

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 58

Introduced by Assembly Member Rodriguez

December 2, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would revise and recast those procedures. The bill would require the comprehensive school safety plan to include procedures related to individuals with guns on school campuses and at school-related functions, as provided. The bill would require, no later than October 15, 2016, and every year thereafter, each superintendent of a school district and county office of education to provide written notification to the Superintendent of Public Instruction certifying that each school within the school district and the county has complied with the requirement to adopt a comprehensive school safety plan. The bill would require certain school administrators to keep and maintain a copy of the most recent comprehensive school safety plan, as provided. ~~The bill would require the department to monitor compliance with these provisions using an existing monitoring framework. provided, and would require each principal to ensure that an updated copy of the comprehensive school safety plan is readily available to staff members, law enforcement, first responders, and the public.~~ By requiring school and local educational agency officers to perform additional duties, the bill would impose a state-mandated local program.

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

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

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 32280 of the Education Code is amended
2 to read:

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

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

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

23 32281. (a) Each school district and county office of education
24 is responsible for the overall development of all comprehensive
25 school safety plans for its schools operating kindergarten or any
26 of grades 1 to 12, inclusive.

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

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

(A) The principal.

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

(C) One parent whose child attends the school.

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

(E) Other members, if desired.

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

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

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

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

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

(e) (1) If a principal verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal ~~or the principal’s designee~~ may send to each pupil’s parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on the second regular workday after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act considered a “violent

1 crime” shall meet the definition of Section 67381 and is an act for
2 which a pupil could or would be expelled pursuant to Section
3 48915.

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

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

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

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

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

4 (4) This subdivision does not preclude the governing board of
5 a school district or county office of education from conferring in
6 a closed session with law enforcement officials pursuant to Section
7 54957 of the Government Code to approve a tactical response plan
8 developed in consultation with those officials pursuant to this
9 subdivision. A vote to approve the tactical response plan shall be
10 announced in open session following the closed session.

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

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

15 32282. (a) The comprehensive school safety plan shall include,
16 but not be limited to, both of the following:

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

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

24 (A) Child abuse reporting procedures consistent with Article
25 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
26 Part 4 of the Penal Code.

27 (B) Disaster procedures, routine and emergency, including
28 adaptations for pupils with disabilities in accordance with the
29 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
30 12101 et seq.). The disaster procedures shall also include, but not
31 be limited to, both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (b) It is the intent of the Legislature that schools develop
12 comprehensive school safety plans using existing resources,
13 including the materials and services of the ~~partnership~~, *School/Law*
14 *Enforcement Partnership Program*, pursuant to this chapter. It is
15 also the intent of the Legislature that schools use the handbook
16 developed and distributed by the School/Law Enforcement
17 Partnership Program entitled “Safe Schools: A Planning Guide for
18 Action” and the report by the National Association of School
19 Psychologists and the National Association of School Resource
20 Officers on “Best Practice Considerations for Schools in Active
21 Shooter and Other Armed Assailant Drills” in conjunction with
22 developing their plan for school safety.

23 (c) Each schoolsite council or school safety planning committee
24 in developing and updating a comprehensive school safety plan
25 shall, where practical, consult, cooperate, and coordinate with
26 other schoolsite councils or school safety planning committees.

27 ~~(d) The comprehensive school safety plan may be evaluated~~
28 ~~and amended, as needed, by the school safety planning committee,~~
29 ~~but shall be evaluated at least once a year to ensure that the~~
30 ~~comprehensive school safety plan is properly implemented. An~~
31 ~~updated file of all safety-related plans and materials shall be readily~~
32 ~~available for inspection by the public, law enforcement, and school~~
33 ~~employees.~~

34 (e)

35 (d) As comprehensive school safety plans are reviewed and
36 updated, the Legislature encourages all plans, to the extent that
37 resources are available, to include policies and procedures aimed
38 at the prevention of bullying.

39 (f)

1 (e) The comprehensive school safety plan, as written and
2 updated by the schoolsite council or school safety planning
3 committee, shall be submitted for approval under subdivision (a)
4 of Section 32288.

5 SEC. 4. Section 32286 of the Education Code is amended to
6 read:

7 32286. (a) Each school shall adopt its comprehensive school
8 safety plan by March 1, 2000, and shall review and update its plan
9 by March 1 every year thereafter. A new school campus that begins
10 offering classes to pupils after March 1, 2001, shall adopt a
11 comprehensive school safety plan within one year of initiating
12 operation, and shall review and update its plan by March 1 every
13 year thereafter.

