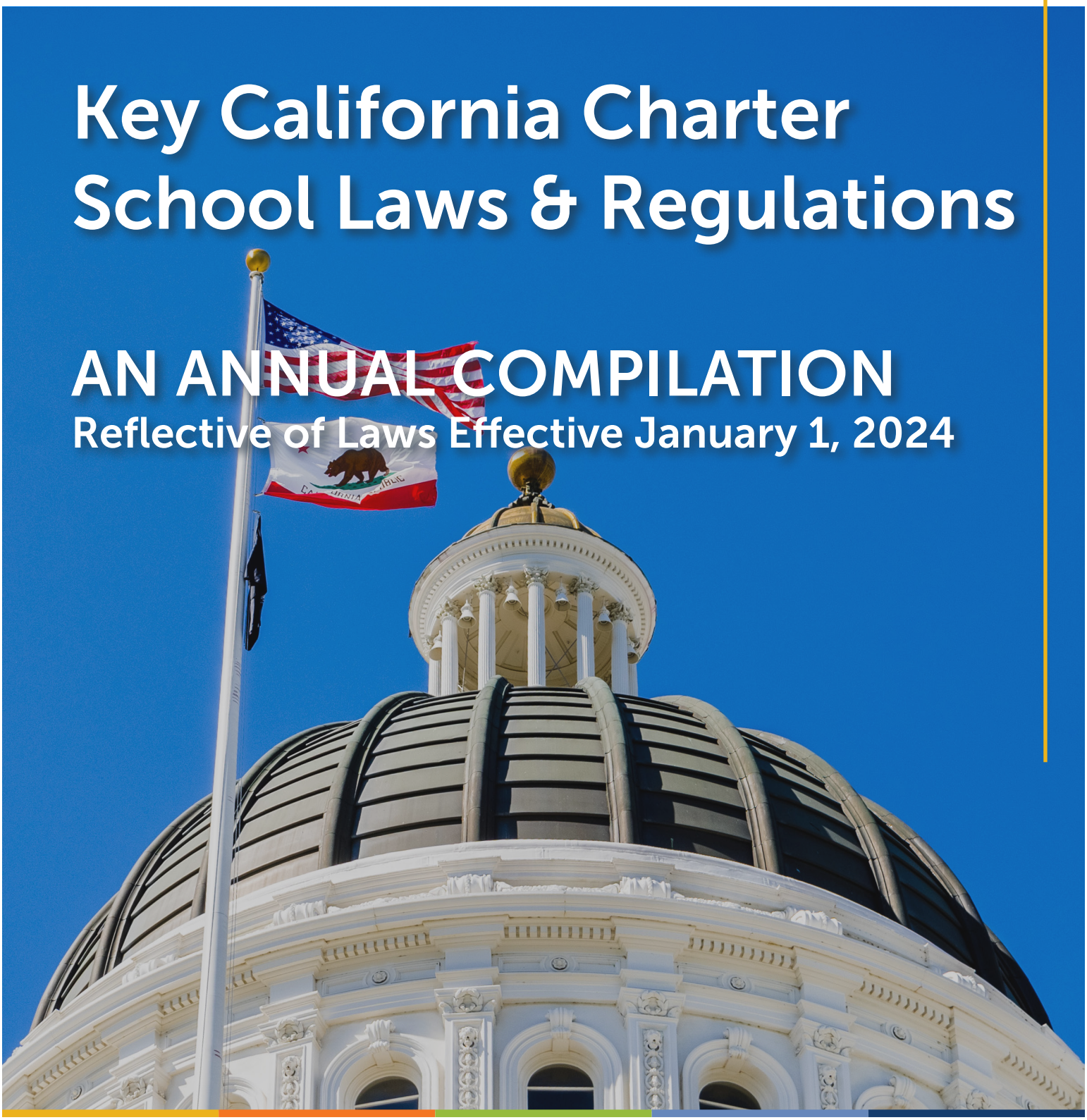
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Key California Charter School Laws & Regulations

AN ANNUAL COMPILATION

Reflective of Laws Effective January 1, 2024



Unparalled School Legal Services

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The Law Offices of Young, Minney & Corr, LLP

Greetings!

The Law Offices of Young, Minney & Corr LLP is pleased once again to provide this compendium of select statutes and regulations that are most frequently used by California charter schools. This desktop-, travel-, and digital-friendly manual gets you the information you need most, at your fingertips.

While we continue to navigate together the changing landscape for public education and charter schools in particular, the Legislature has enshrined some notable changes, which are captured in this year's compendium. Important changes include but are not limited to: adult to student ratios in transitional kindergarten; free meals for students; requirements for moving the publication date of the California School Dashboard earlier; additional requirements for the School Safety Plan; legal mandates for recess (in schools that offer recess); and additional health and safety procedures. Please remain on the lookout for YMC Legal Alerts and Webinars on these changes and more!

In light of the recent extensive changes to the law, pending regulations, new interpretations by school districts, and likely court challenges to the application of these laws, it is critical that charter schools and developers seek legal counsel.

As always, YM&C's school-focused, mission-driven attorneys are available to help you work through questions, challenges, and to provide technical assistance, 916.646.1400.

We remain champions of outstanding choices in education!

The YM&C Team

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CHARTER SCHOOLS ACT,
as amended
Education Code

CHAPTER 1
GENERAL PROVISIONS

Section 47600
Title of Act

This part shall be known, and may be cited, as the "Charter Schools Act of 1992."

Section 47601
Legislative Intent

It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to accomplish all of the following:
(a) Improve pupil learning.
(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.
(c) Encourage the use of different and innovative teaching methods.
(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.
(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.
(f) Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

Section 47602
Limit on number; report on effectiveness; private school

(a)(1) In the 1998–99 school year, the maximum total number of charter schools authorized to operate in this state shall be 250. In the 1999–2000 school year, and in each successive school year thereafter, an additional 100 charter schools are authorized to operate in this state each successive school year. For the purposes of implementing this section, the State Board of Education shall assign a number to each charter petition that it grants pursuant to subdivision (j) of Section 47605 or Section 47605.8 and to each charter notice it receives pursuant to this part, based on the chronological order in which the notice is received. Each number assigned by the state board on or after January 1, 2003, shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. The State Board of Education shall develop a numbering system for charter schools that identifies each school associated with a charter and that operates within the existing limit on the number of charter schools that can be approved each year. For purposes of this section, sites that share educational programs and serve similar pupil populations may not be counted as separate schools. Sites that do not share a common educational program shall be considered separate schools for purposes of this section. The limits contained in this paragraph may not be waived by the State Board of Education pursuant to Section 33050 or any other provision of law.
(2) By July 1, 2003, the Legislative Analyst shall, pursuant to the criteria in Section 47616.5, report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to expand or reduce the annual rate of growth of charter schools authorized pursuant to this section.
(b) No charter shall be granted under this part that authorizes the conversion of any private school to a charter school. No charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The State Board of Education shall adopt regulations to implement this section.

Section 47603
Construction of part; funding or assistance

(a) This part shall not be construed to prohibit any private person or organization from providing funding or other assistance to the establishment or operation of a charter school.
(b) This section shall become operative on July 1, 2017

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Section 47604
Operating as or by a nonprofit public benefit corporation; prohibition against operating as or by a for-profit corporation; board membership; liability

(a) A charter school may elect to operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code).
(b)(1) On and after July 1, 2019, a petitioner that submits a charter petition or a charter school that submits a charter renewal or material revision application shall not operate as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization. For purposes of this section, a for-profit educational management organization and a for-profit charter management organization are entities that manage or operate a charter school.
(2)(A) Operate as, or be operated by," as referenced in paragraph (1), means services provided by a for-profit corporation to a charter school that include any of the following:
(i) Nominating, appointing, or removing board members or officers of the charter school.
(ii) Employing, supervising, or dismissing employees of the charter school, including certificated and noncertificated school personnel.
(iii) Managing the charter school's day-to-day operations as its administrative manager.
(iv) Approving, denying, or managing the budget or any expenditures of the charter school that are not authorized by the governing body of the charter school.
(v) Providing services to a charter school before the governing body of the charter school has approved the contract for those services at a publicly noticed meeting.
(B) A charter school shall not enter into a subcontract to avoid the requirements of this paragraph.
(c) A chartering authority that grants a charter to a charter school to be operated as or by a nonprofit public benefit corporation shall be entitled to a single representative on the board of directors of the nonprofit public benefit corporation.
(d) A chartering authority that grants a charter to a charter school to be operated as or by a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors, or omissions by the charter school if the chartering authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605.
(e) This section shall become operative on July 1, 2019.

Section 47604.1
Charter school and entity managing a charter school; applicable provisions; meetings

(a) For purposes of this section, an "entity managing a charter school" means a nonprofit public benefit corporation that operates a charter school consistent with Section 47604. An entity that is not authorized to operate a charter school pursuant to Section 47604 is not an "entity managing a charter school" solely because it contracts with a charter school to provide to that charter school goods or task-related services that are performed at the direction of the governing body of the charter school and for which the governing body retains ultimate decisionmaking authority.
(b) A charter school and an entity managing a charter school shall be subject to all of the following:
(1) The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), except that a charter school operated by an entity pursuant to Chapter 5 (commencing with Section 47620) shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) regardless of the authorizing entity.
(2)(A) The California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).
(B)(i) The chartering authority of a charter school shall be the custodian of records with regard to any request for information submitted to the charter school if either of the following apply:
(I) The charter school is located on a federally recognized California Indian reservation or rancheria.
(II) The charter school is operated by a nonprofit public benefit corporation that was formed on or before May 31, 2002, and is currently operated by a federally recognized California Indian tribe.
(ii) This subparagraph does not allow a chartering authority to delay or obstruct access to records otherwise required under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).
(3) Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code.
(4)(A) The Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).
(B) For purposes of Section 87300 of the Government Code, a charter school and an entity managing a charter school shall be considered an agency and is the most decentralized level for purposes of adopting a conflict-of-interest code.

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Section 47604.1
Charter school and entity managing a charter school; applicable provisions; meetings (cont'd)

(c)(1)(A) The governing body of one charter school shall meet within the physical boundaries of the county in which the charter school is located.
(B) A two-way teleconference location shall be established at each schoolsite.
(2)(A) The governing body of one nonclassroom-based charter school that does not have a facility or operates one or more resource centers shall meet within the physical boundaries of the county in which the greatest number of pupils who are enrolled in that charter school reside.
(B) A two-way teleconference location shall be established at each resource center.
(3)(A) For a governing body of an entity managing one or more charter schools located within the same county, the governing body of the entity managing a charter school shall meet within the physical boundaries of the county in which that charter school or schools are located.
(B) A two-way teleconference location shall be established at each schoolsite and each resource center.
(4)(A) For a governing body of an entity that manages two or more charter schools that are not located in the same county, the governing body of the entity managing the charter schools shall meet within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside.
(B) A two-way teleconference location shall be established at each schoolsite and each resource center.
(C) The governing body of the entity managing the charter schools shall audio record, video record, or both, all the governing board meetings and post the recordings on each charter school's internet website.
(5) This subdivision does not limit the authority of the governing body of a charter school and an entity managing a charter school to meet outside the boundaries described in this subdivision if authorized by Section 54954 of the Government Code, and the meeting place complies with Section 54961 of the Government Code.
(d) Notwithstanding Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, an employee of a charter school shall not be disqualified from serving as a member of the governing body of the charter school because of that employee's employment status. A member of the governing body of a charter school who is also an employee of the charter school shall abstain from voting on, or influencing or attempting to influence another member of the governing body regarding, all matters uniquely affecting that member's employment.
(e) To the extent a governing body of a charter school or an entity managing a charter school engages in activities that are unrelated to a charter school, Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code) shall not apply with regard to those unrelated activities unless otherwise required by law.
(f) A meeting of the governing body of a charter school to discuss items related to the operation of the charter school shall not include the discussion of any item regarding an activity of the governing body that is unrelated to the operation of the charter school.
(g) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

Section 47604.2
Pupil petition to appoint one or more pupil members to the appropriate governing body pursuant to this section

(a) For purposes of this section, "entity managing a charter school" has the same meaning as described in subdivision (a) of Section 47604.1.
(b) (1) There may be submitted to the governing body of a charter school attended by high school pupils, or to the governing body of an entity managing multiple charter schools including a charter school attended by high school pupils, a pupil petition requesting the governing body of the charter school or the governing body of the entity managing multiple charter schools, as appropriate, to appoint one or more pupil members to the appropriate governing body pursuant to this section.
(2) The petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in the high school of the charter school, or (B) not less than 10 percent of the number of pupils regularly enrolled in the high school of the charter school. If a charter school attended by high school pupils is operated by an entity managing a charter school or managing multiple charter schools, then the petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in any of the high schools operated by the entity managing a charter school or multiple charter schools, or (B) not less than 10 percent of the number of pupils regularly enrolled in high schools operated by the entity managing a charter school or multiple charter schools. Each fiscal year, and within 60 days of receipt of a petition for pupil representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, the governing body of the charter school or of the entity managing multiple charter schools shall order the inclusion within the membership of that governing body, in addition to the number of regular members otherwise prescribed, of at least one pupil member. The governing body of the charter school or of the entity managing multiple charter schools may order the inclusion of more than one pupil member.
(3) Upon receipt of a petition for pupil representation, the governing body of a charter school or of an entity managing multiple charter schools shall, commencing July 1, 2023, and each year thereafter, order the inclusion within the membership of that governing body, in addition to the number of regular members otherwise prescribed, of at least one pupil member. The governing body of a charter school or of an entity managing multiple charter schools may order the inclusion of more than one pupil member. The governing body of a charter school or of an entity managing multiple charter schools may appoint a pupil to serve as an alternate pupil member who would fulfill all duties and have the same rights as a pupil member if that governing body determines the pupil member is not fulfilling their duties. If the governing body of a charter school or of an entity managing multiple charter schools appoints an alternate pupil member, that governing body shall suspend the prior pupil member's rights and privileges related to service on that governing body.

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Section 47604.2
Pupil petition to appoint one or more pupil members to the appropriate governing body pursuant to this section (cont'd)

(4) (A) A pupil member of the governing body of a charter school or of an entity managing multiple charter schools shall have preferential voting rights.
(B) Preferential voting, as used in this section, means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the governing body of the charter school or of an entity managing multiple charter schools. A preferential vote shall not serve in determining the final numerical outcome of a vote. No preferential vote shall be solicited on matters subject to closed session discussion.
(5) The governing body of a charter school or of an entity managing multiple charter schools may adopt a resolution authorizing the pupil member or members to make motions that may be acted upon by that governing body, except on matters dealing with employer-employee relations pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
(6) (A) Each pupil member shall have the right to attend each and all meetings of the governing body of a charter school or of an entity managing multiple charter schools, except closed sessions.
(B) (i) Each pupil member shall be appointed to subcommittees of the governing body in the same manner as other governing body regular members.
(ii) Each pupil member shall be made aware of the time commitment required to participate in subcommittee meetings and work, and may decline an appointment to a subcommittee.
(iii) Subcommittee meetings may be scheduled in accordance with the availably of all members of the governing body, including each pupil member.
(7) Any pupil selected to serve as a member of the governing body of a charter school or of an entity managing multiple charter schools shall be enrolled in high school within the charter school, may be less than 18 years of age, and shall be chosen by the pupils enrolled in high school within the charter school in accordance with policies and procedures prescribed by that governing body. The term of a pupil member shall be one year, commencing on July 1 of each year, except that the term of a pupil member may be adjusted only in cases where a vacancy occurs or to provide more pupils with an opportunity to serve on the governing body.
(8) (A) A pupil member shall be entitled to the mileage allowance to the same extent as regular governing body members, and may receive compensation, as specified pursuant to subparagraph (B).
(B) The governing body of a charter school or of an entity managing multiple charter schools may award a pupil member either or both of the following:
(1) Elective course credit based on the number of equivalent daily instructional minutes for the pupil member's services provided.
(2) Monthly financial compensation as determined by the government body.
(9) (A) A pupil member shall be seated with the regular members of the governing body of a charter school or of an entity managing multiple charter schools, and shall be recognized as a full member of that governing body at the meetings, including receiving all open meeting materials presented to the governing body members at the same time the materials are presented to the other governing body regular members, being invited to staff briefings of governing body regular members, or being provided a separate staff briefing within the same timeframe as the staff briefing of other governing body regular members, being invited to attend other functions of that governing body, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.
(B) A pupil member shall also receive all materials received by other governing body regular members between open meetings, except for materials that pertain to closed session items.
(10) A pupil member shall not be included in determining the vote required to carry any measure before the governing body of a charter school or of an entity managing multiple charter schools.
(11) The pupil member shall not be liable for any acts of the governing body of a charter school or of an entity managing multiple charter schools.
(12) A majority vote of all voting governing body regular members shall be required to approve a motion to eliminate the pupil member position from the governing body of a charter school or of an entity managing multiple charter schools. The motion shall be listed as a public agenda item for a meeting of the governing body before the motion being voted upon.
(c) A pupil member of the governing body of a charter school or of an entity managing multiple charter schools shall not be considered a member of a legislative body or a local agency for purposes of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) or the Bagley-Keene Open Meeting Act.
(d) The governing body of a charter school or of an entity managing multiple charter schools that orders the inclusion of a pupil member within its governing body membership pursuant to paragraph (2) of subdivision (b) shall do both of the following:
(1) (A) Notify the chartering authority of the charter school within 30 days of either of the following:
(i) The inclusion of the pupil member.
(ii) Any subsequent change in the pupil membership.
(B) The notification shall be in writing, include the name of the pupil member, the duration of the term of the pupil, and a copy of the approved pupil petition described in subdivision (b).
(2) Include at the next charter renewal with the chartering authority, the inclusion of the pupil member as a change to the governing body of the charter school or of an entity managing multiple charter schools.
(e) As used in this section, the following definitions apply:
(1) "Pupil member" means a pupil member appointed pursuant to subdivision (b).
(2) "Regular member" means a governing body member nominated or appointed to the governing body of the charter school or of an entity managing multiple charter schools, consistent with Section 47605 or 47605.6, as applicable.
(f) This section shall prevail over any contrary provision in the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code), or between this section and a nonprofit public benefit corporation's articles of incorporation or bylaws, relating to pupil members on the governing body of the charter school or of an entity managing multiple charter schools. Nothing in this section otherwise alters, amends, or impairs the rights, duties, and obligations of a nonprofit public benefit corporation

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relating to the operation of a charter school.
(g) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

Section 47604.3
Responding to reasonable inquiries

A charter school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of education, or the Superintendent of Public Instruction regarding any inquiries.

Section 47604.32
Duties of chartering authority

(a) Each chartering authority, in addition to any other duties imposed by this part, shall do all of the following with respect to each charter school under its authority:
(1) Identify at least one staff member as a contact person for the charter school.
(2) Visit each charter school at least annually.
(3) Ensure that each charter school under its authority complies with all reports required of charter schools by law, including the local control and accountability plan required pursuant to Section 47606.5.
(4) Monitor the fiscal condition of each charter school under its authority.
(5) Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a charter school for which it is the chartering authority:
(A) A renewal of the charter is granted or denied.
(B) The charter is revoked.
(C) The charter school will cease operation for any reason.
(b) The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to Section 47613.

Section 47604.33
Annual reports

(a) Each charter school shall annually prepare and submit the following reports to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority:
(1) On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (h) of Section 47605 satisfies this requirement.
(2) On or before July 1, a local control and accountability plan and an annual update to the local control and accountability plan required pursuant to Section 47606.5.
(3) On or before December 15, an interim financial report. This report shall reflect changes through October 31.
(4) On or before March 15, a second interim financial report. This report shall reflect changes through January 31.
(5) On or before September 15, a final unaudited report for the full prior year.
(b) The chartering authority shall use any financial or other information it obtains from the charter school, including, but not limited to, the reports required by this section, to perform the duties described in subdivision (a) of Section 47604.32, including monitoring the fiscal condition of the charter school.
(c) The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to Section 47613.

Section 47604.4
County superintendent of schools; authority to monitor and investigate charter schools within county

(a) In addition to the authority granted by Sections 1241.5 and 47604.3, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school. If a county superintendent of schools monitors or investigates a charter school pursuant to this section, the county office of education shall not incur any liability beyond the cost of the investigation.
(b) A charter school shall notify the county superintendent of schools of the county in which it is located of the location of the charter school, including the location of each site, if applicable, prior to commencing operations.

Section 47604.5
Revocation of charter by state board; grounds

The state board may, based upon the recommendation of the Superintendent, take appropriate action, including, but not limited to, revocation of the charter school's charter, when the state board finds any of the following:
(a) Gross financial mismanagement that jeopardizes the financial stability of the charter school.
(b) Illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school.
(c) Substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the charter school's pupils.
(d) Failure to improve pupil outcomes across multiple state and school priorities identified in the charter pursuant to subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6.
(e) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

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CHAPTER 2
ESTABLISHMENT OF CHARTER SCHOOLS

Section 47605
Petition for establishment for charter school within school district; procedures for submission, review, and approval or denial; standards and assessments; admission policies and employment practices; supervisorial and oversight responsibilities; petition for renewal; teacher credentials; financial audit report

(a)(1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district if each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions is met:
(A) The petition is signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation.
(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.
(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (c) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition is signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.
(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.
(4) After receiving approval of its petition, a charter school that proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter and shall notify the chartering authority of those additional locations or grade levels. The chartering authority shall consider whether to approve those additional locations or grade levels at an open, public meeting. If the additional locations or grade levels are approved pursuant to the standards and criteria described in subdivision (c), they shall be a material revision to the charter school's charter.
(5)(A) A charter school that established one site outside the boundaries of the school district, but within the county in which that school district is located before January 1, 2020, may continue to operate that site until the charter school submits a request for the renewal of its charter petition. To continue operating the site, the charter school shall do either of the following:
(i) First, before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating.
(ii) Submit a request for the renewal of the charter petition pursuant to Section 47607 to the school district in which the charter school is located.
(B) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter schoolsite is located and operating, the charter school, for not more than five years, may relocate that site outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the site is being relocated to.
(C) Notwithstanding subparagraph (A), if a charter school was relocated from December 31, 2016, to December 31, 2019, inclusive, due to a Presidential declaration of a major disaster or emergency in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.), that charter school shall be allowed to return to its original campus location in perpetuity.
(D)(i) A charter school in operation and providing educational services to pupils before October 1, 2019, located on a federally recognized California Indian reservation or rancheria or operated by a federally recognized California Indian tribe shall be exempt from the geographic restrictions of paragraph (1) and subparagraph (A) of this paragraph and the geographic restrictions of subdivision (a) of Section 47605.1.
(ii) The exemption to the geographic restrictions of subdivision (a) of 47605.1 in clause (i) does not apply to nonclassroom-based charter schools operating pursuant to Section 47612.5.
(E) The department shall regard as a continuing charter school for all purposes a charter school that was granted approval of its petition, that was providing educational services to pupils before October 1, 2019, and is authorized by a different chartering authority due to changes to this paragraph that took effect January 1, 2020. This paragraph shall be implemented only to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654.
(6) Commencing January 1, 2003, a petition to establish a charter school shall not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.
(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 90 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the governing board of the school district for purposes of commencing the timelines described in this subdivision on the day the petitioner submits a petition

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) For all schools, the development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (K), inclusive, of paragraph (2) of subdivision (a) of Section 32282.

For schools serving pupils in any of grades 7 to 12, inclusive, the development of a school safety plan shall also include the safety topic listed in subparagraph (L) of paragraph (2) of subdivision (a) of Section 32282.

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

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

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

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

(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a

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minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:
(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.
(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:
(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.
(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian, or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).
(iv) A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.
(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.
(M) The rights of an employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.
(N) The procedures to be followed by the charter school and the chartering authority to resolve disputes relating to provisions of the charter.
(O) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.
(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.
(7) The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school. A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:
(A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.
(8) The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has a qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.
(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.
(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.
(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil's parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

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(2) (A) A charter school shall admit all pupils who wish to attend the charter school.
(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:
(i) Each type of preference shall be approved by the chartering authority at a public hearing.
(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.
(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.
(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and shall not take any action to impede the charter school from expanding enrollment to meet pupil demand.
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including report cards or a transcript of grades, and health information. If the pupil is subsequently expelled or leaves the school district without graduating or completing the school year for any reason, the school district shall provide this information to the charter school within 30 days if the charter school demonstrates that the pupil had been enrolled in the charter school. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.
(4)(A) A charter school shall not discourage a pupil from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2).
(B) A charter school shall not request a pupil's records or require a parent, guardian, or pupil to submit the pupil's records to the charter school before enrollment.
(C) A charter school shall not encourage a pupil currently attending the charter school to disenroll from the charter school or transfer to another school for any reason, including, but not limited to, academic performance of the pupil or because the pupil exhibits any of the characteristics described in clause (iii) of subparagraph (B) of paragraph (2). This subparagraph shall not apply to actions taken by a charter school pursuant to the procedures described in subparagraph (J) of paragraph (5) of subdivision (c).
(D) The department shall develop a notice of the requirements of this paragraph. This notice shall be posted on a charter school's internet website. A charter school shall provide a parent or guardian, or a pupil if the pupil is 18 years of age or older, a copy of this notice at all of the following times:
(i) When a parent, guardian, or pupil inquires about enrollment.
(ii) Before conducting an enrollment lottery.
(iii) Before disenrollment of a pupil.
(E) (i) A person who suspects that a charter school has violated this paragraph may file a complaint with the chartering authority.
(ii) The department shall develop a template to be used for filing complaints pursuant to clause (i).
(5) Notwithstanding any other law, a charter school in operation as of July 1, 2019, that operates in partnership with the California National Guard may dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.
(f) The governing board of a school district shall not require an employee of the school district to be employed in a charter school.
(g) The governing board of a school district shall not require a pupil enrolled in the school district to attend a charter school.
(h) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, the facilities to be used by the charter school, the manner in which administrative services of the charter school are to be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The description of the facilities to be used by the charter school shall specify where the charter school intends to locate. The petitioner or petitioners also shall be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.
(i) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032, as that section read before July 19, 2006
(j) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.
(k)(1)(A)(i) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The petitioner shall submit

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Section 47605
Petition for establishment for charter school within school district; procedures for submission, review, and approval or denial; standards and assessments; admission policies and employment practices; supervisorial and oversight responsibilities; petition for renewal; teacher credentials; financial audit report (cont'd)

the petition to the county board of education within 30 days of a denial by the governing board of the school district. At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district. The county board of education shall review the petition pursuant to subdivisions (b) and (c). If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the county board of education.

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

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

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

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

(A) The petitioner shall submit the petition to the state board within 30 days of a denial by the county board of education. The petitioner shall include the findings and documentary record from the governing board of the school district and the county board of education and a written submission detailing, with specific citations to the documentary record, how the governing board of the school district or the county board of education, or both, abused their discretion. The governing board of the school district and county board of education shall prepare the documentary record, including transcripts of the public hearing at which the governing board of the school district and county board of education denied the charter, at the request of the petitioner. The documentary record shall be prepared by the governing board of the school district and county board of education no later than 10 business days after the request of the petitioner is made. At the same time the petition and supporting documentation is submitted to the state board, the petitioner shall also provide a copy of the petition and supporting documentation to the school district and the county board of education.

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

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

(D) The state board's Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

(E) The state board shall either hear the appeal or summarily deny review of the appeal based on the documentary record. If the state board hears the appeal, the state board may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the state board, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority.

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

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

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

(6) If either the county board of education or the state board fails to act on a petition within 180 days of receipt, the decision of the governing board of the school district to deny the petition shall be subject to judicial review.

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Section 47605
Petition for establishment for charter school within school district; procedures for submission, review, and approval or denial; standards and assessments; admission policies and employment practices; supervisorial and oversight responsibilities; petition for renewal; teacher credentials; financial audit report (cont'd)

(l)(1) Teachers in charter schools shall hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. A governing body of a direct-funded charter school may use local assignment options authorized in statute and regulations for the purpose of legally assigning certificated teachers, in accordance with all of the requirements of the applicable statutes or regulations in the same manner as a governing board of a school district. A charter school shall have authority to request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district.
(2) By July 1, 2020, all teachers in charter schools shall obtain a certificate of clearance and satisfy the requirements for professional fitness pursuant to Sections 44339, 44340, and 44341.
(3) The Commission on Teacher Credentialing shall include in the bulletins it issues pursuant to subdivision (k) of Section 44237 to provide notification to local educational agencies of any adverse actions taken against the holders of any commission documents, notice of any adverse actions taken against teachers employed by charter schools and shall make this bulletin available to all chartering authorities and charter schools in the same manner in which it is made available to local educational agencies.
(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (c), to its chartering authority, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering authority, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering authority pursuant to Section 41020.
(n) A charter school may encourage parental involvement, but shall notify the parents and guardians of applicant pupils and currently enrolled pupils that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school.
(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

Section 47605.1
Location; geographic and site limitations

(a)(1) Notwithstanding any other law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.
(2) Notwithstanding any other law, a charter school that is granted a charter by the state board after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.
(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the state board before July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of this part, in accordance with subdivision (d).
(c)(1) A charter school may establish one resource center, meeting space, or other satellite facility within the jurisdiction of the school district where the charter school is physically located if the following conditions are met:
(A) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the charter school.
(B) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the charter school is authorized.
(2) Except as provided in paragraphs (5) to (9), inclusive, a charter school shall not establish a resource center, meeting space, or other satellite facility in any other location than the one authorized in paragraph (1).
(3) A charter school shall notify the charter school's chartering authority of the name and physical location of any resource center, meeting space, or other satellite facility operated by that charter school.
(4) Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions listed in this subdivision.
(5)(A) A charter school that was operating a resource center, meeting space, or other satellite facility outside the jurisdiction of the school district where the charter school is physically located before January 1, 2020, may continue to operate the resource center, meeting space, or other satellite facility until the charter school submits a request for the renewal of its charter petition. To continue operating the resource center, meeting space, or other satellite facility, the charter school, before submitting the request to the charter school's chartering authority for the renewal of the charter petition, shall first obtain approval in writing from the school district where the resource center, meeting space, or other satellite facility is operating.
(B) The department shall regard as a continuing charter school for all purposes a nonclassroom-based charter school that was granted approval of its petition, that was providing educational services to pupils before October 1, 2019, and is authorized by a different chartering authority due to changes to this subdivision by the addition of this paragraph that took effect January 1, 2020.
(6) A countywide charter school approved by a county office of education that is operating a resource center, meeting space, or other satellite facility in a county other than the county in which the countywide charter school is authorized before January 1, 2020, may continue to operate that resource center, meeting space, or other satellite facility until the countywide charter school submits a request for the renewal of its charter petition. To continue operating the resource center, meeting space, or other satellite facility, the countywide charter school, before submitting the request to the countywide charter school's chartering authority for the renewal of the charter petition, shall obtain approval in writing from the county office of education where the resource center, meeting space, or other satellite facility is operating.

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Section 47605.1
Location; geographic and site limitations (cont'd)

(7) If a Presidential declaration of a major disaster or emergency is issued in accordance with the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Sec. 5121 et seq.) for an area in which a charter school is operating a resource center, meeting space, or other satellite facility, the charter school, for not more than five years, may relocate the resource center, meeting space, or other satellite facility outside the area subject to the Presidential declaration if the charter school first obtains the written approval of the school district where the resource center, meeting space, or other satellite facility is being relocated to.
(8) A charter school may establish additional resource centers, meetings spaces, or other satellite facilities within the jurisdiction of the charter school's chartering authority only if both of the following are met:
(A) The charter school is physically located within the boundaries of the charter school's chartering authority.
(B) The charter school has obtained written approval from the charter school's chartering authority for each additional resource center, meeting space, or other satellite facility.
(9) (A) Notwithstanding paragraph (5), a charter school that operates a resource center located in a school district outside of the boundaries of the charter school's authorizing school district may continue to operate the existing resource center if all of the following conditions are met:
(i) The charter school operating the resource center is authorized by, and physically located in, a school district adjacent to a school district with an enrollment of at least 500,000 pupils.
(ii) The charter school operating the resource center was established before January 1, 2009.
(iii) The resource center is physically located in a school district with an enrollment of at least 500,000 pupils and was established before January 1, 2011.
(iv) The resource center serves a pupil population of which at least 50 percent of the pupils are currently or formerly on probation or were formerly incarcerated individuals.
(B) A charter school described in this paragraph shall not establish a new resource center outside of the boundaries of the charter school's authorizing school district.
(d)(1) For a charter school that was granted approval of its charter before July 1, 2002, and provided educational services to pupils before July 1, 2002, this section only applies to new educational services or schoolsites established or acquired by the charter school on or after July 1, 2002.
(2) For a charter school that was granted approval of its charter before July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section only applies upon the expiration of a charter that is in existence on January 1, 2003.
(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for schoolsites at which educational services are provided to pupils before or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition before July 1, 2002. To achieve compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.
(4) This section is not intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.
(e) A charter school that submits its petition directly to a county board of education, as authorized by Section 47605.5 or 47605.6, may establish charter school operations only within the geographical boundaries of the county in which that county board of education has jurisdiction.
(f) Notwithstanding any other law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:
(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et seq.).
(2) Federally affiliated Youth Build programs.
(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.
(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources Code.
(5) Instruction provided to juvenile court school pupils pursuant to subdivision (b) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

Section 47605.2
Delta Charter High School; exemption from limitations

The Delta Charter High School, located in the County of Santa Cruz, is exempt from the geographic and site limitations contained in subdivision (a) of Section 47605.

Section 47605.3
Eligibility for free or reduced price meals; admissions preferences

Notwithstanding subdivision (e) of Section 47605, a charter school with a schoolsite physically located in the attendance area of a public elementary school in which 50 percent or more of the pupil enrollment is eligible for free or reduced price meals may give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located. This section is not intended to affect the requirement contained in subdivision (e) of Section 47605 that a public school converting partially or entirely to a charter school adopt and maintain a policy that gives an admission preference to pupils who reside within the former attendance area of that public school.

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Section 47605.4
Teachers to obtain certificate required for teacher's certificated assignment; study of existing certificates, permits, and other documents

(a) Notwithstanding subdivision (l) of Section 47605, teachers employed by charter schools during the 2019–20 school year shall have until July 1, 2025, to obtain the certificate required for the teacher's certificated assignment.
(b) By June 30, 2022, the Commission on Teacher Credentialing shall conduct a comprehensive study to examine whether existing certificates, permits, or other documents adequately address the needs for noncore, noncollege preparatory courses in all schools. Based on the findings, the commission shall consider establishing new or modifying existing certificates, permits, or other documents and, if necessary, shall make recommendations to the appropriate policy committees of the Legislature.
(c) Subdivision (a) does not lessen the requirements on charter schools regarding allegations of misconduct pursuant to Sections 44030.5, 44420, and 44940 of this code and Section 80303 of Title 5 of the California Code of Regulations.
(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 47605.5
Petition; county board of education

A petition may be submitted directly to a county board of education in the same manner as set forth in Section 47605 for charter schools that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services. Any denial of a petition shall be subject to the same process for any other county board of education denial of a charter school petition pursuant to this part.

Section 47605.6
Petition for establishment of countywide charter school; procedures for submission, review, and approval or denial; standards and assessments; admission policies and employment practices; supervisorial and oversight responsibilities; petition for renewal; teacher credentials; financial audit report

(a)(1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. A petition for the establishment of a countywide charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions is met:
(A) The petition is signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.
(B) The petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a charter school pursuant to this section.
(2) An existing public school shall not be converted to a charter school in accordance with this section.
(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board of education shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the charter school's approved charter.
(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having their child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.
(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A petition is deemed received by the county board of education for purposes of commencing the timelines described in this subdivision when the petitioner submits a petition, in accordance with subparagraph (A) or (B) of paragraph (1) of subdivision (a), to the county office of education. The county board of education shall publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the county board of education will either grant or deny the charter. At the public hearing at which the county board of education will either grant or deny the charter, petitioners shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a charter school under this part only if it is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if it finds one or more of the following:

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Section 47605.6
Petition for establishment of countywide charter school; procedures for submission, review, and approval or denial; standards and assessments; admission policies and employment practices; supervisorial and oversight responsibilities; petition for renewal; teacher credentials; financial audit report (cont'd)

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
(3) The petition does not contain the number of signatures required by subdivision (a).
(4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).
(5) The petition does not contain reasonably comprehensive descriptions of all of the following:
(A) (i) The educational program of the charter school, designed, among other things, to identify those pupils whom the charter school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.
(ii) The annual goals for the charter school for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.
(iii) If the proposed charter school will enroll high school pupils, the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.
(iv) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.
(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the charter school's educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all pupil subgroups served by the charter school, as that term is defined in subdivision (a) of Section 52052. The pupil outcomes shall align with the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served by the charter school.
(C) The method by which pupil progress in meeting those pupil outcomes is to be measured. To the extent practicable, the method for measuring pupil outcomes for state priorities shall be consistent with the way information is reported on a school accountability report card.
(D) The location of each charter school facility that the petitioner proposes to operate.
(E) The governance structure of the charter school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement.
(F) The qualifications to be met by individuals to be employed by the charter school.
(G) The procedures that the charter school will follow to ensure the health and safety of pupils and staff. These procedures shall require all of the following:
(i) That each employee of the charter school furnish the charter school with a criminal record summary as described in Section 44237.
(ii) For all schools, the development of a school safety plan, which shall include the safety topics listed in subparagraphs (A) to (K), inclusive, of paragraph (2) of subdivision (a) of Section 32282. For schools serving pupils in any of grades 7 to 12, inclusive, the development of a school safety plan shall also include the safety topic listed in subparagraph (L) of paragraph (2) of subdivision (1) of Section 32282.
(iii) That the school safety plan be reviewed and updated by March 1 of every year by the charter school.
(H) The means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the county board of education to which the charter petition is submitted. Upon renewal, for a charter school not deemed to be a local educational agency for purposes of special education pursuant to Section 47641, the chartering authority may consider the effect of school placements made by the chartering authority in providing a free and appropriate public education as required by the federal Individuals with Disabilities Education Act (Public Law 101-476), on the balance of pupils with disabilities at the charter school.
(I) The manner in which annual, independent financial audits shall be conducted, in accordance with regulations established by the state board, and the manner in which audit exceptions and deficiencies shall be resolved.
(J) The procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. These procedures, at a minimum, shall include an explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that is consistent with all of the following:
(i) For suspensions of fewer than 10 days, provide oral or written notice of the charges against the pupil and, if the pupil denies the charges, an explanation of the evidence that supports the charges and an opportunity for the pupil to present the pupil's side of the story.
(ii) For suspensions of 10 days or more and all other expulsions for disciplinary reasons, both of the following:
(I) Provide timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights.
(II) Provide a hearing adjudicated by a neutral officer within a reasonable number of days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the pupil has the right to bring legal counsel or an advocate.

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(iii) Contain a clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five schooldays before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian, or, if the pupil is a homeless child or youth, or a foster child or youth, in the native language of the homeless or foster child's educational rights holder. In the case of a foster child or youth, the written notice shall also be provided to the foster child's attorney and county social worker. If the pupil is a Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the written notice shall also be provided to the Indian child's tribal social worker and, if applicable, county social worker. The written notice shall inform the pupil, the pupil's parent or guardian, he homeless child's educational rights holder, the foster child's educational rights holder, attorney, and county social worker, or the Indian child's tribal social worker and, if applicable, county social worker of the right to initiate the procedures specified in clause (ii) before the effective date of the action. If the pupil's parent or guardian, the homeless child's educational rights holder, the foster child's educational rights holder, attorney, or county social worker, or the Indian child's tribal social worker or, if applicable, county social worker initiates the procedures specified in clause (ii), the pupil shall remain enrolled and shall not be removed until the charter school issues a final decision. For purposes of this clause, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions specified in clauses (i) and (ii).
(iv) A foster child's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information.
(K) The manner by which staff members of the charter school will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.
(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.
(M) Admission policy and procedures, consistent with subdivision (e).
(N) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.
(O) The rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and any rights of return to the county office of education that an employee may have upon leaving the employment of the charter school.
(P) The procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.
(6) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).
(7) Any other basis that the county board of education finds justifies the denial of the petition.
(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.
(d)(1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.
(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the charter school's educational programs.
(e)(1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of the pupil's parent or guardian, within this state.
(2)(A) A charter school shall admit all pupils who wish to attend the charter school.
(B) If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Preferences, including, but not limited to, siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter, may also be permitted by the chartering authority on an individual charter school basis. Priority order for any preference shall be determined in the charter petition in accordance with all of the following:
(i) Each type of preference shall be approved by the chartering authority at a public hearing.
(ii) Preferences shall be consistent with federal law, the California Constitution, and Section 200.
(iii) Preferences shall not result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation.
(iv) In accordance with Section 49011, preferences shall not require mandatory parental volunteer hours as a criterion for admission or continued enrollment.
(C) In the event of a drawing, the county board of education shall make reasonable efforts to accommodate the

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growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

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

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

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

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

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

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

(ii) Before conducting an enrollment lottery.

(iii) Before disenrollment of a pupil.

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

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

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

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

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

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

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

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

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

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

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Section 47605.7 **Denial of petition for establishment of charter schools**	**(a)** A petition for the establishment of a charter school shall not be denied based on the actual or potential costs of serving individuals with exceptional needs, as that term is defined pursuant to Section 56026. **(b)** Notwithstanding subdivision (a), this section shall not be construed to prevent a school district from meeting its obligation to ensure that the proposed charter school will meet the needs of individuals with exceptional needs in accordance with state and federal law, nor shall it be construed to limit or alter the reasons for denying a petition for the establishment of a charter school pursuant to subdivision (c) of Section 47605
Section 47605.9 **Submission of petition to establish charter school; continued operation of schools operating under charter approved pursuant to former law**	**(a)** A petition to establish a charter school under this part may be submitted only to the governing board of the school district or county office of education within the boundaries of which the charter school proposes to locate. **(b)** A charter school operating under a charter approved by the state board pursuant to Section 47605, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located. If the governing board of the school district denies the renewal petition, the charter school may submit the petition for renewal directly to the state board, which shall review the petition in accordance with subparagraph (B) of paragraph (1) of subdivision (k) of Section 47605. If the state board grants renewal pursuant to Section 47607, the state board shall designate, in consultation with the petitioner, either the governing board of the school district or the county board of education in which the charter school is located as the chartering authority. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the designated chartering authority, including review by the state board in accordance with Section 47607 and paragraph (2) of subdivision (k) of Section 47605. **(c)** A charter school operating under a charter approved by the state board pursuant to Section 47605.8, as that section read on January 1, 2019, may continue to operate under the authority of that chartering authority only until the date on which the charter is up for renewal. The charter school shall submit a petition for renewal to the state board. If the state board grants renewal pursuant to Section 47607, the state board shall designate, in consultation with the petitioner, the governing board of the school district or county board of education in which the charter school is located as the chartering authority. A charter school assigned to a county board of education under this subdivision shall qualify as a charter school pursuant to Section 47605.6. Subsequent renewals shall be subject to the same requirements as other charter schools authorized by the same chartering authorities, including review by the state board in accordance with Section 47607 and paragraph (2) of subdivision (k) of Section 47605. **(d)** A charter school designated to a new chartering authority pursuant to this section shall be regarded by the department as a continuing charter school for all purposes. **(e)** The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.
Section 47606 **School district converting all schools to charter schools; conditions; approval by joint action of Superintendent of Public Instruction and State Board of Education**	**(a)** A school district may convert all of its schools to charter schools under this part only if it meets all of the following conditions: **(1)** Fifty percent of the teachers within the school district sign the charter petition. **(2)** The charter petition contains all of the requirements set forth in subdivisions (c), (d), (e), (f), and (g) of Section 47605 and a provision that specifies alternative public school attendance arrangements for pupils residing within the school district who choose not to attend charter schools. **(b)** Notwithstanding subdivision (c) of Section 47605, the districtwide charter petition shall be approved only by joint action of the Superintendent of Public Instruction and the State Board of Education.

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Section 47606.2 **Petition to establish charter school; suspension procedures; homework assignments**	A petition to establish a charter school shall contain, in addition to the reasonably comprehensive description of the procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason and the explanation of how the charter school will comply with federal and state constitutional procedural and substantive due process requirements that are required by Section 47605, a statement that the suspension procedures will include both of the following requirements: **(a)** Upon the request of a parent, a legal guardian or other person holding the right to make education decisions for the pupil, or the affected pupil, a teacher shall provide to a pupil in any of grades 1 to 12, inclusive, who has been suspended from school for two or more schooldays, the homework that the pupil would otherwise have been assigned. **(b)** If a homework assignment that is requested pursuant to subdivision (a) and turned into the teacher by the pupil either upon the pupil's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later, is not graded before the end of the academic term, that assignment shall not be included in the calculation of the pupil's overall grade in the class.
Section 47606.5 **Adoption of local control and accountability plan; public hearing**	**(a)** On or before July 1, 2015, and each year thereafter, the governing body of a charter school shall hold a public hearing to adopt a local control and accountability plan using a template adopted by the state board. The governing body of a charter school shall update the goals and annual actions to achieve those goals identified in the charter petition pursuant to subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605 or subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, as applicable, using the template for the local control and accountability plan and annual update to the local control and accountability plan adopted by the state board pursuant to Section 52064 and shall include all of the following: **(1)** A review of the progress toward the goals included in the charter, an assessment of the effectiveness of the specific actions described in the charter toward achieving the goals, and a description of changes to the specific actions the charter school will make as a result of the review and assessment. **(2)** A listing and description of the expenditures for the fiscal year implementing the specific actions included in the charter as a result of the reviews and assessment required by paragraph (1). **(b)** For purposes of the review required by subdivision (a), a governing body of a charter school may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subdivision (b) of Section 52052 or any other reviews. **(c)** To the extent practicable, data reported pursuant to this section shall be reported in a manner consistent with how information is reported on the California School Dashboard maintained by the department pursuant to Section 52064.5. **(d)** The charter school shall consult with teachers, principals, administrators, other school personnel, parents, and pupils in developing the local control and accountability plan and annual update to the local control and accountability plan. **(e)(1)** The charter school shall present a report on the annual update to the local control and accountability plan and the local control funding formula budget overview for parents on or before February 28 of each year at a regularly scheduled meeting of the governing body of the charter school. **(2)** The report shall include both of the following: **(A)** All available midyear outcome data related to metrics identified in the current year's local control and accountability plan. **(B)** All available midyear expenditure and implementation data on all actions identified in the current year's local control and accountability plan. **(f)**The governing body of a charter school shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and accountability plan. The agenda for the public hearing shall be posted at least 72 hours before the public hearing, and the local control and accountability plan or annual update to the local control and accountability plan shall be made available for public inspection at each site operated by the charter school. **(g)** The governing body of a charter school may adopt revisions to a local control and accountability plan during the period the local control and accountability plan is in effect. The governing body of a charter school may only adopt a revision to a local control and accountability plan if it follows the process to adopt a local control and accountability plan pursuant to this section and the revisions are adopted in a public meeting. **(h)** Pursuant to Section 47604.33, the charter school shall submit the adopted or revised local control and accountability plan pursuant to this section to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority. **(i)** The charter school shall prominently post on the home page of the internet website of the charter school any local control and accountability plan adopted by the governing body of the charter school, and any updates, revisions, or addenda, including those to comply with federal law, to a local control and accountability plan approved by the governing body of the charter school.
Section 47607 **Term of charter; renewals and material revisions of charter; considerations and criteria; revocation; appeal procedure**	**(a) (1)** A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years. **(2)** A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e). **(3)** A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605. **(4)** The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material

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revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.
(5) The chartering authority may inspect or observe any part of the charter school at any time.
(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.
(c)(1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.
(2)(A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:
(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.
(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.
(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:
(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.
(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.
(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.
(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.
(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.
(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.
(3) For purposes of this section and Section 47607.2, "measurements of academic performance" means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.
(4) For purposes of this section and Section 47607.2, "subgroup" means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.
(5) To qualify for renewal under clause (i) of subparagraph (A) of paragraph (2), subparagraph (A) or (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.
(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.
(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school's performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.
(d)(1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data

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reflecting pupil enrollment patterns at the charter school:
(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.
(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.
(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.
(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.
(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.
(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:
(1) The corrective action proposed by the charter school has been unsuccessful.
(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.
(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:
(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
(4) Violated any law.
(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.
(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.
(i)(1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.
(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.
(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.
(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.
(j)(1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.
(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.
(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.
(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings

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Section 47607
Term of charter; renewals and material revisions of charter; considerations and criteria; revocation; appeal procedure (cont'd)

are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.
(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:
(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.
(2) The charter school may continue to hold all existing grants, resources, and facilities.
(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.
(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

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

Section 47607.2
Charter renewals; grounds for denial of renewal; consideration of performance indicators; verified data

[Section operative until Jan. 1, 2026]

(a)(1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:
(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.
(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
(2) Notwithstanding paragraph (1), if the two consecutive years immediately preceding the renewal decision include the 2019-20 or 2020-21 school year, the chartering authority shall not renew a charter if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:
(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.
(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
(3) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.
(4) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) or (2) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:
(A) The charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
(B) There is clear and convincing evidence showing either of the following:
(i) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.
(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).
(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant to this subdivision, operating on or before June 30, 2020, only for the charter school's next two subsequent renewals.
(6) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.
(b)(1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.
(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.
(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:
(A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.
(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.
(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).
(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

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(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.
(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c)(1) For purposes of this section, "verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.
(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.
(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.
(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board's adoption pursuant to paragraph (2) may present data consistent with this subdivision.
(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).
(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.
(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 47607.2
Charter renewals; grounds for denial of renewal; consideration of performance indicators

[Section operative Jan. 1, 2026]

(a)(1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:
(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.
(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.
(2) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.
(3) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) only upon making a written factual finding, specific to the particular petition, setting forth specific facts to support the finding that the charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.
(4) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.
(b)(1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.
(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.
(3) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraph (2), that its decision provided greater weight to performance on measurements of academic performance.
(4) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.
(c) This section shall become operative on January 1, 2026.

