

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 1505 (O'Donnell, Bonta, McCarty and Smith) – As Amended April 1, 2019

**SUBJECT:** Charter schools: petitions

**SUMMARY:** Makes various changes to the process for charter school authorization, appeals, and renewal. Specifically, **this bill:**

- 1) Authorizes the governing board of a school district to grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice. Specifies that the governing board of the school district is not required to approve a petition for the establishment of a charter school, and may deny approval by making written factual findings, specific to the petition.
- 2) Authorizes, if the governing board of a school district denies a petition, the petitioner to appeal that denial to the county board of education. Specifies that the county board of education may consider an appeal only if the appeal alleges that the governing board of the school district committed a procedural violation in reviewing the petition. Requires, if the county board of education finds, by substantial evidence, that the governing board of the school district committed a procedural violation in reviewing the petition, the county board of education remand the petition to the school district for reconsideration. Requires, if the appeal contains new or different material terms, the county board of education to remand the petition to the governing board of the school district for reconsideration.
- 3) Defines “material terms” of the petition to mean the signatures, affirmations, disclosures, documents, and descriptions described in the petition.
- 4) Defines “procedural violation” to mean the failure to meet the requirements and deadlines, and to provide written findings regarding the denial, that are required.
- 5) Specifies that there shall be no appeal of a denial of a charter school petition submitted directly to a county board of education for charter schools that will serve pupils for whom the county office of education (COE) would otherwise be responsible for providing direct education and related services.
- 6) Eliminates the authorization for a petition for the operation of a state charter school to be submitted directly to the State Board of Education (SBE), and the SBE to have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state.
- 7) Eliminates the authorization for a charter school to appeal a revocation decision to the county board of education and for the county board of education to reverse the revocation decision.
- 8) Eliminates the authorization for a charter school to appeal a decision of their chartering authority to grant a renewal of the charter petition.

- 9) Specifies that a petition to establish a charter school may be submitted only to the governing board of the school district or COE within the boundaries of which the charter school proposes to locate.
- 10) Specifies that a charter school operating under a charter approved by the SBE, as the statute 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.
- 11) Specifies that a charter school operating under a charter approved by a county board of education as the statute read on January 1, 2019, may continue to operate under the authority of that chartering authority and may submit a petition for renewal to that chartering authority or the governing board of the school district within the boundaries of which the charter school is located.
- 12) Authorizes a chartering authority to grant a charter school one or more subsequent renewals for a period of between two and five years for each renewal. Specifies that if a charter school has been identified for differentiated assistance (technical assistance) from the chartering authority, the charter school shall be renewed for less than five years.
- 13) Requires the chartering authority to consider during renewal whether the charter school maintains sound management of its business and financial operations, and whether the school is expected to meet its financial obligations for the current and two subsequent fiscal years.
- 14) Eliminates the requirement for a chartering authority to consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.
- 15) Specifies that, notwithstanding any other law, the following applies to charter schools:
  - a) Requires the evaluation rubrics and performance criteria adopted by the SBE to be applied equally to both school districts and charter schools.
  - b) If the governing body of a charter school requests technical assistance, requires the chartering authority to provide technical assistance as specified. If a charter school has not been identified for technical assistance and if the service requested creates an unreasonable or untenable cost burden for the chartering authority, the chartering authority may assess the charter school a fee not to exceed the cost of the service.
  - c) If a chartering authority does not approve a local control and accountability plan (LCAP) or annual update to the LCAP approved by a governing body of a charter school, requires the chartering authority to provide technical assistance focused on revising the LCAP or annual update so that it can be approved.
  - d) For any charter school for which one or more pupil subgroups meets the specified criteria, the chartering authority 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:

