

AMENDED IN ASSEMBLY APRIL 15, 2024

AMENDED IN ASSEMBLY MARCH 12, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1858

Introduced by Assembly Member Ward

January 18, 2024

An act to amend Sections 32282, 47605, and 47605.6 of, and to add Section 32289.6 to, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1858, as amended, Ward. Comprehensive school safety plans: active shooters: armed assailants: drills.

(1) Under existing law, each school district and county office of education is responsible for the overall development of a comprehensive school safety plan for each of its schools operating kindergarten or any of grades 1 to 12, inclusive, in cooperation with certain local entities. Existing law requires that the plan include identification of 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. Existing law requires the comprehensive school safety plan to include the development of procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses and at school-related functions.

This bill would additionally require, as part of the comprehensive school safety plan, if the plan includes procedures to prepare for active shooters or other armed assailants by conducting a drill, the development of specified procedures relating to that drill.

Existing law prohibits a chartering authority from denying a petition for the establishment of a charter school unless it makes written factual findings supporting at least one of specified bases for denial. One of those bases for denying a petition is if the petition does not contain a reasonably comprehensive description of the development of a school safety plan that includes the same safety topics required in the comprehensive school safety plan of a school district or county office of education.

This bill would authorize a chartering authority to deny a charter school petition that does not include in its proposed development of a school safety plan the same provisions on procedures and policies relating to active shooter and armed assailant drills as are required by the bill in a school district or county office of education comprehensive school safety plan. To the extent the bill imposes additional duties on chartering authorities, which include governing boards of school districts and county boards of education, when reviewing the petition for the establishment of a charter school, the bill would impose a state-mandated local program.

The bill would require, on or before June 15, 2025, the State Department of Education to curate and post on its internet website best practices pertaining to school shooter or other armed assailant drills for use by school districts, county offices of education, and charter schools, as provided. The bill would ~~prohibit~~ *encourage* a school district, county office of education, or charter school ~~from conducting a school shooter or other armed assailant drill unless it adopts policies that conform to~~ *to comply with* these best practices.

(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 the statutory provisions noted above.

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. The Legislature finds and declares all of the
2 following:

1 (a) Recent increases in the frequency and intensity of school
2 shootings has led to increased fear among school administrators,
3 staff, parents, and pupils of incidents occurring at their school. In
4 reaction to this threat, the majority of schools in California conduct
5 school shooter drills. According to a recent report from the State
6 Department of Education, about 93 percent of a sample of
7 California schools perform lockdown drills in schools at least
8 annually to prepare for a school shooter or other armed assailant
9 situation. Lockdown drills generally require those on campus to
10 stay hidden and locked in a fixed location until an emergency is
11 resolved. According to the same report, about 42 percent of schools
12 perform multioption response drills in schools at least annually to
13 prepare for a school shooter or other armed assailant situation.
14 Multioption drills generally require those on campus to choose
15 from a variety of response tactics, such as attempting escape,
16 hiding, or engaging a shooter or armed assailant.

17 (b) According to various news outlets, some school shooter
18 drills have gone to extreme measures to simulate school shooter
19 or armed assailant incidents. According to the American Academy
20 of Pediatrics, during one recent live exercise, high school pupils
21 were deceived to believe a drill was a real event, pupils sobbed
22 hysterically, vomited, or fainted, and some pupils sent farewell
23 notes to parents. Pupils risked physical harm when a stampede
24 ensued, and pupils jumped over fences to escape. In one situation,
25 staff were intentionally shot at close range with pellets as part of
26 a training. Recently, in California, a school superintendent hired
27 a stranger to wear a mask and rattle the doors of classrooms without
28 notice to staff and pupils. In addition, in some instances, pupils
29 have been asked to pretend to be victims and lie down using fake
30 blood in school hallways. Some drills instruct pupils to swarm an
31 active shooter or armed assailant or counter the attack with
32 classroom items, such as throwing books and sharpened pencils.

33 (c) Pupils, educators, and staff have experienced distress and
34 sometimes lasting trauma as a result of high-intensity school
35 shooter or other armed assailants drills. For example, news outlets
36 have reported young pupils experiencing nightmares and
37 bedwetting as a result of school shooter drills at school. Beyond
38 anecdotal evidence, according to research from Georgia Institute
39 of Technology, school shooter drills in schools are associated with
40 increases in depression (39 percent), stress and anxiety (42 percent),

1 and physiological health problems (23 percent) overall, including
2 pupils from as young as five years *of* age up to high school age,
3 their parents, and teachers. The researchers concluded that school
4 shooter drills—in their current, unregulated state negatively impact
5 the psychological well-being of entire school communities.

6 (d) The National Association of School Psychologists,
7 Everytown for Gun Safety, the American Federation of Teachers,
8 the National Education Association, and other leading researchers
9 and experts have raised concerns about school shooter drills’ risk
10 of inducing trauma; the overreliance on preparing for rare events;
11 the feasibility of children retaining the information; increased risk
12 of harm associated with fighting back against assailants; and the
13 risk of counterproductive information sharing, given that many
14 mass school shooters are current or former students of that school.

15 (e) To address the need to balance the impact of school shooter
16 or other armed assailants drills on students’ and teachers’ mental
17 health with school safety, the American Academy of Pediatricians
18 recommends eliminating children’s involvement in high-intensity
19 drills and exercises, prohibiting deception in drills and exercises,
20 and making appropriate accommodations that address the unique
21 vulnerabilities of individuals or groups of children.

22 SEC. 2. Section 32282 of the Education Code is amended to
23 read:

24 32282. (a) The comprehensive school safety plan shall include,
25 but not be limited to, both of the following:

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

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

33 (A) Child abuse reporting procedures consistent with Article
34 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
35 Part 4 of the Penal Code.

36 (B) (i) Disaster procedures, routine and emergency, including
37 adaptations for pupils with disabilities in accordance with the
38 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
39 12101 et seq.), the federal Individuals with Disabilities Education
40 Act (20 U.S.C. Sec. 1400 et seq.), and Section 504 of the federal

1 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)). The disaster
2 procedures shall also include, but not be limited to, both of the
3 following:

4 (I) Establishing an earthquake emergency procedure system in
5 every public school building having an occupant capacity of 50
6 or more pupils or more than one classroom. A school district or
7 county office of education may work with the Office of Emergency
8 Services and the Alfred E. Alquist Seismic Safety Commission to
9 develop and establish the earthquake emergency procedure system.

10 The system shall include, but not be limited to, all of the following:

11 (ia) A school building disaster plan, ready for implementation
12 at any time, for maintaining the safety and care of pupils and staff.
13 The department shall provide general direction to school districts
14 and county offices of education on what to include in the school
15 building disaster plan.

16 (ib) A drop procedure whereby each pupil and staff member
17 takes cover under a table or desk, dropping to their knees, with the
18 head protected by the arms, and the back to the windows. A drop
19 procedure practice shall be held at least once a school quarter in
20 elementary schools and at least once a semester in secondary
21 schools.

22 (ic) Protective measures to be taken before, during, and
23 following an earthquake.

24 (id) A program to ensure that pupils and both the certificated
25 and classified staff are aware of, and properly trained in, the
26 earthquake emergency procedure system.

27 (II) Establishing a procedure to allow a public agency, including
28 the American Red Cross, to use school buildings, grounds, and
29 equipment for mass care and welfare shelters during disasters or
30 other emergencies affecting the public health and welfare. The
31 school district or county office of education shall cooperate with
32 the public agency in furnishing and maintaining the services as
33 the school district or county office of education may deem
34 necessary to meet the needs of the community.

35 (ii) The evaluation of a comprehensive school safety plan
36 pursuant to subdivision (d) and the review of a school safety plan
37 pursuant to clause (iii) of subparagraph (F) of paragraph (5) of
38 subdivision (c) of Section 47605 or clause (iii) of subparagraph
39 (G) of paragraph (5) of subdivision (b) of Section 47605.6, as
40 applicable, shall include ensuring that the plan includes appropriate

1 adaptations for pupils with disabilities, as required pursuant to
2 clause (i).