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Section 47607.3
Failure to improve outcomes for pupil subgroups; provision of assistance to charter school; grounds for revocation of charter

(a) Using an evaluation rubric adopted by the state board pursuant to Section 52064.5, and beginning with the 2020–21 school year, for any charter school for which one or more pupil subgroups identified pursuant to Section 52052 meet the criteria established pursuant to subdivision (g) of Section 52064.5 in two or more years, the county superintendent of schools in which the charter school is located shall provide technical assistance focused on building the charter school's capacity to develop and implement actions and services responsive to pupil and community needs, including, but not limited to, any of the following:
(1) Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to subdivision (c) of Section 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard authorized by subdivision (f) of Section 52064.5 and other relevant local data, and to identify effective, evidence-based programs or practices that address any areas of weakness.
(2) Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. The county superintendent of schools in which the charter school is located, in consultation with the charter school, may solicit another service provider, which may include, but is not limited to, a school district, county office of education, or charter school, to act as a partner to the charter school in need of technical assistance.
(3) Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in paragraphs (1) and (2), or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in paragraphs (1) and (2), or substantially similar activities, and ongoing communication with the chartering authority to assess the charter school's progress in improving pupil outcomes.
(b) For purposes of this section, the geographic lead agency, as identified pursuant to Section 52073, or its designee, as identified in subdivision (d) of Section 52071, shall serve in the role of the county superintendent of schools for a charter school authorized by the county board of education.
(c) If the charter school meets the criteria established for school districts under paragraph (1) of subdivision (b) of Section 52072, the county superintendent of schools in the county which the charter school is located may request assistance from the California Collaborative for Educational Excellence. The California Collaborative for Educational Excellence may, after consulting with the Superintendent, and with the approval of the state board, provide advice and assistance to the charter school pursuant to Section 52074.
(d) A chartering authority shall consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance pursuant to subdivision (c) and about which it has made either of the following findings, which shall be submitted to the chartering authority:
(1) That the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.
(2) That the inadequate performance of the charter school, based upon an evaluation rubric adopted pursuant to Section 52064.5, is either so persistent or so acute as to require revocation of the charter.
(e) The chartering authority shall consider increases in pupil academic achievement for all pupil subgroups served by the charter school in determining whether to revoke the charter.
(f) A chartering authority shall comply with the hearing process described in subdivisions (g) and (h) of Section 47607 in revoking a charter. A charter school may not appeal a revocation of a charter made pursuant to this section.
(g) If the governing body of a charter school requests technical assistance, the chartering authority shall provide technical assistance consistent with paragraph (1) or (2) of subdivision (a). If a charter school has not been identified for technical assistance pursuant to subdivision (a), the chartering authority may assess the charter school a fee not to exceed the cost of the service.
(h) A charter school shall accept the technical assistance provided pursuant to subdivision (a). For purposes of accepting technical assistance, a charter school may satisfy this requirement by providing the timely documentation to the county superintendent of schools of the county in which the charter school is located, and maintaining regular communication with the chartering authority.
(i) For a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5, technical assistance provided pursuant to subdivision (a) shall take into account the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served.
(j) This section shall not preclude a charter school from soliciting technical assistance from other entities at its own expense.
(k) For a charter school operating before July 1, 2020, subdivision (a) as it read on January 1, 2019, shall apply until June 30, 2022.
(l) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

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Section 47607.4 **Charter schools whose term expires between Jan. 1, 2022 and June 30, 2025; extension of term**	Notwithstanding the renewal process and criteria established in Sections 47605.9, 47607, and 47607.2 or any other law, effective July 1, 2021, all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, shall have their term extended by two years, and all charter schools whose term expires on or between January 1, 2024, and June 30, 2027, inclusive, shall have their term extended by one additional year.
Section 47607.5 **Renewal; appeal following denial of petition**	**(a)** Except for charter schools authorized pursuant to Section 47605.6, if either a school district governing board or a county board of education, as a chartering authority, does not grant a renewal to a charter school pursuant to Section 47607 or 47607.2, the charter school may appeal the decision pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (k) of Section 47605 for review in accordance with Section 47607. **(b)** The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.
Section 47607.8 **Collection of data to track implementation of changes in law**	The department, in consultation with the state board, shall collect data to track implementation of Chapter 486 of the Statutes of 2019 (Assembly Bill 1505 of the 2019-20 Regular Session).
Section 47608 **Meetings; compliance with Brown Act**	All meetings of the governing board of the school district and the county board of education at which the granting, revocation, appeal, or renewal of a charter petition is discussed shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

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CHAPTER 3
CHARTER SCHOOL
OPERATION

Section 47610
Compliance with charter petition; exemptions

A charter school shall comply with this part and all of the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts, except all of the following:
(a) As specified in Section 47611.
(b) As specified in Section 41365.
(c) All laws establishing minimum age for public school attendance.
(d) The California Building Standards Code (Part 2 (commencing with Section 101) of Title 24 of the California Code of Regulations), as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located.
(e) Charter school facilities shall comply with subdivision (d) by January 1, 2007.

Section 47610.5
Exemption from compliance with California Building Standards Code; conditions

A charter school facility is exempt from the requirements of subdivision (d) of Section 47610 if either of the following conditions apply:
(a) The charter school facility complies with Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365) of Chapter 3 of Part 10.5.
(b) The charter school facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government.

Section 47611
State Teachers' Retirement Plan; availability; coverage

(a) If a charter school chooses to make the State Teachers' Retirement Plan available, all employees of the charter school who perform creditable service shall be entitled to have that service covered under the plan's Defined Benefit Program or Cash Balance Benefit Program, and all provisions of Part 13 (commencing with Section 22000) and Part 14 (commencing with Section 26000) shall apply in the same manner as the provisions apply to other public schools in the school district that granted the charter.
(b)(1) If a charter school offers its employees coverage by the State Teachers' Retirement System or the Public Employees' Retirement System, or both, the charter school shall inform all applicants for positions within that charter school of the retirement system options for employees of the charter school.
(2) The information shall specifically include whether the charter school makes available to employees coverage under the State Teachers' Retirement System, the Public Employees' Retirement System, or both systems, and that accepting employment in the charter school may exclude the applicant from further coverage in the applicant's current retirement system, depending on the retirement options offered by the charter of the charter school.

Section 47611.3
Reports; submission

(a) At the request of a charter school, a school district or county office of education that is the chartering authority of a charter school shall create any reports required by the State Teachers' Retirement System and the Public Employees' Retirement System. The county superintendent of schools, employing agency, or school district that reports to those systems pursuant to Section 23004 of this code or Section 20221 of the Government Code shall submit the required reports on behalf of the charter school. The school district or county office of education may charge the charter school for the actual costs of the reporting services.
(b) As a condition of creating and submitting reports for the State Teachers' Retirement System and the Public Employees Retirement System, the school district or county office of education shall not require a charter school to purchase payroll processing services from the chartering authority. Information submitted on behalf of the charter school to the State Teachers' Retirement System, the Public Employees' Retirement System, or both, shall be in a format conforming to the requirements of those systems.

Section 47611.5
Exclusive public school employer; declaration

(a) Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code shall apply to charter schools.
(b) A charter school charter shall contain a declaration regarding whether or not the charter school shall be deemed the exclusive public school employer of the employees at the charter school for the purposes of Section 3540.1 of the Government Code. If the charter school is not so deemed a public school employer, the school district where the charter is located shall be deemed the public school employer for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of the Government Code.
(c) If the charter of a charter school does not specify that it shall comply with those statutes and regulations governing public school employers that establish and regulate tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.
(d) The Public Employment Relations Board shall take into account the Charter Schools Act of 1992 (Part 26.8 (commencing with Section 47600)) when deciding cases brought before it related to charter schools.
(e) The approval or a denial of a charter petition by a granting agency pursuant to subdivision (c) of Section 47605 shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board.
(f) By March 31, 2000, all existing charter schools must declare whether or not they shall be deemed a public school employer in accordance with subdivision (b), and that declaration shall not be materially inconsistent with the charter.

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Section 47612
Control of charter schools; appropriations; apportionment; school district; calculation of average daily attendance; compliance

(a) A charter school shall be deemed to be under the exclusive control of the officers of the public schools for purposes of Section 8 of Article IX of the California Constitution, with regard to the appropriation of public moneys to be apportioned to any charter school, including, but not necessarily limited to, appropriations made for purposes of this chapter.
(b) The average daily attendance in a charter school may not, in any event, be generated by a pupil who is not a California resident. To remain eligible for generating charter school apportionments, a pupil over 19 years of age shall be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma. The state board shall, on or before January 1, 2000, adopt regulations defining "satisfactory progress."
(c) A charter school shall be deemed to be a "school district" for purposes of Article 1 (commencing with Section 14000) of Chapter 1 of Part 9 of Division 1 of Title 1, Section 41301, Section 41302.5, Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of Division 3, Section 47638, and Sections 8 and 8.5 of Article XVI of the California Constitution.
(d) For purposes of calculating average daily attendance, no pupil shall generate more than one day of attendance in a calendar day. Notwithstanding any other law, a charter school that operates a multitrack calendar shall comply with all of the following:
(1) Calculate attendance separately for each track. The divisor in the calculation shall be the calendar days in which school was taught for pupils in each track.
(2) Operate no more than five tracks.
(3) Operate each track for a minimum of 175 days. If the charter school is a conversion school, the charter school may continue its previous schedule as long as it provides no fewer than 163 days of instruction in each track.
(4) For each track, provide the total number of instructional minutes, as specified in Section 47612.5.
(5) No track shall have less than 55 percent of its schooldays before April 15.
(6) Unless otherwise authorized by statute, no pupil shall generate more than one unit of average daily attendance in a fiscal year.
(e) Compliance with the conditions set forth in this section shall be included in the audits conducted pursuant to Section 41020.

Section 47612.1
Charter school programs providing instruction exclusively in partnership with specified entities

(a) Except for the requirement that a pupil be a California resident, subdivision (b) of Section 47612 shall not apply to a charter school program that provides instruction exclusively in partnership with any of the following:
(1) The federal Workforce Innovation and Opportunity Act (29 U.S.C. Sec. 3101 et seq.)
(2) Federally affiliated Youth Build programs.
(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.
(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Section 14406 or 14507.5 of the Public Resources Code.
(b) This section shall become operative on July 1, 2015.

Section 47612.5
General requirements

(a) Notwithstanding any other law and as a condition of apportionment, a charter school shall do all of the following:
(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:
(A) To pupils in kindergarten, 36,000 minutes.
(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.
(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.
(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.
(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.
(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.
(b) Notwithstanding any other law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The state board shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.
(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school's apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

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Section 47612.5
General requirements (cont'd)

(d)(1) Notwithstanding any other law and except as provided in paragraph (1) of subdivision (e), a charter school that has an approved charter may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the state board. The determination for funding shall be subject to any conditions or limitations the state board may prescribe. The state board shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the state board shall be guided by subdivision (l) of Section 47605.
(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the state board reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately before receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the state board reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the state board. Notwithstanding any law, the state board may require a charter school to provide updated information at any time it determines that a review of that information is necessary. The state board may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the charter school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 shall not exceed five years.
(3) A charter school that offers nonclassroom-based instruction in excess of the amount authorized by paragraph (1) of subdivision (e) is subject to the determination for funding requirement of Section 47634.2 to receive funding each time its charter is renewed or materially revised pursuant to Section 47607. A charter school that materially revises its charter to offer nonclassroom-based instruction in excess of the amount authorized by paragraph (1) of subdivision (e) is subject to the determination for funding requirement of Section 47634.2.
(e)(1) Notwithstanding any other law, and as a condition of apportionment, "classroom-based instruction" in a charter school, for purposes of this part, occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid certification document registered as required by law. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the schoolsite, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a).
(2) For the purposes of this part, "nonclassroom instruction" or "nonclassroom-based instruction" means instruction that does not meet the requirements specified in paragraph (1). The state board may adopt regulations pursuant to paragraph (1) of subdivision (d) specifying other conditions or limitations on what constitutes nonclassroom-based instruction, as it deems appropriate and consistent with this part.
(3) For purposes of this part, a schoolsite is a facility that is used principally for classroom instruction.
(4) Notwithstanding any other law, neither the state board, nor the Superintendent may waive the requirements of paragraph (1) of subdivision (a).

Section 47612.6
Insufficient instructional minutes; waiver of fiscal penalties; conditions; revocation; legislative intent

(a) The State Board of Education may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a charter school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for the fiscal year.
(b) For fiscal penalties incurred as a result of providing insufficient instructional minutes in the 2002–03 fiscal year, or any fiscal year thereafter, the State Board of Education may grant a waiver only upon the condition that the charter school agrees to maintain minutes of instruction equal to those minutes of instruction it failed to offer and the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for twice the number of years that it failed to maintain the required minimum number of instructional minutes for the fiscal year. Compliance with the condition shall commence no later than the school year following the fiscal year that the waiver was granted and shall continue for each subsequent school year until the condition is satisfied.
(c) Compliance with the condition set forth in subdivision (b) shall be verified in the report of the annual audit of the charter school for each fiscal year in which it is required to maintain additional time pursuant to subdivision (b). If the audit report for a year in which the additional time is required to be maintained does not verify that the additional time was provided, the waiver granted pursuant to subdivision (b) shall be revoked and the charter school shall repay the fiscal penalty calculated pursuant to subdivision (c) of Section 47612.5, in accordance with subdivision (a) of Section 41344.
(d) It is the intent of the Legislature that charter schools make every effort to make up any instructional minutes lost during the fiscal year in which the loss occurred rather than seek a waiver pursuant to this section.

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Section 47612.7 **Prohibition of establishment of new charter schools; exceptions**	**(a)** Notwithstanding any other law and except as provided in subdivision (b), from January 1, 2020, to January 1, 2026, inclusive, the approval of a petition for the establishment of a new charter school, as defined in paragraph (2) of subdivision (e) of Section 47612.5, is prohibited. **(b)** Subdivision (a) shall not apply to a nonclassroom-based charter school that was granted approval of its petition and providing educational services to pupils before October 1, 2019, under either of the following circumstances: **(1)** If Assembly Bill 1507 of the 2019–20 Regular Session amends Section 47605.1 and becomes operative on January 1, 2020, and the charter school is required to submit a petition to the governing board of a school district or county board of education in an adjacent county in which its existing resource center is located in order to comply with Section 47605.1, as amended by Assembly Bill 1507 of the 2019–20 Regular Session, or to retain current program offerings or enrollment. **(2)** If a charter school is required to submit a petition to a school district or county board of education in which a resource center is located in order to comply with the court decision in Anderson Union High School District v. Shasta Secondary Home School (2016) 4 Cal.App.5th 262, or other relevant court ruling, and the petition is necessary to retain current program offerings or enrollment. **(3)** A charter school authorized by a different chartering authority pursuant to paragraphs (1) and (2) shall be regarded by the department as a continuing charter school for all purposes to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654. **(c)** Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions described in this section. **(d)(1)** No later than October 1, 2023, the Legislative Analyst and the County Office Fiscal Crisis and Management Assistance Team shall study the processes used to determine funding for nonclassroom-based charter schools. **(2)** The study shall identify and make recommendations on potential improvements to the processes, including recommendations for enhancing oversight and reducing fraud, waste, and abuse. **(3)** No later than March 1, 2024, the Legislative Analyst and the County Office Fiscal Crisis and Management Assistance Team shall report to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, the department, and the executive director of the state board on recommendations and observations as a result of the study. These recommendations or observations shall consider the fiscal impact on the state. **(e)** This section shall remain in effect only until January 1, 2027, and as of that date is repealed.
Section 47613 **Supervisorial oversight; charge for costs**	**(a)** Except as set forth in subdivision (b), a chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 1 percent of the revenue of the charter school. **(b)** A chartering authority may charge for the actual costs of supervisorial oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering authority. **(c)** A local educational agency that is given the responsibility for supervisorial oversight of a charter school, pursuant to paragraph (1) of subdivision (k) of Section 47605, may charge for the actual costs of supervisorial oversight, and administrative costs necessary to secure charter school funding. A charter school that is charged for costs under this subdivision may not be charged pursuant to subdivision (a) or (b). **(d)** This section does not prevent the charter school from separately purchasing administrative or other services from the chartering authority or any other source. **(e)** For purposes of this section, "chartering authority" means a school district, county board of education, or the state board, that granted the charter to the charter school. **(f)** For purposes of this section, "revenue of the charter school" means the amount received in the current fiscal year from the local control funding formula calculated pursuant to Section 42238.02, as implemented by Section 42238.03. **(g)** For purposes of this section, "costs of supervisorial oversight" include, but are not limited to, costs incurred pursuant to Section 47607.3.
Section 47613.1 **Apportionments for charter schools in a school district in which all schools have been converted to charter schools**	**(a)** The Superintendent shall make all of the following apportionments on behalf of a charter school in a school district in which all schools have been converted to charter schools pursuant to Section 47606. **(1)** From funds appropriated to Section A of the State School Fund for apportionment for that fiscal year pursuant to Article 2 (commencing with Section 42238) of Chapter 7 of Part 24 of Division 3, an amount for each unit of current fiscal year regular average daily attendance in the charter school multiplied by the funding rates calculated pursuant to Section 42238.02, as implemented by Section 42238.03, except that for average daily attendance generated by pupils who are residents of the school district may be funded pursuant to paragraph (1) of subdivision (a) of Section 42238.05. **(2)** For each pupil enrolled in the charter school who is entitled to special education services, the state and federal funds for special education services for that pupil that would have been apportioned for that pupil to the school district to which the charter petition was submitted. **(3)** Funds for the programs described in former clause (i) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 54761, as that section read on June 30, 2005, and Sections 63000 and 64000, to the extent that any pupil enrolled in the charter school is eligible to participate. **(b)** Transfers of funding in lieu of property taxes pursuant to Section 47635 shall not apply to a school district in which all schools have been converted to charter schools pursuant to Section 47606. **(c)** For each pupil residing in the school district and receiving instruction provided by the county office of education, a school district in which all schools have been converted to charter schools shall, for purposes of Section 2576, be treated as a school district in which all schools have not been converted to charter schools.

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(d) The provisions of subparagraph (A) of paragraph (2) of subdivision (f) of Section 42238.02 that cap the percentage of unduplicated pupils used for calculating the concentration grant add-on to the percentage of unduplicated pupils of the school district in which the charter school is physically located shall not apply to a school district described in this section.
(e) Consistent with Section 47630, necessary small school funding shall not be provided to a school district described in this section.

Section 47614
Facilities; school district provision

(a) The intent of the people in amending Section 47614 is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.
(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.
(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.
(2) Each year each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.
(3) Each school district's responsibilities under this section shall take effect three years from the effective date of the measure which added this subparagraph, or if the school district passes a school bond measure prior to that time on the first day of July next following such passage.
(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.
(5) The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.
(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including but not limited to defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

Section 47614.5
Charter School Facility Grant Program; establishment administration; duties and functions of the department schedule for apportionments; implementation

(a) The Charter School Facility Grant Program is hereby established, and shall be administered by the California School Finance Authority. The grant program is intended to provide assistance with facilities rent and lease costs for pupils in charter schools.
(b) (1) Commencing with the 2017–18 fiscal year, and subject to available funding in the annual Budget Act, eligible charter schools shall receive an amount equivalent to one of the following, whichever is less:
(A) Seventy-five percent of annual facilities rent and lease costs for the charter school.
(B) For the 2017–18 fiscal year, an amount equal to one thousand one hundred seventeen dollars ($1,117) per unit of average daily attendance, as certified at the second principal apportionment. Commencing with the 2018–19 fiscal year, the amount of funding provided per unit of average daily attendance in the preceding fiscal year, as adjusted by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

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Section 47614.5
Charter School Facility Grant Program; establishment administration; duties and functions of the department schedule for apportionments; implementation (cont'd)

(2) In any fiscal year, if the funds appropriated for purposes of this section by the annual Budget Act are insufficient to fully fund the approved amounts, the California School Finance Authority shall apportion the available funds on a pro rata basis.
(c) For purposes of this section, the California School Finance Authority shall do all of the following:
(1) Inform charter schools of the grant program.
(2) Upon application by a charter school, determine eligibility, based on the geographic location of the charter schoolsite, pupil eligibility for free or reduced-price meals, and a preference in admissions, as appropriate. Eligibility for funding shall not be limited to the grade level or levels served by the school whose attendance area is used to determine eligibility. A charter schoolsite is eligible for funding pursuant to this section if the charter schoolsite meets either of the following conditions:
(A) The charter schoolsite is physically located in the attendance area of a public elementary school in which 55 percent or more of the pupil enrollment is eligible for free or reduced-price meals and the charter schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.
(B) Fifty-five percent or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced-price meals.
(3) Inform charter schools of their grant eligibility.
(4) Make apportionments to a charter school for eligible expenditures according to the following schedule:
(A) An initial apportionment by October 31 of each fiscal year, provided the charter school has submitted a timely application for funding, as determined by the California School Finance Authority. The initial apportionment shall be 50 percent of the charter school's estimated annual entitlement as determined by this section.
(B) A second apportionment by March 1 of each fiscal year. This apportionment shall be 75 percent of the charter school's estimated annual entitlement, as adjusted for any revisions in cost, enrollment, and other data relevant to computing the charter school's annual entitlement, less any funding already apportioned to the charter school.
(C) A third apportionment within 30 days of the end of each fiscal year or 30 days after receiving the data and documentation needed to compute the charter school's total annual entitlement, whichever is later. This apportionment shall be the charter school's total annual entitlement less any funding already apportioned to the charter school.
(D) Notwithstanding subparagraph (A), the initial apportionment in the 2013–14 fiscal year shall be made by October 15, 2013, or 105 days after enactment of the Budget Act of 2013, whichever is later.
(d) For purposes of this section:
(1) The California School Finance Authority shall use prior year data on pupil eligibility for free or reduced-price meals to determine eligibility pursuant to paragraph (2) of subdivision (c). A new charter school that was not operational in the prior year shall be eligible in the current year if it meets the free or reduced-price meal eligibility requirements specified in paragraph (2) of subdivision (c) based on current year data. Prior year rent or lease cost provided by charter schools shall be used to determine eligibility for the grant program actual rent or lease costs become known or until June 30 of each fiscal year.
(2) If prior year rent or lease costs are unavailable, and the current year lease and rent costs are not immediately available, the California School Finance Authority shall use rent or lease cost estimates provided by the charter school.
(3)(A) The California School Finance Authority shall verify costs associated with facility rents or leases, as evidenced by an executed rental or lease agreement.
(B) The verified facility agreement shall be subject to either of the following conditions:
(i) Reimbursable facility rent or lease costs do not exceed the prior year's costs on file with the authority as of the 2016–17 fiscal year, subject to a cost-of-living adjustment consistent with subparagraph (B) of paragraph (1) of subdivision (b).
(ii) The rent or lease costs of new facility agreements are at or below market rate based on an independent appraisal paid for by the charter school.
(4) The California School Finance Authority shall verify that the grant amount awarded to each charter school is consistent with eligibility requirements as specified in this section and in regulations adopted by the authority. If it is determined by the California School Finance Authority that a charter school did not receive the proper grant award amount, either the charter school shall transfer funds back to the authority as necessary within 60 days of being notified by the authority, or the authority shall provide an additional apportionment as necessary to the charter school within 60 days of notifying the charter school, subject to the availability of funds.
(e) Funds appropriated for purposes of this section shall not be apportioned for any of the following:
(1) Units of average daily attendance generated through nonclassroom-based instruction as defined by paragraph (2) of subdivision (e) of Section 47612.5 or that does not comply with conditions or limitations set forth in regulations adopted by the state board pursuant to this section.
(2) Charter schools occupying existing school district or county office of education facilities, except that charter schools shall be eligible for the portions of their facilities that are not existing school district or county office of education facilities.
(3) Charter schools receiving reasonably equivalent facilities from their chartering authorities pursuant to Section 47614, except that charter schools shall be eligible for the portions of their facilities that are not reasonably equivalent facilities received from their chartering authorities.
(f) Funds appropriated for purposes of this section shall be used for costs associated with facilities rents and leases, consistent with the definitions used in the California School Accounting Manual or regulations adopted by the California School Finance Authority. These funds also may be used for costs, including, but not limited to, costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites.

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Section 47614.5
Charter School Facility Grant Program; establishment administration; duties and functions of the department schedule for apportionments; implementation (cont'd)

(g) If an existing charter school located in an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced-price meals relocates to an attendance area identified in paragraph (2) of subdivision (c), admissions preference shall be given to pupils who reside in the elementary school attendance area into which the charter school is relocating.
(h) The California School Finance Authority annually shall report to the department and the Director of Finance, and post information on its Internet Web site, regarding the use of funds that have been made available during the fiscal year to each charter school pursuant to the grant program.
(i) The California School Finance Authority shall annually allocate the facilities grants to eligible charter schools according to the schedule in paragraph (4) of subdivision (c) for the current school year rent and lease costs.
(j) It is the intent of the Legislature that the funding level for the Charter School Facility Grant Program for the 2012–13 fiscal year be considered the base level of funding for subsequent fiscal years.
(k) The Controller shall include instructions appropriate to the enforcement of this section in the audit guide required by subdivision (a) of Section 14502.1.
(l) The California School Finance Authority, effective with the 2013–14 fiscal year, shall be considered the senior creditor for purposes of satisfying audit findings pursuant to the audit instructions to be developed pursuant to subdivision (k).
(m) The California School Finance Authority may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.
(n) Notwithstanding any other law, a charter school shall be subject, with regard to this section, to audit conducted pursuant to Section 41020.

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CHAPTER 4
NOTICE

Section 47615
Legislative findings

(a) The Legislature finds and declares all of the following:
(1) Charter schools are part of the Public School System, as defined in Article IX of the California Constitution.
(2) Charter schools are under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools, as provided in this part.
(3) Charter schools shall be entitled to full and fair funding, as provided in this part.
(b) This part shall be liberally construed to effectuate the findings and declarations set forth in this section.

Section 47616.5
Evaluation of effectiveness

The Legislative Analyst shall contract for a neutral evaluator to conduct an evaluation of the effectiveness of the charter school approach authorized under this part. On or before July 1, 2003, the neutral evaluator shall report directly to the Legislature and the Governor with recommendations to modify, expand, or terminate the charter school approach. The evaluation of the effectiveness of the charter school approach shall include, but shall not be limited to, the following factors:
(a) If available, the pre- and post-charter school test scores of pupils attending charter schools and other pupil assessment tools.
(b) The level of parental satisfaction with the charter school approach compared with schools within the district in which the charter school is located.
(c) The impact of required parental involvement.
(d) The fiscal structures and practices of charter schools as well as the relationship of these structures and practices to school districts, including the amount of revenue received from various public and private sources.
(e) An assessment of whether or not the charter school approach has resulted in increased innovation and creativity.
(f) Opportunities for teachers under the charter school approach.
(g) Whether or not there is an increased focus on low-achieving and gifted pupils.
(h) Any discrimination and segregation in charter schools.
(i) If available, the number of charter school petitions submitted to governing boards of school districts and the number of those proposals that are denied, per year, since the enactment of the charter school law, including the reasons why the governing boards denied these petitions, and the reasons governing boards have revoked charters.
(j) The governance, fiscal liability and accountability practices and related issues between charter schools and the governing boards of the school districts approving their charters.
(k) The manner in which governing boards of school districts monitor the compliance of the conditions, standards, and procedures entered into under a charter.
(l) The extent of the employment of noncredentialed personnel in charter schools.
(m) An assessment of how the exemption from laws governing school districts allows charter schools to operate differently than schools operating under those laws.
(n) A comparison in each school district that has a charter school of the pupil dropout rate in the charter schools and in the noncharter schools.
(o) The role and impact of collective bargaining on charter schools.

Section 47616.7
Analysis of funding system for charter schools that offer nonclassroom-based instruction; funding approval process for nonclassroom-based instruction; evaluation of effectiveness

The evaluation provided for in Section 47616.5 shall include an analysis of the funding system for charter schools that offer nonclassroom-based instruction. The evaluation shall also examine the effectiveness of the State Board of Education's process, as provided for in Sections 47612.5 and 47634.2, for approving funding for charter schools offering nonclassroom-based instruction.

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CHAPTER 5
UNIVERSITY CHARTER SCHOOLS

ARTICLE 1

Section 47620
Elementary school at University of California Los Angeles

An elementary school that has been operated by the University of California at the Los Angeles campus prior to January 1, 1994, may apply to become a charter school under this chapter. The school may apply under either Section 47621 or Section 47622. If a charter is granted under this chapter, the resulting charter school shall be part of the public school system.

Section 47621
Method of application; petition to local school district's governing board

An elementary school that meets the requirements of Section 47620 may apply to become a charter school by petitioning the governing board of the local school district and otherwise following the procedures and requirements contained in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610).

Section 47622
Method of application; petition to State Board of Education

As an alternative to Section 47621, an elementary school that meets the requirements of Section 47620 may apply to become a charter school by petitioning the State Board of Education. Under this section, the petition shall be signed by not less than 50 percent of the school's currently employed teachers. All other procedures and requirements, other than those prescribed in subdivision (a) of Section 47605, that are contained in Chapter 2 (commencing with Section 47605) and Chapter 3 (commencing with Section 47610) are applicable to a petition filed pursuant to this section except that references to "governing board" shall mean the State Board of Education.

Section 47624
Continued ownership and liability by University of California

If a charter is granted under this chapter, the University of California shall continue to own and be liable for the resulting charter school to the same extent as before the granting of the charter.

Section 47625
Operative date of charter

A charter granted pursuant to Section 47620 shall not become operative before July 1, 1995.

ARTICLE 2

Section 47626
Public school employer

(a) Notwithstanding Section 47611.5, a charter school operated by the University of California in facilities owned by the Regents of the University of California shall declare in its charter that it is the employer of the employees at the charter school for the purposes of Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code. The provisions of Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code shall apply to the charter school. A charter school operated by the University of California in facilities owned by the Regents of the University of California may not be deemed a public school employer for the purposes of this chapter.
(b) By March 31, 2000, an existing charter school operated by the University of California shall amend its charter to comply with this section.

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CHAPTER 6
FUNDING

ARTICLE 1
GENERAL PROVISIONS

Section 47630
Legislative intent

It is the intent of the Legislature that each charter school be provided with operational funding that is equal to the total funding that would be available to a similar school district serving a similar pupil population, except that a charter school may not be funded as a necessary small school or a necessary small high school.

Section 47630.5
Application of chapter; additional responsibilities

(a) This chapter applies to the calculation of operational funding for charter schools. Except as otherwise provided in this chapter, this chapter shall apply to all charter schools without regard to their sponsoring local education agency.
(b) Additional legal or fiscal responsibilities on the part of a county superintendent of schools are not imposed by this chapter, except as specifically provided in this chapter.

Section 47631
Application of Article 3; charter school authorized pursuant to Section 47605.5; average daily attendance rate; funding

(a) Article 3 (commencing with Section 47636) shall not apply to a charter granted pursuant to Section 47605.5.
(b) A charter school authorized pursuant to Section 47605.5 shall receive the average daily attendance rate calculated pursuant to paragraph (1) of subdivision (c) of Section 2574 for enrolled pupils who are identified as any of the following:
(1) Probation-referred pursuant to Section 300, 601, 602, or 654 of the Welfare and Institutions Code.
(2) On probation or parole and not attending a school.
(3) Expelled for any of the reasons specified in subdivision (a) or (c) of Section 48915.
(4) Attending schools or classes established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27.
(c) A charter school authorized pursuant to Section 47605.5 shall be funded pursuant to the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03, for all pupils except for pupils funded pursuant to subdivision (b).
(d) A charter school authorized pursuant to Section 47605.5 shall be funded pursuant to the local control funding formula pursuant to Section 2575 for pupils receiving the average daily attendance rate computed pursuant to paragraph (1) of subdivision (c) of Section 2574 and identified in paragraphs (1) to (4), inclusive, of subdivision (b).

Section 47632
Definitions

For purposes of this chapter, the following terms shall be defined as follows:
(a) "General-purpose entitlement" means an amount computed by the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03.
(b) "Economic impact aid-eligible pupils" means those pupils that are included in the economic impact aid-eligible pupil count pursuant to Section 54023. For purposes of applying Section 54023 to charter schools, "economically disadvantaged pupils" means the pupils described in paragraph (2) of subdivision (a) of Section 54026.
(c) "General-purpose funding" means those funds that consist of state aid, local property taxes, and other revenues applied toward a school district's local control funding formula, pursuant to Section 42238.02, as implemented by Section 42238.03.
(d) "Categorical aid" means aid that consists of state or federally funded programs, or both, that are apportioned for specific purposes set forth in statute or regulation.
(e) "Educationally disadvantaged pupils" means those pupils who meet federal eligibility criteria for free and reduced-price meals as specified in Section 49531, as that section read on January 1, 2013, except in regard to meals in family day care homes.
(f) "Operational funding" means all funding except funding for capital outlay.
(g) "School district of a similar type" means a school district that is serving similar grade levels.
(h) "Similar pupil population" means similar numbers of pupils by grade level, with a similar proportion of educationally disadvantaged pupils.
(i) "Sponsoring local educational agency" means the following:
(1) If a charter school petition is granted by a school district, the sponsoring local educational agency is the school district.
(2) If a charter school petition is granted by a county office of education after having been previously denied by a school district, the sponsoring local educational agency means the school district that initially denied the charter petition.
(3) If a charter school petition is granted after a local educational agency determination is reversed by the state board, the sponsoring local educational agency means the pupils' school district of residence if the school district is a basic aid school district. For purposes of this paragraph, "basic aid school district" means a school district that did not receive an apportionment of state funds in the prior fiscal year as described in subdivision (o) of Section 42238.02. The requirements of this paragraph shall not be waived by the state board pursuant to Section 33050 or any other law.
(4) For pupils attending county-sponsored charter schools authorized pursuant to Section 47605.5 who do not meet the criteria identified in subdivision (b) of Section 47631, the sponsoring local educational agency means the pupils' school district of residence.
(5) For pupils attending countywide charter schools authorized pursuant to Section 47605.6 who reside in a basic aid school district, the sponsoring local educational agency means the pupils' school district of residence. For purposes of this paragraph, "basic aid school district" means a school district that did not receive an apportionment of state funds as described in subdivision (o) of Section 42238.02 in the prior fiscal year.

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ARTICLE 2
CHARTER SCHOOL BLOCK GRANT

Section 47633
Annual computation of general-purpose entitlement; use of funds

The Superintendent shall annually compute a general-purpose entitlement, funded from a combination of state aid and local funds, for each charter school as follows:
(a) The Superintendent shall annually compute the statewide average amount of general-purpose funding per unit of average daily attendance received by school districts for each of four grade level ranges: kindergarten and grades 1, 2, and 3; grades 4, 5, and 6; grades 7 and 8; and, grades 9 to 12, inclusive. For purposes of making these computations, both of the following conditions shall apply:
(1) Revenue limit funding attributable to pupils in kindergarten and grades 1 to 5, inclusive, shall equal the statewide average revenue limit funding per unit of average daily attendance received by elementary school districts; revenue limit funding attributable to pupils in grades 6, 7, and 8, shall equal the statewide average revenue limit funding per unit of average daily attendance received by unified school districts; and revenue limit funding attributable to pupils in grades 9 to 12, inclusive, shall equal the statewide average revenue limit funding per unit of average daily attendance received by high school districts.
(2) Revenue limit funding received by school districts shall exclude the value of any benefit attributable to the presence of necessary small schools or necessary small high schools within the school district.
(b) The Superintendent shall multiply each of the four amounts computed in subdivision (a) by the charter school's average daily attendance in the corresponding grade level ranges. The resulting figure shall be the amount of the charter school's general-purpose entitlement, which shall be funded through a combination of state aid and local funds. From funds appropriated for this purpose pursuant to Section 14002, the Superintendent shall apportion to each charter school this amount, less local funds allocated to the charter school pursuant to Section 47635 and any amount received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.
(c) General-purpose entitlement funding may be used for any public school purpose determined by the governing body of the charter school.
(d) Commencing with the 2013–14 fiscal year, this section shall be used only for purposes of allocating revenues received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.
(e) This section shall become inoperative on July 1, 2033, and, as of January 1, 2034, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2034, deletes or extends the dates on which it becomes inoperative and is repealed.

Section 47634.2
Nonclassroom-based instruction; funding determinations and allocations

a)(1) Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction, as defined by paragraph (2) of subdivision (d) of Section 47612.5, including funding provided on the basis of average daily attendance pursuant to Sections 47613.1, 47633, 47634, and 47664, shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school's total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.
(2) For the 2001–02 fiscal year only, the amount of funding determined by the State Board of Education pursuant to this section shall not be less than 90 percent of the unadjusted amount to which a charter school would otherwise be entitled on the basis of average daily attendance.
(3) For the 2002-03 fiscal year, the amount of funding determined by the State Board of Education pursuant to this section shall not be more than 80 percent of the unadjusted amount to which a charter school would otherwise be entitled, unless the State Board of Education determines that a greater or lesser amount is appropriate based on the criteria specified in paragraph (1) of subdivision (a).
(4) For the 2003–04 fiscal year and each fiscal year thereafter, the amount of funding determined by the State Board of Education pursuant to this section shall not be more than 70 percent of the unadjusted amount to which a charter school would otherwise be entitled, unless the State Board of Education determines that a greater or lesser amount is appropriate based on the criteria specified in paragraph (1) of subdivision (a).
(5) This section does not authorize the board to adjust the amount of funding a charter school receives on the basis of average daily attendance generated through classroom-based instruction, as defined for purposes of calculating average daily attendance for classroom-based instruction apportionments by paragraph (1) of subdivision (d) of Section 47612.5.

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Section 47634.2 Nonclassroom-based instruction; funding determinations and allocations (cont'd)	**(b)(1)** The State Board of Education shall appoint an advisory committee to recommend criteria to the board in accordance with this section if it has not done so by the effective date of the act adding this section. The advisory committee shall include, but is not limited to, representatives from school district superintendents, charter schools, teachers, parents, members of the governing boards of school districts, county superintendents of schools, and the Superintendent of Public Instruction. **(2)** If a charter school submits a substantially complete request for a determination for funding by February 13, 2002, and the State Board of Education does not act on that request by March 19, 2002, full funding is automatically granted for the 2001–02 fiscal year, but the charter school shall reapply for a determination for funding for the 2002–03 fiscal year. **(3)** The determination for funding shall be on a percentage basis and the superintendent shall implement the determination for funding by reducing the charter school's reported average daily attendance by the determination for funding percentage specified by the State Board of Education. **(4)** If the State Board of Education denies request for a determination for funding or provides a reduction as authorized by subdivision (a), the board shall, in writing, give the reasons for its denial or reduction and, if appropriate, may describe how any deficiencies or problems may be addressed. **(c)** Each charter school offering nonclassroom-based instruction shall, in each report provided to the Superintendent of Public Instruction for apportionment purposes, identify the portion of its average daily attendance that is generated through nonclassroom-based instruction as defined in paragraph (2) of subdivision (d) of Section 47612.5. **(d)** Notwithstanding any other provision of law, charter schools shall be subject, with regard to subdivisions (c) and (d) of Section 47612.5 and this section, to audits conducted pursuant to Section 41020.
Section 47634.4 Charter school's individual application for federal and state categorical programs	**(a)** A charter school that elects to receive its funding directly, pursuant to Section 47651, may apply individually for federal and state categorical programs, not excluded in this section, but only to the extent it is eligible for funding and meets the provisions of the program. For purposes of determining eligibility for, and allocation of, state or federal categorical aid, a charter school that applies individually shall be deemed to be a school district, except as otherwise provided in this chapter. **(b)** A charter school that does not elect to receive its funding directly, pursuant to Section 47651, may apply, in cooperation with its chartering authority, for federal and state categorical programs not specified in this section, but only to the extent it is eligible for funding and meets the provisions of the program. **(c)** Notwithstanding any other law, a charter school shall not apply directly for categorical programs for which services are exclusively or almost exclusively provided by a county office of education. **(d)** Consistent with subdivision (c), a charter school shall not receive direct funding for any of the following county-administered categorical programs: **(1)** American Indian Education Centers. **(2)** County Office Fiscal Crisis and Management Assistance Team. **(3)** The K–12 High Speed Network. **(e)** A charter school may apply separately for district-level or school-level grants associated with any of the categorical programs specified in subdivision (d).

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Section 47635
Annual transfer of finding in lieu of property taxes

(a) A sponsoring local educational agency shall annually transfer to each of its charter schools funding in lieu of property taxes equal to the lesser of the following two amounts:
(1) The average amount of property taxes per unit of average daily attendance, including average daily attendance attributable to charter schools, received by the local educational agency, multiplied by the charter school's average daily attendance.
(2) The local control funding formula grant funding computed pursuant to subdivision (d) of Section 42238.02, per unit of average daily attendance, multiplied by the charter school's average daily attendance in each of the four corresponding grade level ranges: kindergarten and grades 1, 2, and 3; grades 4, 5, and 6; grades 7 and 8; and grades 9 to 12, inclusive.
(3) Notwithstanding paragraph (2), until the Superintendent determines that a charter school is funded pursuant to Section 42238.02, the Superintendent shall apportion funding per unit of average daily attendance pursuant to this article. The base grant for purposes of paragraph (2) shall be the lesser of the amount calculated pursuant to paragraph (2) or the sum of the entitlements for the charter school in the specified fiscal year as computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a), and paragraph (3) of subdivision (b), of Section 42238.03, multiplied by the ratio of local control funding formula base grant funding computed pursuant to subdivision (d) of Section 42238.02 to the local control funding formula amount for the fiscal year computed pursuant to Section 42238.02.
(4) If the sum of the funding transferred pursuant to this subdivision and the funding calculated pursuant to subdivision (e) of Section 42238.03 exceeds the sum of the amounts calculated pursuant to subdivisions (e), (f), and (i) of Section 42238.02, the excess funding shall be used to offset funding calculated pursuant to subdivision (e) of Section 42238.03.
(b) The sponsoring local educational agency shall transfer funding in lieu of property taxes to the charter school in monthly installments, by no later than the 15th of each month.
(1) For the months of August to February, inclusive, a charter school's funding in lieu of property taxes shall be computed based on the amount of property taxes received by the sponsoring local educational agency during the preceding fiscal year, as reported to the Superintendent for purposes of the second principal apportionment. A sponsoring local educational agency shall transfer to the charter school the charter school's estimated annual entitlement to funding in lieu of property taxes as follows:
(A) Six percent in August.
(B) Twelve percent in September.
(C) Eight percent each month in October, November, December, January, and February.
(2) For the months of March to June, inclusive, a charter school's funding in lieu of property taxes shall be computed based on the amount of property taxes estimated to be received by the sponsoring local educational agency during the fiscal year, as reported to the Superintendent for purposes of the first principal apportionment. A sponsoring local educational agency shall transfer to each of its charter schools an amount equal to one-sixth of the difference between the school's estimated annual entitlement to funding in lieu of property taxes and the amounts provided pursuant to paragraph (1). An additional one-sixth of this difference shall be included in the amount transferred in the month of March.
(3) For the month of July, a charter school's funding in lieu of property taxes shall be computed based on the amount of property taxes estimated to be received by the sponsoring local educational agency during the prior fiscal year, as reported to the Superintendent for purposes of the second principal apportionment. A sponsoring local educational agency shall transfer to each of its charter schools an amount equal to the remaining difference between the school's estimated annual entitlement to funding in lieu of property taxes and the amounts provided pursuant to paragraphs (1) and (2).
(4) Notwithstanding subdivision (a) of Section 14002, final adjustments to the amount of funding in lieu of property taxes allocated to a charter school shall be made in June, in conjunction with the third recertification of annual apportionments to schools.
(5) Subdivision (a) and paragraphs (1) to (4), inclusive, do not apply for pupils who reside in, and are otherwise eligible to attend a school in, a basic aid school district, but who attend a charter school in a nonbasic aid school district. With regard to these pupils, the sponsoring basic aid school district shall transfer to the charter school an amount of funds equivalent to the local control funding formula grant pursuant to Section 42238.02, as implemented by Section 42238.03, earned through average daily attendance by the charter school for each pupil's attendance, not to exceed the average property tax share per unit of average daily attendance for pupils residing and attending in the basic aid school district. The transfer of funds shall be made in not fewer than two installments at the request of the charter school, the first occurring not later than February 1 and the second not later than June 1 of each school year. Payments shall reflect the average daily attendance certified for the time periods of the first and second principal apportionments, respectively. The Superintendent may not apportion any funds for the attendance of pupils described in this subdivision unless the amount transferred by the basic aid school district is less than the local control funding formula grant pursuant to Section 42238.02, as implemented by Section 42238.03, earned by the charter school, in which event the Superintendent shall apportion the difference to the charter school from state funds.