- i) Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities. Requires that include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data, and to identify effective, evidence-based programs or practices that address any areas of weakness.
  - ii) 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 chartering authority, in consultation with the charter school, may solicit another service provider, which may include, but is not limited to, a school district, COE, or charter school, to act as a partner to the charter school in need of technical assistance.
  - iii) Obtaining from the charter school timely documentation demonstrating that it has completed the specified activities, or substantially similar activities, or has selected another service provider to work with the charter school to complete the specified activities, or substantially similar activities, and ongoing communication with the charter school to assess the charter school's progress in improving pupil outcomes.
  - iv) Requesting that the California Collaborative for Educational Excellence provide advice and assistance to the charter school.
  - e) Upon request of a chartering authority or a charter school, a geographic lead agency may provide technical assistance. A geographic lead agency may request that another geographic lead agency, an expert lead agency, a special education resource lead, or the California Collaborative for Educational Excellence provide the assistance.
  - f) A charter school shall accept the technical assistance provided by the chartering authority. For purposes of accepting technical assistance provided by the chartering authority, a charter school may satisfy this requirement by providing the timely documentation to, and maintaining regular communication with, the chartering authority.
  - g) A charter school is not precluded from soliciting technical assistance from entities other than the chartering authority at its own cost.
- 16) Requires the Superintendent of Public Instruction (SPI) to make recommendations to the Legislature, by September 1, 2020, regarding charter school student academic achievement criteria that shall prohibit a charter school from being renewed, charter school student academic achievement criteria that may warrant a charter school not to be renewed, and charter school student academic criteria that may warrant charter revocation.
- 17) Requires a school district to hold a hearing no later than 60 days after receiving a petition, rather than 30 days in current law, and requires the school district to either grant or deny the charter within 90 days of receipt of the petition, rather than 60 days in current law.
- 18) Requires a charter school petition to describe the means by which the charter school will achieve a balance of pupils receiving special education services, and a balance of English learner pupils, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

- 19) Requires a charter school petition to provide a clear explanation of why the proposed model cannot be accomplished within the school district structure of neighborhood public schools.
- 20) Specifies that a charter authorizer may deny a charter school petition if a charter school would have a negative financial, academic, or facilities impact on neighborhood public schools, the COE or the school district.
- 21) Requires teachers in charter schools to hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher's certificated assignment, and eliminates the Legislative intent language that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.
- 22) Specifies that a county board of education may only approve a new 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, if the petitioner has first obtained approval from each of the school districts where the charter school petitioner proposes to operate a facility. Specifies the petitioner shall submit the same petition and supporting documentation to the school districts where the charter school proposes to operate a facility and to the county board of education.
- 23) Requires that, after receiving approval of its initial petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education first obtain approval from the school districts where those sites will be located before submitting a request for a material revision of its charter to the county board of education.

**EXISTING LAW:**

- 1) Establishes the Charter Schools Act of 1992 which authorizes a school district, a county board of education or the SBE to approve or deny a petition for a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved student learning, increased learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving, holding charter schools accountable for meeting measurable student outcomes, and providing the schools with a method to change from rule-based to performance-based accountability systems.
- 2) Establishes a process for the submission of a petition for the establishment of a charter school. Authorizes a petition, identifying a single charter school to operate within the geographical boundaries of the school district, to be submitted to the school district. Authorizes, if the governing board of a school district denies a petition for the establishment of a charter school, the petitioner to elect to submit the petition to the county board of education. Authorizes, if the county board of education denies the charter, the petitioner to submit the petition to the SBE. Authorizes a school that serves a countywide purpose to submit the charter petition directly to the county office of education. Authorizes a school that serves a statewide purpose to apply directly to the SBE.

- 3) Authorizes a charter school to be granted for not more than five years, and to be granted one or more renewals for five years. Requires the renewals and material revisions of the charter to be based upon the same standards as the original charter petition.
- 4) Requires that teachers in charter schools hold a Commission on Teacher Credentialing (CTC) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. Requires that these documents be maintained on file at the charter school and be subject to periodic inspection by the chartering authority. States the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses. (Education Code 47605)
- 5) Requires teachers in countywide charter schools to be required to hold a CTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. Requires that these documents be maintained on file at the charter school and be subject to periodic inspection by the chartering authority. (Education Code 47605.6)
- 6) Requires a charter school to transmit a copy of its annual, independent financial audit report for the preceding fiscal year to its chartering entity, 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 entity) and the CDE by December 15 of each year.
- 7) Requires, commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school to meet at least one of the following criteria prior to receiving a charter renewal:
  - a) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.
  - b) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.
  - c) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.
  - d) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.
  - e) Has qualified for an alternative accountability system.
- 8) Requires the authority that granted the charter to consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal.

