for all funding and other purposes of this part.

SEC. 4. Section 47608 is added to the Education Code, to read:

47608. All meetings of the governing board of the school district, the review panel convened pursuant to subdivision (j) of Section 47605, and the county board of education at which the granting, revocation, appeal, or renewal of a charter petition is discussed shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54590) of Division 2 of Title 5 of the Government Code).

SEC. 5. Section 47610 of the Education Code is amended to read:

47610. A charter school shall comply with all of the provisions set forth in its charter petition, but is otherwise exempt from the laws governing school districts except as specified in Sections 47611 and 41365.



SEC. 6. Section 47610 of the Education Code is amended to read:

47610. (a) A charter school shall comply with all of the provisions set forth in its charter petition, but is otherwise exempt from the laws governing school districts except as specified in Sections 47611 and 41365.

(b) A home rule district shall comply with all of the provisions set forth in its home rule petition and Section 47606.1, but is otherwise exempt from the laws governing school districts.

SEC. 7. Section 6 of this bill incorporates amendments to Section 47610 of the Education Code proposed by both this bill and Assembly Bill 66. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1997, (2) each bill amends Section 47610 of the Education Code, and (3) this bill is enacted after Assembly Bill 66, in which case Section 5 of this bill shall not become operative.