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ARTICLE 3
OTHER OPERATIONAL FUNDING AVAILABLE TO CHARTER SCHOOLS

Section 47636
Applications for funding from other sources

(a) This chapter shall not prevent a charter school from negotiating with a local educational agency for a share of operational funding from sources not otherwise set forth in this chapter including, but not limited to, all of the following:
(1) Forest reserve revenues and other operational revenues received due to harvesting or extraction of minerals or other natural resources.
(2) Sales and use taxes, to the extent that the associated revenues are available for noncapital expenses of public schools.
(3) Parcel taxes, to the extent that the associated revenues are available for noncapital expenses of public schools.
(4) Ad valorem property taxes received by a school district which exceed its local control funding formula entitlement pursuant to Section 42238.02, as implemented by Section 42238.03.
(5) "Basic aid" received by a school district pursuant to Section 6 of Article IX of the California Constitution.
(b) This section shall become operative July 1, 2006.

Section 47638
Lottery funds; allocation

For purposes of determining eligibility for, and allocations of, lottery funds, a charter school shall be deemed to be a school district. The State Department of Education shall determine each charter school's appropriate share of statewide total average daily attendance and include this information in its transmittals to the Controller for use in computing allocations of lottery funds.

ARTICLE 4
SPECIAL EDUCATION FUNDING

Section 47640
Local educational agency

For the purposes of this article, "local educational agency" means a school district as defined in Section 41302.5 or a charter school that is deemed a local educational agency pursuant to Section 47641. As used in this article, "local educational agency" also means a charter school that is responsible for complying with all provisions of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations as they relate to local educational agencies.

Section 47641
Charter school deemed as local educational agency

(a) A charter school that includes in its petition for establishment or renewal, or that otherwise provides, verifiable, written assurances that the charter school will participate as a local educational agency in a special education plan approved by the State Board of Education shall be deemed a local educational agency for the purposes of compliance with federal law (Individuals with Disabilities Education Act; 20 U.S.C. Sec. 1400 et seq.) and for eligibility for federal and state special education funds. A charter school that is deemed a local educational agency for the purposes of special education pursuant to this article shall be permitted to participate in an approved special education local plan that is consistent with subdivision (a), (b), or (c) of Section 56195.1.
(b) A charter school that was granted a charter by a local educational agency that does not comply with subdivision (a) may not be deemed a local educational agency pursuant to this article, but shall be deemed a public school of the local educational agency that granted the charter.
(c) A charter school that has been granted a charter by the State Board of Education, and for which the board has delegated its supervisorial and oversight responsibilities pursuant to paragraph (1) of subdivision (k) of Section 47605, and does not comply with subdivision (a), shall be deemed a public school of the local educational agency to which the board has delegated its supervisorial and oversight responsibilities.
(d) A charter school that has been granted a charter by the State Board of Education, and for which the board has not delegated its supervisorial and oversight responsibilities pursuant to paragraph (1) of subdivision (k) of Section 47605, may not be deemed a local educational agency unless the charter school complies with subdivision (a).

Section 47642
State and federal funding; inclusion in allocation plan

Notwithstanding Section 47651, all state and federal funding for special education apportioned on behalf of pupils enrolled in a charter school shall be included in the allocation plan adopted pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both, by the special education local plan area that includes the charter school.

Section 47643
Change in allocation plan

If the approval of a petition for a charter school requires a change to the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, the change shall be adopted pursuant to the policymaking process of the special education local plan area.

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Section 47644 **School deemed local educational authority; apportionment of funds**	For each charter school deemed a local educational agency for the purposes of special education, an amount equal to the amount computed pursuant to Section 56836.148 for the special education local plan area in which the charter school is included shall be apportioned by the Superintendent pursuant to the local allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both.
Section 47645 **Agency review**	An agency reviewing a request by a charter school to participate as a local educational agency in a special education local plan area may not treat the charter school differently from the manner in which it treats a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, a local or state agency shall ensure all of the following: **(a)** The special education local plan area complies with Section 56140. **(b)** The charter school participates in state and federal funding for special education and the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area. **(c)** The charter school participates in governance of the special education local plan area and benefits from services provided throughout the special education local plan area, in the same manner as other local educational agencies of the special education local plan area.
Section 47646 **Special education funding and services**	**(a)** A charter school that is deemed to be a public school of the local educational agency that granted the charter for purposes of special education shall participate in state and federal funding for special education in the same manner as any other public school of that local educational agency. A child with disabilities attending the charter school shall receive special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school of that local educational agency. The agency that granted the charter shall ensure that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with their individualized education program and is in compliance with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations, including Section 300.209 of Title 34 of the Code of Federal Regulations. **(b)** In administering the local operation of special education pursuant to the local plan established pursuant to Chapter 3 (commencing with Section 56205) of Part 30, in which the local educational agency that granted the charter participates, the local educational agency that granted the charter shall ensure that each charter school that is deemed a public school for purposes of special education receives an equitable share of special education funding and services consisting of either, or both, of the following: **(1)** State and federal funding provided to support special education instruction or designated instruction and services, or both, provided or procured by the charter school that serves pupils enrolled in and attending the charter school. Notwithstanding any other provision of this chapter, a charter school may report average daily attendance to accommodate eligible pupils who require extended year services as part of an individualized education program. **(2)** Any necessary special education services, including administrative and support services and itinerant services, that are provided by the local educational agency on behalf of pupils with disabilities enrolled in the charter school. **(c)** In administering the local operation of special education pursuant to the local plan established pursuant to Chapter 3 (commencing with Section 56205) of Part 30, in which the local educational agency that granted the charter participates, the local educational agency that granted the charter shall ensure that each charter school that is deemed a public school for purposes of special education also contributes an equitable share of its charter school block grant funding to support districtwide special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in the charter school.
Section 47647 **Petition to establish charter school; review by local educational agency**	A local educational agency reviewing a petition for the establishment or renewal of a charter school may not refuse to grant the petition solely because the charter might enroll pupils with disabilities who reside in a special education local plan area other than the special education local plan area that includes the local educational agency reviewing the petition.
Section 56026.3 **Local educational agency definition**	Local educational agency" means a school district, a county office of education, a nonprofit charter school participating as a member of a special education local plan area, or a special education local plan area.
Section 56207.5 **Request by charter school to participate; review and approval**	A request by a charter school to participate as a local educational agency in a special education local plan area may not be treated differently from a similar request made by a school district. In reviewing and approving a request by a charter school to participate as a local educational agency in a special education local plan area, the following requirements shall apply: **(a)** The special education local plan area shall comply with Section 56140. **(b)** The charter school shall participate in state and federal funding for special education and the allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05 in the same manner as other local educational agencies of the special education local plan area. **(c)** The charter school shall participate in governance of the special education local plan area in the same manner as other local educational agencies of the special education local plan area

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ARTICLE 5

APPORTIONMENT OF FUNDS

Section 47650
Charter school deemed a school district; total amount certified

A charter school shall be deemed to be a school district for purposes of determining the manner in which warrants are drawn on the State School Fund pursuant to Section 14041. For purposes of Section 14041, a charter school's "total amount certified" means the state aid portion of the charter school's total local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03.

Section 47651
Receipt of state aid; method

(a) A charter school may receive the state aid portion of the charter school's total local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, directly or through the local educational agency that either grants its charter or was designated by the state board.
(1) In the case of a charter school that elects to receive its funding directly, the warrant shall be drawn in favor of the county superintendent of schools of the county in which the local educational agency that granted the charter, or was designated by the state board as the oversight agency pursuant to paragraph (1) of subdivision (k) of Section 47605, is located, for deposit to the appropriate funds or accounts of the charter school in the county treasury. The county superintendent of schools is authorized to establish appropriate funds or accounts in the county treasury for each charter school.
(2) In the case of a charter school that does not elect to receive its funding directly pursuant to this section, the warrant shall be drawn in favor of the county superintendent of schools of the county in which the local educational agency that granted the charter is located or was designated the oversight agency by the state board pursuant to paragraph (1) of subdivision (k) of Section 47605, for deposit to the appropriate funds or accounts of the local educational agency.
(3) In the case of a charter school, the charter of which was granted by the state board, but for which the state board has not delegated oversight responsibilities pursuant to paragraph (1) of subdivision (k) of Section 47605, the warrant shall be drawn in favor of the county superintendent of schools in the county where the local educational agency is located that initially denied the charter that was later granted by the state board. The county superintendent of schools is authorized to establish appropriate funds or accounts in the county treasury for each charter school.
(b) On or before June 1 of each year, a charter school electing to receive its funding directly shall so notify the county superintendent of schools of the county in which the local educational agency that granted the charter is located or, in the case of charters for which the state board has designated an oversight agency pursuant to paragraph (1) of subdivision (k) of Section 47605, the county superintendent of schools of the county in which the designated oversight agency is located. An election to receive funding directly applies to all funding that the charter school is eligible to receive including, but not limited to, the local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, other state and federal categorical aid, and lottery funds.

Section 47652
Charter school in first year of operation; addition of grade levels in subsequent years; funding for advance apportionment; commencement of instruction

(a) Notwithstanding Section 41330, a charter school in its first year of operation shall be eligible to receive funding for the advance apportionment based on an estimate of average daily attendance for the current fiscal year, as approved by the local educational agency that granted its charter and the county office of education in which the charter-granting agency is located. For charter schools approved by the state board, estimated average daily attendance shall be submitted directly to, and approved by, the department. Not later than five business days following the end of the first 20 schooldays, a charter school receiving funding pursuant to this section shall report to the department its actual average daily attendance for that first month, and the Superintendent shall adjust immediately, but not later than 45 days, the amount of its advance apportionment accordingly.
(b) In addition to funding received pursuant to Section 41330, a charter school in its second or later year of operation also shall be eligible to receive an advance apportionment pursuant to the process and conditions described in subdivision (a) in any year in which the charter school is adding at least one grade level. The average daily attendance funded for a new grade level shall not exceed the portion of the certified average daily attendance at the second principal apportionment for the prior year that was attributable to pupils in the highest grade served by the charter school.
(c) A charter school in its first year of operation may only commence instruction within the first three months of the fiscal year beginning July 1 of that year. A charter school shall not be eligible for an apportionment pursuant to subdivision (a), or any other apportionment for a fiscal year in which instruction commenced after September 30 of that fiscal year.

Section 47653
Charter schools required to be regarded as continuing charter school; provision of notice and substantiation to department; date for commencing instruction

(a) A charter school required to be regarded as a continuing charter school by the department pursuant to subparagraph (E) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (B) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (d) of Section 47605.9, or paragraph (3) of subdivision (b) of Section 47612.7 shall notify the department by May 15 before the fiscal year in which the charter school is to be regarded as a continuing charter school by the department, in a format to be established by the Superintendent. The Superintendent may require the charter school to submit attendance records or other documents necessary to verify that instruction had been provided at the site -to substantiate that the charter school meets the requirements to be regarded as a continuing charter school by the department.
(b) Failure of an eligible charter school or its chartering authority to provide notice and substantiation to the department in accordance with subdivision (a) relieves the department of any obligation to regard the charter school as a continuing charter school.
(c) A charter school petition authorized by a different chartering authority pursuant to subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7 shall be effective

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before the date instruction begins for the current fiscal year.
(d) A charter school regarded as a continuing charter school in accordance with this section shall commence instruction within the first three months of the fiscal year beginning July 1 of the year the petition is effective pursuant to subdivision (c). A charter school shall not be eligible for an apportionment for any fiscal year in which instruction commenced after September 30 of that fiscal year.
(e) A charter school regarded as a continuing charter school by the department shall not be eligible for funding as a new charter school pursuant to subdivision (a) of Section 47652.
(f) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

Section 47654
Definitions; application

The definitions set forth in this section apply for purposes of this part and Chapter 7 (commencing with Section 42238) of Part 24 of Division 3. "Affected charter school" means a charter school that has been, or is proposed to be, affected by an action to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7. Affected charter schools include all of the following charter school types:
(a)(1) "Acquiring charter school" means a state charter school site deemed a continuing charter school that has wholly combined with one or more other affected state charter school sites by an action taken to comply with subdivision (c) of Section 47605.9. This paragraph shall become inoperative on July 1, 2026, unless its operation is extended by the Legislature.
(2) On the date paragraph (1) becomes inoperative, a charter school that meets the definition of an acquiring charter school pursuant to paragraph (1) shall no longer be regarded as a continuing charter school.
(b) "Continuing charter school" means a charter school that the department has deemed to have met the requirements of Section 47653.
(c)(1) "Divided charter school" means a continuing charter school that has had one or more of its sites become a separately authorized charter school by an action to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.
(2) The "restructured portion of a divided charter school" means the site or sites of the divided charter school that each become separately authorized by an action taken to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7, and that is regarded as a continuing charter school in accordance with Section 47653.
(3) The "remaining portion of a divided charter school" means the portion of the original charter school remaining after action is taken to bring sites, resource centers, satellite facilities, and meeting spaces into compliance with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.
(d) "Original charter school" means a charter school as it existed before an action taken to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.
(e) "Restructured charter school" means a transferred charter school, acquiring charter school, or divided charter school.
(f) "Transferred charter school" means a continuing charter school that is wholly authorized by a different chartering authority to comply with subparagraph (A) of paragraph (5) of subdivision (a) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.1, subdivision (c) of Section 47605.9, or subdivision (b) of Section 47612.7.

Section 47655
Transfer of debts and liabilities to restructured charter school

(a) Notwithstanding any other law, all debt and liabilities owed to the state for an original charter school shall transfer to a restructured charter school in accordance with this section.
(b)(1) A transferred charter school shall retain all of the debt and liabilities owed to the state incurred by, or applicable to, the original charter school for the period before the fiscal year the restructuring becomes effective.
(2) An acquiring charter school shall assume all of the debt and liabilities owed to the state incurred by, or applicable to, the original charter schools for the period before the fiscal year the restructuring becomes effective. This paragraph shall become inoperative on July 1, 2026, unless its operation is extended by the Legislature.
(3) For a divided charter school, the debt and liabilities owed to the state incurred by, or applicable to, the original charter school for the period before the fiscal year the restructuring becomes effective shall be the responsibility of the remaining portion of a divided charter school. If the remaining portion of a divided charter school closes, unassigned debt and liability owed to the state shall be the responsibility of the restructured charter schools.

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ARTICLE 6
COMPUTATIONS AFFECTING SPONSORING LOCAL EDUCATIONAL AGENCIES

Section 47660
General purpose funding and operational funding for categorical programs; enrollment and average daily attendance

For purposes of computing eligibility for, and entitlements to, general purpose funding and operational funding for categorical programs, the enrollment and average daily attendance of a sponsoring local educational agency shall exclude the enrollment and attendance of pupils in its charter schools funded pursuant to this chapter.

Section 47662
Property tax revenues; reduction

For purposes of Section 42238.02, as implemented by Section 42238.03, the property tax revenues received by a sponsoring local educational agency pursuant to Chapter 3.5 (commencing with Section 75) and Chapter 6 (commencing with Section 95) of Part 0.5 of the Revenue and Taxation Code shall be reduced by the amount of funding in lieu of property taxes allocated to a charter school or schools pursuant to Section 47635.

Section 47663
Pupil eligible to attend school district other than basic aid school district; apportionment of local control funding formula base grant; eligibility for pro rata share of funding

(a)(1) For a pupil of a charter school sponsored by a basic aid school district who resides in, and is otherwise eligible to attend, a school district other than a basic aid school district, the Superintendent shall apportion to the sponsoring school district an amount equal to 70 percent of the local control funding formula base grant computed pursuant to subdivision (d) of Section 42238.02, per unit of average daily attendance that would have been apportioned to the school district that the pupil resides in, and would otherwise have been eligible to attend.
(2) Notwithstanding paragraph (1), until the Superintendent determines that the school district the pupil resides in, and would otherwise have been eligible to attend, is funded pursuant to Section 42238.02, the Superintendent shall apportion, for average daily attendance pursuant to this article, the lesser of the amount calculated pursuant to paragraph (1) or 70 percent of the sum of the entitlements for the school district that the pupil resides in, and would otherwise have been eligible to attend, for the specified fiscal year as computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a), and paragraph (3) of subdivision (b) of Section 42238.03, divided by the average daily attendance for that fiscal year and then multiplied by the ratio of local control funding formula base grant funding computed pursuant to subdivision (d) of Section 42238.02 to the local control funding formula amount for the fiscal year computed pursuant to Section 42238.02.
(3) If the entitlements for the school district the pupil resides in, and would otherwise have been eligible to attend, as computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a), and paragraph (3) of subdivision (b), of Section 42238.03, include funding calculated pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3 for a fiscal year, paragraph (2) shall not apply and the apportionment of state funds for the average daily attendance credited pursuant to this section for that fiscal year shall be calculated pursuant to paragraph (1).
(b) A school district that loses basic aid status as a result of transferring property taxes to a charter school or schools pursuant to Section 47635 for pupils who reside in, and are otherwise eligible to attend, a school district other than the school district that sponsors the charter school, shall be eligible to receive a pro rata share of funding provided by subdivision (a), with the proration factor calculated as the ratio of the following:
(1) The amount of property taxes that the school district receives in excess of its total base grant per unit of average daily attendance calculated pursuant to Section 42238.02, as implemented by Section 42238.03, before any transfers made pursuant to Section 47635, except for transfers in lieu of property taxes made for pupils who reside in, and would otherwise be eligible to attend, a school of the school district.
(2) The total amount in lieu of property taxes transferred pursuant to Section 47635 to the charter school or schools that it sponsors, except for transfers in lieu of property taxes made for pupils who reside in, and would otherwise be eligible to attend, a school of the school district.
(c) In no event shall the amount provided pursuant to this section exceed the amount in lieu of property taxes transferred on behalf of charter school pupils who do not reside in the school district, less the proportionate amount of base grant state aid provided pursuant to Section 42238.02, as implemented by Section 42238.03, that is attributable to the charter school pupils who do not reside in the school district.
(d) The Superintendent shall not apportion funds for the attendance of a pupil in a charter school of a nonbasic aid school district who resides in, and is otherwise eligible to attend school in, a basic aid school district unless the pupil is subject to the exceptions set forth in paragraph (5) of subdivision (b), and subdivision (c), of Section 47635.
(e) For purposes of this section, “basic aid school district” means a school district that does not receive from the state, for any fiscal year in which the subdivision is applied, an apportionment of state funds as described in subdivision (o) of Section 42238.02.

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REVOLVING LOAN FUND

Section 41365
Charter School Revolving Loan Fund; administration by the California School Finance Authority

(a) The Charter School Revolving Loan Fund is hereby created in the State Treasury. The Charter School Revolving Loan Fund shall be composed of federal funds obtained by the state for charter schools and any other funds appropriated or transferred to the fund through the annual budget process. Funds appropriated to the Charter School Revolving Loan Fund shall remain available for purposes of the fund until reappropriated or reverted by the Legislature through the annual Budget Act or any other act.
(b) Commencing with the 2013–14 fiscal year, the administration of the Charter School Revolving Loan Fund shall be transferred to the California School Finance Authority.
(c) Loans may be made from moneys in the Charter School Revolving Loan Fund to a chartering authority for charter schools that are not a conversion of an existing school, or directly to a charter school that qualifies to receive funding pursuant to Chapter 6 (commencing with Section 47630) of Part 26.8 of Division 4 that is not a conversion of an existing school, upon application of a chartering authority or charter school and approval by the California School Finance Authority. Money loaned to a chartering authority for a charter school, or to a charter school, pursuant to this section shall be used only to meet the purposes of the charter granted pursuant to Section 47605. The loan to a chartering authority for a charter school, or to a charter school, pursuant to this subdivision shall not exceed two hundred fifty thousand dollars ($250,000) over the lifetime of the charter school. A charter school may receive money obtained from multiple loans made directly to the charter school or to the school's chartering authority from the Charter School Revolving Loan Fund, as long as the total amount received from the fund over the lifetime of the charter school does not exceed two hundred fifty thousand dollars ($250,000). This subdivision does not apply to a charter school that obtains renewal of a charter pursuant to Section 47607.
(d) The California School Finance Authority may consider all of the following when making a determination as to the approval of a charter school's loan application:
(1) Soundness of the financial business plans of the applicant charter school.
(2) Availability of the charter school of other sources of funding.
(3) Geographic distribution of loans made from the Charter School Revolving Loan Fund.
(4) The impact that receipt of funds received pursuant to this section will have on the charter school's receipt of other private and public financing.
(5) Plans for creative uses of the funds received pursuant to this section, such as loan guarantees or other types of credit enhancements.
(6) The financial needs of the charter school.
(e) Priority for loans from the Charter School Revolving Loan Fund shall be given to new charter schools for startup costs.
(f) Commencing with the first fiscal year following the fiscal year the charter school receives the loan, the Controller shall deduct from apportionments made to the chartering authority or charter school, as appropriate, an amount equal to the annual repayment of the amount loaned to the chartering authority or charter school for the charter school under this section and pay the same amount into the Charter School Revolving Loan Fund in the State Treasury. Repayment of the full amount loaned to the chartering authority or charter school shall be deducted by the Controller in equal annual amounts over a number of years agreed upon between the loan recipient and the state agency authorized to administer the Charter School Revolving Loan Fund and the Charter School Security Fund, not to exceed five years for any loan.
(g)(1) Notwithstanding any other law, a loan may be made directly to a charter school pursuant to this section only in the case of a charter school that is incorporated.
(2) Notwithstanding any other law, in the case of default of a loan made directly to a charter school pursuant to this section, the charter school shall be solely liable for repayment of the loan.
(h) The California School Finance Authority may adopt any necessary rules and regulations for the implementation of this section and Sections 41366.6 and 41367. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of public peace, health and safety, or general welfare.

Section 41366.5
Interest rate of loaned moneys from the Charter School Revolving Loan Fund

(a) Moneys in the Charter School Revolving Loan Fund shall be loaned at the interest rate earned by the money in the Pooled Money Investment Account as of the date of disbursement of the funds to the charter school.
(b) A charter school shall pay the interest on any loan from the fund in regular installments withdrawn from the annual apportionment the charter school receives.
(c) All interest payments shall be paid into the Charter School Security Fund established pursuant to Section 41367.

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Section 41366.6 **Charter School Revolving Loan Fund; adequacy of funds; monitoring; report; transfers from Charter School Security Fund; detailed fund condition information**	**(a)** The California School Finance Authority shall monitor the adequacy of the amount of funds in the Charter School Revolving Loan Fund and report annually to the Department of Finance and the Controller on the need, if any, to transfer funds from the Charter School Security Fund to the Charter School Revolving Loan Fund for the sole purpose of replacing funds lost in the Charter School Revolving Loan Fund due to loan defaults. Before requesting any transfer of funds from the Charter School Security Fund, the California School Finance Authority shall make all reasonable efforts to recover funds directly from the defaulting loan recipient. To the extent that the California School Finance Authority determines that a transfer from the Charter School Security Fund to the Charter School Revolving Loan Fund is necessary, the California School Finance Authority shall obtain approval from the Director of Finance before a transfer of funds is made. Not sooner than 30 days after notification in writing to the Chairperson of the Joint Legislative Budget Committee, the Director of Finance shall direct the Controller to transfer the appropriate amount of funds. **(b)** By October 1 of each year, the California School Finance Authority shall provide detailed fund condition information for the Charter School Revolving Loan Fund and the Charter School Security Fund to the Department of Finance and the Legislative Analyst's Office. At a minimum, this information shall contain an accounting of actual beginning balances, revenues, itemized expenditures, and ending balances for the prior year, as well as projected beginning balances, revenues, itemized expenditures, and ending balances for the current year and budget year.
Section 41366.7 **Monitoring of amount of funds in the Charter School Security Fund**	The Director of Finance shall monitor the adequacy of the amount of funds in the Charter School Security Fund and report annually to the Legislature on the need, if any, to adjust the interest rate set forth in Section 41366.5 or to revise any other aspect of the default recovery plan.
Section 41367 **Charter School Security Fund; creation; administration by California School Finance Authority**	**(a)** The Charter School Security Fund is hereby created in the State Treasury. **(b)** Moneys in the fund shall be available for deposit into the Charter School Revolving Loan Fund in case of default on any loan made from the Charter School Revolving Loan Fund. **(c)** Commencing with the 2013–14 fiscal year, the administration of the Charter School Security Fund shall be transferred to the California School Finance Authority.

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LOCAL CONTROL AND ACCOUNTABILITY PLANS

Section 52060
Adoption of local control and accountability plan by governing boards of school districts

(a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.
(b) A local control and accountability plan adopted by the governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.
(c) A local control and accountability plan adopted by the governing board of a school district shall include, for the school district and each school within the school district, all of the information specified in the template adopted by the state board pursuant to Section 52064.
(d) All of the following are state priorities for purposes of a school district's local control and accountability plan:
(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as defined in subdivision (d) of Section 17002.
(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to former Section 60811.3, as that section read on June 30, 2013, or former Section 60811.4, as that section read on June 30, 2016, for purposes of gaining academic content knowledge and English language proficiency.
(3)(A) Parental involvement and family engagement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.
(B) Family engagement may include, but need not be limited to, efforts by the school district and each individual schoolsite to apply research-based practices, such as welcoming all families into the school community, engaging in effective two-way communication, supporting pupil success, and empowering families to advocate for equity and access. Family engagement may include, but need not be limited to, treating families as partners to inform, influence, and create practices and programs that support pupil success and collaboration with families and the broader community, expand pupil learning opportunities and community services, and promote civic participation.
(4) Pupil achievement, as measured by all of the following, as applicable:
(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.
(B) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University.
(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.
(D) The percentage of pupils who have successfully completed both types of courses described in subparagraphs (B) and (C).
(E) The percentage of English learner pupils who make progress toward English proficiency as measured by the English Language Proficiency Assessments for California or any subsequent assessment of English proficiency, as certified by the state board.
(F) The English learner reclassification rate.
(G) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.
(H) The percentage of pupils who demonstrate college preparedness pursuant to the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.
(5) Pupil engagement, as measured by all of the following, as applicable:
(A) School attendance rates.
(B) Chronic absenteeism rates.
(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.
(D) High school dropout rates.
(E) High school graduation rates.
(6) School climate, as measured by all of the following, as applicable:
(A) Pupil suspension rates.
(B) Pupil expulsion rates.
(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.
(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the programs and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.
(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

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Section 52060
Adoption of local control and accountability plan by governing boards of school districts (cont'd)

(e) For purposes of the descriptions required by subdivision (b) of Section 52064, the governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.
(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on the California School Dashboard maintained by the department pursuant to Section 52064.5.
(g) The governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan.
(h) A school district may identify local priorities, goals in regard to the local priorities, and the method for measuring the school district's progress toward achieving those goals.

Section 52064
Adoption of templates for development of local control and accountability plans

(a) On or before March 31, 2014, the state board shall adopt a template for a local control and accountability plan and an annual update to the local control and accountability plan for the following purposes:
(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.
(2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.
(3) For use by charter schools to meet the requirements of Section 47606.5.
(b) On or before January 31, 2022, the template adopted by the state board shall require the inclusion of all of the following information:
(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (c) of Section 47605.6, subdivision (d) of Section 52060, or subdivision (d) of Section 52066, as applicable, and for any additional local priorities identified by the governing board of the school district, the county board of education, or in the charter school petition. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in subdivision (a) of Section 52052.
(2) A description of the specific actions that the school district, county office of education, or charter school will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1) including actions to implement work related to technical assistance pursuant to Section 47607.3, 52071, 52071.5, 52072, or 52072.5. The specific actions shall not supersede the provisions of existing local collective bargaining agreements, if any, within the jurisdiction of the school district, county office of education, or charter school.
(3) One or more summary tables listing and describing the budgeted expenditures for the ensuing fiscal year implementing each specific action included in the local control and accountability plan, including expenditures and specific actions for the ensuing fiscal year that will serve unduplicated pupils, as defined in Section 42238.02, including long-term English learners, and pupils redesignated as fluent English proficient. The summary table or tables shall include both of the following:
(A) The total overall expenditures for all specific actions included in the local control and accountability plan, broken down by personnel and nonpersonnel expenditures.
(B) The subtotals of expenditures for each specific action included in the local control and accountability plan broken down into the following categories:
(i) Funds apportioned under the local control funding formula pursuant to Section 42238.02.
(ii) All other state funds.
(iii) All local funds.
(iv) All federal funds.
(4) One or more summary tables listing and describing all of the specific actions and budgeted expenditures in paragraph (3) that contribute to the demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, grouped as follows:
(A) Specific actions and budgeted expenditures provided to all pupils on a districtwide, countywide, or charterwide basis.
(B) Specific actions and budgeted expenditures that are targeted only to one or more unduplicated pupil subgroups. For these specific actions, the description shall specify the unduplicated pupil subgroup or subgroups that are targeted by each specific action and, if not provided at all schools, the school or schools where the specific action is provided.
(C) Only for school districts and county offices of education that operate more than one schoolsite, specific actions and budgeted expenditures provided to all pupils on a schoolwide basis, but only at schools serving certain grade spans or only at one or more schools. For these specific actions, the description shall specify the school or schools at which the specific action is provided.
(5) An estimate of the funds to be apportioned in the ensuing fiscal year on the basis of the number and concentration of unduplicated pupils and calculation of the percent the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

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Section 52064
Adoption of templates for development of local control and accountability plans (cont'd)

(6)(A) A demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in the ensuing fiscal year in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.
(B) As part of the demonstration required by subparagraph (A), the summary tables required by paragraph (4) shall demonstrate both of the following:
(i) That the full proportionality obligation referenced in paragraph (1) of subdivision (a) of Section 42238.07 is being met annually through the listed actions and services.
(ii) Each action's quantitative contribution toward the proportionality obligation as expenditures or its qualitative contribution as a percentage of increased or improved services for unduplicated pupils over and above the level of services provided to all pupils, consistent with the regulations adopted by the state board pursuant to Section 42238.07.
(7) A review of the progress toward the goals included in the existing local control and accountability plan, a review of any changes in the applicability of the goals, an assessment of the effectiveness, or lack thereof, of the specific actions described in the existing local control and accountability plan toward achieving the goals, a description of changes to the specific actions and related expenditures or quality improvements the school district, county office of education, or charter school will make as a result of the review and assessment, and an update on progress implementing the specific actions in the current fiscal year, including estimated actual expenditures for the specific actions and actual quality improvements.
(8)(A) The calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07.
(B) If applicable to the school district, county office of education, or charter school pursuant to subdivision (d) of Section 42238.07, a description of the specific actions and related expenditures to be implemented using the funds specified in that paragraph, including a demonstration that the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.
(9) A plan summary that includes general information about the school district, county office of education, or charter school and highlights of the local control and accountability plan and annual update to the local control and accountability plan, including reflections on annual performance on the California School Dashboard authorized in Section 52064.5 and other local data and, as applicable, a summary of the work underway as part of technical assistance pursuant to Section 47607.3, 52701, 52071.5, 52072, or 52702.5.
(10) A summary of the stakeholder engagement process, including stakeholders at schools generating funding pursuant to Section 42238.024, and how stakeholder engagement influenced the development of the adopted local control and accountability plan and annual update to the local control and accountability plan.
(11) For local educational agencies that receive concentration grant funding pursuant to Section 42238.02, a demonstration that the additional funding received as a result of the increased concentration grant add-on percent specified in subparagraph (B) of paragraph (1) of subdivision (f) of Section 42238.02 will be used to increase the number of credentialed staff, classified staff, or both of those, that provide direct services to pupils, including custodial staff, on school campuses with greater than 55-percent unduplicated pupil enrollment in the prior year as compared to the staff-to-pupil ratios at schools within the local educational agency with an unduplicated pupil enrollment in the prior year of 55 percent or less, if any.
(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.
(d)(1) The template for the local control and accountability plan and annual update to the local control and accountability plan shall, to the greatest extent practicable, use language that is understandable and accessible to parents. The state board shall include instructions for school districts, county offices of education, and charter schools to complete the local control and accountability plan and annual update to the local control and accountability plan consistent with the requirements of this section. The state board may include more technical language in the instructions.
(2) Except as provided in paragraph (3), the state board shall not require school districts, county offices of education, or charter schools to provide any information in addition to the information required pursuant to subdivision (b).
(3) The state board may require the inclusion of additional information in the template in order to meet requirements of federal law, including meeting the requirements of Section 300.600 of Title 34 of the Code of Federal Regulations.
(e)(1) The process of developing and annually updating the local control and accountability plan shall support school districts, county offices of education, and charter schools in comprehensive strategic planning, accountability, and improvement across the state priorities, particularly to address and reduce disparities in opportunities and outcomes between pupil groups indicated by the California School Dashboard, and any locally identified priorities through meaningful engagement with local stakeholders.
(2) In developing the template for the local control and accountability plan and annual update to the local control and accountability plan, the state board shall ensure that school districts, county offices of education, and charter schools track and report their progress annually on all state priorities, including the applicable metrics specified within each state priority and, for charter schools, in accordance with Section 47606.5.
(3) For each action and budgeted expenditure provided to all pupils on a districtwide, countywide, or charterwide basis pursuant to Section 42238.07, one or more specific metrics to monitor the intended outcome of that action and budgeted expenditure shall be identified.
(4) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools should prioritize the focus of the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan within one or more state priorities. The instructions shall further specify that school districts, county offices of education, and charter schools shall consider their performance on the state and local indicators, including their locally collected and reported data for the local indicators, that are

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Section 52064
Adoption of templates for development of local control and accountability plans (cont'd)

included in the California School Dashboard authorized in Section 52064.5 in determining whether and how to prioritize the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan.
(5) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that have a numerically significant English learner pupil subgroup shall include specific actions in the local control and accountability plan related to, at a minimum, the language acquisition programs, as defined in Section 306, provided to pupils and professional development activities specific to English learners, including long-term English learners.
(6) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that beginning with local control and accountability plans for the 2024-25 school year, school districts, county offices of education, and charter schools shall include specific actions in the local control and accountability plan to address all instances where a school or pupil group within a local educational agency, or a pupil group within a school, receives the lowest performance level on one or more state indicators on the California School Dashboard. The results of the California School Dashboard in the year preceding the adoption of the local control and accountability plan shall determine the instances of low performance that shall apply for the three-year period in which the local control and accountability plan is in effect pursuant to subdivision (b) of Section 52060 or subdivision (b) of Section 52066, as applicable.
(7), The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify thatbeginning with local control and accountability plans for the 2024-25 school year, local educational agencies receiving funding pursuant to Section 42238.024 shall include focused goals for each school generating funding pursuant to Section 42238.024. The focused goals shall address both of the following:
(A) All pupil groups that have the two lowest performance level on one or more state on the California School Dashboard pursuant to Section 52064.5.
(B) Any underlying issues on the credentialing, subject matter preparation, and retention of the school's educators, if applicable.
(8) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools shall change actions that have not proven effective over a three-year period. This shall include a description of changes that explain the reasons for lack of progress and how any changes to the action will result in a new or strengthened approach.
(f)(1) Except as provided in subdivision (g), the state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.
(2) Notwithstanding paragraph (1), the state board may adopt or revise the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This paragraph shall become inoperative on January 31, 2019.
(g) Notwithstanding subdivision (f), revisions of the template for the local control and accountability plan and annual update to the local control and accountability plan necessary to implement Assembly Bill 1808 and Assembly Bill 1840 of the 2017–18 Regular Session, legislation passed during the 2019-20 Regular Session, or Assembly Bill 130 of the 2021-22 Regular Session shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may make necessary revisions to the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).
(h) Revisions to a template shall be approved by the state board by January 31 before the fiscal year during which the template is to be used by a school district, county superintendent of schools, or charter school.
(i) In developing the template, the state board shall take steps to minimize duplication of effort at the local level to the greatest extent possible. The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.
(j) Notwithstanding any other law, the templates developed by the state board pursuant to this section, as it read on June 30, 2018, shall continue in effect until the state board adopts a new template pursuant to subdivision (b) on or before January 31, 2020, except that the state board may adopt revisions to those templates pursuant to subdivision (g) that are necessary to implement Assembly Bill 1808 of the 2017–18 Regular Session or meet federal requirements.

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Section 52064.3
IDEA Addendum

(a)(1) On or before January 31, 2025, the state board shall adopt an IDEA Addendum relating to improvements in services for individuals with exceptional needs.
(2) The department shall develop a process to design the template for the IDEA Addendum that, at minimum, does all of the following:
(A) Provides opportunities for input from educational partners.
(B) Results in a template that meets the oversight and monitoring requirements of the department and state board under the federal Individuals with Disabilities Education Act.
(C) Facilitates all the requirements of subdivision (d), including, but not limited to, facilitating the ability to identify areas of the IDEA Addendum that are in alignment with the local control and accountability plan.
(b) Upon identification by the department that an improvement plan is necessary pursuant to Section 300.600 et seq. of Title 34 of the Code of Federal Regulations, the identified school district, county office of education, or charter school shall complete the IDEA Addendum.
(c) The template for the IDEA Addendum shall, to the greatest extent practicable, use language that is understandable and accessible to parents.
(d) On or before July 1, 2025, each school district, charter school, or county office of education that is required to develop an IDEA Addendum pursuant to subdivision (b) shall do both of the following:
(1) The IDEA Addendum shall be developed in conjunction with, and attached to, the local control and accountability plan and annual update to the local control and accountability plan, shall be adopted by the governing board of a school district pursuant to Section 52062, by a county board of education pursuant to Section 52068, or by the governing body of a charter school pursuant to Section 47606.5, and shall be updated on an annual basis thereafter.
(2) The IDEA Addendum shall be submitted to the department within 15 days of adoption by the governing board of a school district, county board of education, or governing body of a charter school as set forth in paragraph (1).
(e) A school district, charter school, or county office of education that was identified by the department and adopted an improvement plan before July 1, 2025, shall not be required to develop an IDEA Addendum pursuant to this section until the expiration of their existing plan, or no later than July 1, 2028, whichever comes first.
(f) The IDEA Addendum shall constitute an addendum for purposes of the posting requirements described in Sections 47606.5 and 52065.
(g) Nothing in this section requires a school district, charter school, or county office of education to include items from the IDEA Addendum in their local control and accountability plan.
(h) The development of the template for the special education addendum shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).
(i) Unless specified, no other requirements of this article shall apply to this section.

Section 52064.5
Adoption of evaluation rubrics

(a) On or before October 1, 2016, the state board shall adopt evaluation rubrics for all of the following purposes:
(1) To assist a school district, county office of education, or charter school in evaluating its strengths, weaknesses, and areas that require improvement.
(2) To assist a county superintendent of schools, the department, or a chartering authority in identifying school districts, county offices of education, and charter schools in need of technical assistance pursuant to Section 52071, 52071.5, or 47607.3, as applicable, and the specific priorities upon which the technical assistance should be focused.
(3) To assist the Superintendent in identifying school districts and county offices of education for which intervention pursuant to Section 52072 or 52072.5, as applicable, is warranted.
(b) The evaluation rubrics shall reflect a holistic, multidimensional assessment of school district and individual schoolsite performance and shall include all of the state priorities described in subdivision (d) of Section 52060.
(c) As part of the evaluation rubrics, the state board shall adopt state and local indicators to measure school district and individual schoolsite performance in regard to each of the state priorities described in subdivision (d) of Section 52060. No later than January 31, 2021, local indicators shall reflect school-level data to the extent the department collects or otherwise has access to relevant and reliable school-level data for all schools statewide.
(d) The state board may adopt alternate methods for calculating the state and local indicators described in subdivision (c) for alternative schools, as described in subdivision (d) of Section 52052, if appropriate to more fairly evaluate the performance of these schools or of a specific category of these schools. Alternate methods may include an individual pupil growth model.
(e)(1) As part of the evaluation rubrics, the state board shall adopt standards for school district and individual schoolsite performance and expectations for improvement in regard to each of the state priorities described in subdivision (d) of Section 52060. The standards shall be based on the state and local indicators specified in subdivision (c).
(2) No later than January 31, 2020, the standards for local indicators shall, at a minimum, ensure that the governing board of a school district, the county board of education, and the governing body of a charter school review any data to be publicly reported for the local indicators in conjunction with the adoption of a local control and accountability plan pursuant to Section 52062, 52068, or 47606.5, as applicable. No later than January 31, 2021, the standards for local indicators for which the department collects or otherwise has access to relevant and reliable school-level data for all schools statewide shall, to the extent practicable, be based on objective criteria, which may include, but are not necessarily limited to, the extent of any disparities across schoolsites within a school district or county office of education or performance relative to statewide data.
(f)(1) The department, in collaboration with, and subject to the approval of, the executive director of the state board, shall develop and maintain the California School Dashboard, a web-based system for publicly reporting performance data on the state and local indicators included in the evaluation rubrics.

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(2) The public reporting of performance data on state and local indicators via the web-based system shall be completed on or before the following dates for the prior school year:
(A) December 15, 2023.
(B) December 1, 2024.
(C) November 15, 2025.
(D) October 15, 2026 and October 15 of each year thereafter.
(3) Timelines associated with the collection of data through the California Longitudinal Pupil Achievement Data System pursuant to Section 60900 shall be adjusted to support the public reporting dates in paragraph (2).
(g) As part of the evaluation rubrics, the state board shall adopt performance criteria for local educational agency assistance and intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5. The criteria shall be based on performance by pupil subgroups either across two or more of the state and local indicators specified in subdivision (c) or across two or more of the state priorities described in subdivision (d) of Section 52060 and subdivision (d) of Section 52066.

Section 52065
Posting of local control and accountability plan on school district's Internet Web site; duties of county superintendents; posting of links on department's Web site

(a) The superintendent of a school district shall do both of the following:
(1) Prominently post on the homepage of the internet website of the school district any local control and accountability plan approved by the governing board of the school district and any updates, revisions, or addenda, including those to comply with federal law, to a local control and accountability plan approved by the governing board of the school district.
(2) Prominently post all local control and accountability plans submitted by charter schools that were authorized by the school district, or links to those plans, and any updates, revisions, or addenda, including those to comply with federal law, on the internet website of the school district.
(c)(1)(A) Each school district shall post the current school year's local control and accountability plan that has been adopted by the governing board of the school district pursuant to Section 52060, and that has been approved by the county superintendent of schools pursuant to Section 52070, on the performance overview portion of the California School Dashboard, established pursuant to subdivision (f) of Section 52064.5.
(B) Each county office of education shall post the current school year's local control and accountability plan that has been adopted by the county board of education pursuant to Section 52066, and that has been approved by the Superintendent pursuant to Section 52070.5, on the performance overview portion of the California School Dashboard, established pursuant to subdivision (f) of Section 52064.5.
(C) Each charter shall post the current school year's local control and accountability plan that has been adopted by the governing body of the charter school pursuant to Section 47606.5, and submitted to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority, pursuant to Section 47606.5, on the performance overview portion of the California School Dashboard, established pursuant to subdivision (f) of Section 52064.5.
(2) The department shall notify each school district, county office of education, and charter school of the requirement to comply with the requirement to comply with the requirements of paragraph (1) and shall ensure that each school district, county office of education, and charter school has complied with the requirements of paragraph (1).

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Section 52071
Technical assistance to school district

(a) If the governing board of a school district requests technical assistance, the county superintendent of schools shall provide technical assistance consistent with paragraph (1) or (2) of subdivision (c). If a school district has not been identified for technical assistance pursuant to subdivision (c) or for state intervention pursuant to subdivisions (b) and (c) of Section 52072, and if the service requested creates an unreasonable or untenable cost burden for the county superintendent of schools, the county superintendent of schools may assess the school district a fee not to exceed the cost of service.
(b) If a county superintendent of schools does not approve a local control and accountability plan or annual update so that it can be approved.
(c)(1) For any school district for which one or more pupil subgroups identified pursuant to Section 52052 meets the criteria established pursuant to subdivision (g) of Section 52064.5, the county superintendent of schools shall provide technical assistance for a minimum of two years following the identification that shall be focused on building the school district's capacity to develop and implement actions and services responsive to pupil and community needs, including, but not limited to, any of the following:
(A) Assisting the school district to do each of the following:
(i) Identify its strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52060. This shall include working collaboratively with the school district to review performance data on the state and local indicators included in the California School Dashboard authorized by subdivision (f) of Section 52064.5, including educator qualifications data and relevant local data to identify effective, evidence-based programs or practices that address any areas of weakness.
(ii) Identify pupil subgroups that are low performing or experiencing significant disparities from other pupil subgroups as identified on the California School Dashboard. The county superintendent of schools may consult equity leads pursuant to Section 52073.5 to identify and implement effective programs and practices to improve the outcomes and opportunities for low-performing pupil subgroups or pupil subgroups experiencing significant disparities from other pupil subgroups.
(B) Working collaboratively with the school district to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the school district. The county superintendent of schools, in consultation with the school district, may solicit another service provider, which may include, but is not limited to, a school district, county office of education, or charter school, to act as a partner to the school district in need of technical assistance.
(C) Obtaining from the school district timely documentation demonstrating that it has completed the activities described in subparagraphs (A) and (B), or substantially similar activities, or has selected another service provider pursuant to subdivision (f) to work with the school district to complete the activities described in subparagraphs (A) and (B), or substantially similar activities, and ongoing communication with the school district to assess the school district's progress in improving pupil outcomes.
(D) Requesting that the California Collaborative for Educational Excellence provide advice and assistance to the school district, pursuant to subdivision (g) of Section 52074.
(E) A review of the school district's local control and accountability plan to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals.
(2) For any school district that fails to meet the requirements of Section 60900, the county superintendent of schools shall provide technical assistance focused on the school district's data management processes and building the school district's capacity to develop and implement actions and services responsive to pupil and community needs, including, but not limited to, any of the following:
(A) Assisting the school district to identify its strengths and weaknesses in regard to the state priorities described in subdivision (d) or Section 52060. This shall include working collaboratively with the school district to review performance data on the state and local indicators included in the California School Dashboard authorized by subdivision (f) of Section 52064.5, including educator qualifications and relevant local data to identify effective, evidence-based programs or practices that address any areas of weakness.
(B) Working collaboratively with the school district to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the school district. The county superintendent of schools, in consultation with the school district, may solicit another service provider, which may include, but is not limited to, a school district, county office of education, or charter school, to act as a partner to the school district in need of technical assistance.
(C) Obtaining from the school district timely documentation demonstrating that it has completed the activities described in subparagraphs (A) and (B), or substantially similar activities, or has selected another service provider pursuant to subdivision (f) to work with the school district to complete the activities described in subparagraphs (A) and (B), or substantially similar activities, and ongoing communication with the school district to assess the school district's progress in improving pupil outcomes.
(D) Requesting that the California Collaborative for Educational Excellence provide advice and assistance to the school district, pursuant to subdivision (g) of Section 52074.
(E) A review of the school district's local control and accountability plan to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals.
(F) A review of the school district's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the submission of accurate data according to the processes and timelines established by the department pursuant to Section 60900.
(d) Upon request of a county superintendent of schools or a school district, a geographic lead agency identified pursuant to Section 52073 may provide technical assistance pursuant to subdivision (c). A geographic lead agency identified pursuant to Section 52073 may request that another geographic lead agency, an expert lead agency identified pursuant to Section 52073.1, a special education resource lead identified pursuant so Section 52073.2, or the California Collaborative for Educational Excellence provide the assistance described in this

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subdivision.
(e) A school district shall accept the technical assistance provided by the county superintendent of schools pursuant to subdivisions (b) and (c). For purposes of accepting technical assistances provided by the county superintendent of schools pursuant to subdivision (c), a school district may satisfy this requirement by providing the timely documentation to, and maintaining regular communication with, the county superintendent of schools as specified in paragraph (3) of subdivision (c).
(f) For any school district in which one or more pupil subgroups, identified pursuant to Section 52052, meets the criteria pursuant to subdivision (g) of Section 52073, shall, in collaboration with the county superintendent of schools, provide technical assistance to the school district pursuant to subdivision (c). The geographic lead agency shall evaluate whether the assistance of one or more expert lead agencies should be consulted as part of the technical assistance process.
(g) This section shall not preclude a school district from soliciting technical assistance from entities other than its county superintendent of schools at its own cost.