- 9) Requires, if a charter school fails to improve outcomes for three or more pupil subgroups, or, if the charter school has less than three pupil subgroups, all of the charter school's pupil subgroups, in regard to one or more state or school priorities identified in the charter, in three out of four consecutive school years, all of the following shall apply:
  - a) Using an evaluation rubric adopted by the SBE, the chartering authority shall provide technical assistance to the charter school.
  - b) At the request of the chartering authority, the California Collaborative for Educational Excellence may, after consulting with the SPI, and with the approval of the SBE, provide advice and assistance to the charter school.
- 10) Requires a chartering authority to consider for revocation any charter school to which the California Collaborative for Educational Excellence has provided advice and assistance and about which it has made either of the following findings, which shall be submitted to the chartering authority:
  - a) That the charter school has failed, or is unable, to implement the recommendations of the California Collaborative for Educational Excellence.
  - b) That the inadequate performance of the charter school, based upon an evaluation rubric adopted, is either so persistent or so acute as to require revocation of the charter.
- 11) Requires the chartering authority to consider increases in pupil academic achievement for all pupil subgroups served by the charter school as the most important factor in determining whether to revoke the charter.
- 12) Prohibits a charter school from appealing a revocation of a charter. (Education Code 47607.3)

**FISCAL EFFECT:** Unknown

**COMMENTS:** This measure makes reforms to charter school authorization, appeals, and renewals in the following ways:

- Authorizes, rather than requires, school districts to approve charter school petitions and extends the timeline by which the authorizer must act on the petition.
- Allows school districts and COEs to consider the academic, fiscal and facilities impact of a charter school during the petition process.
- Authorizes county-wide benefit charters subject to local district approval.
- Eliminates state-wide benefit charters.
- Establishes a limited appeal process only to the county office of education for charter petitions.
- Requires charter schools authorized by the SBE to apply for renewal with their local school district.
- Authorizes charter renewals of 2-5 years and requires schools identified for technical assistance to be renewed for less than 5 years.
- Requires consideration of a charter school's financial stability during renewal.

- Eliminates the requirement that academics be the highest priority during renewal and revocation.
- Requires charter school teachers to hold the CTC credential required for their assignments.
- Requires charter schools to be identified for technical assistance, and receive technical assistance, from the charter authorizer on the same timeline as school districts.
- Requires the SPI to make recommendations on academic criteria relating to charter renewals and revocations.

**According to the Author:** “The Charter Schools Act has largely been untouched since it was enacted in 1992. School districts have been required to approve charter schools unless the charter petition fails to adequately address the required elements. This has led to unprecedented growth of charter schools in California. Today, charter schools outnumber school districts in this state. School districts currently have limited options in regards to authorizing, renewing, and revoking charter schools. This bill seeks to strengthen the ability of charter authorizers to hold charter schools accountable for both academic and fiscal outcomes.

It is time for a correction in state law to return charter school authorization and oversight to communities where the charter schools are located. This measure ensures that charter schools are authorized and overseen by school districts and county offices of education, who are the elected officials that best understand the educational needs of their local students, thus improving proper oversight. The bill gives school districts greater authority to choose which charter schools are approved in their community, and to consider the fiscal impact of the charter school on the current students in the district. Further, this bill clarifies oversight responsibilities by requiring districts to consider the financial stability of the charter school during renewal. Lastly, the bill corrects an inconsistency in the law, and requires that charter schools receive valuable technical assistance on the same timeline as currently provided for school districts, when they are facing academic challenges.”

**Background on Charter Schools:** According to the California Department of Education (CDE), in the 2018-19 academic year there were 1,317 charter schools in California, with an enrollment of over 630,000 students. Some charter schools are new, while others are conversions from existing public schools. Charter schools are part of the state's public education system and are funded by public dollars. A charter school is usually created or organized by a group of teachers, parents, community leaders, a community-based organization, or an education management organization. Charter schools are authorized by school district boards, county boards of education or the SBE. A charter school is generally exempt from most laws governing school districts, except where specifically noted in the law. Specific goals and operating procedures for the charter school are detailed in an agreement (or "charter") between the sponsoring board and charter organizers.

**Changing Authorization from “Shall to May:”** This bill authorizes, rather than requires, charter authorizers to approve charter school petitions. Further, the bill continues to require charter authorizers to make written factual findings when the authorizer denies a charter petition.