3 (iii) (I) After the first evaluation or review, as applicable, for
4 purposes of subdivision (d) and clause (ii) is conducted, and after
5 each annual evaluation or review thereafter, a school employee, a
6 pupil's parent, guardian, or educational rights holder, or a pupil
7 themselves may bring concerns about an individual pupil's ability
8 to access disaster safety procedures described in the comprehensive
9 school safety plan or the school safety plan to the school principal.
10 If the school principal determines there is merit to a concern, the
11 principal shall direct the schoolsite council, school safety planning
12 committee, or charter school, as applicable, to make appropriate
13 modifications to the comprehensive school safety plan or school
14 safety plan, as applicable, during the evaluation of the
15 comprehensive school safety plan pursuant to subdivision (d) or
16 the review of the school safety plan pursuant to clause (iii) of
17 subparagraph (F) of paragraph (5) of subdivision (c) of Section
18 47605 or clause (iii) of subparagraph (G) of paragraph (5) of
19 subdivision (b) of Section 47605.6, as applicable. The school
20 principal may direct the schoolsite council, the school safety
21 planning committee, or the charter school, as applicable, to make
22 such modifications before the evaluation of the comprehensive
23 school safety plan pursuant to subdivision (d) or the review of the
24 school safety plan pursuant to clause (iii) of subparagraph (F) of
25 paragraph (5) of subdivision (c) of Section 47605 or clause (iii)
26 of subparagraph (G) of paragraph (5) of subdivision (b) of Section
27 47605.6, as applicable.

28 (II) Subclause (I) does not prohibit a school employee, a pupil's
29 parent, guardian, or educational rights holder, or a pupil themselves
30 from bringing their concerns to the school principal before an
31 evaluation or review, as applicable, for purposes of subdivision
32 (d) and clause (ii) is conducted.

33 (iv) All deliberations of the schoolsite council, school safety
34 planning committee, or charter school, as applicable, related to
35 individual pupils with disabilities for purposes of the requirements
36 of clauses (i) to (iii), inclusive, shall be subject to applicable state
37 and federal laws regarding the privacy of pupil information.

38 (C) Policies pursuant to subdivision (d) of Section 48915 for
39 pupils who committed an act listed in subdivision (c) of Section
40 48915 and other school-designated serious acts that would lead to

1 suspension, expulsion, or mandatory expulsion recommendations
2 pursuant to Article 1 (commencing with Section 48900) of Chapter
3 6 of Part 27 of Division 4 of Title 2.

4 (D) Procedures to notify teachers of dangerous pupils pursuant
5 to Section 49079.

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

9 (F) The provisions of any schoolwide dress code, pursuant to
10 Section 35183, that prohibits pupils from wearing “gang-related
11 apparel,” if the school has adopted that type of a dress code. For
12 those purposes, the comprehensive school safety plan shall define
13 “gang-related apparel.” The definition shall be limited to apparel
14 that, if worn or displayed on a school campus, reasonably could
15 be determined to threaten the health and safety of the school
16 environment. A schoolwide dress code established pursuant to this
17 section and Section 35183 shall be enforced on the school campus
18 and at any school-sponsored activity by the principal of the school
19 or the person designated by the principal. For purposes of this
20 subparagraph, “gang-related apparel” shall not be considered a
21 protected form of speech pursuant to Section 48950.

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

24 (H) A safe and orderly environment conducive to learning at
25 the school.

26 (I) The rules and procedures on school discipline adopted
27 pursuant to Sections 35291, 35291.5, 47605, and 47605.6.

28 (J) Procedures for conducting tactical responses to criminal
29 incidents, including procedures related to individuals with guns
30 on school campuses and at school-related functions. The procedures
31 to prepare for active shooters or other armed assailants shall be
32 based on the specific needs and context of each school and
33 community.

34 (K) If a comprehensive school safety plan includes procedures
35 to prepare for active shooters or other armed assailants by
36 conducting a drill, a school shall comply with all of the following
37 relating to the drill:

38 (i) (I) The school shall not conduct a high-intensity drill.

39 (II) For purposes of this clause, “high-intensity drill” means a
40 drill that includes simulations that mimic an actual school shooter

1 or other armed assailant incident, including, but not limited to,
2 theatrical makeup or other materials to give an image of blood or
3 gunshot wounds, acting by an individual posing to be the assailant,
4 acting by individuals posing as victims, or simulations that instruct
5 pupils to actively resist an assailant by throwing objects, attacking,
6 or swarming the assailant.

7 (ii) The school shall not include the use of real weapons, gunfire
8 blanks, or explosions in the conducting of the drill.

9 (iii) The school shall ensure a trauma-informed approach to the
10 design and execution of any drill, which shall include all of the
11 following:

12 (I) Age-appropriate and developmentally appropriate drill
13 content and terminology developed with the involvement of school
14 personnel, including school-based mental health professionals.

15 (II) Notice to all parents and guardians of pupils, teachers,
16 administrators, and school personnel subject to the drills in advance
17 of the drill and of the drill's expected length of time, at least seven
18 days in advance of the drills.

19 (III) The ability for parents or guardians to opt their child or
20 children out of the drills.

21 (IV) An announcement to pupils and educators immediately
22 before the start of the drills and an announcement to pupils,
23 educators, and parents or guardians of pupils immediately after
24 the drills have concluded.

25 (V) The provision of contact information for community-based
26 resources, including local organizations with objectives to reduce
27 gun violence or provide mental health counseling, to parents or
28 guardians, pupils, and staff who are negatively impacted by the
29 drills, and, where available, prioritizing school-based resources.

30 ~~(iv) The school shall comply with all the best practices~~
31 ~~established by the department pursuant to Section 32289.6.~~

32 (L) Procedures to assess and respond to reports of any
33 dangerous, violent, or unlawful activity that is being conducted or
34 threatened to be conducted at the school, at an activity sponsored
35 by the school, or on a schoolbus serving the school.

36 (M) For schools that serve pupils in any of grades 7 to 12,
37 inclusive, a protocol in the event a pupil is suffering or is
38 reasonably believed to be suffering from an opioid overdose.

39 (b) It is the intent of the Legislature that schools develop
40 comprehensive school safety plans using existing resources,

1 including the materials and services of the partnership, pursuant
2 to this chapter. It is also the intent of the Legislature that schools
3 use the handbook developed and distributed in partnership by the
4 State Department of Education’s Safe Schools and Violence
5 Prevention Center and the Attorney General’s Crime and Violence
6 Prevention Center entitled “Safe Schools: A Planning Guide for
7 Action” in conjunction with developing their plan for school safety.

8 (c) Each schoolsite council or school safety planning committee,
9 in developing and updating a comprehensive school safety plan,
10 shall, where practical, consult, cooperate, and coordinate with
11 other schoolsite councils or school safety planning committees.

12 (d) The comprehensive school safety plan may be evaluated
13 and amended, as needed, by the school safety planning committee,
14 but shall be evaluated at least once a year, to ensure that the
15 comprehensive school safety plan is properly implemented. An
16 updated file of all safety-related plans and materials shall be readily
17 available for inspection by the public.

18 (e) As comprehensive school safety plans are reviewed and
19 updated, the Legislature encourages all plans, to the extent that
20 resources are available, to include policies and procedures aimed
21 at the prevention of bullying.

22 (f) The comprehensive school safety plan, as written and updated
23 by the schoolsite council or school safety planning committee,
24 shall be submitted for approval pursuant to subdivision (a) of
25 Section 32288.

26 (g) The department shall maintain and conspicuously post on
27 its internet website a compliance checklist for developing a
28 comprehensive school safety plan, and shall update the checklist
29 when necessary.

30 SEC. 3. Section 32289.6 is added to the Education Code,
31 immediately following Section 32289.5, to read:

32 32289.6. (a) On or before June 15, 2025, the department shall
33 curate and post on its internet website best practices pertaining to
34 school shooter or other armed assailant drills, including, but not
35 limited to, guidance for age-appropriate and developmentally
36 appropriate drills, including age-appropriate and developmentally
37 appropriate language, and staff training tools pertaining to school
38 shooter or other armed assailant drills, for use by school districts,
39 county offices of education, and charter schools providing

1 instructional services to pupils in kindergarten or in any of grades
2 1 to 12, inclusive.