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Section 52071.5 Disapproval of plan or annual update by Superintendent; technical assistance to county board of education

(a) If the Superintendent does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a county board of education, or if the county board of education requests technical assistance, the Superintendent shall provide technical assistance focused on revising the local control and accountability plan or annual update so that it can be approved.

(b) For any county office of education for which one or more pupil subgroups identified pursuant to Section 52052 meets the criteria established pursuant to subdivision (g) of Section 52064.5, the Superintendent shall provide technical assistance for a minimum of two years allowing the identification that shall be focused on building the county office of education's capacity to develop and implement actions and services responsive to pupil and community needs, including, among other things, any of the following:

(1) Assisting the county office of education to do each of the following:

(A) Identify its strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52066. This shall include working collaboratively with the county office of education to review performance data on the state and local indicators included in the California School Dashboard authorized by subdivision (f) of Section 52064.5, including educator qualifications data and relevant local data to identify effective, evidence – based, programs or practices that address any areas of weakness.

(B) Identify pupil subgroups that are low performing or experiencing significant disparities from other pupil subgroups as identified on the California School Dashboard. The Superintendent may consult equity leads pursuant to Section 52073.5 to identify and implement effective programs and practices to improve the outcomes and opportunities for low-performing pupil subgroups experiencing significant disparities from other pupil subgroups.

(2) Working collaboratively with the county office of education to secure assistance from an academic expert or team of academic experts to identify and implement effective programs that are designed to improve performance in any areas of weakness identified by the county office of education. The Superintendent, in consultation with the county office of education, may solicit another service provider, which may include, but is not limited to, a school district, county office of education, or charter school, to act as a partner to the county office of education in need of technical assistance.

(3) Obtaining from the county office of education timely documentation demonstrating that it has completed the activities described in paragraphs (1) and (2), or has selected another service provider to work with the county office of education to complete the activities described in paragraphs (1) and (2), or substantially similar activities, and ongoing communication with the county office of education to assess the county office of education's progress in improving pupil outcomes.

(4) Requesting that the California Collaborative for Educational Excellence provide advice and assistance to the county office of education pursuant to subdivision (g) of Section 52074.

(5) A review of the county office of education's local control and accountability plan to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals.

(c) For any county office of education that fails to meet the requirements of Section 60900, the Superintendent shall provide technical assistance focused on the county office of education's data management processes and building the county of education's capacity to develop and implement action and services responsive to pupil and community needs, including, but not limited to, any of the following:

(1) Assisting the county office of education to identify its strengths and weaknesses in regard to the state priorities described in subdivision (d) of Section 52066. This shall include working collaboratively with the county office of education to review performance data on the state and local indicators included in the California School Dashboard authorized by subdivision (f) of Section 52064.5, including educator qualifications data and relevant local data to identify effective, evidence-based programs or practices that address any areas of weakness.

(2) Working collaboratively with the county office of education to secure assistance from an academic expert or team of academic experts to identify and implement effective programs that are designed to improve performance in any areas of weakness identified by the county office of education. The Superintendent, in consultation with the county office of education, may solicit another service provider, which may include, but is not limited to, a school district, county office of education, or charter school, to act as a partner to the county office of education in need of technical assistance.

(3) Obtaining from the county office of education timely documentation demonstrating that it has completed the activities described in paragraphs (1) and (2), or has selected another service provider to work with the county office of education to complete the activities described in paragraphs (1) and (2), or substantially similar activities, and ongoing communication with the county office of education to assess the county office of education's progress in improving pupil outcomes.

(4) Requesting that the California Collaborative for Educational Excellence provide advice and assistance to the county office of education, pursuant to subdivision (g) of Section 52074.

(5) A review of the county office of education's local control and accountability plan to identify areas of strengths and weaknesses in the identified goals, actions, and services, with a particular focus on those areas considered to be contributing toward meeting the increased or improved services requirement and all required goals.

(6) A review of the county office of education's data management policies and collection and submission processes, including monitoring and oversight of the student information system, to ensure the submission of accurate data according to the processes and timelines established by the department pursuant to Section 60900.

(d) Technical assistance provided pursuant to this section at the request of a county board of education shall be paid for by the county board of education receiving assistance.

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Section 52074
California Collaborative for Educational Excellence

(a) The California Collaborative for Educational Excellence is hereby established.
(b) The purpose of the California Collaborative for Educational Excellence is to advise and assist school districts, county superintendents of schools, and charter schools in achieving the goals set forth in a local control and accountability plan adopted pursuant to this article. The California Collaborative for Educational Excellence shall achieve this purpose by facilitating continuous improvement for local educational agencies within California's system of public school support.
(c) The California Collaborative for Educational Excellence shall be governed by a board consisting of the following five members:
(1) The Superintendent or his or her designee.
(2) The president of the state board or his or her designee.
(3) A county superintendent of schools appointed by the Senate Committee on Rules.
(4) A teacher appointed by the Speaker of the Assembly.
(5) A superintendent of a school district appointed by the Governor.
(d) The governing board of the California Collaborative for Educational Excellence shall select, and direct the administrative agent provided for in subdivision (e) to hire, the executive director of the California Collaborative for Educational Excellence and provide policy and program direction.
(e) The department, in consultation with the executive director of the state board and with the approval of the Department of Finance, shall enter into a memorandum of understanding with a local educational agency, or consortium of local educational agencies, to serve as the administrative agent for the California Collaborative for Educational Excellence. The administrative agent shall operate all aspects of the California Collaborative for Educational Excellence in accordance with the terms of the memorandum of understanding entered into with the State of California, applicable statutes, and the policy and program direction of the governing board of the California Collaborative for Educational Excellence. The Superintendent shall apportion funds appropriated for the California Collaborative for Educational Excellence to the administrative agent.
(f) Pursuant to the policy and program direction of the governing board of the California Collaborative for Educational Excellence, the administrative agent shall contract with individuals, local educational agencies, or organizations with the expertise, experience, and a record of success to carry out the purposes of this article. The areas of expertise, experience, and record of success shall include, but are not limited to, all of the following:
(1) State priorities as described in subdivision (d) of Section 52060, including the state and local indicators developed for the California School Dashboard pursuant to Section 52064.5.
(2) Improving the quality of teaching.
(3) Improving the quality of school district and schoolsite leadership.
(4) Successfully addressing the needs of special pupil populations, including, but not limited to, English learners, pupils eligible to receive a free or reduced-price meal, pupils in foster care, and individuals with exceptional needs.
(g)(1) The California Collaborative for Educational Excellence may accept a request or referral to advise and assist a school district, county superintendent of schools, or charter school pursuant to paragraph (2) or in either of the following circumstances:
(A) If the county superintendent of schools of the county in which the school district or charter school is located determines, following the provision of technical assistance pursuant to Section 52071 or 47607.3, as applicable, and the geographic lead agency of that county identified pursuant to Section 52073 agrees, that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district or charter school accomplish the goals described in the local control and accountability plan adopted pursuant to this article.
(B) If the Superintendent determines that the advice and assistance of the California Collaborative for Educational Excellence is necessary to help the school district, county superintendent of schools, or charter school accomplish the goals set forth in the local control and accountability plan adopted pursuant to this article.
(2)(A) If a school district receives an emergency apportionment pursuant to Article 2 (commencing with Section 41320) of Chapter 3 of Part 24 of Division 3, the school district shall be deemed to have been referred to the California Collaborative for Educational Excellence.
(B) If the California Collaborative for Educational Excellence provides assistance to a school district referred pursuant to this paragraph, the California Collaborative for Educational Excellence shall conduct a systemic review of the school district to identify needs and strategies to improve pupil academic achievement, including, but not limited to, needs identified pursuant to Sections 52052, 52064.5, and 52071. Based on the results of the systemic review, the California Collaborative for Educational Excellence shall coordinate and facilitate the assistance provided to the school district by governmental agencies to provide coherent and effective support consistent with the purpose of the statewide system of support specified in Section 52059.5. The governmental agencies may include, among others, the department, the local county superintendent, the applicable geographic lead agency, and the County Office Fiscal Crisis and Management Assistance Team. It is the intent of the Legislature that no single governmental agency providing assistance in partnership with other governmental agencies bear the full cost of assistance.
(3) Outside of the processes described in paragraphs (1) and (2), only a school district, county office of education, or charter school that is eligible for technical assistance pursuant to Section 52071, 52071.5, or 47607.3 may request the advice and assistance of the California Collaborative for Educational Excellence. A school district, county office of education, or charter school that requests advice and assistance pursuant to this paragraph shall reimburse the California Collaborative for Educational Excellence for the cost of those services pursuant to authority provided in the annual Budget Act.
(4) Notwithstanding paragraphs (1), (2), and (3), the County Office Fiscal Crisis and Management Assistance Team established pursuant to Section 42127.8 may request the advice or assistance of the California Collaborative for Educational Excellence and shall reimburse the California Collaborative for Educational Excellence for the cost of those services pursuant to authority provided in the annual Budget Act.

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(h) To the extent authority is provided in the annual Budget Act, a school district at risk of qualifying for state intervention pursuant to subdivision (b) of Section 52072 shall have priority for direct technical assistance from the California Collaborative for Educational Excellence.

Section 52074
California Collaborative for Educational Excellence (cont'd)

(i) In addition to the functions described in subdivision (g), the California Collaborative for Educational Excellence shall do both of the following:
(1) Facilitate professional development activities that increase the capacity of local educational agencies to improve pupil outcomes in alignment with state priorities pursuant to Section 52060 and to improve performance on the state and local indicators developed for the California School Dashboard pursuant to Section 52064.5. The California Collaborative for Educational Excellence shall provide professional development in partnership with state professional associations, nonprofit organizations, and public agencies. The governing board of the California Collaborative for Educational Excellence shall determine the extent of the training that is necessary to comply with this paragraph.
(2) Produce a professional development training calendar, to be posted on the California Collaborative for Educational Excellence's Internet Web site, that publicizes all of the professional development activities offered pursuant to paragraph (1) at the local, regional, and state levels.
(j) The individuals with whom the administrative agent enters into employment contracts to carry out the purposes of this article shall be deemed employees of the administrative agent and eligible for participation in either the State Teachers' Retirement System or the Public Employees' Retirement System, as appropriate to the nature of the work to be performed by the employees.
(k) Receipt of any revenues not appropriated by the Legislature to the California Collaborative for Educational Excellence, including revenues received for assistance provided pursuant to paragraphs (3) and (4) of subdivision (g), shall be subject to approval by the governing board of the California Collaborative for Educational Excellence. The governing board of the California Collaborative for Educational Excellence shall ensure that all activities, regardless of fund source, are aligned with the purpose of the California Collaborative for Educational Excellence, as described in subdivision (b).

Section 52075
Filing of complaint for lack of compliance by school district, county superintendent of schools, or charter school

(a) A complaint that a school district, county superintendent of schools, or charter school has not complied with the requirements of this article or Sections 47606.5 and 47607.3, as applicable, may be filed with a school district, county superintendent of schools, or charter school pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
(b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
(c) A complainant not satisfied with the decision of a school district, county superintendent of schools, or charter school may appeal the decision to the Superintendent and shall receive a written appeal decision within 60 days of the Superintendent's receipt of the appeal.
(d) If a school district, county superintendent of schools, or charter school finds merit in a complaint, or the Superintendent finds merit in an appeal, the school district, county superintendent of schools, or charter school shall provide a remedy to all affected pupils, parents, and guardians.
(e) If the Superintendent finds merit in an appeal of a complaint filed against a school district related to a local control and accountability plan approved by a county superintendent of schools, or finds merit in an appeal against a county superintendent of schools related to the approval of a school district's local control and accountability plan, the Superintendent shall provide technical assistance to the county superintendent of schools focused on improving the county superintendent of schools' review and approval of local control and accountability plans.
(f) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations or any successor regulation.
(g) School districts, county superintendents of schools, and charter schools shall establish local policies and procedures to implement the provisions of this section on or before June 30, 2014.

Section 52076
Waiver

Notwithstanding any other law, this article shall not be subject to waiver by the state board pursuant to Section 33050 or by the Superintendent.

Section 52077
Finding of activities and implementing regulations as state reimbursable mandate; offset of mandated costs

If any activities authorized pursuant to this article and implementing regulations are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, funding provided for school districts and county offices of education pursuant to Sections 2574, 2575, 42238.02, and 42238.03 shall be used to directly offset any mandated costs.

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INDEPENDENT STUDY

Section 51744
Independent study

(a) The Legislature finds and declares that by offering a range of quality educational options, including classroom-based, hybrid, and nonclassroom-based programs, local educational agencies can better tailor instruction to pupils, thereby improving academic outcomes while maximizing enrollment.
(b) It is the intent of the Legislature that local educational agencies offer educational programs that best serve the needs of their pupils.
(c) It is also the intent of the Legislature to encourage local educational agencies, when adopting a written policy pursuant to Section 51747 or 51749.5, to consider offering more than one independent study model for short- and long-term placements in accordance with Sections 51747, 51747.5, and 51749.6.

Section 51745
Independent study authorized; curriculum; restrictions

(a) Commencing with the 1990–91 school year, a local educational agency may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. For the 2021–22 school year only, the governing board of a school district or a county office of education shall offer independent study to meet the educational needs of pupils. Educational opportunities offered through independent study may include, but shall not be limited to, the following:
(1) Special assignments extending the content of regular courses of instruction.
(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.
(3) Continuing and special study during travel.
(4) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.
(5) Individualized study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian of the pupil, or a pupil who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance.
(b) Beginning July 1, 2021, with the exception of pupils participating in independent study programs due to an emergency, as described in Sections 41422 and 46392, not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of their children shall not be counted within the 10 percent cap.
(c) An individual with exceptional needs, as defined in Section 56026, may participate in independent study, if their individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation. If a parent or guardian of an individual with exceptional needs requests independent study pursuant to paragraph (5) of subdivision (a), the pupil's individualized education program team shall make an individualized determination as to whether the pupil can receive a free appropriate public education in an independent study placement. A pupil's inability to work independently, the pupil's need for adult support, or the pupil's need for special education or related services shall not preclude the individualized education program team from determining that the pupil can receive a free appropriate education in an independent study placement.
(d) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through independent study.
(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.
(f) The governing board of a school district or county office of education may meet the requirement to offer independent study for the 2021–22 school year described in subdivision (a) by contracting with a county office of education or by entering into an interdistrict transfer agreement with another school district pursuant to Section 46600.
(g) The requirement to offer independent study for the 2021–22 school year described in subdivision (a) may be waived for school districts by the county superintendent of schools in the county in which the school district is located and waived for county offices of education and school districts in single-district counties by the Superintendent if the school district or county office of education, as applicable, demonstrates both of the following:
(1) Offering independent study would create an unreasonable fiscal burden on the school district or county office of education due to low numbers of pupils participating or other extenuating circumstances.
(2) The governing board of the school district or county office of education does not have the option to enter into an interdistrict transfer agreement with another school district or to contract with a county office of education to provide an independent study option, as described in subdivision (f).

Section 51745.5
Definitions

For purposes of this article the following definitions apply:
(a) "Live interaction" means interaction between the pupil and local educational agency classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of internet or telephonic communication.
(b) "Local educational agency" means a school district, county office of education, or charter school.
(c) "Pupil-parent-educator conference" means a meeting involving, at a minimum, all parties who signed the pupil's written independent study agreement pursuant to subdivision (g) of Section 51747 or the written learning agreement pursuant to subdivision (b) of Section 51749.6.
(d) "Synchronous instruction" means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of internet or telephonic communications, and involving live two-way communication between the teacher and pupil. Synchronous instruction shall be provided by a teacher or teachers of record for that pupil pursuant to Section 51747.5 or the certificated employee of the local educational agency providing instruction for course-based independent study.

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Section 51745.6
Ratio of independent study pupils to certificated employees responsible for independent study for applicable grade span

(a)(1) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the department, shall not exceed the equivalent ratio of average daily attendance to full-time equivalent certificated employees providing instruction in other educational programs operated by the school district, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio.
(2) The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the department, shall not exceed the equivalent prior year ratio of average daily attendance to full-time equivalent certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county or the collectively bargained alternative ratio used by that high school or unified school district in the prior year, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio. The computation of the ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.
(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratios described in subdivision (a) shall be eligible for apportionment pursuant to Section 2575, for county offices of education, and Section 42238.05, for school districts. This section does not prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratios described in subdivision (a), except that those additional units shall not be funded pursuant to Section 2575 or 42238.05, as applicable. If a school district, charter school, or county office of education has a memorandum of understanding to provide instruction in coordination with the school district, charter school, or county office of education at which a pupil is enrolled, the ratios that shall apply for purposes of this paragraph are the ratios for the local educational agency providing the independent study program to the pupil pursuant to Section 51749.5.
(c) The calculations performed for purposes of this section shall not include either of the following:
(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.
(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3.
(d) The applicable average-daily-attendance-to-certificated-employee ratios described in subdivision (a) may, in a charter school, be calculated by using a fixed average-daily-attendance-to-certificated-employee ratio of 25 to 1, or by using a ratio of less than 25 pupils per certificated employee. A new higher or lower ratio for all other educational programs offered by a charter school may be negotiated in a collective bargaining agreement, or a memorandum of understanding indicating that an existing collective bargaining agreement contains an alternative average daily attendance ratio may be entered into by a charter school. All charter school pupils, regardless of age, shall be included in the applicable average-daily-attendance-to-certificated-employee ratio calculations.
(e) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the ratios included in this section, including fiscal penalties for noncompliance as described in this section.

Section 51746
Services and resources

It is the intent of the Legislature that school districts and county offices of education offering independent study shall provide appropriate existing services and resources to enable pupils to complete their independent study successfully and shall ensure the same access to all existing services and resources in the school in which the pupil is enrolled pursuant to Section 51748 as is available to all other pupils in the school. In addition, the services and resources may include, but need not be limited to, any of the following:
(a) A designated learning center or study area staffed by appropriately trained personnel.
(b) The services of qualified personnel to assess the achievement, abilities, interests, aptitudes, and needs of participating pupils to determine each of the following:
(1) Whether full-time independent study is the most appropriate placement for the pupil being referred.
(2) If the answer to paragraph (1) is affirmative, the determination of the most appropriate individualized plan and resources to be made available to pupils enrolled in full-time independent study.

Section 51747
Apportionments for independent study by pupils; policy requirements

A local educational agency shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent, that include, but are not limited to, all of the following:
(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.
(b)(1) The level of satisfactory educational progress and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether the pupil should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.
(2) Satisfactory educational progress shall be determined based on all of the following indicators:
(A) The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in paragraphs (4) and (5) of subdivision (d) of Section 52060.

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Section 51747 Apportionments for independent study by pupils; policy requirements (cont'd)

(B) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.
(C) Learning required concepts, as determined by the supervising teacher.
(D) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.
(c) The provision of content aligned to grade level standards that is substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.
(d) Procedures for tiered reengagement strategies for all pupils who are not generating attendance for more than 10 percent of required minimum instructional time over four continuous weeks of a local educational agency's approved instructional calendar, pupils found not participatory in synchronous instructional offerings pursuant to Section 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span, or pupils who are in violation of the written agreement pursuant to subdivision (g). These procedures shall include local programs intended to address chronic absenteeism, as applicable, with at least all of the following:
(1) Verification of current contact information for each enrolled pupil.
(2) Notification to parents or guardians of lack of participation within one school day of the recording of a nonattendance day or lack of participation.
(3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.
(4) A clear standard for requiring a pupil-parent-educator conference to review a pupil's written agreement, and reconsider the independent study program's impact on the pupil's achievement and well-being, consistent with the policies adopted pursuant to paragraph (4) of subdivision (g).
(e) (1) For pupils in transitional kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.
(2) For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.
(3) For pupils in grades 9 to 12, inclusive, a plan to provide opportunities for at least weekly synchronous instruction for all pupils throughout the school year.
(f) A plan to transition pupils whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days.
(g) A requirement that a current written agreement for each independent study pupil shall be maintained on file, including, but not limited to, all of the following:
(1) The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.
(2) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.
(3) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
(4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.
(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
(7) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

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Section 51747 Apportionments for independent study by pupils; policy requirements (cont'd)

(8) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(9)(A) For a pupil participating in an independent study program that is scheduled for more than 14 school days, each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. Beginning in the 2022–23 school year, for a pupil participating in an independent study program that is scheduled for less than 15 school days, each written agreement shall be signed within 10 school days of the commencement of the first day of the pupil's enrollment in independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

(B) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.

(C) For purposes of this section**,** an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.

(D) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.

(E) Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

(F) Notwithstanding subparagraph (A), for the 2021–22 school year only, a local educational agency shall obtain a signed written agreement for an independent study program of any length of time from the pupil, or the pupil's parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable, no later than 30 days after the first day of instruction in an independent study program or October 15, whichever date comes later. This subparagraph does not relieve a local educational agency from the obligation to comply with the requirements of this article, as amended by the act adding this subparagraph, upon commencement of instruction for a participating pupil in the 2021–22 school year.

(h) (1) For the 2021–22 school year only, school districts and county offices of education shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the local educational agency's internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the synchronous and asynchronous instructional time that a pupil will have access to as part of independent study. If 15 percent or more of the pupils enrolled in a local educational agency that provides instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, the written information shall, in addition to being written in English, be written in the primary language.

(2) Before signing a written agreement pursuant to this section, the parent or guardian of a pupil may request that the local educational agency conduct a telephone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil, parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.

(i) Subdivisions (d), (e), and (f) shall not apply to pupils that participate in an independent study program for fewer than 15 schooldays in a school year and pupils enrolled in a comprehensive school for classroom-based instruction who, under the care of appropriately licensed professionals, participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse. Local educational agencies shall obtain evidence from appropriately licensed professionals of the need for pupils to participate in independent study pursuant to this subdivision.

(j) (1) Notwithstanding paragraph (8) of subdivision (g) of this section, paragraph (1) of subdivision (e) of Section 46300, and subdivision (d) of Section 51745, for the 2021–22 school year only, a local educational agency shall be eligible to receive apportionments for independent study for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, and for school closures due to COVID-19 pursuant to subdivision (c) of Section 41422. Local educational agencies shall receive apportionment for these pupils for all schooldays that they participate in and meet all other apportionment requirements of independent study while in quarantine or during a school closure.

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Section 51747
Apportionments for independent study by pupils; policy requirements (cont'd)

(2) Notwithstanding Section 47612.5, for the 2021–22 fiscal year, a classroom-based charter school that provides an independent study program pursuant to this article for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, shall not attribute quarantine-based independent study average daily attendance required pursuant to law for a nonclassroom-based charter school pursuant to Section 47612.5 and shall not be required to submit a request for a funding determination as a result of providing independent study to quarantined pupils.
(3) This subdivision shall apply only to pupils participating in independent study due to quarantine who do not have the option of in-person instruction, and only for the period of quarantine mandated pursuant to state or local health guidance or order. This subdivision shall not apply to classroom-based charter schools offering independent study to pupils whose parents or guardians have requested independent study pursuant to subdivision (a) of Section 51745.
(k) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the adoption of the policies required pursuant to this section, including loss of apportionment for independent study for local educational agencies found to be noncompliant, unless compliance verification for those policies is already included in the audit guide.
(l) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

Section 51747.3
Restrictions on apportionments; residency requirements

(a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, shall not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school shall not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district or to the pupil's parent or guardian.
(b) Providing access to connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work, consistent with paragraph (3) of subdivision (g) of Section 51747, or to participate in an independent study course, as authorized in Section 51749.5, shall not be considered funds or other things of value for purposes of subdivision (a).
(c) Notwithstanding paragraph (1) of subdivision (e) of Section 47605 or any other law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.
(d) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.
(e) In conformity with Provisions 25 and 28 of Item 6110–101–001 of Section 2.00 of the Budget Act of 1992, this section applies to average daily attendance reported for apportionment purposes beginning July 1, 1992.
(f) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

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Section 51747.5
Coordination, evaluation and supervision of independent study; apportionment credit; pupil work products not required to be signed and dated

(a) The independent study by each pupil shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the local educational agency who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.
(b)(1) A local educational agency may claim apportionment credit for independent study only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher employed by the local educational agency, or the combined time value of pupil work product and pupil participation in synchronous instruction pursuant to paragraph (2). It is the intent of the Legislature that teachers be given access to digital assignment tracking systems to reduce workload associated with evaluating and accounting for pupil work and synchronous instruction participation.
(2) For purposes of computing average daily attendance for each pupil enrolled in independent study pursuant to Section 51747, the following computations shall apply:
(A) For each schoolday, add the combined equivalent daily time value of pupil work products, as personally judged by a certificated employee of the local educational agency.
(B) (i) For each schoolday, add the combined daily instructional minutes a pupil participated in synchronous instruction, as defined by subdivision (d) of Section 51745.5 and offered pursuant to subdivision (e) of Section 51747, for which evidence of pupil participation is furnished and maintained. Evidence of pupil participation may include, but is not limited to, pupil work produced or performed, as verified by a certificated employee and maintained by the local educational agency for each hour or fraction thereof of the synchronous instructional offering.
(ii) Pursuant to paragraph (1), a local educational agency may claim apportionment credit in this paragraph insofar as a pupil's participation in a synchronous instructional offering augments the time value of pupil work product.
(C) For each schoolday, add the sum of subparagraphs (A) and (B).
(3) The average daily attendance computed pursuant to this subdivision shall not result in more than one unit of average daily attendance per pupil.
(4) Notwithstanding any other law, average daily attendance computed for pupils enrolled in independent study shall not be credited with average daily attendance other than what is specified in this section.
(c) A local educational agency shall document each pupil's participation in live interaction and synchronous instruction pursuant to Section 51747 on each schoolday, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A pupil who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that schoolday for purposes of pupil participation reporting and tiered reengagement pursuant to Section 51747.
(d) A local educational agency shall maintain written or computer-based evidence of pupil engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades.
(e) For purposes of this section, a local educational agency shall not be required to sign and date pupil work products when assessing the time value of pupil work products for apportionment purposes.
(f) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate compliance reviews for subdivisions (a) to (d), inclusive, unless compliance verification for those subdivisions is already included in the audit guide. Findings of noncompliance shall result in the loss of apportionment equal to the average daily attendance impacted by the noncompliance.
(g) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

Section 51748
Written records for apportionments

School districts and county offices of education shall not be eligible to receive apportionment for independent study attendance by any pupil who is not otherwise identified in the written records of the district or county board by grade level, program placement, and the school in which he or she is enrolled.

Section 51749
Statewide profile of independent study pupils

(a) The Superintendent, upon the next revision of the California Basic Educational Data System, or its equivalent, following July 1, 1990, shall include all data collection elements necessary to compile an annual statewide profile of pupils participating in independent study, including data on the number and percentage of pupils pursuing their coursework through independent study who successfully complete the requirements for a high school diploma.
(b) Commencing with the 2021–22 school year, the department shall include a required field in the California Longitudinal Pupil Achievement Data System for the collection of the number of pupils participating in independent study pursuant to this article for 15 or more schooldays.

Section 51749.3
Rules and regulations

The Superintendent of Public Instruction shall establish rules and regulations for the purposes of implementing this article.

Section 51749.5
Independent study courses for pupils in kindergarten and grades 1-12; conditions; evaluation

(a) Notwithstanding any other law, and commencing with the 2015–16 school year, a local educational agency may, for pupils enrolled in kindergarten and grades 1 to 12, inclusive, provide independent study courses pursuant to the following conditions:
(1) The governing board or body of the local educational agency adopts policies, at a public meeting, that comply with the requirements of this section and any applicable regulations adopted by the state board.
(2) A signed learning agreement is completed and on file pursuant to Section 51749.6.
(3) Courses are taught under the general supervision of certificated employees who hold the appropriate subject matter credential pursuant to Section 44300 or 44865, or subdivision (l) of Section 47605, and are employed by the local educational agency at which the pupil is enrolled, or by a local educational agency that has a memorandum of understanding to provide the instruction in coordination with the local educational

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Section 51749.5 Independent study courses for pupils in kindergarten and grades 1-12; conditions; evaluation (cont'd)

agency at which the pupil is enrolled.
(4)(A) Courses are annually certified, by local educational agency governing board or body resolution, to be of the same rigor, educational quality, and intellectual challenge substantially equivalent to in-person instruction and equivalent classroom-based courses, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria.
(B) This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each schoolday that a pupil is enrolled, number of equivalent total instructional minutes, number of course credits for each course, and a plan as described in subparagraph (C). This information shall be consistent with that of equivalent classroom-based courses.
(C)(i) For pupils in transitional kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.
(ii) For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.
(iii) For pupils in grades 9 to 12, inclusive, a plan to provide opportunities for at least weekly synchronous instruction for all pupils throughout the school year.
(5) Pupils enrolled in courses authorized by this section shall meet the applicable age requirements established pursuant to Sections 46300.1, 46300.4, 47612, and 47612.1.
(6) Pupils enrolled in courses authorized by this section shall meet the applicable residency and enrollment requirements established pursuant to Sections 46300.2, 47612, 48204, and 51747.3.
(7)(A) An individual with exceptional needs, as defined in Section 56026, may participate in course-based independent study, if the pupil's individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.
(B) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through course-based independent study.
(8)(A) Satisfactory educational progress shall be determined based on all of the following indicators:
(i) The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in paragraphs (4) and (5) of subdivision (d) of Section 52060.
(ii) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.
(iii) Learning required concepts, as determined by the supervising teacher.
(iv) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.
(B) If satisfactory educational progress in one or more courses is not being made, certificated employees providing instruction shall notify the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, and conduct an evaluation to determine whether it is in the best interest of the pupil to remain in the course or whether the pupil should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the findings of an evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.
(C) Procedures for tiered reengagement strategies for all pupils who are not making satisfactory educational progress in one or more courses, or who are in violation of the written learning agreement pursuant to Section 51749.6. These procedures shall include, but are not necessarily limited to, all of the following:
(i) Verification of current contact information for each enrolled pupil.
(ii) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.
(iii) A clear standard for requiring a pupil-parent-educator conference to review a pupil's written learning agreement, and reconsider the independent study course's impact on the pupil's achievement and well-being.
(D) Written or computer-based evidence of satisfactory educational progress, as described in subparagraph (A), shall be retained for each course and pupil. At a minimum, this evidence shall include a grade book or summary document that, for each course, lists all assignments, examinations, and associated grades.
(9) A plan to transition pupils whose families wish to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.
(10) A proctor shall administer examinations.
(11)(A) Statewide testing results for pupils enrolled in any course authorized pursuant to this section shall be reported and assigned to the school or charter school at which the pupil is enrolled, and to any school district, charter school, or county office of education within which that school's or charter school's testing results are aggregated.
(B) Statewide testing results for pupils enrolled in a course or courses pursuant to this section shall be disaggregated for purposes of comparing the testing results of those pupils to the testing results of pupils enrolled in classroom-based courses.
(12) A pupil shall not be required to enroll in courses authorized by this section.
(13) The pupil-to-certificated-employee ratio limitations established pursuant to Section 51745.6 are applicable to courses authorized by this section.
(14) For each pupil, the combined equivalent daily instructional minutes for enrolled courses authorized by this section and enrolled courses authorized by all other laws and regulations shall meet the minimum instructional day requirements applicable to the local educational agency. Pupils enrolled in courses authorized by this section shall be offered the minimum annual total equivalent instructional minutes pursuant to Sections 46200 to 46208, inclusive, and Section 47612.5.
(15) Courses required for high school graduation or for admission to the University of California or California

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Section 51749.5 Independent study courses for pupils in kindergarten and grades 1-12; conditions; evaluation (cont'd)

State University shall not be offered exclusively through independent study.
(16) A pupil participating in independent study shall not be assessed a fee prohibited by Section 49011.
(17) A pupil shall not be prohibited from participating in independent study solely on the basis that the pupil does not have the materials, equipment, or internet access that are necessary to participate in the independent study course.
(b) Subparagraph (C) of paragraph (4) of, subparagraph (C) of paragraph (8) of, and paragraph (9) of, subdivision (a) shall not apply to pupils that participate in an independent study program for fewer than 15 schooldays in a school year or to pupils enrolled in a comprehensive school for classroom-based instruction who, under the care of appropriately licensed professionals, participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse. Local educational agencies shall obtain evidence from appropriately licensed professionals of the need for pupils to participate in independent study pursuant to this subdivision.
(c) For purposes of computing average daily attendance for each pupil enrolled in one or more courses authorized by this section, the following computations shall apply:
(1)(A) For each schoolday, add the combined equivalent daily instructional minutes, as certified in paragraph (4) of subdivision (a), for courses authorized by this section in which the pupil is enrolled.
(B) For each schoolday, add the combined daily instructional minutes of courses authorized by all other laws and regulations in which the pupil is enrolled and for which the pupil meets applicable attendance requirements.
(C) For each schoolday, add the sum of subparagraphs (A) and (B).
(2) If subparagraph (C) of paragraph (1) meets applicable minimum schoolday requirements for each schoolday, and all other requirements in this section have been met, credit each schoolday that the pupil is demonstrating satisfactory educational progress pursuant to the requirements of this section, with up to one school day of attendance.
(3)(A) Using credited schoolday attendance pursuant to paragraph (2), calculate average daily attendance pursuant to Section 41601 or 47612, whichever is applicable, for each pupil.
(B) The average daily attendance computed pursuant to this subdivision shall not result in more than one unit of average daily attendance per pupil.
(4) Notwithstanding any other law, average daily attendance computed for pupils enrolled in courses authorized by this section shall not be credited with average daily attendance other than what is specified in this section.
(5) If more than 10 percent of the total average daily attendance of a local educational agency is claimed pursuant to this section, then the amount of average daily attendance for all pupils enrolled by that school district, charter school, or county office of education in courses authorized pursuant to this section that is in excess of 10 percent of the total average daily attendance for the local educational agency shall be reduced by either (A) the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or (B) the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year, with the resultant figures and ranges rounded to the nearest 10th.
(d) For purposes of this section, "equivalent total instructional minutes" means the same number of minutes as required for an equivalent classroom-based course.
(e) This section does not prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.
(f)(1) The Superintendent shall conduct an evaluation of independent study courses offered pursuant to this section and report findings to the Legislature and the Director of Finance no later than September 1, 2019. The report shall, at a minimum, compare the academic performance of pupils in independent study with demographically similar pupils enrolled in equivalent classroom-based courses.
(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on September 1, 2023, pursuant to Section 10231.5 of the Government Code.
(3) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.
(g)(1) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the ratios included in this section, including fiscal penalties for noncompliance as described in this section.
(2) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate compliance reviews for subdivisions (a) to (e), inclusive, unless compliance verification for those subdivisions is already included in the audit guide. Findings of noncompliance shall result in the loss of apportionment equal to the average daily attendance impacted by the noncompliance.
(h) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600)

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Section 51749.6
Written learning agreements for independent study courses; contents; signature

(a) Before enrolling a pupil in a course authorized by Section 51749.5, each local educational agency shall provide the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, with a written learning agreement that includes all of the following:
(1) A summary of the policies and procedures adopted by the governing board or body of the local educational agency pursuant to Section 51749.5, as applicable.
(2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certifications adopted by the governing board or body of the local educational agency pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.
(3) The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a pupil evaluation is required to determine whether the pupil should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
(4) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
(5) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.
(6) A statement that enrollment in a course authorized pursuant to Section 51749.5 is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through course-based independent study only if the pupil is offered the alternative of classroom instruction.
(7) The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.
(8) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.
(9) A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in course-based independent study.
(10) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the pupil upon completion.
(b)(1) For independent study programs projected to last more than 14 school days for an individual pupil, the learning agreement shall be signed, before the commencement of an independent study course by the pupil, the pupil's parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. Beginning in the 2022–23 school year, for independent study programs projected to last less than 15 school days for an individual pupil, each learning agreement shall be signed within 10 school days of the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.
(2) The signed learning agreement constitutes permission from a pupil's parent or legal guardian, if the pupil is less than 18 years of age, for the pupil to receive instruction through course-based independent study.
(3) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.
(4) For purposes of this section, an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.
(5) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.
(6) Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.
(7) Notwithstanding subparagraph (A), for the 2021–22 school year only, a local educational agency shall obtain a signed written agreement for independent study from the pupil, or the pupil's parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and the certificated employee designated as having responsibility for the special education programming of the pupil, as applicable. This subparagraph does not relieve a local educational agency from the obligation to comply with the requirements of this article, as amended by the act adding this paragraph, upon commencement of instruction for a

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Section 51749.6
Written learning agreements for independent study courses; contents; signature (cont'd)

participating pupil in the 2021–22 school year.

(8) (A) For the 2021–22 school year only, school districts and county offices of education shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the local educational agency's internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the synchronous and asynchronous instructional time that a pupil will have access to as part of independent study. If 15 percent or more of the pupils enrolled in a local educational agency that provides instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, the written information shall, in addition to being written in English, be written in the primary language.

(B) Upon the request of the parent or guardian of a pupil, and before signing a written agreement pursuant to this section, the local educational agency shall conduct a telephone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil, parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.

(c) Notwithstanding paragraph (6) of subdivision (a) of this section, paragraph (1) of subdivision (e) of Section 46300, and subparagraph (B) of paragraph (7) of subdivision (a) of Section 51749.5 for the 2021–22 school year only, a local educational agency shall be eligible to receive apportionments for independent study for pupils that are subject to quarantine for exposure to, or infection with, COVID-19 pursuant to local or state health guidance, and the pupil cannot participate in classroom-based instruction due to the quarantine, and for school closures due to COVID-19 pursuant to subdivision (c) of Section 41422. Local educational agencies shall receive apportionment for these pupils for all schooldays that they participate in and meet all other apportionment requirements of independent study while in quarantine or during a school closure.

(d) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate compliance reviews for subdivisions (a) and (b) unless compliance verification for those subdivisions is already included in the audit guide. Findings of noncompliance shall result in the loss of apportionment equal to the average daily attendance impacted by the noncompliance.

(e) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

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Section 17078.52 Charter Schools Facilities Program; establishment; Charter Schools Facilities Accounts; definitions; transfer of funds

(a) There is hereby established the Charter Schools Facilities Program to provide funding to qualifying entities for the purpose of establishing school facilities for charter school pupils.
(b)(1) The 2002 Charter School Facilities Account is hereby established within the 2002 State School Facilities Fund established pursuant to subdivision (b) of Section 17070.40. The proceeds of bonds, as set forth in subparagraph (A) of paragraph (1) of subdivision (a) of Section 100620, shall be deposited into the 2002 Charter School Facilities Account for the purposes of this article. Notwithstanding Section 13340 of the Government Code, funds deposited into the account are hereby continuously appropriated for the purposes of this article.
(2) The 2004 Charter School Facilities Account is hereby established within the 2004 State School Facilities Fund established pursuant to subdivision (c) of Section 17070.40. The proceeds of bonds, as set forth in subparagraph (A) of paragraph (1) of subdivision (a) of Section 100820, if approved by the voters, shall be deposited into the 2004 Charter School Facilities Account for the purposes of this article. Notwithstanding Section 13340 of the Government Code, funds deposited into the account are hereby continuously appropriated for the purposes of this article.
(3) The 2006 Charter School Facilities Account is hereby established within the 2006 State School Facilities Fund established pursuant to subdivision (d) of Section 17070.40. The proceeds of bonds, as set forth in paragraph (2) of subdivision (a) of Section 101012, if approved by the voters, shall be deposited into the 2006 Charter School Facilities Account for the purposes of this article. Notwithstanding Section 13340 of the Government Code, funds deposited into the account are hereby continuously appropriated for the purposes of this article.
(c) As used in this article, the following terms have the following meanings:
(1) Authority" means the California School Finance Authority established pursuant to Section 17172.
(2) Account" means the pertinent account established under subdivision (b).
(3) Preliminary apportionment" means an apportionment made for eligible applicants under this article in advance of full compliance with all of the application requirements otherwise required for an apportionment pursuant to this chapter. The process for making preliminary apportionments under this article shall be substantially identical to the process established for critically overcrowded schools pursuant to Sections 17078.22 to 17078.30, inclusive.
(4)"Financially sound" means a charter school that has demonstrated, over a period of time determined by the authority, but not less than 24 months immediately preceding the submission of the application, that it has operated as a financially capable concern in California, as measured by criteria established by the authority. A charter school that cannot demonstrate that it has been a financially capable concern for at least 24 months immediately preceding the submission of the application, due solely to not having operated as a charter school for at least 24 months, may meet this 24-month requirement if the charter school is managed by staff who have at least 24 months of documented experience, as measured by criteria established by the authority and the charter school has an educational plan, financial resources, facilities expertise, management expertise, and has been a financially capable concern for at least 24 months, as established by the authority.
(d) The board shall, from time to time, transfer funds within the account to the California School Finance Authority Fund for the purposes of this article pursuant to the request of the authority as set forth in this article.

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Section 17078.53
Initial preliminary applications; deadline; subsequent application periods; submission of preliminary applications; contents; consideration; approval; pupil attendance

(a) The initial preliminary applications for projects to be funded pursuant to this article shall be submitted to the board by March 31, 2003. Thereafter, the board may establish subsequent application periods as needed.
(b) Preliminary applications may be submitted by eligible applicants as set forth in this article by either of the following:
(1) A school district on behalf of a charter school that is physically located within the geographical jurisdiction of the school district.
(2) A charter school on its own behalf if the charter school has notified both the superintendent and the governing board of the school district in which it is physically located of its intent to do so in writing at least 30 days prior to submission of the preliminary application.
(c) A preliminary application shall demonstrate either of the following:
(1) That a charter petition for the school for which the application is submitted has been granted by the appropriate chartering entity prior to the application deadline determined by the board.
(2) That an already existing charter has been amended to include the school for which the application is submitted and approved by the appropriate chartering entity prior to the deadline determined by the board.
(d) A preliminary application shall include either of the following:
(1) For a preliminary application submitted pursuant to paragraph (1) of subdivision (b), the number of unhoused pupils determined pursuant to Article 3 (commencing with Section 17071.75) that will be housed by the project for which the preliminary application has been submitted.
(2) For a preliminary application submitted pursuant to paragraph (2) of subdivision (b), a certification from the governing board of the district within which the charter school is physically located of the number of unhoused pupils for that district determined pursuant to Article 3 (commencing with Section 17071.75) that will be housed by the project for which the preliminary application has been submitted.
(e) Prior to submitting a preliminary application, the school district and charter school shall consider existing school district facilities in accordance with Section 47614.
(f) The board, after consideration of the recommendations of the authority regarding whether a charter school is financially sound, shall approve the preliminary application and shall make the preliminary apportionment for funding pursuant to this article.
(g)(1) The board shall establish a process to ensure that pupil attendance in a charter school that is physically located within the geographical jurisdiction of a school district is counted as per-pupil eligibility for that school district and to ensure that the same per-pupil attendance is not so counted for any other school district or other applicant under this chapter.
(2)(A) Except as provided pursuant to subparagraph (B) and notwithstanding subdivision (b) of Section 17071.75, the number of pupils for which facilities are provided under this article shall not be included in the sum determined under subdivision (b) of Section 17071.75.
(B) The number of unhoused pupils determined pursuant to subdivision (d) that will be housed by the project for which a preliminary application has been submitted shall be included in the sum determined under subdivision (b) of Section 17071.75.
(h) The board shall establish a process to be used for release of funds for approved projects pursuant to this article. Notwithstanding Section 17072.30, the board may provide for the release of planning and site acquisition funds prior to the approval of the project by the Department of General Services pursuant to the Field Act, as defined in Section 17281.

Section 17078.54
New construction or rehabilitation funding; maximum amount of funding under this article; requirements; local share matching obligation; administrative costs

(a) An eligible project under this article shall include funding, as permitted by this chapter, for new construction or rehabilitation of a school facility for charter school pupils, as set forth in this article. A project may include, but is not limited to, the cost of retrofitting an existing building for charter school purposes, purchasing a building, or retrofitting a building that has been purchased by the charter school, if those costs have not been previously funded under this chapter, but may not exceed the amounts set forth in subdivision (b). Existing school buildings made available by a school district that will be rehabilitated for the purposes of this article are not subject to Article 6 (commencing with Section 17073.10). An allocation of funds shall not be made for a school facility that is less than 15 years old.
(b) The maximum amount of the funding pursuant to this article shall be determined by calculating the charter school's per-pupil grant amount plus other allowable costs as set forth in this chapter. Funding shall be provided by the authority for new facility construction or rehabilitation as set forth in Section 17078.58.
(c) To be funded under this article, a project shall comply with all of the following:
(1) It shall meet all the requirements regarding public school construction, plan approvals, toxic substance review, site selection, and site approval, as would any noncharter school project of a school district under this chapter, including, but not limited to, regulations adopted by the State Architect pursuant to Section 17280.5 relating to the retrofitting of existing buildings, as applicable.
(2) Notwithstanding any provision of law to the contrary, including, but not limited to paragraph (1), the board, after consulting with the relevant regulatory agencies, shall, to the extent feasible, adopt regulations establishing a process for projects to be subject to a streamlined method for obtaining regulatory approvals for all requirements described in paragraph (1), except for the requirements of the Field Act as defined in Section 17281 which shall be complied with in the same manner as any other project under this chapter.
(3) The board shall fund only new construction to be physically located within the geographical jurisdiction of a school district.
(d) Facilities funded pursuant to this article shall have a 50 percent local share matching obligation that may be paid by the applicant through lease payments in lieu of the matching share, or as otherwise set forth in this article, including, but not limited to, Section 17078.58.
(e) The authority may charge its administrative costs against the respective 2002, 2004, or 2006 Charter School Facilities Account, or the amount described in paragraph (2) of subdivision (a) of Section 101122, which shall be subject to the approval of the Department of Finance and which may not exceed 2.5 percent of the account or amount.

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Section 17078.56
Approval of projects; criteria; preference

(a) The board, in consultation with the authority, shall approve projects pursuant to this article as otherwise set forth in this chapter, and shall make preliminary apportionments only to financially sound applicants in accordance with all of the following criteria:
(1) The board shall seek to ensure that, when considered as a whole, the applications approved pursuant to this article are fairly representative of the various geographical regions of the state.
(2) The board shall seek to ensure that, when considered as a whole, the applications approved pursuant to this article are fairly representative of urban, rural, and suburban regions of the state.
(3) The board shall seek to ensure that, when considered as a whole, the applications approved pursuant to this article are fairly representative of large, medium, and small charter schools throughout the state.
(4) The board shall seek to ensure that, when considered as a whole, the applications approved pursuant to this article are fairly representative of the various grade levels of pupils served by charter school applicants throughout the state.
(b) While ensuring that the requirements of subdivision (a) are met when considering all approved projects under this article as a whole, the board shall, within each factor of the criteria set forth in subdivision (a), give a preference to charter schools in overcrowded school districts, charter schools in low-income areas, charter schools operated by not-for-profit entities, and charter schools that utilize existing school district facilities.