In 1992, when the Charter Schools Act was first enacted by SB 1448 (Hart), school districts were authorized, rather than required, to approve charter petitions. At the time, the law read: “A school district governing board may grant a charter for the operation of a school under this part if it determines that the petition contains the number of signatures required by subdivision (a), a

statement of each of the conditions described in subdivision (d), and descriptions of all of the following...”

This bill returns the statute to the original intent of the law, where school districts have the authority to grant charter schools, but are not required to do so.

***Renewal Timeline:*** Existing law requires that charter renewals be granted for five years. This bill allows a charter authorizer to grant a charter renewal for between two and five years. By giving authorizers more flexibility to grant renewals for between two and five years, authorizers will be able to more closely monitor charter schools that are struggling. For example, if a charter authorizer has reservations about renewing a charter school for fiscal mismanagement, the authorizer would have the flexibility to renew the charter school for a shorter period of time enabling the authorizer to examine the schools fiscal stability earlier than the current five year renewal model.

***Charter School Enrollment Diversity:*** According to the CDE, “while overall enrollment in non-charter schools is decreasing between 2014–15 and 2018–19, enrollment in charter schools has increased from 9.2 percent to 10.6 percent of the public school population statewide. Charter schools tend to have a smaller percentage of their enrollment who belong to disadvantaged student subgroups, such as English learners, foster youth, homeless youth, migrant students, students with disabilities, and socio-economically disadvantaged. The difference is most pronounced for the English learner subgroup. In 2018–19, 15.1 percent of charter school students are identified as English learners, while 19.8 percent of non-charter school students are similarly identified.” This bill requires the charter petition to contain a description of how the school will achieve a balance of English Learners and special education students compared to the local school district.

***Charter School Enrollment and Financial Pressure on School Districts:*** The following research demonstrates the financial pressure that charter school enrollment has on school districts.

- Lafer 2018: “Charter schools play a role in financial pressures on school districts. In Spring of 2018, as California school boards finalized their mandatory three-year financial plans—more than 250 school districts were preparing for budget cuts in the upcoming year, with at least 250 more projecting deficits to hit in 2019-20.

By 2016-17, charter schools were costing the Oakland Unified School District a total of \$57.3 million per year—a sum several times larger than the entire deficit that shook the system in the fall of 2017. Put another way, the expansion of charter schools meant that there was \$1,500 less funding available per year for each child in a traditional Oakland public school. In San Diego, the net cost of charter schools in 2016-17 totaled \$65.9 million—more than enough to have avoided the 2018 cuts and restored services lost in earlier years. And in East Side, the net impact of charter schools amounted to a loss of \$19.3 million per year, more than enough to avoid the planned round of staff layoffs. In recent years, a growing number of school officials have pointed to increasingly dire fiscal conditions caused by the continued unchecked expansion of charter schools.



Charter schools make it extremely difficult for districts to consolidate schools in the face of falling enrollment. As soon as the district closes a school, a charter school operator is free to open a new school in the same location, or at minimum intensify recruitment efforts targeting the newly dislocated students.

Charter schools themselves are often risky endeavors, and this forces districts to maintain sufficient space to be prepared for potential closures. In the past two decades, over 400 California charter schools have closed; 44 shuttered their doors in 2017-18 alone. And when charter schools close, school districts are legally required to accommodate their students. Thus, the volatility inherent to the charter sector forces school districts to maintain at least a modest cushion of surplus capacity.

For those districts where the overall student population is shrinking, the last thing rational planners would normally do is open more schools. Because the current charter authorization law allows for unlimited expansion even in times of shrinking population, it makes a difficult situation much more dire.”