3 (b) A school district, county office of education, ~~or charter~~
4 ~~school shall not conduct a school shooter or other armed assailant~~
5 ~~drill unless it adopts policies that conform to the best practices~~
6 ~~described in subdivision (a).~~ *and charter school is encouraged to*
7 *comply with all the best practices established by the department*
8 *pursuant subdivision (a).*

9 SEC. 4. Section 47605 of the Education Code is amended to
10 read:

11 47605. (a) (1) Except as set forth in paragraph (2), a petition
12 for the establishment of a charter school within a school district
13 may be circulated by one or more persons seeking to establish the
14 charter school. A petition for the establishment of a charter school
15 shall identify a single charter school that will operate within the
16 geographic boundaries of that school district. A charter school
17 may propose to operate at multiple sites within the school district
18 if each location is identified in the charter school petition. The
19 petition may be submitted to the governing board of the school
20 district for review after either of the following conditions is met:

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

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

29 (2) A petition that proposes to convert an existing public school
30 to a charter school that would not be eligible for a loan pursuant
31 to subdivision (c) of Section 41365 may be circulated by one or
32 more persons seeking to establish the charter school. The petition
33 may be submitted to the governing board of the school district for
34 review after the petition is signed by not less than 50 percent of
35 the permanent status teachers currently employed at the public
36 school to be converted.

37 (3) A petition shall include a prominent statement that a
38 signature on the petition means that the parent or legal guardian
39 is meaningfully interested in having their child or ward attend the
40 charter school, or in the case of a teacher’s signature, means that

1 the teacher is meaningfully interested in teaching at the charter
2 school. The proposed charter shall be attached to the petition.

3 (4) After receiving approval of its petition, a charter school that
4 proposes to expand operations to one or more additional sites or
5 grade levels shall request a material revision to its charter and shall
6 notify the chartering authority of those additional locations or
7 grade levels. The chartering authority shall consider whether to
8 approve those additional locations or grade levels at an open, public
9 meeting. If the additional locations or grade levels are approved
10 pursuant to the standards and criteria described in subdivision (c),
11 they shall be a material revision to the charter school's charter.

12 (5) (A) A charter school that established one site outside the
13 boundaries of the school district, but within the county in which
14 that school district is located before January 1, 2020, may continue
15 to operate that site until the charter school submits a request for
16 the renewal of its charter petition. To continue operating the site,
17 the charter school shall do either of the following:

18 (i) First, before submitting the request for the renewal of the
19 charter petition, obtain approval in writing from the school district
20 where the site is operating.

21 (ii) Submit a request for the renewal of the charter petition
22 pursuant to Section 47607 to the school district in which the charter
23 school is located.

24 (B) If a Presidential declaration of a major disaster or emergency
25 is issued in accordance with the federal Robert T. Stafford Disaster
26 Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et
27 seq.) for an area in which a charter schoolsite is located and
28 operating, the charter school, for not more than five years, may
29 relocate that site outside the area subject to the Presidential
30 declaration if the charter school first obtains the written approval
31 of the school district where the site is being relocated to.

32 (C) Notwithstanding subparagraph (A), if a charter school was
33 relocated from December 31, 2016, to December 31, 2019,
34 inclusive, due to a Presidential declaration of a major disaster or
35 emergency in accordance with the federal Robert T. Stafford
36 Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec.
37 5121 et seq.), that charter school shall be allowed to return to its
38 original campus location in perpetuity.

39 (D) (i) A charter school in operation and providing educational
40 services to pupils before October 1, 2019, located on a federally

1 recognized California Indian reservation or rancheria or operated
2 by a federally recognized California Indian tribe shall be exempt
3 from the geographic restrictions of paragraph (1) and subparagraph
4 (A) of this paragraph and the geographic restrictions of subdivision
5 (a) of Section 47605.1.

6 (ii) The exemption to the geographic restrictions of subdivision
7 (a) of Section 47605.1 in clause (i) does not apply to
8 nonclassroom-based charter schools operating pursuant to Section
9 47612.5.

10 (E) The department shall regard as a continuing charter school
11 for all purposes a charter school that was granted approval of its
12 petition, that was providing educational services to pupils before
13 October 1, 2019, and is authorized by a different chartering
14 authority due to changes to this paragraph that took effect January
15 1, 2020. This paragraph shall be implemented only to the extent
16 it does not conflict with federal law. In order to prevent any
17 potential conflict with federal law, this paragraph does not apply
18 to covered programs as identified in Section 8101(11) of the federal
19 Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec.
20 7801) to the extent the affected charter school is the restructured
21 portion of a divided charter school pursuant to Section 47654.

22 (6) Commencing January 1, 2003, a petition to establish a charter
23 school shall not be approved to serve pupils in a grade level that
24 is not served by the school district of the governing board
25 considering the petition, unless the petition proposes to serve pupils
26 in all of the grade levels served by that school district.

27 (b) No later than 60 days after receiving a petition, in accordance
28 with subdivision (a), the governing board of the school district
29 shall hold a public hearing on the provisions of the charter, at
30 which time the governing board of the school district shall consider
31 the level of support for the petition by teachers employed by the
32 school district, other employees of the school district, and parents.
33 Following review of the petition and the public hearing, the
34 governing board of the school district shall either grant or deny
35 the charter within 90 days of receipt of the petition, provided,
36 however, that the date may be extended by an additional 30 days
37 if both parties agree to the extension. A petition is deemed received
38 by the governing board of the school district for purposes of
39 commencing the timelines described in this subdivision on the day
40 the petitioner submits a petition to the district office, along with a

1 signed certification that the petitioner deems the petition to be
2 complete. The governing board of the school district shall publish
3 all staff recommendations, including the recommended findings
4 and, if applicable, the certification from the county superintendent
5 of schools prepared pursuant to paragraph (8) of subdivision (c),
6 regarding the petition at least 15 days before the public hearing at
7 which the governing board of the school district will either grant
8 or deny the charter. At the public hearing at which the governing
9 board of the school district will either grant or deny the charter,
10 petitioners shall have equivalent time and procedures to present
11 evidence and testimony to respond to the staff recommendations
12 and findings.

13 (c) In reviewing petitions for the establishment of charter schools
14 pursuant to this section, the chartering authority shall be guided
15 by the intent of the Legislature that charter schools are and should
16 become an integral part of the California educational system and
17 that the establishment of charter schools should be encouraged.
18 The governing board of the school district shall grant a charter for
19 the operation of a school under this part if it is satisfied that
20 granting the charter is consistent with sound educational practice
21 and with the interests of the community in which the school is
22 proposing to locate. The governing board of the school district
23 shall consider the academic needs of the pupils the school proposes
24 to serve. The governing board of the school district shall not deny
25 a petition for the establishment of a charter school unless it makes
26 written factual findings, specific to the particular petition, setting
27 forth specific facts to support one or more of the following
28 findings:

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

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

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

35 (4) The petition does not contain an affirmation of each of the
36 conditions described in subdivision (e).

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

39 (A) (i) The educational program of the charter school, designed,
40 among other things, to identify those whom the charter school is

1 attempting to educate, what it means to be an “educated person”
2 in the 21st century, and how learning best occurs. The goals
3 identified in that program shall include the objective of enabling
4 pupils to become self-motivated, competent, and lifelong learners.

5 (ii) The annual goals for the charter school for all pupils and
6 for each subgroup of pupils identified pursuant to Section 52052,
7 to be achieved in the state priorities, as described in subdivision
8 (d) of Section 52060, that apply for the grade levels served, and
9 specific annual actions to achieve those goals. A charter petition
10 may identify additional school priorities, the goals for the school
11 priorities, and the specific annual actions to achieve those goals.

12 (iii) If the proposed charter school will serve high school pupils,
13 the manner in which the charter school will inform parents about
14 the transferability of courses to other public high schools and the
15 eligibility of courses to meet college entrance requirements.
16 Courses offered by the charter school that are accredited by the
17 Western Association of Schools and Colleges may be considered
18 transferable and courses approved by the University of California
19 or the California State University as creditable under the “A to G”
20 admissions criteria may be considered to meet college entrance
21 requirements.

22 (B) The measurable pupil outcomes identified for use by the
23 charter school. “Pupil outcomes,” for purposes of this part, means
24 the extent to which all pupils of the charter school demonstrate
25 that they have attained the skills, knowledge, and attitudes specified
26 as goals in the charter school’s educational program. Pupil
27 outcomes shall include outcomes that address increases in pupil
28 academic achievement both schoolwide and for all pupil subgroups
29 served by the charter school, as that term is defined in subdivision
30 (a) of Section 52052. The pupil outcomes shall align with the state
31 priorities, as described in subdivision (d) of Section 52060, that
32 apply for the grade levels served by the charter school.