Section 17078.57
Adoption of regulations

(a) The authority, in consultation with the board, shall adopt regulations establishing uniform terms and conditions that shall apply equally to all projects for funding in accordance with Section 17078.58, including, but not limited to, all of the following:
(1) The process for determining the manner in which the applicant will pay its local matching share, including the method for determining lease payments to be made in lieu of the local matching share. The regulations shall comply with all of the following criteria:
(A) The payment process set forth in Section 17199.4 may be used.
(B) The payment process shall permit lump-sum local matching payments and shall permit establishment of a schedule for lease payments to be made in lieu of the local matching share.
(C) The lease payment schedule shall be calculated by amortizing one-half of the total approved project costs, minus lump-sum payments, over the entire payment period as set forth in Section 17078.58.
(D) The payment schedule for payments in lieu of the local matching funds pursuant to this section shall be based upon payment, within a reasonable period of time not to exceed a 30-year period, of one-half of the total eligible project costs, and shall be calculated in a manner that is designed to result in full payment of that portion, together with interest thereon at a rate set by the authority. The interest rate shall be set using the lower of the following:
(i) The rate paid on moneys in the Pooled Money Investment Account as of the date of disbursement of the funding.
(ii) A rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, and the interest rate shall be computed according to the true interest cost method.
(E) Notwithstanding subparagraph (D), the authority shall not set the interest rate on a loan at a rate lower than 2 percent. Program participants that have locked in an interest rate before January 1, 2009, may reset their payment schedule based on the interest rate set pursuant to subparagraph (D) as of January 1, 2009. Program participants executing an agreement on and after January 1, 2009, shall have their interest rate set at the time the funding agreement is executed and shall not renegotiate interest rates without prior approval of the authority.
(2) The method for determining whether a charter school is financially sound. In the case of a charter school chartered by a school district that is located outside of the school district that chartered it, the method developed by the authority shall include, but shall not be limited to, a site visit to the school facility currently being used by the charter school during hours when pupils are present and instruction is being provided.
(3)(A) Security provisions, including, but not limited to, whether title to project facilities shall be held by the school district in which the facility is to be physically located, in trust, for the benefit of the state public school system, or by another entity as authorized pursuant to Section 17078.63.
(B) The authority shall adopt a mechanism whereby a person or entity who provides a substantial contribution that is applied to the costs of the project in excess of the state share and the local matching share may be granted a security interest to be satisfied from the proceeds, if any, realized when the property is ultimately disposed of as set forth in paragraph (5) of subdivision (b) of Section 17078.62.
(4) The method for integrating funding pursuant to this article with the general procedures of the authority pursuant to subdivision (i) of Section 17180 for otherwise funding projects eligible for funding under this chapter, if appropriate.
(b) The authority may adopt, amend, or repeal rules and regulations pursuant to this chapter as emergency regulations. The adoption, amendment, or repeal of these regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.

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Section 17078.58
Maximum amount of funding; collection of local share equivalent in the form of lease payments

(a) Funding granted pursuant to this article may not exceed 100 percent of the total allowable project costs as determined by calculating double the per-pupil grant eligibility as set forth in Section 17072.10, and subdivision (e) of Section 17078.53, plus 100 percent of all other allowable construction project costs, as appropriate to the project, that would otherwise be available to school district projects as set forth in this chapter. Funding granted for the purposes of rehabilitating buildings under Section 17078.54 shall be limited to the costs necessary to comply with subdivision (c) of Section 17078.54, and shall not exceed the maximum costs that would otherwise be allowable for a new construction project funded under this article.
(b) The local share equivalent shall be collected in the form of lease payments or otherwise as set forth in this article.
(c) Lease payments in lieu of local share payments, and any other local share payments made pursuant to this article, shall be made to the board for deposit into the respective 2002, 2004, or 2006 Charter School Facilities Account. Funds deposited into the account pursuant to this section may be used by the board only for a purpose related to charter school facilities pursuant to this article.
(d) When a preliminary apportionment under this article is converted to a final apportionment, any funds not needed for the final apportionment shall remain in the 2002, 2004, or 2006 Charter School Facilities Account for use by the board for any purpose related to charter school facilities pursuant to this article.

Section 17078.62
Continued use of facility; effect of ceasing to utilize facility for charter school purposes

(a) As a first priority, the existing charter school shall be permitted to continue to use the facility until it is no longer needed by the charter school for charter school purposes.
(b) If the charter school occupying a facility funded pursuant to this article ceases to utilize the facility for a charter school purpose, all of the following apply:
(1) If the charter school is no longer using the facility because the school district in which the charter school is located has revoked or declined to renew the charter, the school district, as a necessary component of the first priority established in subdivision (a), may not immediately occupy the facility, but shall allow a reasonable time, not to exceed six months, for completion of the review process contemplated in Section 47607 or 47607.5.
(2) As a second priority, any qualifying successor charter school shall be permitted to meet its facility needs by occupying the facility on equal terms as the prior charter school occupant, including, but not limited to, assumption of fee simple title to the facility, as described in paragraph (3) of subdivision (a) of Section 17078.63.
(3) As a third priority, the school district in which the charter school is physically located may notify the authority and take possession and take title to the facility, if the title is not already held by the district, and make the facility
available for continued use as a public school facility.
(4) If the school district in which the charter school is physically located elects to take possession of a facility pursuant to paragraph (3), it shall pay the balance of the unpaid local matching share or demonstrate that it is willing and able to continue to make the lease payments in lieu of the local matching share on the same terms. However, the payments shall be reduced or eliminated, as appropriate, if the school district complies with all of the following:
(A) It demonstrates that it would have been eligible for hardship funding under Article 8 (commencing with Section 17075.10) at the time that the application for funding the facility under this article was originally submitted.
(B) It certifies to the board that it will utilize the facilities for public school purposes for a period of at least five years from the date that it occupies the facility.
(5)(A) If the school district declines to take possession pursuant to paragraph (3), or if the facility is subsequently no longer needed for public school purposes, the school district shall dispose of the facilities in a manner otherwise applicable to the disposal of surplus public schoolsites. Any unpaid local matching share shall be paid from the net proceeds, if any, of the disposition and shall be deposited into the respective 2002, 2004, or 2006 Charter School Facilities Account. To the extent that funds remain from the proceeds of the disposition after repayment of the local matching share, any security interest granted to a person or entity pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 17078.57 shall be satisfied. Funds remaining from the proceeds after any security interest has been satisfied shall be paid to the school district in which the facility is located to be used for capital improvements in the school district.
(B) If title to the facility is held by a charter school or a local governmental entity other than the school district, and the school district declines to dispose of the facility, the board shall dispose of the facility in accordance with the provisions that would otherwise apply to the disposal of surplus school property by the school district, including, but not limited to, Chapter 4 (commencing with Section 17385) of Part 10.5. The proceeds of the disposition shall be distributed in accordance with subparagraph (A).
(6) If the lease payments in lieu of the local matching share are fully paid, the school district shall continue to hold title to the facility, in trust, for the benefit of the state public school system. The school district shall permit continued use of the facility for charter school purposes as long as the facility is needed for those purposes.

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Section 17078.63
Submission requirements; applicants of specified section; request to transfer title to project facilities

(a) Prior to the release of funds for an application submitted pursuant to paragraph (2) of subdivision (b) of Section 17078.53 for site acquisition or new construction final apportionments, applicants shall provide one of the following:
(1) Documentary evidence that the school district in which the facility is to be physically located holds title to the project facilities in trust for the benefit of the state public school system.
(2) Documentary evidence that a local governmental entity, including, but not limited to, a county board of education, a city, a county, or a city and county, holds title to the project facilities in trust for the benefit of the state public school system, subject to both of the following conditions:
(A) Consistent with the prohibition in Section 6 of Article IX of the California Constitution regarding governance of public schools, a city, county, city and county, or other local governmental entity not included within the public school system that holds title pursuant to this paragraph shall not exercise any control over the operation of the charter school.
(B) The following shall be recorded in the chain of title for the property:
(i) A restrictive covenant specifying that the facility shall be used only for public school purposes as authorized in the California Constitution and statute.
(ii) A remainder interest to the school district in which the facility is physically located or, if the school district disclaims the interest to the facility, to the board. The remainder interest shall be triggered when the facility is no longer needed for charter school purposes and shall then be subject to paragraphs (2) to (6), inclusive, of subdivision (b) of Section 17078.62.
(3)(A) A request that the charter school be authorized to hold fee simple title to the subject property in trust for the benefit of the state public school system, on which a lien shall be recorded in favor of the board for the total amount of funds allocated pursuant to this article, including any loan received in lieu of a local matching share pursuant to Section 17078.57. The charter school shall include with the request a statement outlining the reasons why ownership of the project facilities is not vested with an entity set forth in paragraph (1) or (2). Prior to releasing any project funds, the board shall make findings that the applicant has submitted all of the information required by this paragraph.
(B) The following shall be recorded in the chain of title for the property:
(i) A restrictive covenant specifying that the facility shall be used only for public school purposes as authorized in the California Constitution and statute.
(ii) A remainder interest to the school district in which the facility is physically located or, if the school district disclaims the interest to the facility, to the board. The remainder interest shall be triggered when the facility is no longer needed for charter school purposes and shall then be subject to paragraphs (2) to (6), inclusive, of subdivision (b) of Section 17078.62.
(b) A charter school may request a school district to transfer title to project facilities to an entity authorized by paragraph (2) or (3) of subdivision (a) if the school district entered into an agreement, prior to January 1, 2010, to hold title to those facilities. A school district that receives a request pursuant to this subdivision may transfer the title to the entity designated in the request pursuant to terms and conditions mutually agreed upon by the district and the charter school.
(c) The board may adopt regulations to implement this section.

Section 17078.64
Election to use general funding provisions of this chapter rather than this article; adoption of regulations to implement this article; application of article

(a) In lieu of applying for funding under this article, a school district may elect to include facilities for a charter school that would be physically located within its geographical jurisdiction within its application for funding pursuant to the general provisions of this chapter, other than this article. However, the project would be outside the scope of this article, would not be subject to its provisions, and shall comply with this chapter in the same manner as any noncharter project. Any per-pupil eligibility that is used for that project shall not, also, support any project under this article.
(b) Except for those provisions in which the authority is expressly required or authorized to adopt regulations pursuant to this article, the board in consultation with the authority shall adopt regulations to implement this article. The board may adopt, amend, or repeal rules and regulations pursuant to this article as emergency regulations. Until July 1, 2004, the adoption, amendment, or repeal of these regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.
(c) This article is not applicable to projects funded with the proceeds of state general obligation bonds approved by the voters prior to January 1, 2002.

Section 17078.66
Joint report by State Allocation Board and California School Finance Authority

The State Allocation Board and the California School Finance Authority shall jointly report to the Legislature by July 1, 2005, regarding all of the following:
(a) The implementation of this article, including, but not limited to, a description of the projects funded pursuant to this article from the Kindergarten-University Public Education Facilities Bond Act of 2004.
(b) A description of the process whereby the board provides funding for charter school facilities under provisions of this chapter other than this article.
(c) Recommendations, if any, regarding statutory changes needed to facilitate and streamline the process described in subdivision (b).

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Section 44237
Fingerprints; private school employees; criminal record information; list of teachers with revoked or suspended credentials; fees; confidentiality

(a) Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall require each applicant for employment in a position requiring contact with minor pupils to submit two sets of fingerprints prepared for submittal by the employer to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and the Federal Bureau of Investigation.
(b)(1) As used in this section, "employer" means every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level.
(2) As used in this section, "employment" means the act of engaging the services of a person, who will have contact with pupils, to work in a position at a private school at the elementary or high school level on or after September 30, 1997, on a regular, paid full-time basis, regular, paid part-time basis, or paid full-time or part-time seasonal basis.
(3) As used in this section, "applicant" means any person who is seriously being considered for employment by an employer.
(4) This section does not apply to a secondary school pupil working at the school he or she attends or a parent or legal guardian working exclusively with his or her children.
(c)(1) Upon receiving the identification cards, the Department of Justice shall ascertain whether the applicant has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the Department of Justice and forward the information to the employer submitting the fingerprints no more than 15 working days after receiving the identification cards. The Department of Justice shall not forward information regarding criminal proceedings that did not result in a conviction but shall forward information on arrests pending adjudication.
(2) Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this subdivision within three working days. If the Department of Justice cannot ascertain the information required pursuant to this subdivision within three working days, the Department of Justice shall notify the employer submitting the fingerprints that it cannot so ascertain the required information. This notification shall be delivered by telephone or email to the employer submitting the fingerprints. If the employer submitting the fingerprints is notified by the Department of Justice that it cannot ascertain the required information about a person, the employer shall not employ that person until the Department of Justice ascertains that information.
(3) The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation to ascertain whether an applicant for employment has a conviction, or an arrest pending final adjudication, for any sex offense, controlled substance offense, crime of violence, or serious or violent felony. The Department of Justice shall provide written notification to the private school employer only as to whether an applicant for employment has any convictions, or arrests pending final adjudication, for any of these crimes.
(d) An employer shall not employ a person until the Department of Justice completes its check of the state criminal history file as set forth in this section.
(e)(1) An employer shall not employ a person who has been convicted of a violent or serious felony or a person who would be prohibited from employment by a public school district pursuant to any provision of this code because of his or her conviction for any crime.
(2) A person who would be prohibited from employment by a private school pursuant to paragraph (1) shall not, on or after July 1, 1999, own or operate a private school offering instruction on the elementary or high school level.
(f) An employer shall request subsequent arrest service from the Department of Justice as provided under Section 11105.2 of the Penal Code.
(g) This section applies to any violent or serious offense that, if committed in this state, would have been punishable as a violent or serious felony.
(h) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.
(i) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.
(j) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a serious felony that is not also a violent felony if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of school employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the county in which he or she is a resident.
(k) The commission shall make available to each private school a listing of all credential holders who have had final adverse action taken against their credential. The information shall be identical to that made available to public schools in the state. The commission shall also send on a quarterly basis a complete and updated list of all teachers who have had their teaching credentials revoked or suspended, excluding teachers who have had their credentials reinstated, or who are deceased.
(l) The Department of Justice may charge a reasonable fee to cover costs associated with the processing, reviewing, and supplying of the criminal record summary as required by this section. The fee shall not exceed the actual costs incurred by the Department of Justice.

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Section 44237
Fingerprints; private school employees; criminal record information; list of teachers with revoked or suspended credentials; fees; confidentiality (cont'd)

(m) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprints and related information required by this section.
(n) All information obtained from the Department of Justice is confidential. Agencies handling Department of Justice information shall ensure the following:
(1) A recipient shall not disclose its contents or provide copies of information.
(2) Information received shall be stored in a locked file separate from other files, and shall only be accessible to the custodian of records.
(3) Information received shall be destroyed upon the hiring determination in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.
(4) Compliance with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in Sections 700 to 708, inclusive, of Title 11 of the California Code of Regulations and Section 11077 of the Penal Code governing the use and security of criminal offender record information is the responsibility of the entity receiving the information from the Department of Justice.
(n) All information obtained from the Department of Justice is confidential. Agencies handling Department of Justice information shall ensure the following:
(1) A recipient shall not disclose its contents or provide copies of information.
(2) Information received shall be stored in a locked file separate from other files, and shall only be accessible to the custodian of records.
(3) Information received shall be destroyed upon the hiring determination in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.
(4) Compliance with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in Sections 700 to 708, inclusive, of Title 11 of the California Code of Regulations and Section 11077 of the Penal Code governing the use and security of criminal offender record information is the responsibility of the entity receiving the information from the Department of Justice.

Section 44830.1
Felons; certificated positions; criminal record summary; fingerprints; confidentiality

(a) In addition to any other prohibition or provision, no person who has been convicted of a violent or serious felony shall be hired by a school district in a position requiring certification qualifications or supervising positions requiring certification qualifications. A school district shall not retain in employment a current certificated employee who has been convicted of a violent or serious felony, and who is a temporary employee, a substitute employee, or a probationary employee serving before March 15 of the employee's second probationary year. If any conviction is reversed and the formerly convicted person is acquitted of the offense in a new trial, or the charges are dismissed, this section does not prohibit his or her employment thereafter.
(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.
(c)(1) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.
(2) For purposes of this section, a plea of nolo contendere to a serious or violent felony constitutes a conviction.
(3) For purposes of this section, the term "school district" has the same meaning as defined in Section 41302.5.
(d) When the governing board of any school district requests a criminal record summary of a temporary, substitute, or probationary certificated employee, two fingerprint cards, bearing the legible rolled and flat impressions of the person's fingerprints together with a personal description and the fee, shall be submitted, by any means authorized by the Department of Justice, to the Department of Justice.
(e) When the Department of Justice ascertains that an individual who is an applicant for employment by a school district has been convicted of a violent or serious felony, or for purposes of implementing the prohibitions set forth in Section 44836, any sex offense, as defined in Section 44010, or any controlled substance offense, as defined in Section 44011, the department shall notify the school district of the criminal information pertaining to the applicant. The notification shall be delivered by telephone or electronic mail to the school district. The notification to the school district shall cease to be made once the statewide electronic fingerprinting network is returning responses within three working days. The Department of Justice shall send by first-class mail or electronic mail a copy of the criminal information to the Commission on Teacher Credentialing. The Department of Justice may charge a reasonable fee to cover the costs associated with processing, reviewing, and supplying the criminal record summary required by this section. In no event shall the fee exceed the actual costs incurred by the department.
(f) Notwithstanding subdivision (a), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.
(g) Notwithstanding subdivision (f), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a serious felony that is not also a violent felony if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of school employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which he or she is a resident.

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Section 44830.1
Felons; certificated positions; criminal record summary; fingerprints; confidentiality (cont'd)

(h) Notwithstanding any other provision of law, when the Department of Justice notifies a school district by telephone or electronic mail that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year, has been convicted of a violent or serious felony, that employee shall immediately be placed on leave without pay. When the school district receives written electronic notification of the fact of conviction from the Department of Justice, the employee shall be terminated automatically and without regard to any other procedure for termination specified in this code or school district procedures unless the employee challenges the record of the Department of Justice and the Department of Justice withdraws in writing its notification to the school district. Upon receipt of written withdrawal of notification from the Department of Justice, the employee shall immediately be reinstated with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.
(i) An employer shall request subsequent arrest service from the Department of Justice as provided under Section 11105.2 of the Penal Code.
(j) Notwithstanding Section 47610, this section applies to a charter school.
(k) This section shall not apply to a certificated employee who applies to renew his or her credential when both of the following conditions have been met:
(1) The employee's original application for credential was accompanied by that person's fingerprints.
(2) The employee has either been continuously employed in one or more public school districts since the issuance or last renewal of his or her credential or his or her credential has not expired between renewals.
(l) Nothing in this section shall prohibit a county superintendent of schools from issuing a temporary certificate to any person described in paragraph (1) or (2) of subdivision (k).
(m) This section shall not prohibit a school district from hiring a certificated employee who became a permanent employee of another school district as of October 1, 1997.
(n) All information obtained from the Department of Justice is confidential. Every agency handling Department of Justice information shall ensure the following:
(1) No recipient may disclose its contents or provide copies of information.
(2) Information received shall be stored in a locked file separate from other files, and shall only be accessible to the custodian of records.
(3) Information received shall be destroyed upon the hiring determination in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.
(4) Compliance with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in Sections 700 through 708 inclusive, of Title 11 of the California Code of Regulations and Section 11077 of the Penal Code governing the use and security of criminal offender record information is the responsibility of the entity receiving the information from the Department of Justice.

Section 45122.1
Violent or serious felonies; classified employees without permanent status; notice regarding applicants; proof of rehabilitation; suspension and termination procedures

(a) In addition to any other prohibition or provision, no person who has been convicted of a violent or serious felony shall be employed by a school district pursuant to this chapter. A school district shall not retain in employment a current classified employee who has been convicted of a violent or serious felony, and who is a temporary, substitute, or a probationary employee who has not attained permanent status.
(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.
(c)(1) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.
(2) For purposes of this section, the term "school district" has the same meaning as defined in Section 41302.5.
(d) When the Department of Justice ascertains that an individual who is an applicant for employment by a school district has been convicted of a violent or serious felony, the department shall notify the school district of the criminal information pertaining to the applicant. The notification shall be delivered by telephone and shall be confirmed in writing and delivered to the school district by first-class mail.
(e) Notwithstanding subdivision (a), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a violent of serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.
(f) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a serious felony that is not also a violent felony if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of school employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which he or she is a resident.
(g) Notwithstanding any other provision of law, when the Department of Justice notifies a school district by telephone that a current temporary, substitute, or probationary employee who has not attained permanent status, has been convicted of a violent or serious felony, that employee shall immediately be placed on leave without pay. When the school district receives written notification of the fact of conviction from the Department of Justice, the employee shall be terminated automatically and without regard to any other procedure for termination specified in this code or school district procedures unless the employee challenges the record of the Department of Justice and the Department of Justice withdraws in writing its notification to the school district. Upon receipt of written withdrawal of notification from the Department of Justice, the employee shall immediately be reinstated with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.
(h) Notwithstanding Section 47610, this section applies to a charter school.

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Section 45125.1 Fingerprints; employees of entity providing services to school district; contact with pupils

(a) Any entity that has a contract with a local educational agency shall ensure that any employee who interacts with pupils, outside of the immediate supervision and control of the pupil's parent or guardian or a school employee, has a valid criminal records summary as described in Section 44237. When the contracting entity performs the criminal background check, it shall immediately provide any subsequent arrest and conviction information it receives to any local educational agency that it is contracting with pursuant to the subsequent arrest service.

(b)(1) This section does not apply to an entity providing services to a local educational agency, as described in subdivision (a), in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(2) Notwithstanding subdivision (a), an employee of an entity that has a contract with a local educational agency, and that offers work experience opportunities for pupils, including, but not limited to, opportunities pursuant to Section 51760, 52336, 52372, 52410, or 52460, Article 1 (commencing with Section 52300), Article 5 (commencing with Section 52381), or Article 7 (commencing with Section 52450) of Chapter 9 or Part 28 of Division 4, Chapter 16.5 (commencing with Section 53070) or Part 28 of Division 4, Article 5 (commencing with Section 54690) or Chapter 9 of Part 29 of Division 4, or Part 54.5 (commencing with Section 88820) of Division 7 of Title 3, or workplace placements as part of a pupil's individualized education program, including, but not limited to, the services described in Article 3 (commencing with Section 56470) of Chapter 4.5 of Part 30 of Division 4, is not required to have a valid criminal records summary pursuant to subdivision (a) if all of the following requirements are met:

(A) At least one adult employee in the workplace during the pupil's work hours, who has direct contact with the pupil and has been designated by the employer as the employee of record who is responsible for the safety of the pupil, has a valid criminal records summary as described in Section 44237.

(B) A staff representative of the local educational agency makes at least one visitation every three weeks to consult with a pupil's workplace liaison, observe the pupil at the workplace, and check in with the pupil to ensure the pupil's health, safety, and welfare, including by addressing any concerns the pupil has raised.

(C) The parent or guardian of the pupil has signed a consent form regarding the pupil's work placement, attesting that the parent or guardian understands the duties assigned to the pupil and the nature of the workplace environment.

(3) If a pupil participates in services provided by a contractor as part of an independent study program and the pupil is under the immediate supervision and control of the pupil's parent or guardian during the provision of those services, the local educational agency shall do either of the following:

(A) Verify completion of a valid criminal records summary for all employees of the contractor who interacted with the pupil.

(B) Ensuring that the parent or guardian of the pupil has signed a consent form before the pupil's interaction with a person employed by the contractor, attesting that the parent or guardian understands that the person employed by the contractor has not completed a valid criminal records summary as described in Section 44237.

(c) On a case-by-case basis, a local educational agency may require an entity with whom it has a contract to comply with the requirements of this section for employees in addition to those described in subdivision (a). The entity shall prepare and submit those employee's fingerprints to the Department of Justice, as described in subdivision (a).

(d) (1) The Department of Justice shall ascertain whether the individual whose fingerprints were submitted to it pursuant to subdivision (a), (c), or (h) has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the Department of Justice. Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this section within three working days. When the Department of Justice ascertains that an individual whose fingerprints were submitted to it pursuant to subdivision (a), (c), or (h) has a pending criminal proceeding for a felony as defined in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1, the Department of Justice shall notify the employer designated by the individual of that fact. The notification shall be delivered by telephone or email to the employer.

(2) The Department of Justice, at its discretion, may notify the local educational agencies in instances when the employee is defined as having a pending criminal proceeding described in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1.

(3) The Department of Justice shall forward one copy of the fingerprints to the Federal Bureau of Investigation to verify any record of previous arrests or convictions of the applicant. The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation and shall notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses that, if committed in California, would have been punishable as a violent or serious felony. The Department of Justice shall not provide any specific offense information received from the Federal Bureau of Investigation. The Department of Justice shall provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes, as specified in Section 45122.1, but shall not provide any information identifying any offense for which an existing employee was convicted or has an arrest pending final adjudication.

(e) (1) An entity having a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c) shall not permit an employee to interact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(2) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(3) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has

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been convicted of a serious felony that is not also a violent felony if that employee can prove to the sentencing court of the offense in question, by clear and convincing evidence, that the employee has been rehabilitated for the purposes of schoolsite employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the local educational agency in which the employee is a resident.

(f) An entity having a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c) shall certify in writing to the local educational agency that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may interact with pupils have been convicted of a felony as defined in Section 45122.1.

(g) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprint cards and other information required by this section.

(h) (1) For purposes of this section, an individual operating as a sole proprietor of an entity that has a contract with a local educational agency, as described in subdivision (a), shall be considered an employee of that entity.

(2) To protect the safety of any pupil that may interact with an employee of an entity that is a sole proprietorship and has a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c), a local educational agency shall prepare and submit the employee's fingerprints to the Department of Justice, as described in subdivision (a).

(i) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

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FREE SPEECH

Section 48907
Student exercise of free expression

(a) Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, and other insignia, and the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities, except that expression shall be prohibited which is obscene, libelous, or slanderous. Also prohibited shall be material that so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.
(b) The governing board or body of each school district or charter school and each county board of education shall adopt rules and regulations in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its respective jurisdiction.
(c) Pupil editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this section. However, it shall be the responsibility of a journalism adviser or advisers of pupil publications within each school to supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions of this section.
(d) There shall be no prior restraint of material prepared for official school publications except insofar as it violates this section. School officials shall have the burden of showing justification without undue delay prior to a limitation of pupil expression under this section.
(e) "Official school publications" refers to material produced by pupils in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.
(f) This section does not prohibit or prevent the governing board or body of a school district or charter school from adopting otherwise valid rules and regulations relating to oral communication by pupils upon the premises of each school.
(g) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

SPEECH AND OTHER COMMUNICATION

Section 48950
Student freedom of speech; retaliation prohibited; civil actions, injunctions and declaratory relief, and attorney fees; exceptions

(a) A school district operating one or more high schools, a charter school, or a private secondary school shall not make or enforce a rule subjecting a high school pupil to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside of the campus, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution.
(b) A pupil who is enrolled in a school at the time that the school has made or enforced a rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.
(c) This section does not apply to a private secondary school that is controlled by a religious organization, to the extent that the application of this section would not be consistent with the religious tenets of the organization.
(d) This section does not prohibit the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.
(e) This section does not supersede, or otherwise limit or modify, the provisions of Section 48907.
(f) The Legislature finds and declares that free speech rights are subject to reasonable time, place, and manner regulations.
(g) An employee shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a pupil engaged in conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution.

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PUPIL FEES

Section 49010
Definitions

For purposes of this article, the following terms have the following meanings:
(a) "Educational activity" means an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
(b) "Pupil fee" means a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of Section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers, as provided for in Hartzell v. Connell (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
(1) A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
(2) A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform, or other materials or equipment.
(3) A purchase that a pupil is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.

Section 49011
Prohibition of pupil fee for participation in an educational activity; voluntary donations; application to public schools; interpretation

(a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
(b) All of the following requirements apply to the prohibition identified in subdivision (a):
(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.
(2) A fee waiver policy shall not make a pupil fee permissible.
(3) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
(4) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.
(c) This article shall not be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.
(d) This article applies to all public schools, including, but not limited to, charter schools and alternative schools.
(e) This article is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

Section 49012
Guidance on imposition of pupil fees

(a) Commencing with the 2014–15 fiscal year, and every three years thereafter, the department shall develop and distribute guidance for county superintendents of schools, district superintendents, and charter school administrators regarding the imposition of pupil fees for participation in educational activities in public schools. The department shall post the guidance on the department's Internet Web site.
(b) The guidance developed pursuant to subdivision (a) shall not constitute a regulation subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Section 49013
Complaint of noncompliance; anonymous filing; appeal; remedy; information provided; establishment of local policies and procedures

(a) A complaint of noncompliance with the requirements of this article may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
(b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
(c) A complainant not satisfied with the decision of a public school may appeal the decision to the department and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.
(d) If a public school finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
(e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.
(f) Public schools shall establish local policies and procedures to implement the provisions of this section on or before March 1, 2013.

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PRIVACY OF PUPIL RECORDS

Section 49073.1
Contracts for digital storage, management, and retrieval of pupil records; requirements

(a) A local educational agency may, pursuant to a policy adopted by its governing board or, in the case of a charter school, its governing body, enter into a contract with a third party for either or both of the following purposes:
(1) To provide services, including cloud-based services, for the digital storage, management, and retrieval of pupil records.
(2) To provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use pupil records in accordance with the contractual provisions listed in subdivision (b).
(b) A local educational agency that enters into a contract with a third party for purposes of subdivision (a) shall ensure the contract contains all of the following:
(1) A statement that pupil records continue to be the property of and under the control of the local educational agency**.**
(2) Notwithstanding paragraph (1), a description of the means by which pupils may retain possession and control of their own pupil-generated content, if applicable, including options by which a pupil may transfer pupil-generated content to a personal account.
(3) A prohibition against the third party using any information in the pupil record for any purpose other than those required or specifically permitted by the contract.
(4) A description of the procedures by which a parent, legal guardian, or eligible pupil may review personally identifiable information in the pupil's records and correct erroneous information.
(5) A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of pupil records. Compliance with this requirement shall not, in itself, absolve the third party of liability in the event of an unauthorized disclosure of pupil records.
(6) A description of the procedures for notifying the affected parent, legal guardian, or eligible pupil in the event of an unauthorized disclosure of the pupil's records.
(7)(A) A certification that a pupil's records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced.
(B) The requirements provided in subparagraph (A) shall not apply to pupil-generated content if the pupil chooses to establish or maintain an account with the third party for the purpose of storing that content pursuant to paragraph (2).
(8) A description of how the local educational agency and the third party will jointly ensure compliance with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).
(9) A prohibition against the third party using personally identifiable information in pupil records to engage in targeted advertising.
(c) In addition to any other penalties, a contract that fails to comply with the requirements of this section shall be rendered void if, upon notice and a reasonable opportunity to cure, the noncompliant party fails to come into compliance and cure any defect. Written notice of noncompliance may be provided by any party to the contract. All parties subject to a contract voided under this subdivision shall return all pupil records in their possession to the local educational agency.
(d) For purposes of this section, the following terms have the following meanings:
(1) "Deidentified information" means information that cannot be used to identify an individual pupil.
(2) "Eligible pupil" means a pupil who has reached 18 years of age.
(3) "Local educational agency" includes school districts, county offices of education, and charter schools.
(4) "Pupil-generated content" means materials created by a pupil, including, but not limited to, essays, research reports, portfolios, creative writing, music or other audio files, photographs, and account information that enables ongoing ownership of pupil content. "Pupil-generated content" does not include pupil responses to a standardized assessment where pupil possession and control would jeopardize the validity and reliability of that assessment.
(5) (A) “Pupil records" means both of the following:
(i) Any information directly related to a pupil that is maintained by the local educational agency.
(ii) Any information acquired directly from the pupil through the use of instructional software or applications assigned to the pupil by a teacher or other local educational agency employee.
(B) "Pupil records" does not mean any of the following:
(i) Deidentified information, including aggregated deidentified information, used by the third party to improve educational products, for adaptive learning purposes, and for customizing pupil learning.
(ii) Deidentified information, including aggregated deidentified information, used to demonstrate the effectiveness of the operator's products in the marketing of those products.
(iii) Deidentified information, including aggregated deidentified information, used for the development and improvement of educational sites, services, or applications.
(6) "Third party" refers to a provider of digital educational software or services, including cloud-based services, for the digital storage, management, and retrieval of pupil records.
(e) If the provisions of this section are in conflict with the terms of a contract in effect before January 1, 2015, the provisions of this section shall not apply to the local educational agency or the third party subject to that agreement until the expiration, amendment, or renewal of the agreement.
(f) Nothing in this section shall be construed to impose liability on a third party for content provided by any other third party.

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Section 49073.6
Information obtained from social media; notifications of pupils and parents about proposed programs; requirements

(a) For purposes of this section, the following terms have the following meanings:
(1) "Educational purposes" means for purposes that aid in instruction in the classroom or at home, or in classroom administration.
(2)(A) "Social media" means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations.
(B) "Social media" shall not include an electronic service or account used exclusively for educational purposes or primarily to facilitate creation of school-sponsored publications, such as a yearbook or pupil newspaper, under the direction or control of a school, teacher, or yearbook adviser.
(b) Notwithstanding any other law or regulation, a school district, county office of education, or charter school that considers a program to gather or maintain in its records any information obtained from social media of any enrolled pupil shall notify pupils and their parents or guardians about the proposed program and provide an opportunity for public comment at a regularly scheduled public meeting of the governing board of the school district or county office of education, or governing body of the charter school, as applicable, before the adoption of the program. The notification required by this subdivision may be provided as part of the notification required pursuant to Section 48980.
(c) Notwithstanding Section 49062, a school district, county office of education, or charter school that adopts a program pursuant to subdivision (b) shall do all of the following:
(1) Gather or maintain only information that pertains directly to school safety or to pupil safety.
(2) Provide a pupil with access to any information about the pupil gathered or maintained by the school district, county office of education, or charter school that was obtained from social media, and an opportunity to correct or delete such information.
(3)(A) Destroy information gathered from social media and maintained in its records within one year after a pupil turns 18 years of age or within one year after the pupil is no longer enrolled in the school district, county office of education, or charter school, whichever occurs first.
(B) Notify each parent or guardian of a pupil subject to the program that the pupil's information is being gathered from social media and that any information subject to this section maintained in the school district's, county office of education's, or charter school's records with regard to the pupil shall be destroyed in accordance with subparagraph (A). The notification required by this subparagraph may be provided as part of the notification required pursuant to Section 48980. The notification shall include, but is not limited to, all of the following:
(i) An explanation of the process by which a pupil or a pupil's parent or guardian may access the pupil's records for examination of the information gathered or maintained pursuant to this section.
(ii) An explanation of the process by which a pupil or a pupil's parent or guardian may request the removal of information or make corrections to information gathered or maintained pursuant to this section.
(C) If the school district, county office of education, or charter school contracts with a third party to gather information from social media on an enrolled pupil, require the contract to do all of the following:
(i) Prohibit the third party from using the information for purposes other than to satisfy the terms of the contract.
(ii) Prohibit the third party from selling or sharing the information with any person or entity other than the school district, county office of education, charter school, or the pupil or his or her parent or guardian.
(iii) Require the third party to destroy the information immediately upon satisfying the terms of the contract.
(iv) Require the third party, upon notice and a reasonable opportunity to act, to destroy information pertaining to a pupil when the pupil turns 18 years of age or is no longer enrolled in the school district, county office of education, or charter school, whichever occurs first. The school district, county office of education, or charter school shall provide notice to the third party when a pupil turns 18 years of age or is no longer enrolled in the school district, county office of education, or charter school. Notice provided pursuant to this clause shall not be used for any other purpose.

STAFF DEVELOPMENT IN THE DETECTION OF CHILD ABUSE AND NEGLECT

Section 44691
Dissemination of information and guidance by State Department of Education and Office of Child Abuse Prevention; training for employees

(a) The State Department of Education, in consultation with the Office of Child Abuse Prevention in the State Department of Social Services, shall do all of the following:
(1) Develop and disseminate information to all school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools, and their school personnel in California, regarding the detection and reporting of child abuse.
(2) Provide statewide guidance on the responsibilities of mandated reporters who are school personnel in accordance with the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). This guidance shall include, but not necessarily be limited to, both of the following:
(A) Information on the identification of child abuse and neglect.
(B) Reporting requirements for child abuse and neglect.
(3) Develop appropriate means of instructing school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect, including, but not limited to, an online training module to be provided by the State Department of Social Services.
(4) Establish best practices for school personnel to prevent abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and post on the department's Internet Web site links to existing training resources.

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Section 44691
Dissemination of information and guidance by State Department of Education and Office of Child Abuse Prevention; training for employees (cont'd)

(b) School districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall do both of the following:
(1) Provide annual training, using the online training module provided by the State Department of Social Services or as provided in subdivision (c), to their employees and persons working on their behalf who are mandated reporters, as defined in Section 11165.7 of the Penal Code, pursuant to this section and subdivision (d) of Section 11165.7 of the Penal Code on the mandated reporting requirements. Mandated reporter training shall be provided to school personnel hired during the course of the school year. This training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Section 11166 of the Penal Code, is a misdemeanor punishable by up to six months confinement in a county jail, or by a fine of one thousand dollars ($1,000), or by both that imprisonment and fine.
(2) Develop a process for all persons required to receive training pursuant to this section to provide proof of completing the training within the first six weeks of each school year or within the first six weeks of that person's employment. The process developed under this paragraph may include, but not necessarily be limited to, the use of a sign-in sheet or the submission of a certificate of completion to the applicable governing board or body of the school district, county office of education, state special school and diagnostic center, or charter school.
(c) School districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools that do not use the online training module provided by the State Department of Social Services shall report to the State Department of Education the training being used in its place.
(d) School districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools are encouraged to participate in training on the prevention of abuse, including sexual abuse, of children on school grounds, by school personnel, or in school-sponsored programs, and are also encouraged to provide all school employees with that training at least once every three years.

MINIMUM AGE REQUIREMENTS AND TRANSITIONAL KINDERGARTEN

Section 48000
Minimum age of admission to kindergarten or transitional kindergarten programs; transitional kindergarten curriculum and teacher credentials

(a) A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year, if the child will have their fifth birthday on or before one of the following dates:
(1) December 2 of the 2011–12 school year.
(2) November 1 of the 2012–13 school year.
(3) October 1 of the 2013–14 school year.
(4) September 1 of the 2014–15 school year and each school year thereafter.
(b) The governing board of the school district of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:
(1) The governing board of the school district determines that the admittance is in the best interests of the child.
(2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.
(c) (1) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable, a school district or charter school shall ensure the following:
(A) In the 2012–13 school year, a child who will have their fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(B) In the 2013–14 school year, a child who will have their fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(C) From the 2014–15 school year to the 2021–22 school year, inclusive, a child who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(D) In the 2022–23 school year, a child who will have their fifth birthday between September 2 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.
(2) (A) In any school year, a school district or charter school may, at any time during a school year, admit a child to a transitional kindergarten program who will have their fifth birthday after the date specified for the applicable year in subparagraphs (A) to (F), inclusive, of paragraph (1) but during that same school year, with the approval of the parent or guardian, subject to the following conditions:
(i) The governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child.
(ii) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.
(B) Notwithstanding any other law, a pupil admitted to a transitional kindergarten program pursuant to subparagraph (A) shall not generate average daily attendance for purposes of Section 46300, or be included in the enrollment or unduplicated pupil count pursuant to Section 42238.02, until the pupil has attained the pupil's

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fifth birthday, regardless of when the pupil was admitted during the school year.
(d) For purposes of this section, "transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.
(e) A transitional kindergarten shall not be construed as a new program or higher level of service.
(f) It is the intent of the Legislature that transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the department.
(g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall do all of the following:
(1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For purposes of this calculation, the following shall apply for each schoolsite of a school district or charter school:
(A) "Class" means a group of pupils scheduled to report regularly at a particular time to a particular teacher during the regular schoolday, as defined by the governing board of the school district or the governing body of the charter school, as applicable, excluding special day classes. Classes in the evening and summer school class shall not be considered classes for purposes of this calculation.
(B) (i) "Active enrollment count" for purposes of subparagraph (C) means the count of all pupils enrolled in a class with transitional kindergarten pupils on the first day of the school year on which the class was in session, plus all later enrollees, minus all withdrawals since that first day. An active enrollment count shall be made on the last teaching day of each school month that ends before April 15 of the school year.
(ii) For school districts, active enrollment count shall not include pupils enrolled in independent study pursuant to Article 5.5 (commencing with Section 51744) of Chapter 5 of Part 28 who meet the minimum day requirements for independent study and are continually enrolled in independent study for more than 14 schooldays in a school year.
(iii) For charter schools, active enrollment count shall not include pupils enrolled in independent study pursuant to Article 5.5 (commencing with Section 51744) of Chapter 5 of Part 28 who are continually enrolled in independent study for more than 14 schooldays on any of the days on which school is taught for the purpose of meeting the 175-instructional-day offering, as described in Section 11960 of Title 5 of the California Code of Regulations.
(C) "Average number of pupils enrolled per class" means the quotient of the sum of the active enrollment counts made under subparagraph (B) divided by the total number of those active enrollment counts for each class of the schoolsite.
(D) "Average transitional kindergarten class enrollment" means the quotient of the sum of the average number of pupils enrolled per class determined pursuant to subparagraph (C) of all classes at the schoolsite divided by the total number of all classes at the schoolsite that include transitional kindergarten pupils, rounded to the nearest half or whole integer.
(2) Commencing with the 2022–23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms at each schoolsite. For purposes of this calculation, the following shall apply for each schoolsite of a school district or charter school:
(A) "Total transitional kindergarten enrollment" is the sum of the average number of pupils enrolled per class of all classes at the schoolsite, as determined in subparagraph (C) of paragraph (1).
(B) "Number of adults" shall be determined for each schoolsite as follows:
(i) A count of employees of the school district or charter school assigned to each class at the schoolsite that includes transitional kindergarten pupils shall be made on the last teaching day of each school month that ends before April 15 of the school year.
(ii) The sum of all of the adult counts pursuant to clause (i) shall be divided by the total number of those counts, rounded to the nearest half or whole integer.
(C) "Adult-to-pupil ratio" shall be the quotient of the total transitional kindergarten enrollment divided by the total number of adults, rounded to the nearest half or whole integer.
(3) (A) Commencing with the 2025–26 school year, and for each year thereafter, maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms.
(B) It is the intent of the Legislature to appropriate funds for purposes of this paragraph.
(4) Ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2025, one of the following:
(A) At least 24 units in early childhood education, childhood development, or both.
(B) As determined and documented by the local educational agency employing the teacher, professional experience in a classroom setting with preschool age children meeting the criteria established by the governing board or body of the local educational agency that is comparable to the 24 units of education described in subparagraph (A).
(C) A child development teacher permit, or an early childhood education specialist credential, issued by the Commission on Teacher Credentialing.
(h) A school district or charter school may place four-year-old children, as defined in Section 8205, enrolled in a California state preschool program into a transitional kindergarten program classroom. A school district or charter school that commingles children from both programs in the same classroom shall meet all of the requirements of the respective programs in which the children are enrolled, and the school district or charter school shall adhere to all of the following requirements, irrespective of the program in which the child is enrolled:
(1) An early childhood environment rating scale, as specified in Section 18281 of Title 5 of the California Code of Regulations, shall be completed for the classroom.
(2) All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in Section 18272 of Title 5 of the California Code of Regulations.
(3) The classroom shall be taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing in accordance with Section 44065 and subdivision (b) of Section 44256 and who meets the requirements set forth in subdivision (g).

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(4) The classroom shall be in compliance with the adult-child ratio specified in subdivision (c) of Section 8241.
(5) Contractors of a school district or charter school commingling children enrolled in the California state preschool program with children enrolled in a transitional kindergarten program classroom shall report the services, revenues, and expenditures for the California state preschool program children in accordance with Section 18068 of Title 5 of the California Code of Regulations. Those contractors are not required to report services, revenues, and expenditures for the children in the transitional kindergarten program.
(i) Until July 1, 2019, a transitional kindergarten classroom that has in attendance children enrolled in a California state preschool program shall be licensed pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code.
(j) A school district or charter school that chooses to place California state preschool program children into a transitional kindergarten program classroom shall not also include children enrolled in transitional kindergarten for a second year or children enrolled in kindergarten in that classroom.
(k) A child's eligibility for transitional kindergarten enrollment under paragraph (1) or (2) of subdivision (c) shall not impact family eligibility for a preschool or childcare program, including, but not limited to, all of the following:
(1) A Head Start or Early Head Start program, as defined by the federal Head Start Act, as amended (42 U.S.C. Sec. 9801 et seq.).
(2) A childcare center, family childcare home, or license-exempt provider serving children through an alternative payment program pursuant to Chapter 3 (commencing with Section 10225) of Part 1.8 of Division 9 of the Welfare and Institutions Code.
(3) A migrant childcare and development program serving children pursuant to Chapter 6 (commencing with Section 10235) of Part 1.8 of Division 9 of the Welfare and Institutions Code.
(4) A childcare center or family childcare home educational network serving children through a California state preschool program pursuant to Article 2 (commencing with Section 8207) of Chapter 2 of Part 6 of Division 1 of Title 1.
(5) A childcare center, family childcare home, or license-exempt provider serving children through a general childcare and development program pursuant to Chapter 7 (commencing with Section 10240) of Part 1.8 of Division 9 of the Welfare and Institutions Code.
(6) A family childcare home educational network serving children pursuant to Chapter 8 (commencing with Section 10250) of Part 1.8 of Division 9 of the Welfare and Institutions Code.
(7) Childcare and development services for children with special needs pursuant to Chapter 9 (commencing with Section 10260) of Part 1.8 of Division 9 of the Welfare and Institutions Code.
(8) A program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program pursuant to Chapter 21 (commencing with Section 10370) of Part 1.8 of Division 9 of the Welfare and Institutions Code.
(l) (1) The Superintendent shall authorize California state preschool program contracting agencies to offer less than four hours each instructional day of wraparound childcare services within a part-day California state preschool program for children enrolled in an education program as a transitional kindergarten or kindergarten pupil, if their families meet the requirements of Section 8208.
(2) The Superintendent shall authorize California state preschool programs operating on a local education agency campus to operate a part-day California state preschool program that allows flexibility in the operational hours and enrollment cutoff dates to better align with the enrollment for the new school year.
(3) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) and Section 33308.5, until regulations are filed with the Secretary of State to implement this subdivision the department shall implement this subdivision, through management bulletins or similar letters of instruction on or before December 31, 2022.

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SELECTED NONPROFIT CORPORATIONS LAWS: CALIFORNIA CORPORATIONS CODE AND GOVERNMENT CODE

Section 5047
Directors

Except as otherwise expressly provided, "directors" means natural persons, designated in the articles or bylaws or elected by the incorporators, and their successors and natural persons designated, elected, or appointed by any other name or title to act as members of the governing body of the corporation. If the articles or bylaws designate that a natural person is a director or a member of the governing body of the corporation by reason of occupying a specified position within the corporation or outside the corporation, without limiting that person's right to vote as a member of the governing body, that person shall be a director for all purposes and shall have the same rights and obligations, including voting rights, as the other directors. A person who does not have authority to vote as a member of the governing body of the corporation, is not a director as that term is used in this division regardless of title.