14 (b) Commencing July 2000 and every year thereafter, the
15 principal of each school shall accurately report on the status of the
16 principal's school's safety plan for the upcoming school year,
17 including a description of its key elements in the annual school
18 accountability report card prepared pursuant to Sections 33126
19 and 35256. The report shall include, but is not limited to, the date
20 the school safety plan was adopted and a description of the safety
21 plan's elements as set forth in Section 32282.

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

25 SEC. 5. Section 32286.1 is added to the Education Code, to
26 read:

27 32286.1. No later than October 15, 2016, and each year
28 thereafter, each superintendent of a school district and county
29 office of education shall provide written notification to the
30 Superintendent certifying that each school within the school district
31 and county has complied with Section 32281 or subdivision (b)
32 of Section 32286 for that school year.

33 SEC. 6. Section 32288 of the Education Code is amended to
34 read:

35 32288. (a) In order to ensure compliance with this article, each
36 school shall forward its comprehensive school safety plan to the
37 school district or the county office of education for approval.

38 (b) (1) (A) Before adopting its comprehensive school safety
39 plan, the schoolsite council or school safety planning committee
40 shall hold a public meeting at the schoolsite in order to allow

1 members of the public the opportunity to express an opinion about
2 the school safety plan.

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

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

9 (A) The local mayor.

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

11 (C) A representative of each parent organization at the
12 schoolsite, including the parent teacher association and parent
13 teacher clubs.

14 (D) A representative of each teacher organization at the
15 schoolsite.

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

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

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

21 (A) A representative of the local churches.

22 (B) Local civic leaders.

23 (C) Local business organizations.

24 SEC. 7. Section 32288.1 is added to the Education Code, to
25 read:

26 32288.1. (a) Each principal shall keep and maintain a copy of
27 the most recent comprehensive school safety plan for that ~~school.~~
28 *school and shall ensure that an updated copy of the comprehensive*
29 *school safety plan, either written or electronic, shall be readily*
30 *available to staff members, law enforcement, first responders, and*
31 *the public.*

32 (b) Each superintendent of a school district or county office of
33 education shall keep and maintain a copy of the most recent
34 comprehensive school safety plan filed pursuant to Section 32288
35 and a copy of every notification made pursuant to Section 32286.1.

36 ~~(c) (1) All books, documents, records, and other papers kept~~
37 ~~and maintained pursuant to subdivisions (a) and (b) shall be open~~
38 ~~for inspection and copying, during business hours at a district~~
39 ~~office or during school hours at a school, on business days,~~
40 ~~excluding legal holidays, within 48 hours of a written, verbal, or~~

1 ~~electronic request by a law enforcement agency described in~~
2 ~~Section 32280.~~

3 ~~(2) An electronic version of a book, document, record, or other~~
4 ~~paper shall be sufficient to satisfy the requirements of paragraph~~
5 ~~(1).~~

6 ~~SEC. 8. Section 32289 of the Education Code, as added by~~
7 ~~Section 1 of Chapter 272 of the Statutes of 2004, is repealed.~~

8 ~~SEC. 9. Section 32289.5 is added to the Education Code, to~~
9 ~~read:~~

10 ~~32289.5. The department shall monitor compliance with this~~
11 ~~article using an existing monitoring framework.~~

12 ~~SEC. 10.~~

13 ~~SEC. 8. Section 47605 of the Education Code is amended to~~
14 ~~read:~~

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

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

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

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

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

7 (4) After receiving approval of its petition, a charter school that
8 proposes to establish operations at one or more additional sites
9 shall request a material revision to its charter and shall notify the
10 authority that granted its charter of those additional locations. The
11 authority that granted its charter shall consider whether to approve
12 those additional locations at an open, public meeting. If the
13 additional locations are approved, they shall be a material revision
14 to the charter school's charter.

15 (5) A charter school that is unable to locate within the
16 jurisdiction of the chartering school district may establish one site
17 outside the boundaries of the school district, but within the county
18 in which that school district is located, if the school district within
19 the jurisdiction of which the charter school proposes to operate is
20 notified in advance of the charter petition approval, the county
21 superintendent of schools and the Superintendent are notified of
22 the location of the charter school before it commences operations,
23 and either of the following circumstances exists:

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

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

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

34 (b) No later than 30 days after receiving a petition, in accordance
35 with subdivision (a), the governing board of the school district
36 shall hold a public hearing on the provisions of the charter, at
37 which time the governing board of the school district shall consider
38 the level of support for the petition by teachers employed by the
39 district, other employees of the district, and parents. Following
40 review of the petition and the public hearing, the governing board