***Charter Facilities Impact on School Districts:*** This bill requires school districts and COEs to consider the facilities impact that a new charter petition will have on the neighborhood school, school district and the COE. The California Teachers Association (CTA) writes in support, “Moving towards democratic control of a school district, elected members of the school board should not be forced to do things with their facilities that they do not think is in the best interest of the students in their community. One example is when a district feels obligated to co-locate a charter school on a neighborhood public school. There may be times this is voluntary, but the flaw in current law is that sometimes it is not something the school board wants, and represents an unwanted imposition. Last year, a group of students from Eastside High School District in San Jose came to the State Board of Education to discuss how co-locations are impacting their educational experience (they were opposed to approval of the third charter intending to co-locate on their high school campus): (1) One discussed the fact that they are on the track team. They used to use the track every day. Now because of co-locations, they can only use the track one day per week. This is not really fiscal or academic - it is about the use of the facilities. (2) One discussed the fact that they love and live theater. However, because students at a co-located charter are now sharing the performing arts theater, they do not know what time to tell their parents to pick them up, often late into the evening. Similar conversations occur about the cafeteria, or the library, or surplus property that some districts want to sell to gain fiscal solvency. This is unfortunately a very contentious issue, especially in Los Angeles where 10% of their schools are co-located. The district should be able to consider how facilities will be impacted by a new charter school petition. The bill allows districts to consider whether the district has facilities available to offer the charter, and consider any co-location issues, before it is approved. Once it is approved they are required to provide facilities if the charter requests them, our point is that the district should take into consideration the facilities impact before it’s approved.”

***Charter School Appeals:*** Between 2011 and the Spring of 2019, the SBE approved 33 charter school petitions on appeal. The SBE also approved 2 charter schools on appeal for non-renewal decisions. As of this year, there are 28 SBE-authorized charter schools and one statewide benefit charter school in operation.

According to the LA Times, “A Times analysis of the state board’s decisions has found that, over the last five years, it has sided with charters over local school districts or county offices of education in about 70% of appeals. ‘There are wildly different levels of attention being paid to these schools, and charter schools are finding ways to shop around for the weakest oversight,’ said Greg Richmond, president of the National Assn. of Charter School Authorizers. Charter schools approved by the state board ‘win by losing,’ said Thomas Saenz, a civil rights attorney who sits on the L.A. County Board of Education and voted to revoke Today’s Fresh Start’s charter. ‘They lose in front of the school district or the county, but they win because they get the state as an overseer, and that means they get less oversight.’”

If a charter school petition is denied by a school district, this bill will eliminate the county board of education’s ability to approve the charter school. This bill proposes, instead, to allow a county board of education to consider an appeal only if the appeal alleges that the school district governing board committed a procedural violation and if the county board finds that the school district board committed a procedural violation, the county board may return the petition to the school district to correct the violation. A charter school would no longer be authorized to appeal the decision of a petition to the State Board of Education (SBE). This bill also limits a charter school appeal of a revocation decision in a similar manner and removes the SBE from the appeal process for both petition appeals and revocation appeals. According to the sponsors of the bill, by allowing the SBE or the county board to authorize charter schools despite having been thoroughly vetted through the locally elected bodies, the ability for local communities to set local needs and goals is undermined.

***Charter School Oversight:*** Charter authorizers are responsible for oversight over the charter schools they authorize. This includes site visits, academic monitoring and financial monitoring of the charter school. Charter authorizers that have oversight responsibilities over schools outside their jurisdiction have unique challenges to providing proper oversight. Appropriate oversight is most effective when the authorizer is close to the school they are monitoring. The further the authorizer is from the schools, the less oversight occurs. A significant aspect of the oversight process is to visit the charter school, walk classrooms, observe conditions, observe instruction, etc. A paper review is not sufficient. Requiring a charter authorizer to travel many miles to conduct oversight will likely not result in sufficient oversight. This bill eliminates the SBE as a charter authorizer, and requires existing charter schools that are authorized by the SBE to return to their local district at their next renewal. This will return oversight responsibilities to the local community.

***Statewide Benefit Charter Schools.*** This bill removes the SBE’s authority to approve statewide benefit charter schools. To date, the SBE has authorized three charter schools under the provisions of the statewide benefit charter school law, though only one is still operating.

Recent litigation surrounding statewide benefit charters has been an ongoing source of tension. The suit was filed when the SBE approved Aspire’s statewide benefit charter petition despite the fact that the petition offered no evidence that the school “will provide instructional services of statewide benefit that cannot be provided by a charter school operating only in one district, or in one county.” This directly violated Education Code Section 47605.8. In March 2013, Aspire agreed to surrender its statewide benefit charter status and to be ineligible to seek statewide benefit charter status for five years.

***Teacher Credentials at Charter Schools:*** Current law requires that teachers in charter schools hold a certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold.