Section 5150
Bylaw adoption; amendment or repeal; approval of members; restriction on power of board

(a) Except as provided in subdivision (c), and Sections 5151, 5220, 5224, 5512, 5613, and 5616, bylaws may be adopted, amended or repealed by the board unless the action would materially and adversely affect the rights of members as to voting or transfer.
(b) Bylaws may be adopted, amended or repealed by approval of members (Section 5034); provided, however, that such adoption, amendment or repeal also requires approval by the members of a class if that action would materially and adversely affect the rights of that class as to voting or transfer in a manner different than that action affects another class.
(c) The articles or bylaws may restrict or eliminate the power of the board to adopt, amend or repeal any or all bylaws, subject to subdivision (e) of Section 5151.
(d) Bylaws may also provide that repeal or amendment of those bylaws, or the repeal or amendment of specified portions of those bylaws, may occur only with the approval in writing of a specified person or persons other than the board or members. However, this approval requirement, unless the bylaws specify otherwise, shall not apply if any of the following circumstances exist:
(1) The specified person or persons have died or ceased to exist.
(2) If the right of the specified person or persons to approve is in the capacity of an officer, trustee, or other status and the office, trust, or status has ceased to exist.
(3) If the corporation has a specific proposal for amendment or repeal, and the corporation has provided written notice of that proposal, including a copy of the proposal, to the specified person or persons at the most recent address for each of them, based on the corporation's records, and the corporation has not received written approval or nonapproval within the period specified in the notice, which shall not be less than 10 nor more than 30 days commencing at least 20 days after the notice has been provided.

Section 5211
Board meetings; regular meetings; notice; time and place; participation though use of conference telephones, electronic transmissions, or electronic video screen communications; quorum; waiver of meeting requirement; voting

(a) Unless otherwise provided in the articles or in the bylaws, all of the following apply:
(1) Meetings of the board may be called by the chair of the board or the president or any vice president or the secretary or any two directors.
(2) Regular meetings of the board may be held without notice if the time and place of the meetings are fixed by the bylaws or the board. Special meetings of the board shall be held upon four days' notice by first-class mail or 48 hours' notice delivered personally or by telephone, including a voice messaging system or by electronic transmission by the corporation (Section 20). The articles or bylaws may not dispense with notice of a special meeting. A notice, or waiver of notice, need not specify the purpose of any regular or special meeting of the board.
(3) Notice of a meeting need not be given to a director who provides a waiver of notice or consent to holding the meeting or an approval of the minutes thereof in writing, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to that director. These waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.
(4) A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of an adjournment to another time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment.
(5) Meetings of the board may be held at a place within or without the state that has been designated in the notice of the meeting or, if not stated in the notice or there is no notice, designated in the bylaws or by resolution of the board.
(6) Directors may participate in a meeting through use of conference telephone, electronic video screen communication or electronic transmission by and to the corporation (Sections 20 and 21). Participation in a meeting through use of conference telephone or electronic video screen communication pursuant to this subdivision constitutes presence in person at that meeting as long as all directors participating in the meeting are able to hear one another. Participation in a meeting through use of electronic transmission by and to the corporation, other than conference telephone and electronic video screen communication, pursuant to this subdivision constitutes presence in person at that meeting if both of the following apply:
(A) Each director participating in the meeting can communicate with all of the other directors concurrently.

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Section 5211
Board meetings; regular meetings; notice; time and place; participation though use of conference telephones, electronic transmissions, or electronic video screen communications; quorum; waiver of meeting requirement; voting (cont'd)

(B) Each director is provided the means of participating in all matters before the board, including, without limitation the capacity to propose, or to interpose an objection to, a specific action to be taken by the corporation.

(7) A majority of the number of directors authorized in or pursuant to the articles or bylaws constitutes a quorum of the board for the transaction of business. The articles or bylaws may require the presence of one or more specified directors in order to constitute a quorum of the board to transact business, as long as the death or nonexistence of a specified director or the death or nonexistence of the person or persons otherwise authorized to appoint or designate that director does not prevent the corporation from transacting business in the normal course of events. The articles or bylaws may not provide that a quorum shall be less than one-fifth the number of directors authorized in or pursuant to the articles or bylaws, or less than two, whichever is larger, unless the number of directors authorized in or pursuant to the articles or bylaws is one, in which case one director constitutes a quorum.

(8) Subject to the provisions of Sections 5212, 5233, 5234, 5235, and subdivision (e) of Section 5238, an act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the board. The articles or bylaws may not provide that a lesser vote than a majority of the directors present at a meeting is the act of the board. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for that meeting, or a greater number required by this division, the articles, or the bylaws.

(b) An action required or permitted to be taken by the board may be taken without a meeting if all directors individually or collectively consent in writing to that action and if, subject to subdivision (a) of Section 5224, the number of directors then in office constitutes a quorum. The written consent or consents shall be filed with the minutes of the proceedings of the board. The action by written consent shall have the same force and effect as a unanimous vote of the directors. For purposes of this subdivision only, "all directors" does not include an "interested director" as defined in subdivision (a) of Section 5233 or a "common director" as described in Section 5234 who abstains in writing from providing consent, if (1) the facts described in paragraph (2) or **(3)** of subdivision (d) of Section 5233 are established or the provisions of paragraph (1) or (2) of subdivision (a) of Section 5234 are satisfied, as appropriate, at or prior to execution of the written consent or consents; (2) the establishment of those facts or satisfaction of those provisions, as applicable, is included in the written consent or consents executed by the noninterested or noncommon directors or in other records of the corporation; and (3) the noninterested or noncommon directors, as applicable, approve the action by a vote that is sufficient without counting the votes of the interested directors or common directors.

(c) Each director shall have one vote on each matter presented to the board of directors for action. A director shall not vote by proxy.

(d) The provisions of this section apply also to incorporators, to committees of the board, and to action by those incorporators or committees mutatis mutandis.

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Section 5220
Terms of office; voting by class, organizational unit, or geographic grouping; election, designation or selection

(a) Except as provided in subdivision (d), (e), or (f), directors shall be elected for terms of not longer than four years, as fixed in the articles or bylaws. However, the terms of directors of a corporation without members may be up to six years. In the absence of any provision in the articles or bylaws, the term shall be one year. The articles or bylaws may provide for staggering the terms of directors by dividing the total number of directors into groups of one or more directors. The terms of office of the several groups and the number of directors in each group need not be uniform. An amendment of the articles or bylaws may not extend the term of a director beyond that for which the director was elected, and any bylaw provision increasing the terms of directors may not be adopted without approval of the members (Section 5034).
(b) Unless otherwise provided in the articles or bylaws, each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified, unless the director has been removed from office.
(c) The articles or bylaws may provide for the election of one or more directors by the members of any class voting as a class.
(d) For the purposes of this subdivision, "designator" means one or more designators. Notwithstanding subdivisions (a) to (c), inclusive, all or any portion of the directors authorized in the articles or bylaws of a corporation may hold office by virtue of designation or selection by a specified designator as provided by the articles or bylaws rather than by election. Those directors shall continue in office for the term prescribed by the governing article or bylaw provision, or, if there is no term prescribed, until the governing article or bylaw provision is duly amended or repealed, except as provided in subdivision (e) of Section 5222. A bylaw provision authorized by this subdivision may be adopted, amended, or repealed only by approval of the members (Section 5034) except as provided in subdivision (d) of Section 5150. Unless otherwise provided in the articles or bylaws, the entitlement to designate or select a director or directors shall cease if any of the following circumstances exist:
(1) The specified designator of that director or directors has died or ceased to exist.
(2) If the entitlement of the specified designator of that director or directors to designate is in the capacity of an officer, trustee, or other status and the office, trust, or status has ceased to exist.
(e) If a corporation has not issued memberships and (1) all the directors resign, die, or become incompetent, or (2) a corporation's initial directors have not been named in the articles and all incorporators resign, die, or become incompetent before the election of the initial directors, the superior court of any county may appoint directors of the corporation upon application by any party in interest.
(f) If authorized in the articles or bylaws of a corporation, all or any portion of the directors may hold office ex officio by virtue of occupying a specified position within the corporation or outside the corporation. The term of office of an ex officio director shall coincide with that director's respective term of office in the specified position entitling him or her to serve on the board of directors. Upon an ex officio director's resignation or removal from that position, or resignation or removal from the board for any reason, the term of office as a director of the corporation shall immediately cease. At that time, the successor in office shall become an ex officio director of the corporation, occupying the place of the former director.

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Section 5225
Provisional directors; deadlocked board or members; appointment; grounds; equitable relief

(a) If a corporation has an even number of directors who are equally divided and cannot agree as to the management of its affairs, so that its activities can no longer be conducted to advantage or so that there is danger that its property, activities, or business will be impaired or lost, the superior court of the proper county may, notwithstanding any provisions of the articles or bylaws and whether or not an action is pending for an involuntary winding up or dissolution of the corporation, appoint a provisional director pursuant to this section. Action for such appointment may be brought by any director or by members holding not less than $33^{1}/_{3}$ percent of the voting power.
(b) If the members of a corporation are deadlocked so that they cannot elect the directors to be elected at the time prescribed therefor, the superior court of the proper county may, notwithstanding any provisions of the articles or bylaws, upon petition of members holding 50 percent of the voting power, appoint a provisional director or directors pursuant to this section or order such other equitable relief as the court deems appropriate.
(c) Any person bringing an action under subdivision (a) or (b) shall give notice to the Attorney General, who may intervene.
(d) The Attorney General may bring an action under subdivision (a) or (b).
(e) A provisional director shall be an impartial person, who is neither a member nor a creditor of the corporation, nor related by consanguinity or affinity within the third degree according to the common law to any of the other directors of the corporation or to any judge of the court by which such provisional director is appointed. A provisional director shall have all the rights and powers of a director until the deadlock in the board or among members is broken or until such provisional director is removed by order of the court or by approval of a majority of all members (Section 5033). Such person shall be entitled to such compensation as shall be fixed by the court unless otherwise agreed with the corporation.

Section 5231
Good faith; standard of care; reliance on information presented by others; liability

(a) A director shall perform the duties of a director, including duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner that director believes to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.
(b) In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:
(1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matters presented;
(2) Counsel, independent accountants or other persons as to matters which the director believes to be within that person's professional or expert competence; or
(3) A committee upon which the director does not serve that is composed exclusively of any or any combination of directors, persons described in paragraph (1), or persons described in paragraph (2), as to matters within the committee's designated authority, which committee the director believes to merit confidence, so long as, in any case, the director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause that reliance to be unwarranted.
(c) Except as provided in Section 5233, a person who performs the duties of a director in accordance with subdivisions (a) and (b) shall have no liability based upon any alleged failure to discharge the person's obligations as a director, including, without limiting the generality of the foregoing, any actions or omissions which exceed or defeat a public or charitable purpose to which a corporation, or assets held by it, are dedicated.

Section 5233
Self-dealing transactions; interested director; exceptions; actions; burden of proof; limitations; remedies

(a) Except as provided in subdivision (b), for the purpose of this section, a self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest and which does not meet the requirements of paragraph (1), (2), or (3) of subdivision (d). Such a director is an "interested director" for the purpose of this section.
(b) The provisions of this section do not apply to any of the following:
(1) An action of the board fixing the compensation of a director as a director or officer of the corporation.
(2) A transaction which is part of a public or charitable program of the corporation if it: (i) is approved or authorized by the corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program.
(3) A transaction, of which the interested director or directors have no actual knowledge, and which does not exceed the lesser of 1 percent of the gross receipts of the corporation for the preceding fiscal year or one hundred thousand dollars ($100,000).
(c) The Attorney General or, if the Attorney General is joined as an indispensable party, any of the following may bring an action in the superior court of the proper county for the remedies specified in subdivision (h):
(1) The corporation, or a member asserting the right in the name of the corporation pursuant to Section 5710.
(2) A director of the corporation.
(3) An officer of the corporation.
(4) Any person granted relator status by the Attorney General.
(d) In any action brought under subdivision (c) the remedies specified in subdivision (h) shall not be granted if:
(1) The Attorney General, or the court in an action in which the Attorney General is an indispensable party, has approved the transaction before or after it was consummated; or
(2) The following facts are established:
(A) The corporation entered into the transaction for its own benefit;
(B) The transaction was fair and reasonable as to the corporation at the time the corporation entered into the transaction;

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Section 5233
Self-dealing transactions; interested director; exceptions; actions; burden of proof; limitations; remedies (cont'd)

(C) Prior to consummating the transaction or any part thereof the board authorized or approved the transaction in good faith by a vote of a majority of the directors then in office without counting the vote of the interested director or directors, and with knowledge of the material facts concerning the transaction and the director's interest in the transaction. Except as provided in paragraph (3) of this subdivision, action by a committee of the board shall not satisfy this paragraph; and
(D)(i) Prior to authorizing or approving the transaction the board considered and in good faith determined after reasonable investigation under the circumstances that the corporation could not have obtained a more advantageous arrangement with reasonable effort under the circumstances or (ii) the corporation in fact could not have obtained a more advantageous arrangement with reasonable effort under the circumstances; or
(3) The following facts are established:
(A) A committee or person authorized by the board approved the transaction in a manner consistent with the standards set forth in paragraph (2) of this subdivision;
(B) It was not reasonably practicable to obtain approval of the board prior to entering into the transaction; and
(C) The board, after determining in good faith that the conditions of subparagraphs (A) and (B) of this paragraph were satisfied, ratified the transaction at its next meeting by a vote of the majority of the directors then in office without counting the vote of the interested director or directors.
(e) Except as provided in subdivision (f), an action under subdivision (c) must be filed within two years after written notice setting forth the material facts of the transaction and the director's interest in the transaction is filed with the Attorney General in accordance with such regulations, if any, as the Attorney General may adopt or, if no such notice is filed, within three years after the transaction occurred, except for the Attorney General, who shall have 10 years after the transaction occurred within which to file an action.
(f) In any action for breach of an obligation of the corporation owed to an interested director, where the obligation arises from a self-dealing transaction which has not been approved as provided in subdivision (d), the court may, by way of offset only, make any order authorized by subdivision (h), notwithstanding the expiration of the applicable period specified in subdivision (e).
(g) Interested directors may be counted in determining the presence of a quorum at a meeting of the board which authorizes, approves or ratifies a contract or transaction.
(h) If a self-dealing transaction has taken place, the interested director or directors shall do such things and pay such damages as in the discretion of the court will provide an equitable and fair remedy to the corporation, taking into account any benefit received by the corporation and whether the interested director or directors acted in good faith and with intent to further the best interest of the corporation. Without limiting the generality of the foregoing, the court may order the director to do any or all of the following:
(1) Account for any profits made from such transaction, and pay them to the corporation;
(2) Pay the corporation the value of the use of any of its property used in such transaction; and
(3) Return or replace any property lost to the corporation as a result of such transaction, together with any income or appreciation lost to the corporation by reason of such transaction, or account for any proceeds of sale of such property, and pay the proceeds to the corporation together with interest at the legal rate. The court may award prejudgment interest to the extent allowed in Section 3287 or 3288 of the Civil Code. In addition, the court may, in its discretion, grant exemplary damages for a fraudulent or malicious violation of this section.

Section 5236
Loans, guarantees, advancements; life insurance; financing residence of officer

(a) A corporation shall not make any loan of money or property to or guarantee the obligation of any director or officer, unless approved by the Attorney General; provided, however, that a corporation may advance money to a director or officer of the corporation or of its parent or any subsidiary for expenses reasonably anticipated to be incurred in the performance of the duties of such officer or director, provided that in the absence of such advance, such director or officer would be entitled to be reimbursed for such expenses by such corporation, its parent, or any subsidiary.
(b) The provisions of subdivision (a) do not apply to the payment of premiums in whole or in part by a corporation on a life insurance policy on the life of a director or officer so long as repayment to the corporation of the amount paid by it is secured by either the policy's death benefit proceeds or its cash surrender value, or both.
(c) When repayment of a loan, entered into under subdivision (b), to a corporation is secured by only the policy's death benefit, the contract between the corporation and director or officer that secures the loan shall include terms sufficient to ensure that any policy fees and charges, withdrawals of the cash value, or loans taken against it do not impair the value of the death benefit to repay the cost of the loan, for the life of the policy.
(d) When repayment of a loan, entered into under subdivision (b), to a corporation is secured by only the policy's cash surrender value, the contract between the corporation and the director or officer that secures the loan shall include terms sufficient to ensure that the cash surrender value is sufficient to repay the cost of the loan, for the life of the policy.
(e) The provisions of subdivision (a) do not apply to a loan of money to or for the benefit of an officer in circumstances where the loan is necessary, in the judgment of the board, to provide financing for the purchase of the principal residence of the officer in order to secure the services or continued services of the officer and the loan is secured by real property located in the state.

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Section 5239
Personal liability of volunteer director or officer for negligence

(a) There shall be no personal liability to a third party for monetary damages on the part of a volunteer director or volunteer executive officer of a nonprofit corporation subject to this part, caused by the director's or officer's negligent act or omission in the performance of that person's duties as a director or officer, if all of the following conditions are met:
(1) The act or omission was within the scope of the director's or executive officer's duties.
(2) The act or omission was performed in good faith.
(3) The act or omission was not reckless, wanton, intentional, or grossly negligent.
(4) Damages caused by the act or omission are covered pursuant to a liability insurance policy issued to the corporation, either in the form of a general liability policy or a director's and officer's liability policy, or personally to the director or executive officer. In the event that the damages are not covered by a liability insurance policy, the volunteer director or volunteer executive officer shall not be personally liable for the damages if the board of directors of the corporation and the person had made all reasonable efforts in good faith to obtain available liability insurance.
(b) "Volunteer" means the rendering of services without compensation. "Compensation" means remuneration whether by way of salary, fee, or other consideration for services rendered. However, the payment of per diem, mileage, or other reimbursement expenses to a director or executive officer does not affect that person's status as a volunteer within the meaning of this section.
(c) "Executive officer" means the president, vice president, secretary, or treasurer of a corporation, or such other individual who serves in like capacity, who assists in establishing the policy of the corporation.
(d) Nothing in this section shall limit the liability of the corporation for any damages caused by acts or omissions of the volunteer director or volunteer executive officer.
(e) This section does not eliminate or limit the liability of a director or officer for any of the following:
(1) As provided in Section 5233 or 5237.
(2) In any action or proceeding brought by the Attorney General.
(f) Nothing in this section creates a duty of care or basis of liability for damage or injury caused by the acts or omissions of a director or officer.
(g) This section is only applicable to causes of action based upon acts or omissions occurring on or after January 1, 1988.
(h) As used in this section as applied to nonprofit public benefit corporations which have an annual budget of less than twenty-five thousand dollars ($25,000) and that are exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, the condition of making "all reasonable efforts in good faith to obtain available liability insurance" shall be satisfied by the corporation if it makes at least one inquiry per year to purchase a general liability insurance policy and that insurance was not available at a cost of less than 5 percent of the previous year's annual budget of the corporation. If the corporation is in its first year of operation, this subdivision shall apply for as long as the budget of the corporation does not exceed twenty-five thousand dollars ($25,000) in its first year of operation.
An inquiry pursuant to this subdivision shall obtain premium costs for a general liability policy with an amount of coverage of at least five hundred thousand dollars ($500,000).

Section 5812
Approvals required to amend articles

(a) Except as provided in this section or Section 5813.5, amendments may be adopted if approved by the board and approved by the members (Section 5034) and approved by such other person or persons, if any, as required by the articles. The approval by the members or other person or persons may be before or after the approval by the board.
(b) Notwithstanding subdivision (a), the following amendments may be adopted by approval of the board alone:
(1) An amendment extending the corporate existence or making the corporate existence perpetual, if the corporation was organized prior to August 14, 1929.
(2) An amendment deleting the initial street address and initial mailing address of the corporation, the names and addresses of the first directors, or the name and address of the initial agent.
(3) Any amendment, at a time the corporation has no members; provided, however, that if the articles require approval by any person for an amendment, that an amendment may not be adopted without such approval.
(4) An amendment adopted pursuant to Section 9913.
(c) Whenever the articles require for corporate action the approval of a particular class of members or of a larger proportion of, or all of, the votes of any class, or of a larger proportion of, or all of, the directors, than is otherwise required by this part, the provision in the articles requiring such greater vote shall not be altered, amended or repealed except by such class or such greater vote, unless otherwise provided in the articles.

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Section 5213
Officers; titles; duties; selection; resignation

(a) A corporation shall have (1) a chair of the board, who may be given the title chair, chairperson chair of the board, or chairperson of the board, or a president or both, (2) a secretary, (3) a treasurer or a chief financial officer or both, and (4) any other officers with any titles and duties as shall be stated in the bylaws or determined by the board and as may be necessary to enable it to sign instruments. The president, or if there is no president the chair of the board, is the general manager and chief executive officer of the corporation, unless otherwise provided in the articles or bylaws. Unless otherwise specified in the articles or the bylaws, if there is no chief financial officer, the treasurer is the chief financial officer of the corporation. Any number of offices may be held by the same person unless the articles or bylaws provide otherwise, except that no person serving as the secretary, the treasurer, or the chief financial officer may serve concurrently as the president or chair of the board. Any compensation of the president or chief executive officer and the chief financial officer or treasurer shall be determined in accordance with subdivision (g) of Section 12586 of the Government Code, if applicable.
(b) Except as otherwise provided by the articles or bylaws, officers shall be chosen by the board and serve at the pleasure of the board, subject to the rights, if any, of an officer under any contract of employment. Any officer may resign at any time upon written notice to the corporation without prejudice to the rights, if any, of the corporation under any contract to which the officer is a party.
(c) If the articles or bylaws provide for the election of any officers by the members, the term of office of the elected officer shall be one year unless the articles or bylaws provide for a different term which shall not exceed three years.

Section 5227
Interested persons; limitation

(a) Any other provision of this part notwithstanding, not more than 49 percent of the persons serving on the board of any corporation may be interested persons.
(b) For the purpose of this section, "interested persons" means either:
(1) Any person currently being compensated by the corporation for services rendered to it within the previous 12 months, whether as a full- or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as director; or
(2) Any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any such person.
(c) A person with standing under Section 5142 may bring an action to correct any violation of this section. The court may enter any order which shall provide an equitable and fair remedy to the corporation, including, but not limited to, an order for the election of additional directors, an order to enlarge the size of the board, or an order for the removal of directors.
(d) The provisions of this section shall not affect the validity or enforceability of any transaction entered into by a corporation.

REQUIRED RECORDS, REPORTS TO DIRECTORS AND MEMBERS

Section 6320
Books and records

(a) Each corporation shall keep:
(1) Adequate and correct books and records of account;
(2) Minutes of the proceedings of its members, board and committees of the board; and
(3) A record of its members giving their names and addresses and the class of membership held by each.
(b) Those minutes and other books and records shall be kept either in written form or in any other form capable of being converted into clearly legible tangible form or in any combination of the foregoing. When minutes and other books and records are kept in a form capable of being converted into clearly legible paper form, the clearly legible paper form into which those minutes and other books and records are converted shall be admissible in evidence, and accepted for all other purposes, to the same extent as an original paper record of the same information would have been, provided that the paper form accurately portrays the record.

Section 6321
Annual report

(a) Except as provided in subdivision (c), (d), or (f), the board shall cause an annual report to be sent to the members not later than 120 days after the close of the corporation's fiscal year. Unless otherwise provided by the articles or bylaws and if approved by the board of directors, that report and any accompanying material sent pursuant to this section may be sent by electronic transmission by the corporation (Section 20). That report shall contain in appropriate detail the following:
(1) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
(2) The principal changes in assets and liabilities, including trust funds, during the fiscal year.
(3) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes, for the fiscal year.
(4) The expenses or disbursements of the corporation, for both general and restricted purposes, during the fiscal year.
(5) Any information required by Section 6322.
(b) The report required by subdivision (a) shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the corporation that such statements were prepared without audit from the books and records of the corporation. The report shall be prepared, audited, and made available in the manner required by paragraph (1) of subdivision (e) of Section 12586 of the Government Code, if applicable.
(c) Subdivision (a) does not apply to any corporation which receives less than twenty-five thousand dollars ($25,000) in gross revenues or receipts during the fiscal year.

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Section 6321
Annual report (cont'd)

(d) Where a corporation has provided, pursuant to Section 5510, for regular meetings of members less often than annually, then the report required by subdivision (a) need be made to members only with the frequency with which regular membership meetings are required, unless the articles or bylaws require a report more often.
(e) Subdivisions (c) and (d) notwithstanding, a report with the information required by subdivision (a) shall be furnished annually to all of the following:
(1) All directors of the corporation.
(2) Any member who requests it in writing.
(f) A corporation which in writing solicits contributions from 500 or more persons need not send the report otherwise required by subdivision (a) if it does all of the following:
(1) Includes with any written material used to solicit contributions a written statement that its latest annual report will be mailed upon request and that such request may be sent to the corporation at a name and address which is set forth in the statement.
The term "annual report" as used in this subdivision refers to the report required by subdivision (a).
(2) Promptly mails a copy of its latest annual report to any person who requests a copy thereof.
(3) Causes its annual report to be published not later than 120 days after the close of its fiscal year in a newspaper of general circulation in the county in which its principal office is located.

Section 6322
Annual statement of transactions with interested persons and of indemnification

(a) Any provision of the articles or bylaws notwithstanding, every corporation shall furnish annually to its members and directors a statement of any transaction or indemnification of a kind described in subdivision (d) or (e), if any such transaction or indemnification took place. If the corporation issues an annual report to all members, this subdivision shall be satisfied by including the required information in the annual report. A corporation which does not issue an annual report to all members, pursuant to subdivision (c) or (d) of Section 6321, shall satisfy this section by mailing or delivering to its members the required statement within 120 days after the close of the corporation's fiscal year. Unless otherwise provided by the articles or bylaws and if approved by the board of directors, that statement may be sent by electronic transmission by the corporation (Section 20).
(b) Except as provided in subdivision (c), a covered transaction under this section is a transaction in which the corporation, its parent, or its subsidiary was a party, and in which either of the following had a direct or indirect material financial interest:
(1) Any director or officer of the corporation, or its parent or subsidiary.
(2) Any holder of more than 10 percent of the voting power of the corporation, its parent or its subsidiary.
For the purpose of subdivision (d), an "interested person" is any person described in paragraph (1) or (2) of this subdivision.
(c) For the purpose of subdivision (b), a mere common directorship is not a material financial interest.
(d) The statement required by subdivision (a) shall describe briefly:
(1) Any covered transaction during the previous fiscal year involving more than fifty thousand dollars ($50,000), or which was one of a number of covered transactions in which the same interested person had a direct or indirect material financial interest, and which transactions in the aggregate involved more than fifty thousand dollars ($50,000).
(2) The names of the interested persons involved in such transactions, stating such person's relationship to the corporation, the nature of such person's interest in the transaction and, where practicable, the amount of such interest; provided, that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated.
(e) The statement required by subdivision (a) shall describe briefly the amount and circumstances of any indemnifications or advances aggregating more than ten thousand dollars ($10,000) paid during the fiscal year to any officer or director of the corporation pursuant to Section 5238; provided that no such report need be made in the case of indemnification approved by the members (Section 5034) under paragraph (2) of subdivision (e) of Section 5238.

VOLUNTARY DISSOLUTION

Section 6613
Commencement; powers of board; restriction on activities; notice

(a) Voluntary proceedings for winding up the corporation commence upon the adoption of the resolution required by Section 6610 by the members, by the board and members, or by the board alone, electing to wind up and dissolve.
(b) When a voluntary proceeding for winding up has commenced, the board shall continue to act as a board and shall have full powers to wind up and settle its affairs, both before and after the filing of the certificate of dissolution.
(c) When a voluntary proceeding for winding up has commenced, the corporation shall cease to conduct its activities except to the extent necessary for the beneficial winding up thereof, to the extent necessary to carry out its purposes and except during such period as the board may deem necessary to preserve the corporation's goodwill or going-concern value pending a sale or other disposition of its assets, or both, in whole or in part. The board shall cause written notice of the commencement of the proceeding for voluntary winding up to be given by mail to all its members (except no notice need be given to the members who voted in favor of winding up and dissolving the corporation), to all known creditors and claimants whose addresses appear on the records of the corporation, and to the Attorney General.

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NONPROFIT PUBLIC INTEGRITY ACT:

Government Code Section 12586 Report on assets and administration

(a) Except as otherwise provided and except corporate trustees which are subject to the jurisdiction of the Commissioner of Financial Institutions of the State of California under Division 1 (commencing with Section 99) of the Financial Code or to the Comptroller of the Currency of the United States, every charitable corporation, unincorporated association, and trustee subject to this article shall, in addition to filing copies of the instruments previously required, file with the Attorney General periodic written reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the corporation, unincorporated association, or trustee, in accordance with rules and regulations of the Attorney General.

(b) The Attorney General shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. The Attorney General may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required to the ends (1) that the Attorney General shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature, which will enable the Attorney General to ascertain whether they are being properly administered, and **(2)** that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The Attorney General may suspend the filing of reports as to a particular charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the Attorney General and after the Attorney General has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by the Attorney General's office.

(c) A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the Attorney General, may be filed as a report required by this section.

(d) The first periodic written report, unless the filing thereof is suspended as herein provided, shall be filed not later than four months and 15 days following the close of the first calendar or fiscal year in which property is initially received. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this article takes effect, the first report shall be filed at the close of the calendar or fiscal year in which it was registered with the Attorney General or not later than four months and 15 days following the close of the calendar or fiscal period.

(e) Every charitable corporation, unincorporated association, and trustee required to file reports with the Attorney General pursuant to this section that receives or accrues in any fiscal year gross revenue of two million dollars ($2,000,000) or more, exclusive of grants from, and contracts for services with, governmental entities for which the governmental entity requires an accounting of the funds received, shall do the following:

(1) Prepare annual financial statements using generally accepted accounting principles that are audited by an independent certified public accountant in conformity with generally accepted auditing standards. For any nonaudit services performed by the firm conducting the audit, the firm and its individual auditors shall adhere to the standards for auditor independence set forth in the latest revision of the Government Auditing Standards, issued by the Comptroller General of the United States (the Yellow Book). The Attorney General may, by regulation, prescribe standards for auditor independence in the performance of nonaudit services, including standards different from those set forth in the Yellow Book. If a charitable corporation or unincorporated association that is required to prepare an annual financial statement pursuant to this subdivision is under the control of another organization, the controlling organization may prepare a consolidated financial statement. The audited financial statements shall be available for inspection by the Attorney General and by members of the public no later than nine months after the close of the fiscal year to which the statements relate. A charity shall make its annual audited financial statements available to the public in the same manner that is prescribed for IRS Form 990 by the latest revision of Section 6104(d) of the Internal Revenue Code and associated regulations.

(2) If it is a corporation, have an audit committee appointed by the board of directors. The audit committee may include persons who are not members of the board of directors, but the member or members of the audit committee shall not include any members of the staff, including the president or chief executive officer and the treasurer or chief financial officer. If the corporation has a finance committee, it must be separate from the audit committee. Members of the finance committee may serve on the audit committee; however, the chairperson of the audit committee may not be a member of the finance committee and members of the finance committee shall constitute less than one-half of the membership of the audit committee. Members of the audit committee shall not receive any compensation from the corporation in excess of the compensation, if any, received by members of the board of directors for service on the board and shall not have a material financial interest in any entity doing business with the corporation. Subject to the supervision of the board of directors, the audit committee shall be responsible for recommending to the board of directors the retention and termination of the independent auditor and may negotiate the independent auditor's compensation, on behalf of the board of directors. The audit committee shall confer with the auditor to satisfy its members that the financial affairs of the corporation are in order, shall review and determine whether to accept the audit, shall ensure that any nonaudit services performed by the auditing firm conform with standards for auditor independence referred to in paragraph (1), and shall approve performance of nonaudit services by the auditing firm. If the charitable corporation that is required to have an audit committee pursuant to this subdivision is under the control of another corporation, the audit committee may be part of the board of directors of the controlling corporation.

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Government Code Section 12586 Report on assets and administration (cont'd)

(f) If, independent of the audit requirement set forth in paragraph (1) of subdivision (e), a charitable corporation, unincorporated association, or trustee required to file reports with the Attorney General pursuant to this section prepares financial statements that are audited by a certified public accountant, the audited financial statements shall be available for inspection by the Attorney General and shall be made available to members of the public in conformity with paragraph (1) of subdivision (e).

(g) The board of directors of a charitable corporation or unincorporated association, or an authorized committee of the board, and the trustee or trustees of a charitable trust shall review and approve the compensation, including benefits, of the president or chief executive officer and the treasurer or chief financial officer to ensure that it is just and reasonable. This review and approval shall occur initially upon the hiring of the officer, whenever the term of employment, if any, of the officer is renewed or extended, and whenever the officer's compensation is modified. Separate review and approval shall not be required if a modification of compensation extends to substantially all employees. If a charitable corporation is affiliated with other charitable corporations, the requirements of this section shall be satisfied if review and approval is obtained from the board, or an authorized committee of the board, of the charitable corporation that makes retention and compensation decisions regarding a particular individual.

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INDEPENDENT STUDY LAW REGULATIONS

Section 11700 Definitions

(a) "Full-time equivalent certificated employees" means any combination of full-time certificated employees and part-time certificated employee assignments that aggregate to the amount of instructional time specified in the contract of a full-time certificated classroom teacher of the district or county office of education.
(b) "General supervision" means the supervising teacher's
(1) continuing oversight of the study design, implementation plan, allocation of resources, and evaluation of pupil or adult education student progress for any pupil's or adult education student's independent study; and
(2) personal determination or personal review of the determination made by another certificated teacher of the time values for apportionment purposes of each pupil's or adult education student's work products.
(c) "Independent study" means an alternative to classroom instruction consistent with the district's course of study.
(d) "Independent study is an optional educational alternative in which no pupil may be required to participate" means
(1) with regard to school districts or county offices of education, that
(A) they are not required to offer independent study, and
(B) school districts or county offices of education that do offer independent study are not obliged to permit a pupil or adult education student to engage in independent study if school officials given responsibility for the decision determine that independent study is not an appropriate alternative for the pupil or adult education student; and,
(2) with regard to pupils or adult education students,
(A) a pupil's or an adult education student's choice to commence, or to continue in, independent study must not be coerced, and
(B) in the case of a pupil who is referred or assigned to any school, class, or program pursuant to Education Code sections 48915 or 48917, and to the extent that independent study is not prohibited, instruction may be provided to the pupil through independent study only if the pupil has the continuing option of classroom instruction.
(e) "Method utilized to evaluate" means any specified procedure through which a certificated teacher personally assesses the extent to which achievement of the pupil or adult education student meets the objectives of an assignment.
(f) "Methods of study" means the pupil or adult education student activities selected by the supervising teacher as the means to reach the educational objectives set forth in the written agreement.
(g) "Missed assignment" means any specified independent study assignment that has not been turned in, or evidenced as completed, by a pupil or adult education student by the due date for the assignment.
(h) "Regular school program" means the classroom-based instructional program or its equivalent that a pupil or adult education student would have attended had the pupil or adult education student not elected independent study.
(i) "Specific resources" include all resources, including materials and services, reasonably necessary to the achievement of the objectives in the written agreement, and shall not be construed to exclude resources normally available to all pupils or adult education students on the same terms as the terms on which they are normally available to all pupils or adult education students.
(j) "Supervising teacher" means the certificated teacher employed by the school district or county office of education and assigned, as noted in the written agreement, the responsibility for coordinating, evaluating, and providing general supervision of a pupil's or adult education student's independent study pursuant to Education Code section 51747.5(a).
(k) "Type of program" means statutory program category for purposes of attendance accounting.
(l) "Work product" means that which results from a pupil's or adult education student's efforts and actions to complete or perform the assignments given and which is subsequently evaluated by a certificated teacher.

Section 11700.1 Additional definitions applicable to charter schools

(a) "Certificated employees," in charter schools, means employees meeting the requirements of subdivision (l) of Education Code Section 47605.
(b) "Classroom instruction," with reference to a charter school, means classroom instruction provided either by the charter school or by another public school that the pupil is eligible to attend.
(c) "School district" or "district," for the purposes of this subchapter and of Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code, means a school district or a charter school, unless the context clearly indicates otherwise.

Section 11701 District responsibilities

In setting policy pursuant to subdivisions (a) and (b) of Education Code section 51747, the local governing board shall consider, in a public hearing, the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of pupils or adult education students. Adopted policies shall reflect an awareness that excessive leniency in their terms can result in pupils falling so far behind their age peers as to increase, rather than decrease, the risk of their dropping out of school.

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Section 11701.5 **Equitable provision of resources and services**	Consistent with the statutory authorization to offer independent study as an alternative instructional strategy to meet the educational needs of pupils or adult education students, **(a)** the independent study option is to be substantially equivalent in quality and in quantity to classroom instruction, thereby ensuring that a pupil or adult education student who engages in independent study on a full-time basis, or on a part-time basis in conjunction with part- or full-time classroom study, will be enabled to complete the district or county office of education adopted course of study within the customary time frame for completion of that course of study; **(b)** pupils or adult education students who choose to engage in independent study are to have the same access to existing services and resources as the other pupils or adult education students of the school in which the independent study pupil or adult education student is enrolled; and **(c)** pupils or adult education students who choose to engage in independent study are to have equality of rights and privileges with the pupils or adult education students of the district or county office of education who choose to continue in the regular school program.
Section 11702 **Requirements for agreements**	**(a)** Each signature required for an independent study agreement shall be dated. An agreement is not in effect until it is complete as to all terms, signed and dated. **(b)** The curriculum and methods of study specified in an independent study agreement shall be consistent with the district or county office of education policies and procedures for curriculum and instruction as adopted by the governing board.
Section 11703 **Records**	**(a)** Maintaining records to meet audit requirements is the responsibility of the local district or county superintendent's office. These records may be on site(s). **(b)** Records shall include but not be limited to: **(1)** A copy of adopted governing board policy and procedures. **(2)** A separate listing of the pupils and adult education students, by grade level, program and school, who have engaged in independent study, identifying units of the curriculum undertaken and units of the curriculum completed by each of those pupils in kindergarten and grades 1 to 8, inclusive, and identifying course credits attempted by and awarded to each of those pupils in grades 9 to 12 inclusive and each of those students in adult education, as specified in their written agreements. **(3)** A file of all agreements, including representative samples of each pupil's or adult education student's work products bearing signed or initialed and dated notations by the supervising teacher indicating that he or she has personally evaluated the work, or that he or she has personally reviewed the evaluations made by another certificated teacher. **(4)** A daily or hourly attendance credit register, as appropriate to the program in which the pupils or adult education students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of pupil or adult education student work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons.
Section 11704 **Pupil-teacher ratio**	In a charter school, for the purposes of Education Code section 51745.6, the ratio of average daily attendance for independent study pupils to full-time equivalent (FTE) certificated employees responsible for independent study shall not exceed a pupil-teacher ratio of 25:1 or the ratio of pupils to full-time equivalent certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, as reported at the second principal apportionment in the prior year, in the county or counties in which the charter school operates. Units of average daily attendance for independent study that are ineligible for apportionment as provided in subdivision (b) of Education Code section 51745.6 shall also be ineligible for funding pursuant to Chapter 6 (commencing with section 47630) of Part 26.8 of the Education Code. For purposes of this section, a “full-time certificated employee” means an employee who is required to work a minimum six-hour day and 175 days per fiscal year. Part-time positions shall generate a partial FTE on a proportional basis.
Section 11705 **High school graduation requirements**	For the purposes of subdivision (e) of Education Code section 51745, a charter school that includes any of grades 9 to 12, inclusive, shall be deemed to be an alternative school of every high school district and unified school district within which it operates.

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Section 11963
Definition of classroom-based instruction

(a) In accordance with the definition of classroom-based instruction specified in Education Code section 47612.5(e)(1), and for purposes of identifying and reporting that portion of a charter school's average daily attendance that is generated through nonclassroom-based instruction pursuant to Education Code sections 47634.2(c) and 47612.5(e)(2), classroom-based instruction in a charter school occurs only when all four of the following conditions are met.
(1) The charter school's pupils are engaged in educational activities required of those pupils, and the pupils are under the immediate supervision and control of an employee of the charter school who is authorized to provide instruction to the pupils within the meaning of Education Code section 47605(l).
(2) At least 80 percent of the instructional time offered at the charter school is at the schoolsite.
(3) The charter school's schoolsite is a facility that is used principally for classroom instruction.
(4) The charter school requires its pupils to be in attendance at the schoolsite at least 80 percent of the minimum instructional time required pursuant to Education Code section 47612.5(a)(1).
(b) The requirement to be "at the schoolsite" is satisfied if either of the following conditions is met.
(1) The facility in which the pupils receive instruction is:
(A) Owned, rented, or leased by the charter school principally for classroom instruction;
(B) Provided to the charter school by a school district pursuant to Education Code section 47614 principally for classroom instruction; or
(C) Provided to the charter school free-of-charge principally for classroom instruction pursuant to a written agreement.
When not being used by the charter school for classroom instruction, the facility may be rented, leased, or allowed to be used for other purposes (e.g., for evening adult classes not offered by the charter school, local theater productions, or community meetings) and still be deemed to be principally for classroom instruction.
(2) The charter school facility meets the criteria in paragraph (1) of subdivision (b) and the pupils are on a field trip during which the pupils remain under the immediate supervision and control of the employee of the charter school and are carrying out an educational activity required of the pupils.
(c) The requirement to be "at the schoolsite" is not satisfied if the pupils are in a personal residence (i.e., a dwelling), even if space in the residence is set aside and dedicated to instructional purposes and/or the charter school rents or leases space in the residence for the provision of instruction. As used in this subdivision, a personal residence shall not include a facility that is licensed by a state or local government agency to operate as a facility in which pupils not related to the facility's owners are provided custodial care and supervision (e.g., a licensed children's institution or a boarding school).
(d) The definitions in this section are solely for the purpose of determining if a charter school must submit a determination of funding request pursuant to Education Code section 47634.2.

Section 11963.1
Nonclassroom-based instruction

This article does not change the requirement that nonclassroom-based instruction in charter schools comply with the provisions of Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code.

Section 11963.2
Average daily attendance for nonclassroom-based instruction

(a) A charter school may receive funding for nonclassroom-based instruction only if a determination of funding is made pursuant to Education Code section 47634.2. A determination of funding is a specific percentage approved by the State Board of Education for each affected charter school by which the charter school's reported nonclassroom-based average daily attendance must be adjusted by the Superintendent of Public Instruction prior to the apportioning of funds based upon that average daily attendance. A determination of funding shall only be approved by the State Board for a charter school if the charter school has submitted a request.
(b) A determination of funding request approved by the State Board of Education shall be 70 percent, unless a greater or lesser percentage is determined appropriate by the State Board of Education in accordance with section 11963.4. In no case shall an approved determination of funding exceed 100 percent.

Section 11963.3
Determination of funding request forms and calculations

(a) For purposes of submitting a determination of funding request, the California Department of Education shall issue a form or set of forms to collect the information specified in this subdivision. Unless otherwise indicated, charter schools submitting a determination of funding request shall complete the form or forms in accordance with the definitions used in the 2005 edition of the California School Accounting Manual (which can be obtained from the California Department of Education web site at: http://www.cde.ca.gov/fg/ac/sa). The form or forms shall be developed by the California Department of Education in consultation with the Advisory Commission on Charter Schools. The form or forms shall include all of the following and, to the extent the form or forms include more than the following, the form or forms shall require the approval of the State Board of Education and comply with applicable provisions of the Administrative Procedure Act.
(1) The name, charter number, authorizing entity, address, contact name and title, telephone number, fax number, and email address, if any, for the charter school.
(2) The percentage requested by the school as its determination of funding.
(3) The number of fiscal years for which the determination of funding is requested, which shall not exceed five years.
(4) The date the charter was initially granted and the date the charter or charter renewal will expire.
(5) For charter schools that operated in the prior fiscal year, all of the following:
(A) The school's total resources, including all federal revenue, with federal Public Charter School Grant Program start-up, implementation, and dissemination grants separately identified; all state revenue; all local revenue with in-lieu property taxes separately identified; other financing sources; and the ending balance from the prior fiscal year.

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Section 11963.3 Determination of funding request forms and calculations (cont'd)

(B) The school's total expenditures for instruction and related services, by object of expenditure, which shall include all of the following:
1. Activities dealing with the interaction between teaching staff and students, without regard to the instructional location or medium.
2. Services that provide administrative, technical, and logistical support to facilitate and enhance instruction.
3. Services in direct support of students.
4. School-sponsored extra-curricular or co-curricular activities designed to provide motivation and enjoyment and improvement of skills.
5. Instructional materials, supplies, and equipment.
(C) The school's total expenditures for schoolsite and administrative site operations and facilities, by object of expenditure, which shall include all of the following:
1. Activities concerned with securing and keeping open and working the physical plants, grounds, and equipment necessary for the operation of the school.
2. Facility rents, leases, and utilities.
3. Facilities acquisition and construction.
(D) The school's total expenditures for administration and all other activities, by object of expenditure, which shall include all of the following:
1. Activities concerned with establishing and administering policy for operating the entire charter school, such as the governing board, director, and administrative staff.
2. Other general administration activities, such as payroll and accounting services, auditing and legal services, property and liability insurance, personnel, charter-wide telephone service, and data processing services.
3. Supervisorial oversight fees charged by the chartering authority.
4. Other expenditures not reported elsewhere, such as those for community services and enterprise activities and cumulative administrative overhead from related party transactions.
(E) Other outgo and other uses, including debt service payments and transfers.
(F) The excess (or deficiency) of revenues over expenditures calculated by subtracting the total of subparagraphs (B), (C), (D), and (E), from the total resources reported pursuant to subparagraph (A), and a list of the amount of reserves for: facilities acquisition or construction, economic uncertainties, the amount required by the charter-authorizing entity, or other reserves. Reserves in excess of the greater of fifty-thousand dollars or five percent of total expenditures may be allowed for economic uncertainties or long-term expenditures such as capital projects if the excess reserves are satisfactorily explained pursuant to section 11963.4(b).
(6) For charter schools that did not operate in the prior fiscal year, the revenue and expenditure information required in paragraph (5) shall be provided using reasonable estimates of current-year annualized revenues and expenditures.
(b) In addition to the form or forms prescribed pursuant to subdivision (a), a complete determination of funding request shall also include the following information. Only a determination of funding request that is complete may be acted upon by the State Board of Education.
(1) A certification signed by the charter school's director, principal, or governing board chairperson of the following:
(A) That the information provided is true and correct to the best of the ability and knowledge of the individual authorized to do so by the charter school's governing board.
(B) That the charter school's nonclassroom-based instruction is conducted for and substantially dedicated to the instructional benefit of the school's students.
(C) That the governing board of the charter school has adopted and implements conflict of interest policies.
(D) That all of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services, and considerations rendered for or supplied to the school.
(2) The charter school's pupil-teacher ratio as calculated pursuant to title 5, section 11704 of the California Code of Regulations.
(3) A listing of entities that received in the previous fiscal year (or will receive in the current fiscal year) $50,000 or more or 10 percent or more of the charter school's total expenditures identified pursuant to subparagraphs (B), (C), (D), and (E) of paragraph (5) of subdivision (a), the amount received by each entity; whether each of the contract payments is based on specific services rendered or upon an amount per unit of average daily attendance or some other percentage; and an identification of which entities, if any, have contract payments based on a per unit average daily attendance amount or some other percentage.
(4) An identification of the members comprising the charter school's governing board (i.e., parent, teacher, etc.) and a description of how those members were selected; whether the governing board has adopted and implemented conflict of interest policies and procedures; and whether any of the governing board members are affiliated in any way with any of the entities reported pursuant to paragraph (3) and if so, how.
(5) An explanation of all transfers reported pursuant to subparagraph (E) of paragraph (5) of subdivision (a).
(6) A list and the amount of each of the other reserves reported pursuant to subparagraph (F) of paragraph (5) of subdivision (a).
(7) To the extent that a charter school desires to have facility costs considered as an instructional cost, the total annual facility-related and operational cost, total facility square footage occupied by the charter school, total classroom-based average daily attendance (if applicable) as reported at the prior-year second principal apportionment, and the total student hours attended by nonclassroom-based pupils at the school site shall be provided.