33 (C) The method by which pupil progress in meeting those pupil
34 outcomes is to be measured. To the extent practicable, the method
35 for measuring pupil outcomes for state priorities shall be consistent
36 with the way information is reported on a school accountability
37 report card.

38 (D) The governance structure of the charter school, including,
39 but not limited to, the process to be followed by the charter school
40 to ensure parental involvement.

1 (E) The qualifications to be met by individuals to be employed
2 by the charter school.

3 (F) The procedures that the charter school will follow to ensure
4 the health and safety of pupils and staff. These procedures shall
5 require all of the following:

6 (i) That each employee of the charter school furnish the charter
7 school with a criminal record summary as described in Section
8 44237.

9 (ii) For all schools, the development of a school safety plan,
10 which shall include the safety topics listed in subparagraphs (A)
11 to (L), inclusive, of paragraph (2) of subdivision (a) of Section
12 32282. For schools serving pupils in any of grades 7 to 12,
13 inclusive, the development of a school safety plan shall also include
14 the safety topic listed in subparagraph (M) of paragraph (2) of
15 subdivision (a) of Section 32282.

16 (iii) That the school safety plan be reviewed and updated by
17 March 1 of every year by the charter school.

18 (G) The means by which the charter school will achieve a
19 balance of racial and ethnic pupils, special education pupils, and
20 English learner pupils, including redesignated fluent English
21 proficient pupils, as defined by the evaluation rubrics in Section
22 52064.5, that is reflective of the general population residing within
23 the territorial jurisdiction of the school district to which the charter
24 petition is submitted. Upon renewal, for a charter school not
25 deemed to be a local educational agency for purposes of special
26 education pursuant to Section 47641, the chartering authority may
27 consider the effect of school placements made by the chartering
28 authority in providing a free and appropriate public education as
29 required by the federal Individuals with Disabilities Education Act
30 (Public Law 101-476), on the balance of pupils with disabilities
31 at the charter school.

32 (H) Admission policies and procedures, consistent with
33 subdivision (e).

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

39 (J) The procedures by which pupils can be suspended or expelled
40 from the charter school for disciplinary reasons or otherwise

1 involuntarily removed from the charter school for any reason.
2 These procedures, at a minimum, shall include an explanation of
3 how the charter school will comply with federal and state
4 constitutional procedural and substantive due process requirements
5 that are consistent with all of the following:

6 (i) For suspensions of fewer than 10 days, provide oral or written
7 notice of the charges against the pupil and, if the pupil denies the
8 charges, an explanation of the evidence that supports the charges
9 and an opportunity for the pupil to present the pupil's side of the
10 story.

11 (ii) For suspensions of 10 days or more and all other expulsions
12 for disciplinary reasons, both of the following:

13 (I) Provide timely, written notice of the charges against the pupil
14 and an explanation of the pupil's basic rights.

15 (II) Provide a hearing adjudicated by a neutral officer within a
16 reasonable number of days at which the pupil has a fair opportunity
17 to present testimony, evidence, and witnesses and confront and
18 cross-examine adverse witnesses, and at which the pupil has the
19 right to bring legal counsel or an advocate.

20 (iii) Contain a clear statement that no pupil shall be involuntarily
21 removed by the charter school for any reason unless the parent or
22 guardian of the pupil has been provided written notice of intent to
23 remove the pupil no less than five schooldays before the effective
24 date of the action. The written notice shall be in the native language
25 of the pupil or the pupil's parent or guardian, or, if the pupil is a
26 homeless child or youth, or a foster child or youth, in the native
27 language of the homeless or foster child's educational rights holder.
28 In the case of a foster child or youth, the written notice shall also
29 be provided to the foster child's attorney and county social worker.
30 If the pupil is an Indian child, as defined in Section 224.1 of the
31 Welfare and Institutions Code, the written notice shall also be
32 provided to the Indian child's tribal social worker and, if applicable,
33 county social worker. The written notice shall inform the pupil,
34 the pupil's parent or guardian, the homeless child's educational
35 rights holder, the foster child's educational rights holder, attorney,
36 and county social worker, or the Indian child's tribal social worker
37 and, if applicable, county social worker of the right to initiate the
38 procedures specified in clause (ii) before the effective date of the
39 action. If the pupil's parent or guardian, the homeless child's
40 educational rights holder, the foster child's educational rights

1 holder, attorney, or county social worker, or the Indian child’s
2 tribal social worker or, if applicable, county social worker initiates
3 the procedures specified in clause (ii), the pupil shall remain
4 enrolled and shall not be removed until the charter school issues
5 a final decision. For purposes of this clause, “involuntarily
6 removed” includes disenrolled, dismissed, transferred, or
7 terminated, but does not include suspensions specified in clauses
8 (i) and (ii).

9 (iv) A foster child’s educational rights holder, attorney, and
10 county social worker and an Indian child’s tribal social worker
11 and, if applicable, county social worker shall have the same rights
12 a parent or guardian of a child has to receive a suspension notice,
13 expulsion notice, manifestation determination notice, involuntary
14 transfer notice, and other documents and related information.

15 (K) The manner by which staff members of the charter schools
16 will be covered by the State Teachers’ Retirement System, the
17 Public Employees’ Retirement System, or federal social security.

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

20 (M) The rights of an employee of the school district upon
21 leaving the employment of the school district to work in a charter
22 school, and of any rights of return to the school district after
23 employment at a charter school.

24 (N) The procedures to be followed by the charter school and
25 the chartering authority to resolve disputes relating to provisions
26 of the charter.

27 (O) The procedures to be used if the charter school closes. The
28 procedures shall ensure a final audit of the charter school to
29 determine the disposition of all assets and liabilities of the charter
30 school, including plans for disposing of any net assets and for the
31 maintenance and transfer of pupil records.

32 (6) The petition does not contain a declaration of whether or
33 not the charter school shall be deemed the exclusive public
34 employer of the employees of the charter school for purposes of
35 Chapter 10.7 (commencing with Section 3540) of Division 4 of
36 Title 1 of the Government Code.

37 (7) The charter school is demonstrably unlikely to serve the
38 interests of the entire community in which the school is proposing
39 to locate. Analysis of this finding shall include consideration of
40 the fiscal impact of the proposed charter school. A written factual

1 finding under this paragraph shall detail specific facts and
2 circumstances that analyze and consider the following factors:

3 (A) The extent to which the proposed charter school would
4 substantially undermine existing services, academic offerings, or
5 programmatic offerings.

6 (B) Whether the proposed charter school would duplicate a
7 program currently offered within the school district and the existing
8 program has sufficient capacity for the pupils proposed to be served
9 within reasonable proximity to where the charter school intends
10 to locate.

11 (8) The school district is not positioned to absorb the fiscal
12 impact of the proposed charter school. A school district satisfies
13 this paragraph if it has a qualified interim certification pursuant to
14 Section 42131 and the county superintendent of schools, in
15 consultation with the County Office Fiscal Crisis and Management
16 Assistance Team, certifies that approving the charter school would
17 result in the school district having a negative interim certification
18 pursuant to Section 42131, has a negative interim certification
19 pursuant to Section 42131, or is under state receivership. Charter
20 schools proposed in a school district satisfying one of these
21 conditions shall be subject to a rebuttable presumption of denial.

22 (d) (1) Charter schools shall meet all statewide standards and
23 conduct the pupil assessments required pursuant to Section 60605
24 and any other statewide standards authorized in statute or pupil
25 assessments applicable to pupils in noncharter public schools.

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

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

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

3 (B) If the number of pupils who wish to attend the charter school
4 exceeds the charter school's capacity, attendance, except for
5 existing pupils of the charter school, shall be determined by a
6 public random drawing. Preference shall be extended to pupils
7 currently attending the charter school and pupils who reside in the
8 school district except as provided for in Section 47614.5.
9 Preferences, including, but not limited to, siblings of pupils
10 admitted or attending the charter school and children of the charter
11 school's teachers, staff, and founders identified in the initial charter,
12 may also be permitted by the chartering authority on an individual
13 charter school basis. Priority order for any preference shall be
14 determined in the charter petition in accordance with all of the
15 following:

16 (i) Each type of preference shall be approved by the chartering
17 authority at a public hearing.

18 (ii) Preferences shall be consistent with federal law, the
19 California Constitution, and Section 200.