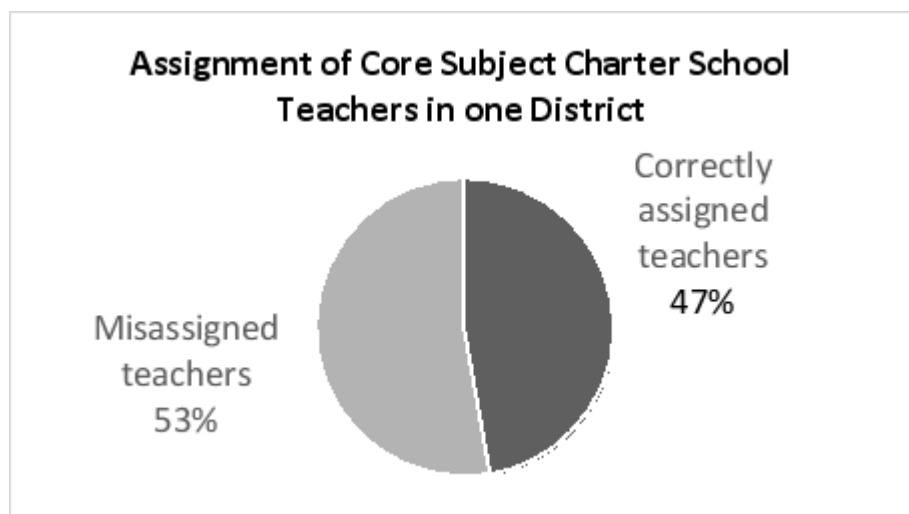
Current law also states the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses. It appears that, in some charter schools, this intent language has been interpreted to mean that, for subjects other than core and college preparatory courses, charter schools have significant flexibility regarding the credentialing and assignment of teachers, including whether charter school teachers in those subjects must hold any credential at all.

However, the Senate Education Committee analysis of AB 544 (Lempert), Chapter 34, Statutes of 1998, which added this provision, specifically notes that: “*Flexibility’ has been discussed as the ability to employ guest speakers and instructors with special permits or eminence credentials.*”

Due to the confusion about the meaning of existing law, this bill clarifies the law by eliminating this intent language and clearly stating that charter school teachers must hold the CTC permit, certificate or other document required for their assignment.

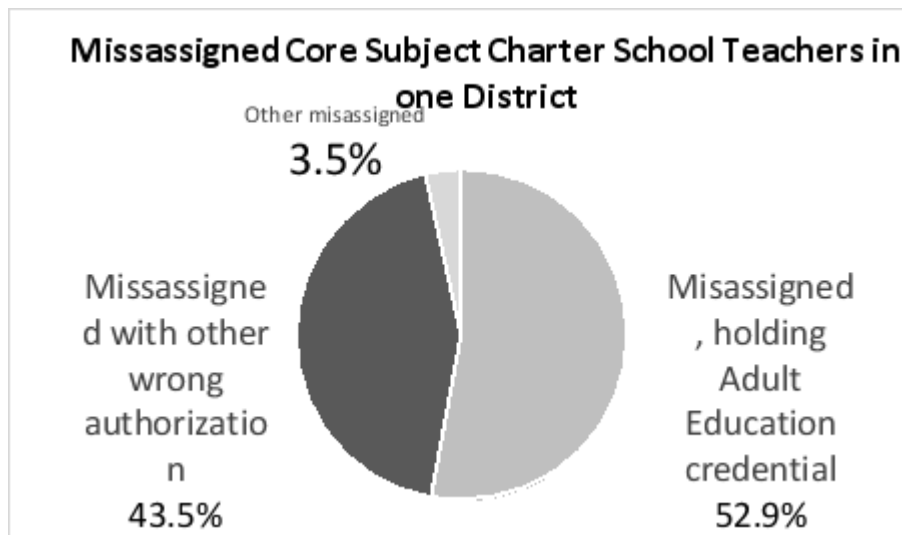
***Sample of Charter School Credentialing Problems in One District.*** Since current law does not require the reporting of charter school misassignment data to the state, the CTC does not have any statewide information on misassignment of teachers in charter schools. However, the CTC has completed a trial of a new automated misassignment monitoring system in the districts which it is responsible for monitoring, and has preliminary data for one district’s charter schools. It should be noted that this data may not be representative of the state as a whole.