1 of the school district shall either grant or deny the charter within
2 60 days of receipt of the petition, provided, however, that the date
3 may be extended by an additional 30 days if both parties agree to
4 the extension. In reviewing petitions for the establishment of
5 charter schools pursuant to this section, the chartering authority
6 shall be guided by the intent of the Legislature that charter schools
7 are and should become an integral part of the California educational
8 system and that establishment of charter schools should be
9 encouraged. The governing board of the school district shall grant
10 a charter for the operation of a school under this part if it is satisfied
11 that granting the charter is consistent with sound educational
12 practice. The governing board of the school district shall not deny
13 a petition for the establishment of a charter school unless it makes
14 written factual findings, specific to the particular petition, setting
15 forth specific facts to support one or more of the following
16 findings:

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

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

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

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

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

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

33 (ii) A description, for the charter school, of annual goals, for
34 all pupils and for each subgroup of pupils identified pursuant to
35 Section 52052, to be achieved in the state priorities, as described
36 in subdivision (d) of Section 52060, that apply for the grade levels
37 served, or the nature of the program operated, by the charter school,
38 and specific annual actions to achieve those goals. A charter
39 petition may identify additional school priorities, the goals for the

1 school priorities, and the specific annual actions to achieve those
2 goals.

3 (iii) If the proposed school will serve high school pupils, a
4 description of the manner in which the charter school will inform
5 parents about the transferability of courses to other public high
6 schools and the eligibility of courses to meet college entrance
7 requirements. Courses offered by the charter school that are
8 accredited by the Western Association of Schools and Colleges
9 may be considered transferable and courses approved by the
10 University of California or the California State University as
11 creditable under the “A” to “G” admissions criteria may be
12 considered to meet college entrance requirements.

13 (B) The measurable pupil outcomes identified for use by the
14 charter school. “Pupil outcomes,” for purposes of this part, means
15 the extent to which all pupils of the school demonstrate that they
16 have attained the skills, knowledge, and attitudes specified as goals
17 in the school’s educational program. Pupil outcomes shall include
18 outcomes that address increases in pupil academic achievement
19 both schoolwide and for all groups of pupils served by the charter
20 school, as that term is defined in subparagraph (B) of paragraph
21 (3) of subdivision (a) of Section 47607. The pupil outcomes shall
22 align with the state priorities, as described in subdivision (d) of
23 Section 52060, that apply for the grade levels served, or the nature
24 of the program operated, by the charter school.

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

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

33 (E) The qualifications to be met by individuals to be employed
34 by the school.

35 (F) The procedures that the school will follow to ensure the
36 health and safety of pupils and staff. These procedures shall include
37 both of the following:

38 (i) A requirement that each employee of the school furnish the
39 school with a criminal record summary as described in Section
40 44237.

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

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

9 (H) Admission requirements, if applicable.

10 (I) The manner in which annual, independent financial audits
11 shall be conducted, which shall employ generally accepted
12 accounting principles, and the manner in which audit exceptions
13 and deficiencies shall be resolved to the satisfaction of the
14 chartering authority.

15 (J) The procedures by which pupils can be suspended or
16 expelled.

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

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

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

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

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

33 (P) A description of the procedures to be used if the charter
34 school closes. The procedures shall ensure a final audit of the
35 school to determine the disposition of all assets and liabilities of
36 the charter school, including plans for disposing of any net assets
37 and for the maintenance and transfer of pupil records.

38 (c) (1) Charter schools shall meet all statewide standards and
39 conduct the pupil assessments required pursuant to Sections 60605
40 and 60851 and any other statewide standards authorized in statute

1 or pupil assessments applicable to pupils in noncharter public
2 schools.

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

6 (d) (1) In addition to any other requirement imposed under this
7 part, a charter school shall be nonsectarian in its programs,
8 admission policies, employment practices, and all other operations,
9 shall not charge tuition, and shall not discriminate against any
10 pupil on the basis of the characteristics listed in Section 220. Except
11 as provided in paragraph (2), admission to a charter school shall
12 not be determined according to the place of residence of the pupil,
13 or of his or her parent or legal guardian, within this state, except
14 that an existing public school converting partially or entirely to a
15 charter school under this part shall adopt and maintain a policy
16 giving admission preference to pupils who reside within the former
17 attendance area of that public school.