20 (iii) Preferences shall not result in limiting enrollment access
21 for pupils with disabilities, academically low-achieving pupils,
22 English learners, neglected or delinquent pupils, homeless pupils,
23 or pupils who are economically disadvantaged, as determined by
24 eligibility for any free or reduced-price meal program, foster youth,
25 or pupils based on nationality, race, ethnicity, or sexual orientation.

26 (iv) In accordance with Section 49011, preferences shall not
27 require mandatory parental volunteer hours as a criterion for
28 admission or continued enrollment.

29 (C) In the event of a drawing, the chartering authority shall
30 make reasonable efforts to accommodate the growth of the charter
31 school and shall not take any action to impede the charter school
32 from expanding enrollment to meet pupil demand.

33 (3) If a pupil is expelled or leaves the charter school without
34 graduating or completing the school year for any reason, the charter
35 school shall notify the superintendent of the school district of the
36 pupil's last known address within 30 days, and shall, upon request,
37 provide that school district with a copy of the cumulative record
38 of the pupil, including report cards or a transcript of grades, and
39 health information. If the pupil is subsequently expelled or leaves
40 the school district without graduating or completing the school

1 year for any reason, the school district shall provide this
2 information to the charter school within 30 days if the charter
3 school demonstrates that the pupil had been enrolled in the charter
4 school. This paragraph applies only to pupils subject to compulsory
5 full-time education pursuant to Section 48200.

6 (4) (A) A charter school shall not discourage a pupil from
7 enrolling or seeking to enroll in the charter school for any reason,
8 including, but not limited to, academic performance of the pupil
9 or because the pupil exhibits any of the characteristics described
10 in clause (iii) of subparagraph (B) of paragraph (2).

11 (B) A charter school shall not request a pupil's records or require
12 a parent, guardian, or pupil to submit the pupil's records to the
13 charter school before enrollment.

14 (C) A charter school shall not encourage a pupil currently
15 attending the charter school to disenroll from the charter school
16 or transfer to another school for any reason, including, but not
17 limited to, academic performance of the pupil or because the pupil
18 exhibits any of the characteristics described in clause (iii) of
19 subparagraph (B) of paragraph (2). This subparagraph shall not
20 apply to actions taken by a charter school pursuant to the
21 procedures described in subparagraph (J) of paragraph (5) of
22 subdivision (c).

23 (D) The department shall develop a notice of the requirements
24 of this paragraph. This notice shall be posted on a charter school's
25 internet website. A charter school shall provide a parent or
26 guardian, or a pupil if the pupil is 18 years of age or older, a copy
27 of this notice at all of the following times:

- 28 (i) When a parent, guardian, or pupil inquires about enrollment.
- 29 (ii) Before conducting an enrollment lottery.
- 30 (iii) Before disenrollment of a pupil.

31 (E) (i) A person who suspects that a charter school has violated
32 this paragraph may file a complaint with the chartering authority.

33 (ii) The department shall develop a template to be used for filing
34 complaints pursuant to clause (i).

35 (5) Notwithstanding any other law, a charter school in operation
36 as of July 1, 2019, that operates in partnership with the California
37 National Guard may dismiss a pupil from the charter school for
38 failing to maintain the minimum standards of conduct required by
39 the Military Department.

1 (f) The governing board of a school district shall not require an
2 employee of the school district to be employed in a charter school.

3 (g) The governing board of a school district shall not require a
4 pupil enrolled in the school district to attend a charter school.

5 (h) The governing board of a school district shall require that
6 the petitioner or petitioners provide information regarding the
7 proposed operation and potential effects of the charter school,
8 including, but not limited to, the facilities to be used by the charter
9 school, the manner in which administrative services of the charter
10 school are to be provided, and potential civil liability effects, if
11 any, upon the charter school and upon the school district. The
12 description of the facilities to be used by the charter school shall
13 specify where the charter school intends to locate. The petitioner
14 or petitioners also shall be required to provide financial statements
15 that include a proposed first-year operational budget, including
16 startup costs, and cashflow and financial projections for the first
17 three years of operation. If the school is to be operated by, or as,
18 a nonprofit public benefit corporation, the petitioner shall provide
19 the names and relevant qualifications of all persons whom the
20 petitioner nominates to serve on the governing body of the charter
21 school.

22 (i) In reviewing petitions for the establishment of charter schools
23 within the school district, the governing board of the school district
24 shall give preference to petitions that demonstrate the capability
25 to provide comprehensive learning experiences to pupils identified
26 by the petitioner or petitioners as academically low achieving
27 pursuant to the standards established by the department under
28 Section 54032, as that section read before July 19, 2006.

29 (j) Upon the approval of the petition by the governing board of
30 the school district, the petitioner or petitioners shall provide written
31 notice of that approval, including a copy of the petition, to the
32 applicable county superintendent of schools, the department, and
33 the state board.

34 (k) (1) (A) (i) If the governing board of a school district denies
35 a petition, the petitioner may elect to submit the petition for the
36 establishment of a charter school to the county board of education.
37 The petitioner shall submit the petition to the county board of
38 education within 30 days of a denial by the governing board of the
39 school district. At the same time the petition is submitted to the
40 county board of education, the petitioner shall also provide a copy

1 of the petition to the school district. The county board of education
2 shall review the petition pursuant to subdivisions (b) and (c). If
3 the petition submitted on appeal contains new or different material
4 terms, the county board of education shall immediately remand
5 the petition to the governing board of the school district for
6 reconsideration, which shall grant or deny the petition within 30
7 days. If the governing board of the school district denies a petition
8 after reconsideration, the petitioner may elect to resubmit the
9 petition for the establishment of a charter school to the county
10 board of education.

11 (ii) The county board of education shall review the appeal
12 petition pursuant to subdivision (c). If the denial of the petition
13 was made pursuant to paragraph (8) of subdivision (c), the county
14 board of education shall also review the school district’s findings
15 pursuant to paragraph (8) of subdivision (c).

16 (iii) As used in this subdivision, “material terms” of the petition
17 means the signatures, affirmations, disclosures, documents, and
18 descriptions described in subdivisions (a), (b), (c), and (h), but
19 shall not include minor administrative updates to the petition or
20 related documents due to changes in circumstances based on the
21 passage of time related to fiscal affairs, facilities arrangements, or
22 state law, or to reflect the county board of education as the
23 chartering authority.

24 (B) If the governing board of a school district denies a petition
25 and the county board of education has jurisdiction over a single
26 school district, the petitioner may elect to submit the petition for
27 the establishment of a charter school to the state board. The state
28 board shall review a petition submitted pursuant to this
29 subparagraph pursuant to subdivision (c). If the denial of a charter
30 petition is reversed by the state board pursuant to this subparagraph,
31 the state board shall designate the governing board of the school
32 district in which the charter school is located as the chartering
33 authority.

34 (2) If the county board of education denies a petition, the
35 petitioner may appeal that denial to the state board.

36 (A) The petitioner shall submit the petition to the state board
37 within 30 days of a denial by the county board of education. The
38 petitioner shall include the findings and documentary record from
39 the governing board of the school district and the county board of
40 education and a written submission detailing, with specific citations

1 to the documentary record, how the governing board of the school
2 district and the county board of education abused their discretion.
3 The governing board of the school district and county board of
4 education shall prepare the documentary record, including
5 transcripts of the public hearing at which the governing board of
6 the school district and county board of education denied the charter,
7 at the request of the petitioner. The documentary record shall be
8 prepared by the governing board of the school district and county
9 board of education no later than 10 business days after the request
10 of the petitioner is made. At the same time the petition and
11 supporting documentation is submitted to the state board, the
12 petitioner shall also provide a copy of the petition and supporting
13 documentation to the school district and the county board of
14 education.

15 (B) If the appeal contains new or different material terms, as
16 defined in clause (iii) of subparagraph (A) of paragraph (1), the
17 state board shall immediately remand the petition to the governing
18 board of the school district to which the petition was submitted
19 for reconsideration. The governing board of the school district
20 shall grant or deny the petition within 30 days. If the governing
21 board of the school district denies a petition after reconsideration,
22 the petitioner may elect to resubmit the petition to the state board.

23 (C) Within 30 days of receipt of the appeal submitted to the
24 state board, the governing board of the school district or county
25 board of education may submit a written opposition to the state
26 board detailing, with specific citations to the documentary record,
27 how the governing board of the school district or the county board
28 of education did not abuse its discretion in denying the petition.
29 The governing board of the school district or the county board of
30 education may submit supporting documentation or evidence from
31 the documentary record that was considered by the governing
32 board of the school district or the county board of education.