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Section 11963.3 Determination of funding request forms and calculations (cont'd)

(8) The number of full-time equivalent employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing and who work in the charter school in a position required to provide direct instruction or direct instructional support to students. For purposes of these regulations, "direct instructional support" includes, but is not limited to, activities that are directly related to student instruction that are performed by qualified certificated persons such as curriculum coordinators, individualized education plan coordinators, librarians, counselors, psychologists, and nurses.

(c) The California Department of Education shall perform the following using the resource and expenditure data provided pursuant to subdivision (a).

(1) A calculation showing the charter school's total expenditures for salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students) as a percentage of the school's total public revenues. For the purposes of this subdivision:

(A) "Employees" shall include special education teachers who possess a valid teaching certificate, permit, or other document equivalent to that which special education teachers in non-charter public schools would be required to hold issued by the Commission on Teacher Credentialing, and who provide direct instruction or direct instructional support to pupils of the charter school pursuant to a contract with a public or private entity.

(B) "Employees" shall include individuals who possess a valid certificate, permit, or other document equivalent to that which the individuals would be required to possess in a non-charter public school, issued by the Commission on Teacher Credentialing, and who are employed by a local education agency (LEA), provided all of the following conditions are met: the LEA is the employer of all the charter school's staff; the governing board of the LEA is the governing authority for the charter school (i.e., the charter school is not a corporate entity separate from the LEA); and the LEA's employees are assigned exclusively to work at the charter school providing direct instruction or direct instructional support to students or, to the extent that the LEA's employees are assigned to work at the charter school on a part-time basis, the charter school pays for the services rendered by the employee providing direct instruction or direct instructional support to students on a documented, fee-for-service basis and not, for example, on the basis of a fixed annual amount, fixed percentage of average daily attendance revenue, or other basis that is not related to documented services actually rendered to the charter school. Under no circumstances shall certificated employees of an LEA be considered employees of a charter school for purposes of this subparagraph unless the charter school pays for the services rendered by the LEA's employees on a documented, fee-for-service basis.

(C) For purposes of this section, "employee" also means qualified persons that provide direct instruction or direct instructional support, that are hired directly by the charter school through an employment services contract based on a documented, fee-for-service basis.

(D) The school's total public revenue is based on the amounts reported pursuant to subparagraph (A) of paragraph (5) of subdivision (a) and equals the sum of: all federal revenue, less any Public Charter School Grant Program start-up, implementation, and dissemination grant funds; state revenue; and local revenue from in-lieu property taxes.

(2) A calculation showing the charter school's total expenditures on instruction and related services as a percentage of the school's total revenues. For the purposes of this subdivision, the school's total revenues do not include the ending balance from the prior fiscal year.

Section 11963.4 Evaluation of determination of funding requests regarding nonclassroom-based instruction

(a) When a complete determination of funding request is received from a charter school, it shall be reviewed by the California Department of Education and presented to the Advisory Commission on Charter Schools, along with credible information pertaining to the request obtained from any other source. The Advisory Commission shall develop a recommendation pursuant to this section to the State Board of Education regarding the request, and that recommendation shall be presented to the State Board of Education by the California Department of Education. The following criteria shall guide the process of reviewing and developing a recommendation on the request. The California Department of Education shall report any difference of opinion between the California Department of Education and the Advisory Commission as to the recommendation presented to the State Board of Education.

(1) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals at least 35 percent but less than 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 60 percent but less than 70 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 70 percent, unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(2) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 70 percent but less than 80 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying a percentage that is greater than 70 percent and, if the recommended percentage is lower than the requested percentage, the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

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Section 11963.4 Evaluation of determination of funding requests regarding nonclassroom-based instruction (cont'd)

(3) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals or exceeds 80 percent, and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1 or the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 100 percent (i.e. full funding), unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(4) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 is less than 35 percent, or the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 is less than 60 percent, then the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students, and the Advisory Commission on Charter Schools shall recommend that the State Board of Education deny the request, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying the denial and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school. Denial of a determination of funding request by the State Board of Education shall result in no funding being apportioned for average daily attendance identified by the charter school as being generated through nonclassroom-based instruction pursuant to Education Code section 47634.2(c).

(5) Any request for a funding determination received prior to the effective date of these regulations will be reviewed pursuant to the criteria in effect at the time of submittal.

(b) The Advisory Commission on Charter Schools and/or the California Department of Education may ask the charter school to provide additional information in order to make possible a more detailed review or to develop a reasonable basis for a recommendation other than those prescribed in subdivision (a). With the consent of the Superintendent of Public Instruction, the request for additional information shall be considered a reasonable inquiry to which the charter school must respond pursuant to Education Code section 47604.3.

(c) Any multi-year funding determination approved by the State Board of Education may be modified by the State Board of Education, in terms of both the multi-year approval and the percentage of funding authorized, if any information that may change the conclusion to approve the original multi-year funding determination is found.

(d) Prior to a recommendation by the Advisory Commission on Charter Schools (that a determination of funding request be denied or approved at a percentage lower than that requested) being forwarded to the State Board of Education, the affected charter school shall be given thirty (30) calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the Advisory Commission may modify its recommendation to the State Board.

(e) A reasonable basis for the Advisory Commission on Charter Schools to make a recommendation other than one that results from the criteria specified in subdivision (a) may include, but not be limited to, the following: the information provided by the charter school pursuant to paragraphs (2) through (8), inclusive, of subdivision (b) of section 11963.3, documented data regarding individual circumstances of the charter school (e.g., one-time or unique or exceptional expenses for facilities, acquisition of a school bus, acquisition and installation of computer hardware not related to the instructional program, special education charges levied on the charter school by a local educational agency, restricted state, federal, or private grants of funds awarded to the charter school that cannot be expended for teacher salaries, or contracted instructional services other than those for special education), the size of the charter school, and how many years the charter school has been in operation. The Advisory Commission on Charter Schools shall give charter schools with less than a total of one hundred (100) units of prior year second period average daily attendance or that are in their first year of operation serious consideration of full funding

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Section 11963.5 Determination of funding requests for nonclassroom-based virtual or on-line charter schools

A virtual or on-line charter school is one in which at least 80 percent of teaching and student interaction occurs via the Internet.
(a) A virtual or on-line nonclassroom-based charter school may receive approval of a funding determination with no maximum pupil-teacher ratio if the charter school has and maintains an 8 or above Academic Performance Index (API) rank in either its statewide or similar schools ranking and has no less than a 6 in the other of these two rankings.
(b) In order to be funded pursuant to (a) above, a virtual or on-line charter school, must demonstrate that:
(1) The school has met its overall and subgroup API growth targets.
(2) Instructional expenditures are at least 85 percent of the overall school budget. A substantial portion of these expenditures (at least 25 percent of the charter school's general purpose entitlement and categorical block grant as defined in Education Code section 47632), are spent on technology that directly benefits students and teachers and results in improved student achievement.
(3) Computer-based instruction and assessment is provided to each student and includes the use of an on-line instructional management program, which at a minimum includes standards-based guided lessons, lesson plans, initial testing of students, periodic assessment of student achievement, and the use of other measurements of student progress over a period of time.
(4) Teachers are provided with technology tools and print media, which at a minimum must include: standards-aligned instructional materials, computer, printer, monitor, Internet service, telephone, staff development that provides for the monitoring of student progress, and a means of electronic communication for frequent student contact.
(5) All students are provided an individualized learning plan that is based on initial testing of the students and that is monitored either remotely or in person, by the teacher to evaluate student progress.
(6) All students are provided access to a computer, Internet service, printer, monitor, and standards-aligned materials based on State Board adopted academic content standards for each grade level and for each subject studied.
(7) All students eligible for special education supports and services receive those supports and services in accordance with their individualized education program.
(8) Charter school admission practices will not favor high performing students or recruit a student population that is of a higher socioeconomic group or lower racial or ethnic representation than the general population of the county or counties served. Admission practices not reflective of the county or counties served shall be cause for denial by the State Board of Education under this section.

Section 11963.6 Submission and action on determination of funding requests regarding nonclassroom-based instruction

(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school's actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.
(b) For the 2005-06 fiscal year only, a determination of funding request approved by the State Board of Education for any nonclassroom-based charter school that is not in its first year of operation shall be for the 2005-06 fiscal year and additionally a minimum of one year but a maximum of four years prospectively (for a total funding determination of not more than five years).
(c) Any determination of funding request approved by the State Board of Education for an existing nonclassroom-based charter school from the 2006-07 fiscal year forward shall be prospective (not for the current year), in increments of a minimum of two years and a maximum of five years in length. Beginning with the 2007-08 fiscal year, nonclassroom-based charter schools that had a funding determination in the prior year must submit a funding determination request by February 1 of the fiscal year prior to the year the funding determination will be effective, when a new request is required under these regulations.
(d) A determination of funding shall be subject to review each time a material change is made in the school's charter with respect to nonclassroom-based instruction, and may be subject to review each time the school's charter is renewed, and/or in accordance with any conditions the State Board of Education may impose at the time of the determination of funding request approval. A material change in the school's charter with respect to nonclassroom-based instruction is any significant change that affects the level of resources devoted to nonclassroom-based instruction, the courses to be offered through nonclassroom-based instruction, and/or the delivery of educational services to pupils receiving nonclassroom-based instruction. The charter school shall notify the California Department of Education no later than thirty (30) days after the material change is made.
(e) A charter school may submit a request for funding determination up to one year prior to the fiscal year in which the request will initially be effective. The State Board may grant the request for up to five years following the effective date of the request.
(f) Not more than 120 days following the receipt of a complete determination of funding request, the California Department of Education shall present the request and the recommendation of the Advisory Commission on Charter Schools to the State Board of Education in accordance with subdivision (a) of section 11963.4.
(g) If, during the effective period of a determination of funding, a charter school wishes to seek a higher or lower determination of funding, it shall do so by the filing of a new determination of funding request. During the effective period of a charter school's determination of funding, no more than one additional determination of funding request (which would replace the determination of funding then in effect) may be submitted by the charter school in the same fiscal year.

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Section 11963.7
Termination of a determination of funding regarding nonclassroom based instruction

Any multi-year funding determination approved by the State Board of Education may be modified by the State Board of Education, in terms of both the multi-year approval and the funding authorized.
The State Board of Education may terminate a determination of funding if updated or additional information requested by the California Department of Education and/or the Advisory Commission on Charter Schools is not made available by a charter school within thirty (30) calendar days or if credible information from any source supports termination. If the latter is the case, the charter schools shall be given thirty (30) calendar days prior to the termination of funding to provide additional information to support the school's determination of funding.

PARENT EMPOWERMENT ACT

Section 4800
Intent

The Parent Empowerment regulations shall remain valid in the event of changes to federal law referenced within the legislative language of Chapters 2 and 3 of the 5th Extraordinary Session Statutes of 2010, to the extent allowable under the law.

Section 4800.1
Definitions

(a) "Elementary school" means a school, regardless of the number of grade levels, whose graduates matriculate into either a subject elementary, middle or high school.
(b) "Eligible signature" means a signature of a parent or legal guardian of a pupil that can be counted toward meeting the requirement that at least one-half of the parents or legal guardians of pupils have signed the petition as set forth in Education Code section 53300.
(c) "Final disposition" means the action taken by the local educational agency (LEA) to implement the requested intervention option presented by a petition or implement one of the other intervention options as set forth in Education Code section 53300.
(d) "High school" means four-year high schools, senior high schools, continuation high schools, and evening schools.
(e) "Intervention" or "requested intervention" means:
(1) one of the four interventions (turnaround model, restart model, school closure, and transformation model) identified pursuant to paragraphs (1) to (4), inclusive, of subdivision (a) of Education Code section 53202 and as further described in Appendix C of the Notice of Final Priorities, Requirements, Definitions, Section Criteria for the Race to the Top program published in Volume 74 of Number 221 of the Federal Register on November 18, 2009; or
(2) the alternative governance arrangement pursuant to Title 20 U.S.C. Section 6316(b)(8)(B)(v).
(f) "Middle school" means a school, regardless of the number of grade levels, whose graduates matriculate into a subject high school. Middle school also means a junior high school whose graduates matriculate into a subject senior high school.
(g) "Normally matriculate" means the typical pattern of attendance progression from an elementary school to a subject elementary school, from an elementary school to a subject middle or high school or from a middle school to a subject high school, as determined by the Local Educational Agency (LEA) pursuant to established attendance boundaries, published policies, or practices in place on the date the petition is submitted.
(h) "Parents or legal guardians of pupils" means the natural or adoptive parents, legal guardians, or other persons holding the right to make educational decisions for the pupil pursuant to Welfare and Institutions Code section 361 or 727 or Education Code sections 56028 or 56055, including foster parents who hold rights to make educational decisions, on the date the petition is submitted.
(i) "Petition" means a petition requesting an LEA to implement one of the interventions defined in subdivision (e).
(j) "Pupils attending the subject school or elementary or middle schools that normally matriculate into a subject middle or high school" means a pupil enrolled in the school on the date the petition is submitted to the LEA.
(k) "Subject school" means a school identified by the Superintendent of Public Instruction, following the release of the annual adequate yearly progress report, as a school that:
(1) Is not one of the persistently lowest-achieving schools identified by State Superintendent of Public Instruction (SSPI) and the State Board of Education (SBE);
(2) Has been in corrective action pursuant to paragraph (7) of Section 1116(b) of the federal Elementary and Secondary Education Act for at least one full academic year;
(3) Has failed to make adequate yearly progress (AYP); and
(4) Has an Academic Performance Index (API) score of less than 800.
(5) Has not exited Program Improvement.
(l) "Cannot implement the specific recommended option" means that an LEA is unable to implement the intervention requested in the petition and has provided in writing, during a regularly scheduled public meeting, the considerations and reasons for reaching such a finding.
(m) "Matriculating School" means all elementary or middle schools that normally matriculate into a subject elementary, middle, or high school.

Section 4800.3
Requirement to serve all pupils

Every pupil that attended a subject school prior to the implementation of an intervention shall continue to be enrolled in the school during and after an intervention is implemented pursuant to Education Code section 53300, unless the parent or legal guardian of the pupil chooses to enroll the pupil in another school or the school is closed. In addition, any pupil who resides in the attendance area of the subject school during or after the implementation of an intervention has a right to attend the school, subject to any laws or rules pertaining to enrollment.

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Section 4800.5
Parental notice

(a) The CDE shall create a website for parents and guardians to obtain further information on circulating a parent empowerment petition.
(b) An LEA may create a website that lists the schools in the LEA subject to the provisions of the Parent Empowerment regulations, including enrollment data and attendance boundaries for each school. The web site may also inform parents and legal guardians of pupils how they may:
(1) Sign a petition requesting the school district to implement one or more interventions to improve the school, and
(2) Contact community-based organizations or work with individual school administrators and parent and community leaders to understand the school intervention options and provide input about the best options for the school.
(c) Consistent with the requirements of Section 1116(b)(1)(E) of the federal Elementary and Secondary Education Act of 2001 (20 U.S.C. Section 6301 et seq.), on the date the notice of restructuring planning or restructuring status, Program Improvement Year 4 or later, is given pursuant to federal law, the LEA shall provide the parents and guardians of all pupils enrolled in a school in restructuring planning or restructuring status with notice that the school may be eligible for a parent empowerment petition to request a specific intervention pursuant to Education Code section 53300 and shall list the CDE website address created pursuant to section 4800.5(a). This notice, and any other written communication from the school or the LEA to parents or legal guardians of pupils, must meet the language requirements of Education Code section 48985.

Section 4801
Petition signatures

(a) A petition shall contain signatures of parents or legal guardians of pupils attending the subject school, or may contain a combination of signatures of parents and legal guardians of pupils attending the subject school and signatures of parents or legal guardians of pupils attending the matriculating schools. A petition may not consist solely of signatures of parents or legal guardians of pupils attending the matriculating schools.
(b) Only one parent or legal guardian per pupil may sign a petition.
(c) The petition must have boxes that are consecutively numbered commencing with number 1, with sufficient space for the signature of each petition signer as well as his or her printed name, date, pupil's name, the pupil's date of birth, the name of the school the pupil is currently attending, and the pupil's current grade.
(d) The boxes described in subdivision (c) may also have space for the signer's address, city or unincorporated community name, and zip code, or request other information, and, if so, the petition shall make clear that providing such information is voluntary and cannot be made a condition of signing the petition.
(e) A petition may be signed by a parent or a legal guardian once for each of his or her pupils attending the subject school or, if the petition contains a combination of signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into a subject middle or high school, once for each of his or her pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject middle or high school. Separate petition boxes must be completed by the parent or legal guardian for each of his or her pupils.
(f) A petition may be circulated and presented in sections, so long as each section complies with the requirements set forth in this section and section 4802 regarding the content of the petition.
(g) Signature gatherers may not offer gifts, rewards, or tangible incentives to parents or legal guardians to sign a petition. Nor shall signature gatherers make any threats of coercive action, false statements or false promises of benefits to parents or legal guardians in order to persuade them to sign a petition, except that signature gatherers, school site staff or other members of the public may discuss education related improvements hoped to be realized by implementing any intervention described in these regulations. Signature gatherers, students, school site staff, LEA staff, members of the community, and parents and legal guardians of eligible pupils shall be free from harassment, threats, and intimidation related to circulation of or signing a petition, and from being discouraged to sign or being encouraged to revoke their signature on a petition. Signature gatherers shall disclose if they are being paid and shall not be paid per signature.
(h) All parties involved in the signature gathering process shall adhere to all school site hours of operation, school and LEA safety policies, and visitor sign in procedures.
(i) School or district resources shall not be used to impede the signature gathering process pursuant to this section.

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Section 4802
Content of the petition

(a) The petition and each section of the petition shall contain the following elements:
(1) A heading which states that it is a Petition of Parents, Legal Guardians, and Persons Holding the Right to Make Educational Decisions for Pupils, including Foster Parents who hold rights to make educational decisions, to request an Intervention be implemented at the specified subject school and to be submitted to a specified LEA;
(2) A statement that the petition seeks the signatures of the parents or legal guardians of the pupils attending the subject school or, in the alternative, the signatures of the parents or legal guardians of the pupils attending the subject school and the signatures of the parents or legal guardians of the pupils attending elementary or middle schools who would normally matriculate into the subject school;
(3) The name and public contact information of the person to be contacted by either persons interested in the petition or by the LEA;
(4) Identification of the requested intervention;
(5) A description of the requested intervention using the language set forth in either sections 4803, 4804, 4805, 4806, or 4807, without omission to ensure full disclosure of the impact of the intervention;
(6) The name of the subject school;
(7) Boxes as designated in section 4801(c) and (d);
(8) An affirmation that the signing parent or legal guardian is requesting the LEA to implement the identified intervention at the subject school; and
(9) If requesting that an LEA implement the restart model intervention identified pursuant to Education Code section 53202(a)(2), and that the subject school be reopened under a specific charter school operator, charter management organization, or education management organization, a clear statement containing that information on the front of the petition, including contact information of the charter school operator, charter management organization or education management organization.
(10) The names of any agencies or organizations that are supporting the petition, either through direct financial assistance or in-kind contributions of staff and volunteer support, must be prominently displayed on the front page of the petition.
(b) The CDE shall develop a sample petition that can be used by interested petitioners. The sample petition shall be available on the CDE website for interested petitioners to use. The CDE shall make the sample petition available in other languages pursuant to Education Code section 48985. Petitioners shall not be required to use the sample petition; however, alternate petitions must contain all required components pursuant to statutory and regulatory requirements.

Section 4802.05
Submission of the petition

(a) Petitioners may not submit a petition until they reach or exceed the 50 percent threshold based on accurate and current enrollment data provided by the LEA. The date of submission of the petition shall be the start date for implementation of all statutory and regulatory requirements.
(b) An exception shall be made for a one-time resubmission opportunity to correct a petition based on errors identified by the LEA, verify signatures after a good faith effort is made by the LEA to do so first, or submit additional signatures. The start date for a resubmitted petition shall be the date it is resubmitted. No rolling petitions shall be accepted by the LEA.
(c) At the time of submission the petitioners shall submit a separate document that identifies at least one but no more than five lead petitioners with their contact information.
(d) The role of lead petitioners is to assist and facilitate communication between the parents who have signed the petition and the LEA. The lead petitioner contacts shall not be authorized to make decisions for the petitioners or negotiate on behalf of the parents.

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Section 4802.1 Verification of petition signatures and obligations of the LEA

(a) An LEA must provide, in writing, to any persons who request it, information as to how the LEA intends to implement section 4800.1(g) as to any subject school and any normally matriculating elementary or middle schools, including providing enrollment data and the number of signatures that would be required pursuant to section 4802.1(e).

(b) Upon receipt of the petition, the LEA may make reasonable efforts to verify that the signatures on the petition can be counted consistent with these regulations. The LEA and matriculating LEAs shall use common verification documents that contain parent or guardian signatures to verify petition signatures such as emergency verification cards signed by all parents or guardians. In order to verify the enrollment of a pupil in a school that normally matriculates into the subject school, but is not within the jurisdiction of the LEA, an LEA may contact the school or the LEA of the school. The matriculating LEA or school shall provide information necessary to the subject school and LEA in order to assist in verifying signatures. An LEA shall not invalidate the signature of a parent or legal guardian of an eligible pupil on a minor technicality assuming the parent or legal guardian is entitled to sign it. The LEA and the matriculating LEA or school shall make a good faith effort to contact parents or guardians when a signature is not clearly identifiable including phone calls to the parent or guardian.

(c) If, on the date the petition is submitted, a school is identified pursuant to section 4800.1(k), it shall remain a subject school until final disposition of the petition by the LEA even if it thereafter ceases to meet the definition of a subject school, unless that school has exited federal Program Improvement and is at or over 800 on the Academic Performance Index.

(d) If a petition has sought only signatures of parents of pupils attending the subject school, then for purposes of calculating whether parents or legal guardians of at least one-half of pupils attending the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school on the date the petition is submitted to the LEA shall be counted.

(e) If a petition has sought signatures of parents or legal guardians of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school, then for purposes of calculating whether the parents or legal guardians of at least one-half of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition, only those signatures of parents or legal guardians of pupils attending the subject school and the parents or legal guardians of pupils attending the elementary or middle schools who would normally matriculate into the subject school at the time the petition is submitted to the LEA shall be counted. Where pupils attend elementary or middle schools that normally matriculate into more than one subject school, only those pupils attending the subject school and those pupils that normally matriculate, as defined in section 4800.1(g), into the subject school, shall be counted in calculating whether the parents or legal guardians of at least one-half of pupils attending the subject school and the elementary or middle schools that normally matriculate into the subject school on the date the petition has been submitted have signed the petition. There is no specified ratio required of signatures gathered at each school, rather the total ratio of signatures gathered must meet the one-half requirement.

(f) In connection with the petition, the LEA may only contact parents or legal guardians to verify eligible signatures on the petition. The identified lead petitioners for the petition shall be consulted to assist in contacting parents or legal guardians when the LEA fails to reach a parent or legal guardian.

(g) Upon receipt, the LEA may, within 40 calendar days, return the petition to the person designated as the contact person or persons as specified in section 4802(c), if the LEA determines any of the following:

(1) One half of the parents or legal guardians of pupils meeting the requirements of section 4801(a) have not signed the petition;

(2) The school named in the petition is not a subject school; or

(3) The petition does not substantially meet the requirements specified in section 4802. In such a case, the LEA shall immediately provide the contact person written notice of its reasons for returning the petition and its supporting findings.

(h) If the LEA finds that sufficient signatures cannot be verified by the LEA it shall immediately notify the lead petitioner contacts and provide the lead petitioner the names of those parents and legal guardians it cannot verify. The lead petitioner contacts shall be provided 60 calendar days to assist the LEA to verify the signatures. A number of methods may be used, including, but not limited to, an official notarization process or having the parent or guardian appear at the school or district office.

(i) If the LEA finds a discrepancy or problem with a submitted petition it shall notify the lead petition contacts in writing and request assistance and clarification prior to the final disposition of the petition. The LEA shall identify which signatures need verification, any errors found in the petition, or any need for further clarification regarding the petition.

(j) If the petition is returned pursuant to section 4802.1(g)(1), the same petition may be resubmitted to the LEA with verified signatures as long as no substantive changes are made to the petition. The petitioners shall be provided one resubmission opportunity which must be completed within a window of 60 calendar days after the return of the petition pursuant to section 4802.1. This is the same window for verification of signatures and any corrections or additional signatures submitted pursuant to section 4802.1(h). The LEA shall have 25 calendar days to verify the resubmitted signatures, additional signatures or corrections to the petition. The resubmitted petition may not contain substantive changes or amendments. If substantive changes are made to the petition, it must be recirculated for signatures before it may be submitted to the LEA and it shall be deemed a new petition.

(k) If the LEA does not return the petition the LEA shall have 45 calendar days from the date the petition is received to reach a final disposition. The date may be extended by an additional 25 calendar days if the LEA and the person listed in section 4802(c) agree to the extension in writing.

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Section 4802.1
Verification of petition signatures and obligations of the LEA (cont'd)

(l) The LEA shall notify the SSPI and the SBE in writing within fifteen calendar days of its receipt of a petition and within five calendar days of the final disposition of the petition. The notice of final disposition shall state that the LEA will implement the recommended option or include the written finding stating the reason it cannot implement the specific recommended option and designating which of the other options it will implement and stating that the alternative option selected has substantial promise of enabling the school to make adequate yearly progress.
(m) If the number of schools identified in a petition and subject to an intervention by a final disposition will exceed the maximum of 75 schools pursuant to Education Code section 53302, and the SSPI and the SBE receive two or more notifications of final dispositions that agree to implement an intervention on the same day, the petition will be chosen by random selection

Section 4802.2
Restart requirements for parent empowerment petitions

(a) Except where specifically designated in this section, a charter school proposal submitted through a parent empowerment petition shall be subject to all the provisions of law that apply to other charter schools.
(b) Parents or legal guardians of pupils will only need to sign the parent empowerment petition to indicate their support for and willingness to enroll their children in the requested charter school. A separate petition for the establishment of a charter school will not need to be signed. The signatures to establish a charter school pursuant to Education Code sections 47605(a)(1) through (3) and 47605(b)(3) will not be required if the petition that requests that the subject school be reopened under a charter operator, charter management organization or education management organization otherwise meets all the requirements of Education Code section 53300.
(c) A petition that requests that the subject school be reopened under a specific charter school operator, charter management organization or education management organization may be circulated for signature with the proposed charter for the school. Upon receipt of the petition that requests a restart model as the intervention and includes a proposed charter, the LEA must follow the provisions of section 4802.1 and implement the option requested by the parents, unless, in a regularly scheduled public hearing, the LEA makes a finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other options described in Education Code section 53300 it will implement. If a petition requests that the subject school be operated under a specific charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to Section 4802.1(g), then the rigorous review process required by Education Code section 53300 and section 4804 shall be the review process and timelines set forth in Education Code section 47605(b), excepting 47605(b)(3).
(d) If a parent empowerment petition does not include the proposed charter but requests that the subject school be operated under a charter school operator, charter management organization or education management organization, and the LEA does not reject the petition pursuant to section 4802.1(g), then the LEA shall promptly notify the petitioners that it has adopted the restart model and give the petitioners the option to solicit charter proposals from charter school operators, charter management organizations and education management organizations and select a specific charter school operator or decline to do so.
(1) If the petitioners opt to solicit charter proposals and select a specific charter school operator, they must submit the proposed charter school operator to the LEA within 90 calendar days. Upon submittal of the charter proposal, the LEA shall conduct the rigorous review process required by Education Code section 53300 and section 4804, which shall be the review process and timelines set forth in Education Code section 47605(b) excepting 47605(b)(3).
(2) If the petitioners inform the LEA that they have declined the option to solicit charter proposals and select a charter school operator, the LEA shall, within 20 calendar days, solicit charter proposals from charter school operators, charter management organizations and education management organizations. Thereafter, the LEA shall select a charter school operator, charter management organization or education management organization, through the rigorous review process required by Education Code section 53300 and section 4804. The rigorous review process shall be the review process and timelines set forth in Education Code section 47605(b), excepting 47605(b)(3), and shall begin at the end of a solicitation period not to exceed 90 calendar days.
(e) If the parents petition for a restart option to operate the school under an educational management organization that is not a charter school, the LEA shall work in good faith to implement a contract with a provider selected by the parents. In the absence of parent selection of a specific provider, the LEA shall immediately solicit proposals from educational management organizations, and shall select an education management organization, through the rigorous review process required by Education Code section 53300 and section 4804 unless the LEA is unable to implement the option requested by the parents and shall implement one of the other options specified in Education Code section 53300.

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Section 4803 **Description of intervention – turnaround model**	**(a)** A turnaround model is one in which an LEA must: **(1)** Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates; **(2)** Using locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students: **(A)** Screen all existing staff and rehire no more than 50 percent; and **(B)** Select new staff; **(3)** Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school; **(4)** Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; **(5)** Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA, hire a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or State Educational Agency (SEA) to obtain added flexibility in exchange for greater accountability; **(6)** Use data to identify and implement an instructional program that is research-based and "vertically aligned" from one grade to the next as well as aligned with State academic standards; **(7)** Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students; **(8)** Establish schedules and implement strategies that provide increased learning time (as defined in the United States Department of Education notice published in the Federal Register at 74 Federal Register 59805 (Nov.18, 2009); and **(9)** Provide appropriate social-emotional and community-oriented services and supports for students. **(b)** A turnaround model may also implement other strategies such as: **(1)** Any of the required and permissible activities under the transformation model; or **(2)** A new school model (e.g., themed, dual language academy).
Section 4804 **Description of intervention – restart model**	A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides "whole-school operation" services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.
Section 4805 **Description of intervention – school closure**	School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.
Section 4806 **Description of intervention – transformation model**	A transformation model is one in which an LEA implements each of the following strategies: **(a)** Developing and increasing teacher and school leader effectiveness. **(1)** Required activities. The LEA must: **(A)** Replace the principal who led the school prior to commencement of the transformation model; **(B)** Use rigorous, transparent, and equitable evaluation systems for teachers and principals that: **1.** Take into account data on student growth (as defined in the United States Department of Education notice published in the Federal Register at 74 Federal Register 59806 (Nov. 18, 2009)) as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high-school graduations rates; and **2**. Are designed and developed with teacher and principal involvement. **(C)** Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so; **(D)** Provide staff with ongoing, high-quality, job-embedded professional development (e.g., regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; and **(E)** Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school.

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Section 4806
Description of intervention – transformation model (cont'd)

(2) Permissible activities. An LEA may also implement other strategies to develop teachers' and school leaders' effectiveness, such as:
(A) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;
(B) Instituting a system for measuring changes in instructional practices resulting from professional development; or
(C) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.
(b) Comprehensive instructional reform strategies.
(1) Required activities. The LEA must:
(A) Use data to identify and implement an instructional program that is research-based and "vertically aligned" from one grade to the next as well as aligned with State academic standards; and
(B) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.
(2) Permissible activities. An LEA may also implement comprehensive instructional reform strategies, such as:
(A) Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;
(B) Implementing a school wide "response-to-intervention" model;
(C) Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited-English-proficient students acquire language skills to master academic content;
(D) Using and integrating technology-based supports and interventions as part of the instructional program; and
(E) In secondary schools:
1. Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement or International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework;
2. Improving student transition from middle to high school through summer transition programs or freshman academies;
3. Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or
4. Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.
(c) Increasing learning time and creating community-oriented schools.
(1) Required activities. The LEA must:
(A) Establish schedules and implement strategies that provide increased learning time (as defined in 74 Federal Register 59805 (Nov. 18, 2009)); and
(B) Provide ongoing mechanisms for family and community engagement.
(2) Permissible activities. An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as:
(A) Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs;
(B) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;
(C) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or
(D) Expanding the school program to offer full-day kindergarten or pre-kindergarten.
(d) Providing operational flexibility and sustained support.
(1) Required activities. The LEA must:
(A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and
(B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the State Educational Agency (SEA), or a designated external lead partner organization (such as a school turnaround organization or an EMO).
(2) Permissible activities. The LEA may also implement other strategies for providing operational flexibility and intensive support, such as:
(A) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or
(B) Implementing a per-pupil school-based budget formula that is weighted based on student needs.

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REGULAR AVERAGE DAILY ATTENDANCE

Section 11960
Regular average daily attendance for charter schools

(a) As used in Education Code section 47612, "attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.
(b) The State Superintendent of Public Instruction shall proportionately reduce the amount of funding that would otherwise have been apportioned to a charter school on the basis of average daily attendance for a fiscal year, if school was actually taught in the charter school on fewer than 175 calendar days during that fiscal year.
(c)(1) Beginning in 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school only if both of the following conditions are met:
(A) The pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program (IEP)) while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an IEP) consistent with the definition of satisfactory progress set forth in subdivision (h) of section 11965.
(B) The pupil is not over the age of 22 years.
(2) This subdivision shall not apply to a charter school program specified in Education Code section 47612.1. A charter school program as specified in Education Code section 47612.1 may be either:
(A) the whole of a charter school, if the school has an exclusive partnership agreement with one or more of the programs specified in Education Code section 47612.1 and serves no other pupils; or
(B) an instructional program operated by a charter school that is exclusively dedicated to pupils who are also participating in one of the programs specified in Education Code section 47612.1, provided that arrangement is set forth in an exclusive partnership agreement between the charter school and one or more of the programs specified in Education Code section 47612.1.
(d) No individual who is ineligible to generate attendance for apportionment purposes in a charter school pursuant to subdivision (c) may be claimed as regular attendance for apportionment purposes by a local education agency that is authorized by law to grant charters. This subdivision shall not apply to claims other than claims for regular attendance for apportionment purposes.

CLOSURE PROCEDURES

Section 11962
Definition of procedures for school closure

As used in Education Code sections 47605(c)(5)(O) and 47605.6(b)(5)(P), "procedures" means, at a minimum, each of the following:
(a) Designation of a responsible entity to conduct closure-related activities.
(b) Notification of the closure of the charter school to parents (guardians) of pupils, the authorizing entity, the county office of education (unless the county board of education is the authorization entity), the special education local plan area in which the school participates, the retirement systems in which the school's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education, providing at least the following:
(1) The effective date of the closure;
(2) The name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure;
(3) The pupils' school districts of residence; and
(4) The manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.
(c) Provision of a list of pupils in each grade level and the classes they have completed, together with information on the pupils' district of residence, to the responsible entity designated in subdivision (a).
(d) Transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the responsible entity designated in subdivision (a), except for records and/or assessment results that the charter may require to be transferred to a different entity.
(e) Transfer and maintenance of personnel records in accordance with applicable law.
(f) Completion of an independent final audit within six months after the closure of the school that may function as the annual audit, and that includes at least the following:
(1) An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.
(2) An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.
(3) An assessment of the disposition of any restricted funds received by or due to the charter school.
(g) Disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, including but not limited to, the following:
(1) The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.

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Section 11962
Definition of procedures for school closure (cont'd)

(2) The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted
(h) Completion and filing of any annual reports required pursuant to Education Code section 47604.33.
(i) Identification of funding for the activities identified in subdivisions (a) through (h).

Section 11962.1
Definitions related to the duties of a chartering authority

(a) "Notification" as used in Education Code section 47604.32(a)(5) means the transmission to the California Department of Education of at least the following:
(1) A description of the circumstances of the closure;
(2) The effective date of the closure; and
(3) The location of pupil records and personnel records.
(b) "Personnel records" as used in subdivision (a) means any records the charter school has relevant to its employees, including, but not limited to, records related to performance and grievance as specified in Labor Code section 1198.5.
(c) "Pupil records" as used in subdivision (a) has the same meaning as per Education Code section 49061(b).
(d) "Timely" as used in Education Code section 47604.32(a)(5) means receipt of the evidence transmitted pursuant to subdivision (a) within ten calendar days of the official action taken by the chartering authority.

RENEWALS & APPEALS

Section 11965
Definitions

For the purposes of Articles 1, 2 and 2.5, the following definitions shall apply:
(a) "Chartering authority" means the entity that grants a school's charter and includes the following:
(1) "County chartering authority" means a county board of education that has granted a school's charter. In making specific the provisions of Education Code section 47607(i)(1), these regulations use the term "county chartering authority" where Education Code section 47607(i)(1) uses the term "county board of education."
(2) "District chartering authority" means the governing board of a school district that has granted a school's charter. In making specific the provisions of Education Code section 47607(i)(1), these regulations use the term "district chartering authority" where Education Code section 47607(i)(1) uses the term "school district."
(3) "State chartering authority" is the State Board of Education (SBE) when the SBE has granted a school's charter. The SBE acts as a state chartering authority when it approves the operation of a charter school that has been denied by a local educational agency (LEA) and when it approves the operation of a state charter school pursuant to Education Code section 47605.8.
(b) "Final Decision" means the final written decision of the chartering authority to either revoke or decline to revoke a school's charter.
(c) "Notice of Appeal" means a written document notifying the county board of education or the SBE, as appropriate, that the charter school's governing body as described in the school's charter, or the district chartering authority is appealing the decision to revoke or reverse the revocation of a school's charter.
(d) "Notice of Intent to Revoke" means the written notice of a chartering authority's decision to pursue revocation of a school's charter due to the charter school's failure to remedy one or more violations identified in the Notice(s) of Violation. This notice shall identify all of the following:
(1) All evidence relied upon by the chartering authority in determining that the charter school failed to remedy a violation pursuant to this section;
(2) The date and time at which the chartering authority will hold a public hearing concerning revocation, which shall be held no more than 30 calendar days after the chartering authority issues this notice.
(e) "Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety" means the written notice of a chartering authority's decision to revoke a school's charter due to a severe and imminent threat to the health or safety of the pupils. This notice shall identify all of the following:
(1) The location of the facility;
(2) The provisions of Education Code section 47607(f) that the charter school has violated and a description of the emergency or urgent conditions that have resulted from this violation;
(3) A description of how the condition(s) identified in subdivision (2) severely and imminently threatens the health or safety of pupils.
(4) For purposes of this article, "a severe and imminent threat to pupil health or safety" occurs when a charter school's structures, systems or practices are in a condition that poses a severe and imminent threat to the health or safety of pupils while at school, and where the charter school has made no reasonable attempt to remedy the condition or no remedy exists to cure the condition.
(5) For purposes of this article, "a severe and imminent threat to pupil health or safety" does not include any cosmetic or nonessential repairs or severe threats for which the school has initiated corrective action and has removed the pupils from any immediate danger.
(f) "Notice of Violation" means the written notice of a chartering authority's identification of one or more specific alleged violations by the charter school based on the grounds for revocation specified in Education Code section 47607(f). This notice shall identify all of the following:

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Section 11965 Definitions (cont'd)	**(1)** The charter school's alleged specific material violation of a condition, standard, or procedure set out in the school's charter pursuant to Education Code section 47607(f)(1); the specific pupil outcome(s) identified in the school's charter that the charter school allegedly failed to meet or pursue pursuant to Education Code section 47607(f)(2); the charter school's alleged fiscal mismanagement or specific failure to follow generally accepted accounting principles pursuant to Education Code section 47607(f)(3); or the specific provision(s) of law that the charter school allegedly failed to follow pursuant to Education Code section 47607(f)(4), as appropriate. **(2)** All evidence relied upon by the chartering authority in determining the charter school engaged in any of the acts or omissions identified in subdivision (f)(1) including the date and duration of the alleged violation(s), showing the violation(s) is/are both material and uncured, and that the alleged violation(s) occurred within a reasonable period of time before a notice of violation is issued; and **(3)** The period of time that the chartering authority has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying the time period that will serve as the charter school's reasonable opportunity to remedy the identified violation(s), the chartering authority shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school's estimation as to the anticipated remediation time. **(g)** "Private school" as that term is used in Education Code section 47602(b) means a school that meets the requirements set forth in Education Code sections 48222 and 48223. **(h)** For each charter school, "satisfactory progress," as that term is used in Education Code section 47612, means uninterrupted progress (1) towards completion, with passing grades, of the substance of the course of study that is required for graduation from a non-charter comprehensive high school of the school district that authorized the charter school's charter, that the pupil has not yet completed, (2) at a rate that is at least adequate to allow the pupil to successfully complete, through full-time attendance, all of that uncompleted coursework within the aggregate amount of time assigned by the chartering agency for the study of that particular quantity of coursework within its standard academic schedule. If the chartering authority is not a school district having at least one non-charter comprehensive high school, the applicable high school graduation requirements and associated time assignments shall be those for the comprehensive high school(s) of the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates. For individuals with exceptional needs, as defined in Education Code section 56026, "satisfactory progress," as that term is used in Education Code section 47612, means uninterrupted maintenance of progress towards meeting the goals and benchmarks or short-term objectives specified in his or her individualized education program made pursuant to 20 U.S.C. Section 1414(d) until high school graduation requirements have been met, or until the pupil reaches an age at which special education services are no longer required by law. **(i)** "School's charter" is the document approved by the chartering authority, including any material revisions that have been approved by the chartering authority. **(j)** "Statewide benefit charter" is a charter school authorized by the SBE to operate at multiple sites throughout the state pursuant to Education Code section 47605.8. In making specific the provisions of Education Code section 47605.8, these regulations use the term "statewide benefit charter" where Education Code section 47605.8 uses the term "state charter school."
Section 11966 Certification	On each occasion that a charter school reports attendance to the California Department of Education for purposes of the calculation of state funding for the charter school, an official of the charter school who is responsible for reporting attendance shall specifically certify that all of the attendance then reported is for pupils whose attendance is eligible for public funding pursuant to Education Code section 47602(b). The Superintendent of Public Instruction shall not apportion state funds to any charter school that fails to make the certification required by this section.
Section 11966.4 Submission of a charter school renewal petition to the governing board of a school district	**(a)** A petition for renewal submitted pursuant to Education Code section 47607 shall be considered by the district governing board upon receipt of the petition with all of the requirements set forth in this subdivision: **(1)** Documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b). **(2)** A copy of the renewal charter petition including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. **(A)** The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal. **(b)(1)** When considering a petition for renewal, the district governing board shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any. **(2)** The district governing board may deny a petition for renewal of a charter school only if the district governing board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) or facts to support a failure to meet one of the criteria set forth in Education Code section 47607(b). **(c)** If within 60 days of its receipt of a petition for renewal, a district governing board has not made a written factual finding as mandated by Education Code section 47605(b), the absence of written factual findings shall be deemed an approval of the petition for renewal. **(1)** The district governing board and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.

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Section 11966.5
Charter petitions that have not been renewed – submission to county board of education

(a) When the governing board of a school district denies a charter school's petition for renewal, the charter school may submit a petition for renewal to the county board of education not later than 30 calendar days after the district governing board makes its written factual findings. The county board of education and the charter petitioner may extend this date by an additional 30 days only by written mutual agreement. A petition for renewal not submitted to the county board of education within this time shall be considered denied with no further options for administrative appeal.
(b) A petition for renewal, whether submitted to the county board of education as the chartering authority or on appeal from denial of the renewal petition by the local governing board, shall be considered by the county board of education upon receipt of the petition with all of the requirements set forth in this subdivision.
(1) Documentation that the charter school meets at least one of the criteria specified in Education Code section 47607(b).
(2) A copy of the renewal charter petition, as denied by the local board, including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.
(A) The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.
(3) When applicable, a copy of the governing board's denial and supporting written factual findings, if available.
(4) A description of any changes to the renewal petition necessary to reflect the county board of education as the chartering entity.
(c)(1) When considering a petition for renewal, the county board of education shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any.
(2) The county board of education may deny a petition for renewal of a charter school only if the county board of education makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth, as applicable, in Education Code sections 47605(b) and 47605.6(b), or failure to meet one of the criteria set forth in Education Code section 47607(b).
(d) If within 60 days of a county board of education's receipt of a petition for renewal the county board of education does not grant or deny the petition for the renewal of a charter school, the charter school may submit a petition for renewal to the State Board of Education (SBE). The county board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.
(e) If a county board of education denies a petition for renewal of a countywide charter school established under Education Code section 47605.6, the petitioner may not elect to submit the petition for renewal of the countywide charter school to the SBE.

Section 11966.6
Charter petitions that have not been renewed locally – submission to state board of education

(a) When the county board of education denies or takes no action on a charter school's petition for renewal, the charter school may submit a petition for renewal to the SBE.
(b) A petition for renewal shall include all of the following and shall be considered received when submitted to the SBE with all of the requirements set forth in this subdivision.
(1) Documentation that the charter school met at least one of the criteria specified in Education Code section 47607(b).
(2) A copy of the renewal charter petition, as denied, including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.
(A) The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.
(3) A copy of district governing board's written factual findings denying the petition for renewal, and evidence of the county governing board's denial or, if the county board of education failed to act, evidence that the timeline set forth in section 11966.5(d) has expired.
(4) A description of any changes to the renewal petition necessary to reflect the SBE as the chartering entity.
(c)(1) When considering a petition for renewal, the SBE shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement, if any.
(2) The SBE may deny a petition for renewal of a charter school only if the SBE makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(b) or failure to meet one of the criteria set forth in Education Code section 47607(b).

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Section 11967
Appeals on petitions for the establishment of a charter school that have been denied

(a) A charter school petition that has been previously denied by the governing board of a school district must be received by the county board of education not later than 180 calendar days after the denial. A charter school petition that has been previously denied by a county board of education must be received by the State Board of Education (SBE) not later than 180 calendar days after the denial. Any petition received by the county board of education or SBE more than 180 days after denial shall not be acted upon by the county board of education or the SBE.
(b) When filing a petition with the county board of education or the SBE for the establishment of a charter school, petitioner(s) shall provide the following:
(1) A complete copy of the charter petition as denied, including the signatures required by Education Code section 47605.
(2) Evidence of the governing board's action to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(c).
(3) A signed certification stating that petitioner(s) will comply with all applicable law.
(4) A description of any changes to the petition necessary to reflect the county board of education or the SBE as the chartering entity, as applicable.
(c) The county board of education or SBE shall deny a petition for the establishment of a charter school only if that board makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code section 47605(c)(1)-(5).
(d) If within 60 days of a county board of education's receipt of a petition appealing the denial to establish a charter school, the county board of education does not grant or deny the petition for the establishment of a charter school, the charter school may submit the petition for the establishment of a charter school to the SBE. The county board of education and charter petitioner may extend this date by an additional 30 days only by written mutual agreement.
(e) If, within 120 days of the SBE's receipt of a petition appealing the denial to establish a charter school, the SBE does not grant or deny the charter petition, the decision of the governing board of the school district to deny the petition is subject to judicial review. The SBE and the charter petitioner may extend this date by an additional 30 days only by written mutual agreement.
(f) In considering charter petitions that have been previously denied, the county board of education or SBE are not limited to a review based solely on the reasons for denial stated by the school district, but must review the charter school petition pursuant to Education Code section 47605(c).