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

20 (B) If the number of pupils who wish to attend the charter school
21 exceeds the school's capacity, attendance, except for existing pupils
22 of the charter school, shall be determined by a public random
23 drawing. Preference shall be extended to pupils currently attending
24 the charter school and pupils who reside in the district except as
25 provided for in Section 47614.5. Other preferences may be
26 permitted by the chartering authority on an individual school basis
27 and only if consistent with the law.

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

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

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

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

6 (g) The governing board of a school district shall require that
7 the petitioner or petitioners provide information regarding the
8 proposed operation and potential effects of the school, including,
9 but not limited to, the facilities to be used by the school, the manner
10 in which administrative services of the school are to be provided,
11 and potential civil liability effects, if any, upon the school and
12 upon the school district. The description of the facilities to be used
13 by the charter school shall specify where the school intends to
14 locate. The petitioner or petitioners shall also be required to provide
15 financial statements that include a proposed first-year operational
16 budget, including startup costs, and cashflow and financial
17 projections for the first three years of operation.

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

25 (i) Upon the approval of the petition by the governing board of
26 the school district, the petitioner or petitioners shall provide written
27 notice of that approval, including a copy of the petition, to the
28 applicable county superintendent of schools, the department, and
29 the state board.

30 (j) (1) If the governing board of a school district denies a
31 petition, the petitioner may elect to submit the petition for the
32 establishment of a charter school to the county board of education.
33 The county board of education shall review the petition pursuant
34 to subdivision (b). If the petitioner elects to submit a petition for
35 establishment of a charter school to the county board of education
36 and the county board of education denies the petition, the petitioner
37 may file a petition for establishment of a charter school with the
38 state board, and the state board may approve the petition, in
39 accordance with subdivision (b). A charter school that receives
40 approval of its petition from a county board of education or from

1 the state board on appeal shall be subject to the same requirements
2 concerning geographic location to which it would otherwise be
3 subject if it received approval from the entity to which it originally
4 submitted its petition. A charter petition that is submitted to either
5 a county board of education or to the state board shall meet all
6 otherwise applicable petition requirements, including the
7 identification of the proposed site or sites where the charter school
8 will operate.

9 (2) In assuming its role as a chartering agency, the state board
10 shall develop criteria to be used for the review and approval of
11 charter school petitions presented to the state board. The criteria
12 shall address all elements required for charter approval, as
13 identified in subdivision (b) and shall define “reasonably
14 comprehensive” as used in paragraph (5) of subdivision (b) in a
15 way that is consistent with the intent of this part. Upon satisfactory
16 completion of the criteria, the state board shall adopt the criteria
17 on or before June 30, 2001.

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

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

26 (5) The state board shall adopt regulations implementing this
27 subdivision.

28 (6) Upon the approval of the petition by the county board of
29 education, the petitioner or petitioners shall provide written notice
30 of that approval, including a copy of the petition to the department
31 and the state board.

32 (k) (1) The state board may, by mutual agreement, designate
33 its supervisory and oversight responsibilities for a charter school
34 approved by the state board to any local educational agency in the
35 county in which the charter school is located or to the governing
36 board of the school district that first denied the petition.

37 (2) The designated local educational agency shall have all
38 monitoring and supervising authority of a chartering agency,
39 including, but not limited to, powers and duties set forth in Section

1 47607, except the power of revocation, which shall remain with
2 the state board.

3 (3) A charter school that is granted its charter through an appeal
4 to the state board and elects to seek renewal of its charter shall,
5 before expiration of the charter, submit its petition for renewal to
6 the governing board of the school district that initially denied the
7 charter. If the governing board of the school district denies the
8 school's petition for renewal, the school may petition the state
9 board for renewal of its charter.

10 (l) Teachers in charter schools shall hold a Commission on
11 Teacher Credentialing certificate, permit, or other document
12 equivalent to that which a teacher in other public schools would
13 be required to hold. These documents shall be maintained on file
14 at the charter school and are subject to periodic inspection by the
15 chartering authority. It is the intent of the Legislature that charter
16 schools be given flexibility with regard to noncore, noncollege
17 preparatory courses.

18 (m) A charter school shall transmit a copy of its annual,
19 independent financial audit report for the preceding fiscal year, as
20 described in subparagraph (I) of paragraph (5) of subdivision (b),
21 to its chartering entity, the Controller, the county superintendent
22 of schools of the county in which the charter school is sited, unless
23 the county board of education of the county in which the charter
24 school is sited is the chartering entity, and the department by
25 December 15 of each year. This subdivision does not apply if the
26 audit of the charter school is encompassed in the audit of the
27 chartering entity pursuant to Section 41020.

28 ~~SEC. 11.~~

29 *SEC. 9.* If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.