33 (D) The state board's Advisory Commission on Charter Schools
34 shall hold a public hearing to review the appeal and documentary
35 record. Based on its review, the Advisory Commission on Charter
36 Schools shall submit a recommendation to the state board whether
37 there is sufficient evidence to hear the appeal or to summarily deny
38 review of the appeal based on the documentary record. If the
39 Advisory Commission on Charter Schools does not submit a
40 recommendation to the state board, the state board shall consider

1 the appeal, and shall either hear the appeal or summarily deny
2 review of the appeal based on the documentary record at a regular
3 public meeting of the state board.

4 (E) The state board shall either hear the appeal or summarily
5 deny review of the appeal based on the documentary record. If the
6 state board hears the appeal, the state board may affirm the
7 determination of the governing board of the school district or the
8 county board of education, or both of those determinations, or may
9 reverse only upon a determination that there was an abuse of
10 discretion by each of the governing board of the school district
11 and the county board of education. Abuse of discretion is the most
12 deferential standard of review, under which the state board must
13 give deference to the decisions of the governing board of the school
14 district and the county board of education to deny the petition. If
15 the denial of a charter petition is reversed by the state board, the
16 state board shall designate, in consultation with the petitioner,
17 either the governing board of the school district or the county board
18 of education in which the charter school is located as the chartering
19 authority.

20 (3) A charter school for which a charter is granted by either the
21 county board of education or the state board based on an appeal
22 pursuant to this subdivision shall qualify fully as a charter school
23 for all funding and other purposes of this part.

24 (4) A charter school that receives approval of its petition from
25 a county board of education or from the state board on appeal shall
26 be subject to the same requirements concerning geographic location
27 to which it would otherwise be subject if it received approval from
28 the chartering authority to which it originally submitted its petition.
29 A charter petition that is submitted to either a county board of
30 education or to the state board shall meet all otherwise applicable
31 petition requirements, including the identification of the proposed
32 site or sites where the charter school will operate.

33 (5) Upon the approval of the petition by the county board of
34 education, the petition or petitioners shall provide written notice
35 of that approval, including a copy of the petition, to the governing
36 board of the school district in which the charter school is located,
37 the department, and the state board.

38 (6) If either the county board of education or the state board
39 fails to act on a petition within 180 days of receipt, the decision

1 of the governing board of the school district to deny the petition
2 shall be subject to judicial review.

3 (l) (1) Teachers in charter schools shall hold the Commission
4 on Teacher Credentialing certificate, permit, or other document
5 required for the teacher's certificated assignment. These documents
6 shall be maintained on file at the charter school and are subject to
7 periodic inspection by the chartering authority. A governing body
8 of a direct-funded charter school may use local assignment options
9 authorized in statute and regulations for the purpose of legally
10 assigning certificated teachers, in accordance with all of the
11 requirements of the applicable statutes or regulations in the same
12 manner as a governing board of a school district. A charter school
13 shall have authority to request an emergency permit or a waiver
14 from the Commission on Teacher Credentialing for individuals in
15 the same manner as a school district.

16 (2) By July 1, 2020, all teachers in charter schools shall obtain
17 a certificate of clearance and satisfy the requirements for
18 professional fitness pursuant to Sections 44339, 44340, and 44341.

19 (3) The Commission on Teacher Credentialing shall include in
20 the bulletins it issues pursuant to subdivision (k) of Section 44237
21 to provide notification to local educational agencies of any adverse
22 actions taken against the holders of any commission documents,
23 notice of any adverse actions taken against teachers employed by
24 charter schools, and shall make this bulletin available to all
25 chartering authorities and charter schools in the same manner in
26 which it is made available to local educational agencies.

27 (m) A charter school shall transmit a copy of its annual,
28 independent financial audit report for the preceding fiscal year, as
29 described in subparagraph (I) of paragraph (5) of subdivision (c),
30 to its chartering authority, the Controller, the county superintendent
31 of schools of the county in which the charter school is sited, unless
32 the county board of education of the county in which the charter
33 school is sited is the chartering authority, and the department by
34 December 15 of each year. This subdivision does not apply if the
35 audit of the charter school is encompassed in the audit of the
36 chartering authority pursuant to Section 41020.

37 (n) A charter school may encourage parental involvement, but
38 shall notify the parents and guardians of applicant pupils and
39 currently enrolled pupils that parental involvement is not a

1 requirement for acceptance to, or continued enrollment at, the
2 charter school.

3 (o) The requirements of this section shall not be waived by the
4 state board pursuant to Section 33050 or any other law.

5 SEC. 5. Section 47605.6 of the Education Code is amended to
6 read:

7 47605.6. (a) (1) In addition to the authority provided by
8 Section 47605.5, a county board of education may also approve a
9 petition for the operation of a charter school that operates at one
10 or more sites within the geographic boundaries of the county and
11 that provides instructional services that are not generally provided
12 by a county office of education. A county board of education may
13 approve a countywide charter only if it finds, in addition to the
14 other requirements of this section, that the educational services to
15 be provided by the charter school will offer services to a pupil
16 population that will benefit from those services and that cannot be
17 served as well by a charter school that operates in only one school
18 district in the county. A petition for the establishment of a
19 countywide charter school pursuant to this subdivision may be
20 circulated throughout the county by any one or more persons
21 seeking to establish the charter school. The petition may be
22 submitted to the county board of education for review after either
23 of the following conditions is met:

24 (A) The petition is signed by a number of parents or guardians
25 of pupils residing within the county that is equivalent to at least
26 one-half of the number of pupils that the charter school estimates
27 will enroll in the school for its first year of operation and each of
28 the school districts where the charter school petitioner proposes
29 to operate a facility has received at least 30 days' notice of the
30 petitioner's intent to operate a charter school pursuant to this
31 section.

32 (B) The petition is signed by a number of teachers that is
33 equivalent to at least one-half of the number of teachers that the
34 charter school estimates will be employed at the school during its
35 first year of operation and each of the school districts where the
36 charter school petitioner proposes to operate a facility has received
37 at least 30 days' notice of the petitioner's intent to operate a charter
38 school pursuant to this section.

39 (2) An existing public school shall not be converted to a charter
40 school in accordance with this section.

1 (3) After receiving approval of its petition, a charter school that
2 proposes to establish operations at additional sites within the
3 geographic boundaries of the county board of education shall notify
4 the school districts where those sites will be located. The charter
5 school shall also request a material revision of its charter by the
6 county board of education that approved its charter and the county
7 board of education shall consider whether to approve those
8 additional locations at an open, public meeting, held no sooner
9 than 30 days following notification of the school districts where
10 the sites will be located. If approved, the location of the approved
11 sites shall be a material revision of the charter school's approved
12 charter.

13 (4) A petition shall include a prominent statement indicating
14 that a signature on the petition means that the parent or guardian
15 is meaningfully interested in having their child or ward attend the
16 charter school, or in the case of a teacher's signature, means that
17 the teacher is meaningfully interested in teaching at the charter
18 school. The proposed charter shall be attached to the petition.

19 (b) No later than 60 days after receiving a petition, in accordance
20 with subdivision (a), the county board of education shall hold a
21 public hearing on the provisions of the charter, at which time the
22 county board of education shall consider the level of support for
23 the petition by teachers, parents or guardians, and the school
24 districts where the charter school petitioner proposes to place
25 school facilities. Following review of the petition and the public
26 hearing, the county board of education shall either grant or deny
27 the charter within 90 days of receipt of the petition. However, this
28 date may be extended by an additional 30 days if both parties agree
29 to the extension. A petition is deemed received by the county board
30 of education for purposes of commencing the timelines described
31 in this subdivision when the petitioner submits a petition, in
32 accordance with subparagraph (A) or (B) of paragraph (1) of
33 subdivision (a), to the county office of education. The county board
34 of education shall publish all staff recommendations, including
35 the recommended findings, regarding the petition at least 15 days
36 before the public hearing at which the county board of education
37 will either grant or deny the charter. At the public hearing at which
38 the county board of education will either grant or deny the charter,
39 petitioners shall have equivalent time and procedures to present
40 evidence and testimony to respond to the staff recommendations

1 and findings. A county board of education may impose any
2 additional requirements beyond those required by this section that
3 it considers necessary for the sound operation of a countywide
4 charter school. A county board of education may grant a charter
5 for the operation of a charter school under this part only if it is
6 satisfied that granting the charter is consistent with sound
7 educational practice and that the charter school has reasonable
8 justification for why it could not be established by petition to a
9 school district pursuant to Section 47605. The county board of
10 education shall deny a petition for the establishment of a charter
11 school if it finds one or more of the following:

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

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

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

18 (4) The petition does not contain an affirmation of each of the
19 conditions described in subdivision (e).