Section 11967.5
Review and approval of charter school petitions by the state board of education

The State Board of Education shall utilize the criteria set forth in Section 11967.5.1. in reviewing the elements of a charter petition submitted for its approval in accordance with the provisions of Education Code section 47605(c) and (k). The purpose of the criteria is to convey to charter petitioners the State Board of Education's understanding of the meaning of the elements specified in Education Code section 47605(c), or otherwise to convey essential information about the elements. The criteria are intended to require no charter provisions in excess of those that the State Board of Education believes necessary to determine whether each element specified in Education Code section 47605(c) has been satisfactorily addressed. Where the criteria call for judgments to be made, the judgments will be made in such a manner as to be reasonable, rational, and fair to the petitioners and other parties potentially affected by the chartering of the school by the State Board of Education.

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Section 11967.5.1
Criteria for the review and approval of charter school petitions and charter school renewal petitions by the state board of education

(a) For purposes of Education Code section 47605(c), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.
(b) For purposes of Education Code section 47605(c)(1), a charter petition shall be "an unsound educational program" if it is any of the following:
(1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
(2) A program that the SBE determines not to be likely to be of educational benefit to the pupils who attend.
(c) For purposes of Education Code section 47605(c)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."
(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.
(2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school. An unrealistic financial and operational plan is one to which any or all of the following applies:
(A) In the area of administrative services, the charter or supporting documents do not adequately:
1. Describe the structure for providing administrative services, including, at a minimum, personnel transactions, accounting and payroll that reflects an understanding of school business practices and expertise to carry out the necessary administrative services, or a reasonable plan and time line to develop and assemble such practices and expertise.
2. For any contract services, describe criteria for the selection of a contractor or contractors that demonstrate necessary expertise and the procedure for selection of the contractor or contractors.
(B) In the area of financial administration, the charter or supporting documents do not adequately:
1. Include, at a minimum, the first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years.
2. Include in the operational budget reasonable estimates of all anticipated revenues and expenditures necessary to operate the school, including, but not limited to, special education, based, when possible, on historical data from schools or school districts of similar type, size, and location.
3. Include budget notes that clearly describe assumptions on revenue estimates, including, but not limited to, the basis for average daily attendance estimates and staffing levels.
4. Present a budget that in its totality appears viable and over a period of no less than two years of operations provides for the amassing of a reserve equivalent to that required by law for a school district of similar size to the proposed charter school.
5. Demonstrate an understanding of the timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters, based, when possible, on historical data from schools or school districts of similar type, size, and location.
(C) In the area of insurance, the charter and supporting documents do not adequately provide for the acquisition of and budgeting for general liability, workers compensations, and other necessary insurance of the type and in the amounts required for an enterprise of similar purpose and circumstance.
(D) In the area of facilities, the charter and supporting documents do not adequately:
1. Describe the types and potential location of facilities needed to operate the size and scope of educational program proposed in the charter.
2. In the event a specific facility has not been secured, provide evidence of the type and projected cost of the facilities that may be available in the location of the proposed charter school.
3. Reflect reasonable costs for the acquisition or leasing of facilities to house the charter school, taking into account the facilities the charter school may be allocated under the provisions of Education Code section 47614.
(4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas:
(A) Curriculum, instruction, and assessment.
(B) Finance and business management.
(d) For purposes of Education Code section 47605(c)(3), a charter petition that "does not contain the number of signatures required by subdivision (a)" of Education Code section 47605 shall be a petition that did not contain the requisite number of signatures at the time of the submission of the original charter to a school district governing board pursuant to Education Code section 47605(a). The SBE shall not disregard signatures that may be purported to have been withdrawn or to have been determined to be invalid after the petition was denied by the school district. The signature requirement set forth in Education Code section 47605(a) is not applicable to a petition for renewal.
(e) For purposes of Education Code section 47605(c)(4), a charter petition that "does not contain an affirmation of each of the conditions described in subdivision (e)" of Education Code section 47605 shall be a petition that fails to include a clear, unequivocal affirmation of each such condition, not a general statement of intention to comply. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in Education Code section 47605(e).

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Section 11967.5.1 Criteria for the review and approval of charter school petitions and charter school renewal petitions by the state board of education (cont'd)

(f) For purposes of Education Code section 47605(c)(5), the SBE shall take the following factors into consideration in determining whether a charter petition does not contain a "reasonably comprehensive" description of each of the specified elements.
(1) The description of the educational program of the school, as required by Education Code section 47605(c)(5)(A), at a minimum:
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, or technology-based education).
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to Education Code section 60605 and to achieve the objectives specified in the charter.
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.
(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of Education Code section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.
(2) Measurable pupil outcomes, as required by Education Code section 47605(c)(5)(B), at a minimum:
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.
(B) Include the school's Academic Performance Index growth target, if applicable.
(3) The method by which pupil progress is to be measured, as required by Education Code section 47605(c)(5)(C), at a minimum:
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at a minimum, tools that employ objective means of assessment consistent with paragraph (2)(A) of subdivision (f) of this section.
(B) Includes the annual assessment results from the Statewide Testing and Reporting (STAR) program.
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.
(4) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement in supporting the school's effort on behalf of the school's pupils, as required by Education Code section 47605(c)(5)(D), at a minimum:
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:
1. The charter school will become and remain a viable enterprise.
2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians).
3. The educational program will be successful.
(5) The qualifications to be met by individuals to be employed by the school, as required by Education Code section 47605(c)(5)(E), at a minimum:
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.
(C) Specify that the requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.
(6) The procedures that the school will follow to ensure the health and safety of pupils and staff, as required by Education Code section 47605(c)(5)(F), at a minimum:

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Section 11967.5.1 Criteria for the review and approval of charter school petitions and charter school renewal petitions by the state board of education (cont'd)

(A) Require that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.
(B) Include the examination of faculty and staff for tuberculosis as described in Education Code section 49406.
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.
(7) Recognizing the limitations on admissions to charter schools imposed by Education Code section 47605(e), the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted, as required by Education Code section 47605(c)(5)(G), shall be presumed to have been met, absent specific information to the contrary.
(8) To the extent admission requirements are included in keeping with Education Code section 47605(c)(5)(H), the requirements shall be in compliance with the requirements of Education Code section 47605(e) and any other applicable provision of law.
(9) The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority, as required by Education Code section 47605(c)(5)(I), at a minimum:
(A) Specify who is responsible for contracting and overseeing the independent audit.
(B) Specify that the auditor will have experience in education finance.
(C) Outline the process of providing audit reports to the SBE, California Department of Education, or other agency as the SBE may direct, and specifying the time line in which audit exceptions will typically be addressed.
(D) Indicate the process that the charter school will follow to address any audit findings and/or resolve any audit exceptions.
(10) The procedures by which pupils can be suspended or expelled, as required by Education Code section 47605(c)(5)(J), at a minimum:
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.
(B) Identify the procedures by which pupils can be suspended or expelled.
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D):
1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion.
2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.
(11) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security, as required by Education Code section 47605(c)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.
(12) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by Education Code section 47605(c)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupils has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.
(13) The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by Education Code section 47605(c)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.
(14) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(c)(5)(N), at a minimum:
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not an LEA.
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.

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Section 11967.5.1
Criteria for the review and approval of charter school petitions and charter school renewal petitions by the state board of education (cont'd)

(C) Recognize that, because it is not an LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.
(15) The declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act. Education Code section 47605(c)(6) recognizes that the SBE is not an exclusive public school employer. Therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (commencing with Government Code section 3540).
(g) A "reasonably comprehensive" description, within the meaning subdivision (f) of this section and Education Code section 47605(c)(5) shall include, but not be limited to, information that:
(1) Is substantive and is not, for example, a listing of topics with little elaboration.
(2) For elements that have multiple aspects, addresses essentially all aspects the elements, not just selected aspects.
(3) Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
(4) Describes, as applicable among the different elements, how the charter school will:
(A) Improve pupil learning.
(B) Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
(C) Provide parents, guardians, and pupils with expanded educational opportunities.
(D) Hold itself accountable for measurable, performance-based pupil outcomes.
(E) Provide vigorous competition with other public school options available to parents, guardians, and students.

Section 11968
Maximum number of charters

(a) If a charter school, including a statewide benefit or countrywide charter school, ceases to operate by voluntary surrender, revocation, or non-renewal of its charter, the charter school's number will lapse and will not be reassigned.
(b) On July 1, 1999, and on each succeeding July 1, the limit on the total number of charter schools authorized to operate in this state will be increased by 100.
(c) Whenever the statutory limit on the permissible number of charter schools authorized to operate in this state is reached, requests for new numbers will be placed on a list in the order received by the State Board of Education.

ESTABLISHMENT AND REVOCATION

Section 11968.1
Numbering of charter school petitions

(a) In accordance with subdivision (a) of section 47602 of the Education Code, the California Department of Education (CDE), on behalf of the SBE, shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of a complete charter petition and notification of charter approval by a local educational agency (LEA) or, in the case of a charter petition approved by the SBE, the date and time of the SBE's approval.
(b) When the SBE approves a charter petition or receives notice that a charter petition has been approved by a LEA, the SBE shall assign a number to that charter petition in accordance with section 47602(a)(1) of the Education Code.

Section 11968.5.1
Revocation of, or other action related to, a charter by the state board of education upon recommendation by the state superintendent of public instruction pursuant to education code sections 47604.5(a) and (b)

(a) Prior to making a recommendation to the SBE under Education Code sections 47604.5(a) and (b), the SSPI shall deliver a written notice to the charter school's governing body as described in the school's charter and the SBE Executive Director, which identifies one or more specific alleged violations by the charter school based on the grounds specified in Education Code sections 47604.5(a) and (b). This notice shall identify all of the following:
(1) the charter school's alleged gross financial mismanagement that jeopardizes the financial stability of the charter school pursuant to Education Code section 47604.5(a); or the charter school's alleged illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school pursuant to Education Code section 47604.5(b);
(2) all evidence relied upon by the SSPI in determining the charter school engaged in any of the acts or omissions identified in subdivision (a)(1); and
(3) the period of time that will serve as the opportunity to remedy or refute the identified violation(s) by the charter school's governing body as described in the school's charter.
(b) Upon receipt of a written notice, the charter school's governing body as described in the school's charter, if it chooses to respond, shall take the following actions:
(1) Submit to the SSPI a detailed, written response to each identified violation which shall include the refutation or remedial action taken by the charter school's governing body as described in the school's charter, specific to each identified violation. The written response shall be due by the end of the remedy period identified in the written notice.
(2) Attach to its written response, supporting evidence of remedial action, if any, including written reports,

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statements, and other appropriate documentation.
(c) After conclusion of the remedy period, the SSPI shall evaluate the response of the charter school's governing body as described in the school's charter, if submitted, and shall take one of the following actions:
(1) Make a recommendation to the SBE to take appropriate action, including but not limited to, revocation of the school's charter, and provide timely written notice of such action within 30 calendar days to the charter school's governing body as described in the school's charter; or
(2) Discontinue action and provide written notice of such action to the charter school's governing body as described in the school's charter within 10 calendar days.
(d) In making a recommendation to the SBE to take appropriate action, including but not limited to, revocation of the school's charter, the SSPI shall present written findings to the SBE at the next regularly scheduled board meeting.

Section 11968.5.2
Charter revocation

This section sequentially sets forth procedures the chartering authority and the charter school's governing body as described in the school's charter shall complete for the revocation of a school's charter pursuant to Education Code section 47607, except for charter revocation when the violation constitutes a severe and imminent threat to the health or safety of pupils which is subject to section 11968.5.3 rather than this section.
(a) At least 72 hours prior to any board meeting in which a chartering authority will consider issuing a Notice of Violation, the chartering authority shall provide the charter school with notice and all relevant documents related to the proposed action.
(b) The chartering authority shall deliver a Notice of Violation to the charter school's governing body as described in the school's charter.
(c) Upon receipt of a Notice of Violation, the charter school's governing body as described in the school's charter, if it chooses to respond, shall take the following actions:
(1) Submit to the chartering authority a detailed, written response addressing each identified violation which shall include the refutation, remedial action taken, or proposed remedial action by the charter school specific to each alleged violation. The written response shall be due by the end of the remedy period identified in the Notice of Violation.
(2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.
(d) After conclusion of the reasonable opportunity to remedy, the chartering authority shall evaluate the response of the charter school's governing body as described in the school's charter response to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:
(1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's governing body as described in the school's charter; or
(2) Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's governing body as described in the school's charter.
(e) If the chartering authority does not act, as specified in subdivision (d), within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, the revocation process is terminated and the Notice of Violation is void.
(f) On the date and time specified in the Notice of Intent to Revoke, the chartering authority shall hold a public hearing concerning revocation. No more than 30 calendar days after the public hearing (or 60 calendar days by written mutual agreement with the charter school) the chartering authority shall issue a Final Decision.
(g) The chartering authority shall provide a copy of the Final Decision to the CDE and its county board of education (unless the county board of education is also the chartering authority), within 10 calendar days of issuing the Final Decision.
(h) If the chartering authority does not act to issue a Final Decision within the timeframe specified in subdivision (f), the revocation process is terminated and the Notice of Intent to Revoke is void.

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Section 11968.5.3
Charter revocation when there is a severe and imminent threat to the health or safety of pupils and appeal of revocation by determination of a severe and imminent threat to pupil health or safety to a county board of education and the state board of education

This section sets forth procedures the chartering authority shall complete for the revocation of a school's charter when the chartering authority has determined that any violation under Education Code section 47607(f) constitutes a severe and imminent threat to the health or safety of pupils and the procedures that a charter school and county office of education and SBE must follow if the charter school elects to appeal a chartering authority's Final Decision to revoke the school's charter.

(a) If there is a severe and imminent threat to pupil health or safety, the chartering authority is exempt from the requirements of section 11968.5.2 and may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body as described in the school's charter, the county board of education (unless the county board of education is also the chartering authority), and the CDE.

(b) Following the approval and delivery of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety by the chartering authority, the charter school's governing body as described in the school's charter may appeal to the county board of education or the SBE, as applicable, pursuant to Education Code sections 47607(i) and (j).

(c) In an appeal to a county board of education, within 30 calendar days of receipt of a Final Decision revoking the school's charter, the charter school's governing body as described in the school's charter shall approve and deliver a written Notice of Appeal to the county board of education that:

(1) includes a copy of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety issued pursuant to this article except that the charter school shall not be responsible for providing this document if the chartering authority did not provide it to the charter school as required in this section;

(2) includes evidence of the final vote of the chartering authority, if available;

(3) includes all evidence relied upon by the chartering authority in determining that a violation under section 11965(e) existed;

(4) includes minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter, if available; and

(5) includes a written statement explaining why the charter school does not believe the district chartering authority's factual findings are supported by substantial evidence.

(d) If the county board of education does not issue a written decision that explains whether, in the county board of education's judgment, the district chartering authority's factual findings are supported by substantial evidence within 90 calendar days of receiving a Notice of Appeal that includes the documents listed in subdivision (c) of this section, the district chartering authority's decision is upheld, pending any further appeal.

(e) In determining whether the district chartering authority's factual findings are supported by substantial evidence, the county board of education shall consider whether the district chartering authority provided the charter school's governing body as described in the school's charter a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety pursuant to Education Code sections 47607(f) and (g).

(f) The county board of education shall provide the CDE and the chartering authority a copy of its written decision within 10 calendar days of its action.

(g) If the district chartering authority or the school's governing body as described in the school's charter elects to appeal to the SBE, the appellant shall approve and deliver a written Notice of Appeal to the SBE within 30 calendar days following the final decision by the county board of education, or within 30 calendar days upon the expiration of 90 calendar days pursuant to subdivision (d) of this section, or within 30 calendar days of a county chartering authority's Final Decision.

(h) The appellant shall, at the same time it delivers a Notice of Appeal to the SBE, deliver to the SBE the following documents that shall be individually and sequentially numbered, one number per page, and be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE:

(1) copies of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, the Final Decision, and the Notice of Appeal delivered to the county board of education, and the county board of education's written decision, as applicable;

(2) evidence of the final vote of the chartering authority, if available;

(3) evidence relied upon by the chartering authority in determining that a violation under section 11965(e) existed; and

(4) minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter, if available.

(i) At the same time the appellant submits its Notice of Appeal to the SBE, the appellant shall also submit to the SBE a written argument in the form of a brief or letter that shall be individually and sequentially numbered, one number per page, be delivered to the respondent within five calendar days of delivery to the SBE, and contain the following:

(1) a summary of the procedural and substantive facts limited to matters in the record;

(2) a summary of the arguments in support of the appellant's position that the chartering authority and/or the county board of education erred in its decision; and

(3) specific citations to the administrative record in support of each argument presented.

(j) If the respondent chooses to submit a written opposition to the SBE, it must do so within 30 calendar days of the delivery of the appellant's written argument to the SBE. This written opposition shall be in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the appellant within five calendar days of delivery to the SBE; and contain the following:

(1) a summary of the procedural and substantive facts limited to matters in the record as submitted to the chartering authority and the county board of education, as appropriate;

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Section 11968.5.3
Charter revocation when there is a severe and imminent threat to the health or safety of pupils and appeal of revocation by determination of a severe and imminent threat to pupil health or safety to a county board of education and the state board of education (cont'd)

(2) a summary of the arguments in support of the respondent's position that the chartering authority and/or the county board of education did not err in its decision; and
(3) specific citations to the administrative record in support of each argument presented.
(k) Within 15 calendar days of the delivery of the respondent's written opposition to the SBE, the appellant may submit to the SBE a written reply to the respondent's written opposition in the form of a brief or letter. If submitted, this written reply shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:
(1) a summary of the arguments refuting the arguments raised in the respondent's opposition; and
(2) specific citations to the administrative record in support of each argument presented.
(l) If the SBE does not take action within 120 calendar days of receipt of the appellant's written argument, if submitted pursuant to subdivision (i); or within 150 days of receipt of the respondent's written opposition, if submitted pursuant to subdivision (j); or within 165 days of receipt of the appellant's written reply, if submitted pursuant to subdivision (k); whichever is later, the appellant is deemed to have exhausted its administrative remedies.

Section 11968.5.4
Appeal of a district charter revocation to a county board of education

This section establishes the procedures that a charter school and county office of education must follow if the charter school elects to appeal to a county board of education a district chartering authority's Final Decision to revoke the school's charter.
(a) Within 30 calendar days of receipt of a Final Decision revoking the school's charter, the charter school's governing body as described in the school's charter, shall approve and deliver a written Notice of Appeal to the county board of education that:
(1) Includes a copy of the Notice of Violation, Notice of Intent to Revoke and the Final Decision issued pursuant to this article except that the charter school shall not be responsible for providing these documents if the chartering authority did not provide them to the charter school as required in section 11968.5.2;
(2) Includes evidence of the final vote of the chartering authority, if available;
(3) Includes all evidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation;
(4) Includes all evidence and correspondence submitted by the charter school's governing body as described in the school's charter in response to the chartering authority's Notice of Violation and Notice of Intent to Revoke;
(5) Includes minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter, if available;
(6) Includes a written statement explaining why the charter school does not believe the district chartering authority's factual findings are supported by substantial evidence; and
(7) Identifies any procedural omissions or errors the charter school alleges to have occurred in the revocation process.
(b) If the county board of education does not issue a written decision that explains whether, in the county board of education's judgment, the district chartering authority's factual findings are supported by substantial evidence within 90 calendar days of receiving a Notice of Appeal that includes the documents listed in subdivision (a) of this section, the district chartering authority's decision is upheld, pending any further appeal.
(1) In determining whether the district chartering authority's factual findings are supported by substantial evidence, the county board of education shall consider whether the district chartering authority provided the charter school's governing body as described in the school's charter a Notice of Violation, a reasonable opportunity to remedy the identified violation(s), a Notice of Intent to Revoke, a public hearing, and Final Decision, pursuant to Articles 2 and 2.5 and Education Code sections 47607(f) through (h), inclusive.
(2) If the charter school submits a response to the Notice of Violation pursuant to section 11968.5.2(c), the county board of education shall, in determining whether the district chartering authority's factual findings are supported by substantial evidence, consider whether the charter school complied with the procedures set forth in that section.
(3) The county board of education shall also consider whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation or the chartering authority's ability to comply with its procedural obligations or authorizing duties.
(c) The county board of education shall provide the CDE and the chartering authority a copy of its written decision within 10 calendar days of its action.
(d) An appeal to a county board of education of a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety is subject to section 11968.5.3 rather than this section.

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Section 11968.5.5
Appeal of charter revocation to the state board of education and submission of the administrative record

(a) If the district chartering authority or the charter school's governing body as described in the school's charter elects to appeal to the SBE, the appellant shall approve and deliver a written Notice of Appeal to the SBE within 30 calendar days of receiving a written decision by the county board of education, within 30 calendar days upon the expiration of 90 calendar days pursuant to section 11968.5.4(b), or within 30 calendar days of a county chartering authority's Final Decision.
(b) The appellant shall, at the same time it delivers a Notice of Appeal to the SBE, deliver to the SBE the following documents that shall be individually and sequentially numbered, one number per page, and be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE:
(1) copies of the Notice of Violation, Notice of Intent to Revoke, the Final Decision, the Notice of Appeal to the county board of education, and the county board of education's written decision, as applicable;
(2) evidence of the final vote of the chartering authority if available;
(3) evidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to refute to the chartering authority's satisfaction or remedy one or more violations identified in the Notice(s) of Violation;
(4) evidence and correspondence submitted by the charter school's governing body as described in the school's charter in response to the chartering authority's Notice of Violation and Notice of Intent to Revoke; and
(5) minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter if available.
(c) At the same time the appellant submits its Notice of Appeal to the SBE, the appellant shall also submit to the SBE a written argument in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:
(1) a summary of the procedural and substantive facts limited to matters in the record;
(2) a summary of the arguments in support of the appellant's position that the chartering authority and/or the county board of education erred in its decision; and
(3) specific citations to the administrative record in support of each argument presented.
(d) If the respondent chooses to submit a written opposition to the SBE, it must do so within 30 calendar days of the delivery of the appellant's written argument to the SBE. This written opposition shall be in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the appellant within five calendar days of delivery to the SBE; and contain the following:
(1) a summary of the procedural and substantive facts limited to matters in the record as submitted to the chartering authority and the county board of education, as appropriate;
(2) a summary of the arguments in support of the respondent's position that the chartering authority and/or the county board of education did not err in its decision; and
(3) specific citations to the administrative record in support of each argument presented.
(e) Within 15 calendar days of the delivery of the respondent's written opposition to the SBE, the appellant may submit to the SBE a written reply to the respondent's written opposition in the form of a brief or letter. If submitted, this written reply shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:
(1) a summary of the arguments refuting the arguments raised in respondent's opposition; and
(2) specific citations to the administrative record in support of each argument presented;
(f) If the SBE does not take action within 120 calendar days of receipt of the appellant's written argument, if submitted pursuant to subdivision (c); or within 150 days of receipt of the respondent's written opposition, if submitted pursuant to subdivision (d); or within 165 days of receipt of the appellant's written reply, if submitted pursuant to subdivision (e); whichever is later, the appellant is deemed to have exhausted its administrative remedies.
(g) An appeal to the SBE of a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety is subject to section 11968.5.3 rather than this section.

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IMPLEMENTATION OF PROPOSITION 39; FACILITIES REGULATIONS

Section 11969.1
Purpose and stipulation

(a) This article governs provision of facilities by school districts to charter schools under Education Code section 47614.
(b) If a charter school and a school district mutually agree to an alternative to specific compliance with any of the provisions of this article, nothing in this article shall prohibit implementation of that alternative, including, for example, funding in lieu of facilities in an amount commensurate with local rental or lease costs for facilities reasonably equivalent to facilities of the district.

Section 11969.2
Definitions

(a) Average Daily Classroom Attendance. As used in Education Code section 47614(b), "average daily classroom attendance," or "classroom ADA," is average daily attendance (ADA) for classroom-based apportionments as used in Education Code section 47612.5. "In-district classroom ADA" is classroom ADA attributable to in-district students. Nothing in this article shall prohibit a school district from allowing a charter school to include nonclassroom-based ADA in average daily classroom attendance, but only:
(1) to the extent of the instructional time that the students generating the nonclassroom-based ADA are actually in the classroom under the direct supervision and control of an employee of the charter school; and
(2) if the school district and charter school agree upon the time(s) that facilities devoted to students generating nonclassroom-based ADA will be used.
(b) Operating in the School District. As used in Education Code section 47614(b), a charter school is "operating in the school district" if the charter school meets the requirements of Education Code section 47614(b)(5) regardless of whether the school district is or is proposed to be the authorizing entity for the charter school and whether the charter school has a facility inside the school district's boundaries.
(c) In-district Students. As used in Education Code section 47614(b), a student attending a charter school is an "in-district student" of a school district if he or she is entitled to attend the schools of the school district and could attend a school district-operated school, except that a student eligible to attend the schools of the school district based on interdistrict attendance pursuant to Education Code section 46600-46611 or based on parental employment pursuant to Education Code section 48204(b) shall be considered a student of the school district where he or she resides.
(d) Contiguous. As used in Education Code section 47614(b), facilities are "contiguous" if they are contained on the school site or immediately adjacent to the school site. If the in-district average daily classroom attendance of the charter school cannot be accommodated on any single school district school site, contiguous facilities also includes facilities located at more than one site, provided that the school district shall minimize the number of sites assigned and shall consider student safety. In evaluating and accommodating a charter school's request for facilities pursuant to Education Code section 47614, the charter school's in-district students must be given the same consideration as students in the district-run schools, subject to the requirement that the facilities provided to the charter school must be contiguous. If a school district's preliminary proposal or final notification presented pursuant to subdivisions (f) or (h) of section 11969.9 does not accommodate a charter school at a single school site, the district's governing board must first make a finding that the charter school could not be accommodated at a single site and adopt a written statement of reasons explaining the finding.
(e) Furnished and Equipped. As used in Education Code section 47614(b), a facility is "furnished and equipped" if it includes reasonably equivalent furnishings necessary to conduct classroom instruction and to provide for student services that directly support classroom instruction as found in the comparison group schools established under section 11969.3(a), and if it has equipment that is reasonably equivalent to that in the comparison group schools. "Equipment" means property that does not lose its identity when removed from its location and is not changed materially or consumed immediately (e.g., within one year) by use. Equipment has relatively permanent value, and its purchase increases the total value of a Local Educational Agency's (LEA's) physical properties. Examples include furniture, vehicles, machinery, motion picture film, videotape, furnishings that are not an integral part of the building or building system, and certain intangible assets, such as major software programs. Furnishings and equipment acquired for a school site with non-district resources are excluded when determining reasonable equivalence.
(f) General Fund. As used in Education Code section 47614(b)(1), "general fund" means the main operating fund of the LEA. It is used to account for all activities except those that are required to be accounted for in another fund. In keeping with the minimum number of funds principle, all of an LEA's activities are reported in the general fund unless there is a compelling reason to account for an activity in another fund. An LEA may have only one general fund.
(g) Unrestricted Revenues. As used in Education Code section 47614(b)(1), "unrestricted revenues" are those funds whose uses are not subject to specific constraints and that may be used for any purposes not prohibited by law. Restricted revenues are those funds received from external sources that are legally restricted or that are restricted by the donor to specific purposes. Programs funded by a combination of restricted and unrestricted sources will be accounted for and reported as restricted. Funds or activities that are not restricted or designated by the donor, but rather by the LEA's governing board, will be accounted for and reported as unrestricted.
(h) Facilities Costs. As used in Education Code section 47614(b)(1), "facilities costs" are those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools. This includes plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases.

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Section 11969.3 Conditions reasonably equivalent

The following provisions shall be used to determine whether facilities provided to a charter school are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities, as required by Education Code section 47614(b).

(a) Comparison Group.

(1) The standard for determining whether facilities are sufficient to accommodate charter school students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending public schools of the school district providing facilities shall be a comparison group of district-operated schools with similar grade levels. If none of the district-operated schools has grade levels similar to the charter school, then a contiguous facility within the meaning of subdivision (d) of section 11969.2 shall be an existing facility that is most consistent with the needs of students in the grade levels served at the charter school. The district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration.

(2) The comparison group shall be the school district-operated schools with similar grade levels that serve students living in the high school attendance area, as defined in Education Code section 17070.15(b), in which the largest number of students of the charter school reside. The number of charter school students residing in a high school attendance area shall be determined using in-district classroom ADA projected for the fiscal year for which facilities are requested.

(3) For school districts whose students do not attend high school based on attendance areas, the comparison group shall be three schools in the school district with similar grade levels that the largest number of students of the charter school would otherwise attend. For school districts with fewer than three schools with similar grade levels, the comparison group shall be all schools in the school district with similar grade levels.

(4) Although the district is not obligated to pay for the modification of an existing school site to accommodate the charter school's grade level configuration, nothing in this article shall preclude the district from entering into an agreement with the charter school to modify an existing school site, with the costs of the modifications being paid exclusively by the charter school or by the school district, or paid jointly by the district and the charter school.

(b) Capacity.

(1) Facilities made available by a school district to a charter school shall be provided in the same ratio of teaching stations (classrooms) to ADA as those provided to students in the school district attending comparison group schools. School district ADA shall be determined using projections for the fiscal year and grade levels for which facilities are requested. Charter school ADA shall be determined using in-district classroom ADA projected for the fiscal year and grade levels for which facilities are requested. The number of teaching stations (classrooms) shall be determined using the classroom inventory prepared pursuant to California Code of Regulations, title 2, section 1859.31, adjusted to exclude classrooms identified as interim housing. “Interim housing” means the rental or lease of classrooms used to house pupils temporarily displaced as a result of the modernization of classroom facilities, as defined in California Code of Regulations, title 2, section 1859.2, and classrooms used as emergency housing for schools vacated due to structural deficiencies or natural disasters.

(2) If the school district includes specialized classroom space, such as science laboratories, in its classroom inventory, the space allocation provided pursuant to paragraph (1) of subdivision (b) shall include a share of the specialized classroom space and/or a provision for access to reasonably equivalent specialized classroom space. The amount of specialized classroom space allocated and/or the access to specialized classroom space provided shall be determined based on three factors:

(A) the grade levels of the charter school's in-district students;

(B) the charter school's total in-district classroom ADA; and

(C) the per-student amount of specialized classroom space in the comparison group schools.

(3) The school district shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of non-teaching station space in the comparison group schools. Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multi-purpose room, and play area space. If necessary to implement this paragraph, the district shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and school district are least disrupted.

(c) Condition.

(1) All of the factors listed below shall be used by the school district and charter school to determine whether the condition of facilities provided to a charter school is reasonably equivalent to the condition of comparison group schools. Condition is determined by assessing such factors as age (from latest modernization), quality of materials, and state of maintenance.

(A) School site size.

(B) The condition of interior and exterior surfaces.

(C) The condition of mechanical, plumbing, electrical, and fire alarm systems, including conformity to applicable codes.

(D) The availability and condition of technology infrastructure.

(E) The condition of the facility as a safe learning environment including, but not limited to, the suitability of lighting, noise mitigation, and size for intended use.

(F) The condition of the facility's furnishings and equipment.

(G) The condition of athletic fields and/or play area space.

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Section 11969.3
Conditions reasonably equivalent (cont'd)

(2) Notwithstanding paragraph (1) of subdivision (c), at a charter school established at an existing public school site pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650, the condition of the facility previously used by the school district at the site shall be considered to be reasonably equivalent to the condition of school district facilities for the first year the charter school uses the facility. During its first year of operation, the charter school shall be subject to charges for pro rata costs pursuant to section 11969.7, but shall not be subject to reimbursement for over-allocated space pursuant to section 11969.8.

(d) Additional Provisions Relating to a Charter School Established at an Existing Public School Site.

The following provisions apply only to a charter school established at an existing public school site pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650 and that operated at the site in its first year pursuant to paragraph (2) of subdivision (c).

(1) The school site, as identified in the school's charter, shall be made available to the school for its second year of operation and thereafter upon annual request pursuant to Education Code section 47614. The district is entitled to charge the charter school pro rata costs for the school site pursuant to section 11969.7, and the district is entitled to receive reimbursement for over-allocated space from the charter school pursuant to section 11969.8, except as provided in paragraph (3).

(2)(A) If, by material revision of the charter, the location of a charter school is changed, or if one or more additional sites are approved pursuant to Education Code section 47605(a)(4), then the school is entitled to request and the district shall provide for the use of facilities by the school in accordance with the revised charter, Education Code section 47614, and the provisions of this article.

(B) If the charter school was established pursuant to Education Code section 47605(a)(2), the district shall change the school's attendance area only if a waiver is first secured from the State Board of Education (SBE) pursuant to Education Code sections 33050-33053 of the requirement in Education Code section 47605(e)(1) that the school continuously give admission preference to students residing in the former attendance area of the school site.

(C) If the charter school was established pursuant to Education Code sections 52055.5, 52055.55, or 52055.650, the district shall relocate the school or change the school's attendance area only if a waiver is first secured from the SBE pursuant to Education Code sections 33050-33053 of the provision of statute binding the school to the existing school site.

(D) If a school district decides to change a charter school's attendance area as provided in subparagraphs (B) or (C), and if the decision occurs between November 1 and June 30 and becomes operative in the forthcoming fiscal year, then the space allocated to the charter school is not subject to reimbursement for over-allocated space pursuant to section 11969.8 in the forthcoming fiscal year.

(3) If, by February 1 of its first year of operation, a charter school notifies the district that it will have over-allocated space in the following fiscal year, the space identified is not subject to reimbursement for over-allocated space pursuant to section 11969.8 in the following year or thereafter, and the district is entitled to occupy all or a portion of the space identified. To recover space surrendered to the district pursuant to this paragraph, a charter school must apply to the district. An application to recover surrendered space shall be evaluated by the district in accordance with the provisions of this article.

Section 11969.4
Operations and maintenance

(a) Facilities and furnishings and equipment provided to a charter school by a school district shall remain the property of the school district.

(b) The ongoing operations and maintenance of facilities and furnishings and equipment is the responsibility of the charter school. Projects eligible to be included in the school district deferred maintenance plan established pursuant to Education Code section 17582 and the replacement of furnishings and equipment supplied by the school district in accordance with school district schedules and practices, shall remain the responsibility of the school district. The charter school shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment, except to the extent variation is approved by the district. However, the charter school need not comply with policies in cases where actual school district practice substantially differs from official policies.

Section 11969.5
Availability

The space allocated for use by the charter school, subject to sharing arrangements, shall be available for the charter school's entire school year regardless of the school district's instructional year or class schedule and may not be sublet or used for purposes other than those that are consistent with school district policies and practices for use of other public schools of the school district without permission of the school district.

Section 11969.6
Location

A school district may satisfy the requirements of Education Code section 47614 by providing facilities that are located outside the school district's boundaries, subject to other provisions of this article and subject to the restrictions on location of charter schools established in Education Code sections 47605 and 47605.1. No school district is required to provide facilities that are located outside the school district's boundaries to a charter school.

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Section 11969.7
Charges for facilities costs

If the school district charges the charter school a pro rata share of its facilities costs for the use of the facilities, the pro rata share shall not exceed (1) a per-square-foot amount equal to those school district facilities costs that the school district pays for with unrestricted revenues from the district's general fund, as defined in sections 11969.2(f) and (g) and hereinafter referred to as "unrestricted general fund revenues," divided by the total space of the school district times (2) the amount of space allocated by the school district to the charter school. The following provisions shall apply to the calculation of the pro rata share of facilities costs:

(a) For purposes of this section, facilities costs that the school district pays with unrestricted general fund revenues includes those costs associated with plant maintenance and operations, facilities acquisition and construction, and facilities rents and leases, as defined in section 11969.2(h). For purposes of this section, facilities costs also includes:

(1) contributions from unrestricted general fund revenues to the school district's Ongoing and Major Maintenance Account (Education Code section 17070.75), Routine Restricted Maintenance Account (Education Code section 17014), and/or deferred maintenance fund,

(2) costs paid from unrestricted general fund revenues for projects eligible for funding but not funded from the deferred maintenance fund, and

(3) costs paid from unrestricted general fund revenue for replacement of facilities-related furnishings and equipment, that have not been included in paragraphs (1) and **(2)**, according to school district schedules and practices.

For purposes of this subdivision, facilities costs do not include any costs that are paid by the charter school, including, but not limited to, costs associated with ongoing operations and maintenance and the costs of any tangible items adjusted in keeping with a customary depreciation schedule for each item.

(b) For purposes of this section, the cost of facilities shall include debt service costs.

(c) "Space allocated by the school district to the charter school" shall include a portion of shared space where a charter school shares a campus with a school district-operated program. Shared space includes, but is not limited to, those facilities needed for the overall operation of the campus, whether or not used by students. The portion of the shared space to be included in the "space allocated by the school district to the charter school" shall be calculated based on the amount of space allocated for the exclusive use of the charter school compared to the amount of space allocated to the exclusive use of the school-district-operated program.

(d) The per-square-foot charge shall be determined using actual facilities costs in the year preceding the fiscal year in which facilities are provided and the largest amount of total space of the school district at any time during the year preceding the fiscal year in which facilities are provided.

(e) The per-square-foot charge shall be applied equally by the school district to all charter schools that receive facilities under this article, and a charter school using school district facilities pursuant to Education Code section 47614 shall report the per-square-foot charge it is paying in the current fiscal year to the California Department of Education (CDE) in any notification the charter school makes to the CDE pursuant to Education Code section 47630.5(b). The CDE shall post the per-square-foot amounts reported by charter schools on its publicly accessible Web site. The CDE shall offer the opportunity to each school district to provide explanatory information regarding its per-square-foot charge and shall post any information received.

(f) If a school district charges a charter school for facilities costs pursuant to this article, and if the district is the charter school's authorizing entity, the facilities are not substantially rent free within the meaning of Education Code section 47613, and the district may only charge for the actual costs of supervisorial oversight of the charter school not to exceed one percent of the school's revenue.

Section 11969.8
Reimbursement rates for over-allocated space

(a) Space is considered to be over-allocated if (1) the charter school's actual in-district classroom ADA is less than the projected in-district classroom ADA upon which the facility allocation was based and (2) the difference is greater than or equal to a threshold ADA amount of 25 ADA or 10 percent of projected in-district classroom ADA, whichever is greater. The per-pupil rate for over-allocated space shall be equal to the statewide average cost avoided per pupil set pursuant to Education Code section 42263 for 2005-06, adjusted annually thereafter by the CDE by the annual percentage change in the general-purpose entitlement to charter schools calculated pursuant to Education Code section 47633, rounded to the next highest dollar, and posted on the CDE Web site. The reimbursement amount owed by the charter school for over-allocated space shall be equal to (1) this rate times the difference between the charter school's actual in-district classroom ADA and the projected in-district classroom ADA upon which the facility allocation was based, less (2) this rate times one-half the threshold ADA. For purposes of this subdivision, the actual in-district classroom ADA shall be determined using the report submitted pursuant to section 11969.9(l) in conjunction with the second principal apportionment under Education Code section 41601.

(b) A charter school must notify the school district when it anticipates that it will have over-allocated space that could be used by the school district. Upon notification by a charter school that the charter school anticipates having over-allocated space, a school district may elect to use the space for school district programs. The school district must notify the charter school whether or not it intends to use the over-allocated space within 30 days of the notification by the charter school. If the school district notifies the charter school that it intends to use all or a portion of the over-allocated space, payments for over-allocated space and pro rata share payments shall be reduced accordingly beginning at the time of the school district notification to use the space. If the school district notifies the charter school that it does not intend to use the space, the charter school must continue to make payments for over-allocated space and pro rata share payments. The school district may, at its sole discretion, reduce the amounts owed by the charter school.

(c) With respect to charter schools established at existing public school sites pursuant to Education Code sections 47605(a)(2), 52055.5, 52055.55, or 52055.650, the provisions of this section are limited by the applicable provisions of subdivisions (c) and (d) of section 11969.3.

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Section 11969.9
Procedures and timelines for the request for reimbursement for and provision of facilities

(a) A charter school must be operating in the school district as defined in Education Code section 47614 before it submits a request for facilities. A new or proposed new charter school is operating within the school district and, therefore, eligible to request facilities for a particular fiscal year only if it submitted its charter petition pursuant to Education Code sections 47605, 47605.5, 47605.6, or 47605.8 on or before November 1 of the fiscal year preceding the year for which facilities are requested. A new charter school is entitled to be allocated and/or provided access to facilities only if it receives approval of the petition before March 15 of the fiscal year preceding the year for which facilities are requested.
(b) To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the school district on or before November 1 of the preceding fiscal year.
(c)(1) The written facilities request consists of:
(A) reasonable projections of in-district and total ADA and in-district and total classroom ADA, based on ADA claimed for apportionment, if any, in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment in the forthcoming fiscal year;
(B) a description of the methodology for the projections;
(C) if relevant (i.e., when a charter school is not yet open or to the extent an operating charter school projects a substantial increase in in-district ADA), documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy;
(D) the charter school's operational calendar;
(E) information regarding the district school site and/or general geographic area in which the charter school wishes to locate; and
(F) information on the charter school's educational program, if any, that is relevant to assignment of facilities.
(2) Projections of in-district ADA, in-district classroom ADA, and the number of in-district students shall be broken down by grade level and by the school in the school district that the student would otherwise attend.
(3) School districts may require the charter school to submit its facilities request containing the information specified in paragraphs (1) and (2) on a form available from the CDE and developed in consultation with the Advisory Commission on Charter Schools (ACCS) or another form specified by the school district. School districts may also require the charter school either to distribute a reasonable number of copies of the written facilities request for review by other interested parties, such as parents and teachers, or to otherwise make the request available for review.
(d) The school district shall review the charter school's projections of in-district and total ADA and in-district and total classroom ADA and, on or before December 1, express any objections in writing and state the projections the district considers reasonable. If the district does not express objections in writing and state its own projections by the deadline, the charter school's projections are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.
(e) On or before January 2, the charter school shall respond to any objections expressed by the school district and to the district's projections provided pursuant to subdivision (d). The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the district pursuant to subdivision (d). If the charter school does not respond by the deadline, the district's projections provided pursuant to subdivision (d) are no longer subject to challenge, and the school district shall base its offer of facilities on those projections.
(f) On or before February 1, the school district shall prepare in writing a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. At a minimum, the preliminary proposal shall include (1) the projections of in-district classroom ADA on which the proposal is based, (2) the specific location or locations of the space, (3) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space, and (4) the projected pro rata share amount and a description of the methodology used to determine that amount. The district shall also provide the charter school a list and description of the comparison group schools used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b).
(g) On or before March 1, the charter school shall respond in writing to the school district's preliminary proposal made pursuant to subdivision (f), expressing any concerns, addressing differences between the preliminary proposal and the charter school's facilities request as submitted pursuant to subdivision (b), and/or making counter proposals.
(h) On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school pursuant to subdivision (g), the school district shall submit in writing a final notification of the space offered to the charter school. The notification shall include a response to the charter school's concerns and/or counter proposals (if any). The notification shall specifically identify:
(1) the teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space to which the charter is to be provided access on a shared basis with district-operated programs;
(2) for shared space, the arrangements for sharing;
(3) the in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school pursuant to subdivision (e), a written explanation of the reasons for the differences;
(4) the specific location or locations of the space;
(5) all conditions pertaining to the space;
(6) the pro rata share amount; and
(7) the payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.

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Section 11969.9
Procedures and timelines for the request for reimbursement for and provision of facilities (cont'd)

(i) The charter school must notify the school district in writing whether or not it intends to occupy the offered space. This notification must occur by May 1 or 30 days after the school district notification pursuant to subdivision (h), whichever is later. The charter school's notification can be withdrawn or modified before this deadline. After the deadline, if the charter school has notified the school district that it intends to occupy the offered space, the charter school is committed to paying the pro rata share amount as identified. If the charter school does not notify the school district by this deadline that it intends to occupy the offered space, then the space shall remain available for school district programs and the charter school shall not be entitled to use facilities of the school district in the following fiscal year.
(j) The space allocated to the charter school by the school district (or to which the school district provides the charter school access) must be furnished, equipped and available for occupancy by the charter school for a period of at least ten working days prior to the first day of instruction of the charter school. For good cause, the period is subject to reduction by the school district, but to no fewer than seven working days.
(k) The school district and the charter school shall negotiate an agreement regarding use of and payment for the space. The agreement shall contain at a minimum, the information included in the notification provided by the school district to the charter school pursuant to subdivision (h). In addition:
(1) The charter school shall maintain general liability insurance naming the school district as an additional insured to indemnify the school district for damage and losses for which the charter school is liable. The school district shall maintain first party property insurance for the facilities allocated to the charter school.
(2) The charter school shall comply with school district policies regarding the operations and maintenance of the school facility and furnishings and equipment.
(3) A reciprocal hold-harmless/indemnification provision shall be established between the school district and the charter school.
(4) The school district shall be responsible for any modifications necessary to maintain the facility in accordance with Education Code section 47610(d) or 47610.5.
(l) The charter school must report actual ADA to the school district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. These records shall be available on request by the school district.

Section 11969.10
Mediation of disputes

If a dispute arises between a school district and a charter school concerning the provisions of Education Code section 47614 or this article, nothing in this article shall preclude the dispute being subject to mediation in accordance with the procedures set forth in this section, if agreeable to both parties. Mediation consists of the following:
(a) The initiating party shall select a mediator, subject to the agreement of the responding party. If, though agreeing to mediation, the parties are unable to agree upon a mediator, the CDE shall be requested by the initiating party to appoint a mediator within seven days to assist the parties in resolving the dispute. The mediator shall meet with the parties as quickly as possible.
(b) Within seven days of the selection or appointment of the mediator, the party initiating the dispute resolution process shall prepare and send to both the responding party and the mediator a notice of dispute that shall include the following information:
(1) The name, address, and phone numbers of designated representatives of the parties;
(2) A statement of the facts of the dispute, including information regarding the parties' attempts to resolve the dispute;
(3) The specific sections of the statute or regulations that are in dispute; and
(4) The specific resolution sought by the initiating party.
(c) Within seven days of receiving the information specified in subdivision (b), the responding party shall file a written response.
(d)(1) The mediation procedure shall be entirely informal in nature. However, copies of exhibits upon which either party bases its case shall be shared with the other party. The relevant facts shall be elicited in a narrative fashion to the extent possible, rather than through examination and cross-examination of witnesses. The rules of evidence will not apply and no record of the proceedings will be made.
(2) If an agreement is reached, the agreement shall be reduced to writing and shall be signed by the school district and the charter school. The agreement shall not set a precedent for any other case.
(3) If the school district and the charter school fail to meet within the specified time line, have not reached an agreement within 15 days from the first meeting held by the mediator, or if the mediator declares the parties at impasse, the mediation is terminated.
(e) The costs of the mediation shall be divided equally by the two parties and paid promptly.

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