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

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

29 (ii) The annual goals for the charter school for all pupils and
30 for each subgroup of pupils identified pursuant to Section 52052,
31 to be achieved in the state priorities, as described in subdivision
32 (d) of Section 52060, that apply for the grade levels served by the
33 charter school, and specific annual actions to achieve those goals.
34 A charter petition may identify additional school priorities, the
35 goals for the school priorities, and the specific annual actions to
36 achieve those goals.

37 (iii) If the proposed charter school will enroll high school pupils,
38 the manner in which the charter school will inform parents
39 regarding the transferability of courses to other public high schools.
40 Courses offered by the charter school that are accredited by the

1 Western Association of Schools and Colleges may be considered
2 to be transferable to other public high schools.

3 (iv) If the proposed charter school will enroll high school pupils,
4 information as to the manner in which the charter school will
5 inform parents as to whether each individual course offered by the
6 charter school meets college entrance requirements. Courses
7 approved by the University of California or the California State
8 University as satisfying their prerequisites for admission may be
9 considered as meeting college entrance requirements for purposes
10 of this clause.

11 (B) The measurable pupil outcomes identified for use by the
12 charter school. "Pupil outcomes," for purposes of this part, means
13 the extent to which all pupils of the charter school demonstrate
14 that they have attained the skills, knowledge, and aptitudes
15 specified as goals in the charter school's educational program.
16 Pupil outcomes shall include outcomes that address increases in
17 pupil academic achievement both schoolwide and for all pupil
18 subgroups served by the charter school, as that term is defined in
19 subdivision (a) of Section 52052. The pupil outcomes shall align
20 with the state priorities, as described in subdivision (d) of Section
21 52060, that apply for the grade levels served by the charter school.

22 (C) The method by which pupil progress in meeting those pupil
23 outcomes is to be measured. To the extent practicable, the method
24 for measuring pupil outcomes for state priorities shall be consistent
25 with the way information is reported on a school accountability
26 report card.

27 (D) The location of each charter school facility that the petitioner
28 proposes to operate.

29 (E) The governance structure of the charter school, including,
30 but not limited to, the process to be followed by the charter school
31 to ensure parental involvement.

32 (F) The qualifications to be met by individuals to be employed
33 by the charter school.

34 (G) The procedures that the charter school will follow to ensure
35 the health and safety of pupils and staff. These procedures shall
36 require all of the following:

37 (i) That each employee of the charter school furnish the charter
38 school with a criminal record summary as described in Section
39 44237.

1 (ii) For all schools, the development of a school safety plan,
2 which shall include the safety topics listed in subparagraphs (A)
3 to (L), inclusive, of paragraph (2) of subdivision (a) of Section
4 32282. For schools serving pupils in any of grades 7 to 12,
5 inclusive, the development of a school safety plan shall also include
6 the safety topic listed in subparagraph (M) of paragraph (2) of
7 subdivision (a) of Section 32282.

8 (iii) That the school safety plan be reviewed and updated by
9 March 1 of every year by the charter school.

10 (H) The means by which the charter school will achieve a
11 balance of racial and ethnic pupils, special education pupils, and
12 English learner pupils, including redesignated fluent English
13 proficient pupils as defined by the evaluation rubrics in Section
14 52064.5, that is reflective of the general population residing within
15 the territorial jurisdiction of the county board of education to which
16 the charter petition is submitted. Upon renewal, for a charter school
17 not deemed to be a local educational agency for purposes of special
18 education pursuant to Section 47641, the chartering authority may
19 consider the effect of school placements made by the chartering
20 authority in providing a free and appropriate public education as
21 required by the federal Individuals with Disabilities Education Act
22 (Public Law 101-476), on the balance of pupils with disabilities
23 at the charter school.

24 (I) The manner in which annual, independent financial audits
25 shall be conducted, in accordance with regulations established by
26 the state board, and the manner in which audit exceptions and
27 deficiencies shall be resolved.

28 (J) The procedures by which pupils can be suspended or expelled
29 from the charter school for disciplinary reasons or otherwise
30 involuntarily removed from the charter school for any reason.
31 These procedures, at a minimum, shall include an explanation of
32 how the charter school will comply with federal and state
33 constitutional procedural and substantive due process requirements
34 that is consistent with all of the following:

35 (i) For suspensions of fewer than 10 days, provide oral or written
36 notice of the charges against the pupil and, if the pupil denies the
37 charges, an explanation of the evidence that supports the charges
38 and an opportunity for the pupil to present the pupil's side of the
39 story.

- 1 (ii) For suspensions of 10 days or more and all other expulsions
2 for disciplinary reasons, both of the following:
- 3 (I) Provide timely, written notice of the charges against the pupil
4 and an explanation of the pupil’s basic rights.
- 5 (II) Provide a hearing adjudicated by a neutral officer within a
6 reasonable number of days at which the pupil has a fair opportunity
7 to present testimony, evidence, and witnesses and confront and
8 cross-examine adverse witnesses, and at which the pupil has the
9 right to bring legal counsel or an advocate.
- 10 (iii) Contain a clear statement that no pupil shall be involuntarily
11 removed by the charter school for any reason unless the parent or
12 guardian of the pupil has been provided written notice of intent to
13 remove the pupil no less than five schooldays before the effective
14 date of the action. The written notice shall be in the native language
15 of the pupil or the pupil’s parent or guardian, or, if the pupil is a
16 homeless child or youth, or a foster child or youth, in the native
17 language of the homeless or foster child’s educational rights holder.
18 In the case of a foster child or youth, the written notice shall also
19 be provided to the foster child’s attorney and county social worker.
20 If the pupil is an Indian child, as defined in Section 224.1 of the
21 Welfare and Institutions Code, the written notice shall also be
22 provided to the Indian child’s tribal social worker and, if applicable,
23 county social worker. The written notice shall inform the pupil,
24 the pupil’s parent or guardian, the homeless child’s educational
25 rights holder, the foster child’s educational rights holder, attorney,
26 and county social worker, or the Indian child’s tribal social worker
27 and, if applicable, county social worker of the right to initiate the
28 procedures specified in clause (ii) before the effective date of the
29 action. If the pupil’s parent or guardian, the homeless child’s
30 educational rights holder, the foster child’s educational rights
31 holder, attorney, or county social worker, or the Indian child’s
32 tribal social worker or, if applicable, county social worker initiates
33 the procedures specified in clause (ii), the pupil shall remain
34 enrolled and shall not be removed until the charter school issues
35 a final decision. For purposes of this clause, “involuntarily
36 removed” includes disenrolled, dismissed, transferred, or
37 terminated, but does not include suspensions specified in clauses
38 (i) and (ii).
- 39 (iv) A foster child’s educational rights holder, attorney, and
40 county social worker and an Indian child’s tribal social worker

1 and, if applicable, county social worker shall have the same rights
2 a parent or guardian of a child has to receive a suspension notice,
3 expulsion notice, manifestation determination notice, involuntary
4 transfer notice, and other documents and related information.
5 (K) The manner by which staff members of the charter school
6 will be covered by the State Teachers' Retirement System, the
7 Public Employees' Retirement System, or federal social security.
8 (L) The procedures to be followed by the charter school and the
9 county board of education to resolve disputes relating to provisions
10 of the charter.
11 (M) Admission policy and procedures, consistent with
12 subdivision (e).
13 (N) The public school attendance alternatives for pupils residing
14 within the county who choose not to attend the charter school.
15 (O) The rights of an employee of the county office of education,
16 upon leaving the employment of the county office of education,
17 to be employed by the charter school, and any rights of return to
18 the county office of education that an employee may have upon
19 leaving the employment of the charter school.
20 (P) The procedures to be used if the charter school closes. The
21 procedures shall ensure a final audit of the charter school to
22 determine the disposition of all assets and liabilities of the charter
23 school, including plans for disposing of any net assets and for the
24 maintenance and transfer of public records.
25 (6) A declaration of whether or not the charter school shall be
26 deemed the exclusive public school employer of the employees of
27 the charter school for purposes of the Educational Employment
28 Relations Act (Chapter 10.7 (commencing with Section 3540) of
29 Division 4 of Title 1 of the Government Code).
30 (7) Any other basis that the county board of education finds
31 justifies the denial of the petition.
32 (c) A county board of education that approves a petition for the
33 operation of a countywide charter may, as a condition of charter
34 approval, enter into an agreement with a third party, at the expense
35 of the charter school, to oversee, monitor, and report to the county
36 board of education on the operations of the charter school. The
37 county board of education may prescribe the aspects of the charter
38 school's operations to be monitored by the third party and may
39 prescribe appropriate requirements regarding the reporting of

1 information concerning the operations of the charter school to the
2 county board of education.

3 (d) (1) Charter schools shall meet all statewide standards and
4 conduct the pupil assessments required pursuant to Section 60605
5 and any other statewide standards authorized in statute or pupil
6 assessments applicable to pupils in noncharter public schools.

7 (2) Charter schools shall on a regular basis consult with their
8 parents and teachers regarding the charter school's educational
9 programs.

10 (e) (1) In addition to any other requirement imposed under this
11 part, a charter school shall be nonsectarian in its programs,
12 admission policies, employment practices, and all other operations,
13 shall not charge tuition, and shall not discriminate against any
14 pupil on the basis of ethnicity, national origin, gender, gender
15 identity, gender expression, or disability. Except as provided in
16 paragraph (2), admission to a charter school shall not be determined
17 according to the place of residence of the pupil, or of the pupil's
18 parent or guardian, within this state.

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

21 (B) If the number of pupils who wish to attend the charter school
22 exceeds the charter school's capacity, attendance, except for
23 existing pupils of the charter school, shall be determined by a
24 public random drawing. Preference shall be extended to pupils
25 currently attending the charter school and pupils who reside in the
26 county except as provided for in Section 47614.5. Preferences,
27 including, but not limited to, siblings of pupils admitted or
28 attending the charter school and children of the charter school's
29 teachers, staff, and founders identified in the initial charter, may
30 also be permitted by the chartering authority on an individual
31 charter school basis. Priority order for any preference shall be
32 determined in the charter petition in accordance with all of the
33 following:

34 (i) Each type of preference shall be approved by the chartering
35 authority at a public hearing.

36 (ii) Preferences shall be consistent with federal law, the
37 California Constitution, and Section 200.

38 (iii) Preferences shall not result in limiting enrollment access
39 for pupils with disabilities, academically low-achieving pupils,
40 English learners, neglected or delinquent pupils, homeless pupils,

1 or pupils who are economically disadvantaged, as determined by
2 eligibility for any free or reduced-price meal program, foster youth,
3 or pupils based on nationality, race, ethnicity, or sexual orientation.

4 (iv) In accordance with Section 49011, preferences shall not
5 require mandatory parental volunteer hours as a criterion for
6 admission or continued enrollment.

7 (C) In the event of a drawing, the county board of education
8 shall make reasonable efforts to accommodate the growth of the
9 charter school and in no event shall take any action to impede the
10 charter school from expanding enrollment to meet pupil demand.

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

24 (4) (A) A charter school shall not discourage a pupil from
25 enrolling or seeking to enroll in the charter school for any reason,
26 including, but not limited to, academic performance of the pupil
27 or because the pupil exhibits any of the characteristics described
28 in clause (iii) of subparagraph (B) of paragraph (2).

29 (B) A charter school shall not request a pupil's records or require
30 a parent, guardian, or pupil to submit the pupil's records to the
31 charter school before enrollment.

32 (C) A charter school shall not encourage a pupil currently
33 attending the charter school to disenroll from the charter school
34 or transfer to another school for any reason, including, but not
35 limited to, academic performance of the pupil or because the pupil
36 exhibits any of the characteristics described in clause (iii) of
37 subparagraph (B) of paragraph (2). This subparagraph shall not
38 apply to actions taken by a charter school pursuant to the
39 procedures described in subparagraph (J) of paragraph (5) of
40 subdivision (b).

1 (D) The department shall develop a notice of the requirements
2 of this paragraph. This notice shall be posted on a charter school's
3 internet website. A charter school shall provide a parent or
4 guardian, or a pupil if the pupil is 18 years of age or older, a copy
5 of this notice at all of the following times:

6 (i) When a parent, guardian, or pupil inquires about enrollment.

7 (ii) Before conducting an enrollment lottery.

8 (iii) Before disenrollment of a pupil.

9 (E) (i) A person who suspects that a charter school has violated
10 this paragraph may file a complaint with the chartering authority.

11 (ii) The department shall develop a template to be used for filing
12 complaints pursuant to clause (i).

13 (5) Notwithstanding any other law, a charter school in operation
14 as of July 1, 2019, that operates in partnership with the California
15 National Guard may dismiss a pupil from the charter school for
16 failing to maintain the minimum standards of conduct required by
17 the Military Department.

18 (f) The county board of education shall not require an employee
19 of the county or a school district to be employed in a charter school.

20 (g) The county board of education shall not require a pupil
21 enrolled in a county program to attend a charter school.

22 (h) The county board of education shall require that the
23 petitioner or petitioners provide information regarding the proposed
24 operation and potential effects of the charter school, including, but
25 not limited to, the facilities to be used by the charter school, the
26 manner in which administrative services of the charter school are
27 to be provided, and potential civil liability effects, if any, upon the
28 charter school, any school district where the charter school may
29 operate, and upon the county board of education. The petitioner
30 or petitioners shall also be required to provide financial statements
31 that include a proposed first-year operational budget, including
32 startup costs, and cashflow and financial projections for the first
33 three years of operation. If the charter school is to be operated by,
34 or as, a nonprofit public benefit corporation, the petitioner shall
35 provide the names and relevant qualifications of all persons whom
36 the petitioner nominates to serve on the governing body of the
37 charter school.

38 (i) In reviewing petitions for the establishment of charter schools
39 within the county, the county board of education shall give
40 preference to petitions that demonstrate the capability to provide

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

5 (j) Upon the approval of the petition by the county board of
6 education, the petitioner or petitioners shall provide written notice
7 of that approval, including a copy of the petition, to the school
8 districts within the county, the Superintendent, and the state board.

9 (k) If a county board of education denies a petition, the petitioner
10 shall not elect to submit the petition for the establishment of the
11 charter school to the state board.

12 (l) (1) Teachers in charter schools shall be required to hold the
13 Commission on Teacher Credentialing certificate, permit, or other
14 document required for the teacher's certificated assignment. These
15 documents shall be maintained on file at the charter school and
16 shall be subject to periodic inspection by the chartering authority.
17 A governing body of a direct-funded charter school may use local
18 assignment options authorized in statute and regulations for the
19 purpose of legally assigning certificated teachers, in accordance
20 with all of the requirements of the applicable statutes or regulations
21 in the same manner as a governing board of a school district. A
22 charter school shall have authority to request an emergency permit
23 or a waiver from the Commission on Teacher Credentialing for
24 individuals in the same manner as a school district.

25 (2) The Commission on Teacher Credentialing shall include in
26 the bulletins it issues pursuant to subdivision (k) of Section 44237
27 to provide notification to local educational agencies of any adverse
28 actions taken against the holders of any commission documents,
29 notice of any adverse actions taken against teachers employed by
30 charter schools. The Commission on Teacher Credentialing shall
31 make this bulletin available to all chartering authorities and charter
32 schools in the same manner in which it is made available to local
33 educational agencies.

34 (m) A charter school shall transmit a copy of its annual,
35 independent, financial audit report for the preceding fiscal year,
36 as described in subparagraph (I) of paragraph (5) of subdivision
37 (b), to the county office of education, the Controller, and the
38 department by December 15 of each year. This subdivision does
39 not apply if the audit of the charter school is encompassed in the
40 audit of the chartering authority pursuant to Section 41020.

1 (n) A charter school may encourage parental involvement but
2 shall notify the parents and guardians of applicant pupils and
3 currently enrolled pupils that parental involvement is not a
4 requirement for acceptance to, or continued enrollment at, the
5 charter school.

6 (o) The requirements of this section shall not be waived by the
7 state board pursuant to Section 33050 or any other law.

8 SEC. 6. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.