The data show that more than half (53 percent) of the teachers in core subject courses were misassigned, and that of the misassigned teachers, nearly 52.9 percent held Adult Education credentials.

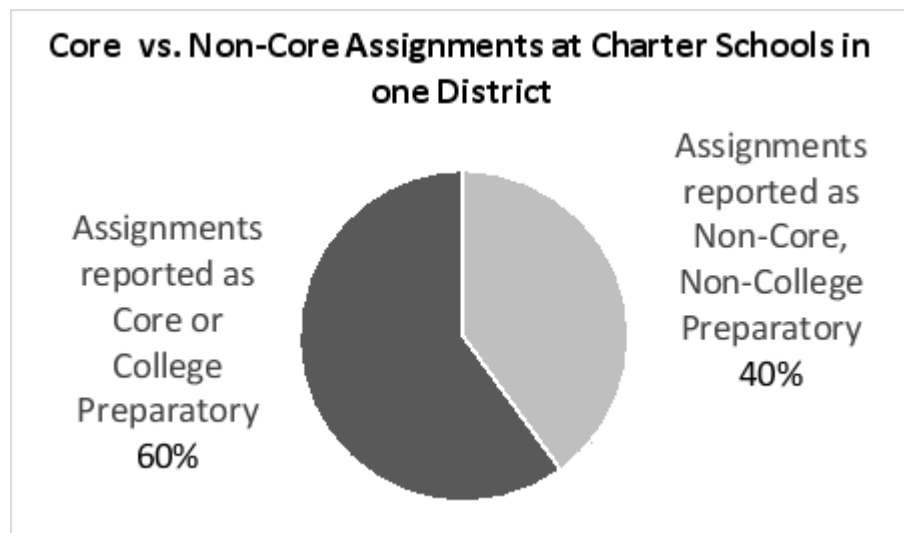


There are several forms of Adult Education credentials, the most common of which is the Designated Subjects Adult Education Teaching Credential, which authorizes instruction in “courses organized primarily for adults.” No education beyond a high school diploma is required

for issuance of this credential unless the holder will teach an academic subject, and no pre-service preparation program is required prior to issuance of the preliminary credential. If a holder of an Adult Education credential is assigned to teach a “core” assignment, as appears to be the case in this district, it is possible that he or she could be teaching an elementary school class.



In addition, nearly 40% of the assignments reviewed from this district were labeled “non-core, non-college preparatory,” for which intent language in the Education Code suggests that there should be “flexibility,” as noted above.



The CTC indicates that “non-core, non-college preparatory” means courses taught not in core subjects (not in English language arts, mathematics, history-social science, and science), courses that are not approved as meeting the admissions criteria for the University of California and the California State University (known as “A-G” courses), and courses not labeled as Advanced Placement (AP) or International Baccalaureate (IB). Obviously, any elementary school assignment would be considered “core” because students are receiving instruction in core subjects, as would any core subject course taught at a middle school.

A review of high school course catalogs from Fresno Unified School District, Davis Joint Unified School District, and San Jose Unified School District suggests that few high school courses meet the “non-core, non-college preparatory” criteria. Nearly all courses listed in those catalogs are either in core subjects, are A-G approved, or are labeled AP or IB. Most of the courses which would be considered non-core, non-college preparatory are courses in physical education, English Language Development (though some are A-G approved) and self-contained special education (for which an Education Specialist credential is required). ***The Committee may wish to consider*** how 40% of assignments in a district’s charter schools could be considered non-core and non-college preparatory.

In the absence of clarification of the law regarding charter school teachers and the requirement that they hold an appropriate credential for the subject they are teaching, charter schools could continue to employ teachers with no credential, or an adult education credential to teach K-12 coursework.

***State System of Support:*** CDE developed the California School Dashboard (Dashboard) to publicly report performance data on the indicators that the SBE included in the evaluation rubrics. The Dashboard provides parents and educators with meaningful information on local education agencies (LEAs) and school progress so they can participate in decisions to improve student learning. The Dashboard highlights areas where LEAs, schools, and student groups are doing well and areas where they are struggling, to spark conversations and help focus the local planning process.

In adopting the evaluation rubrics, the SBE was also required to establish performance standards within each of the local control funding formula (LCFF) priority areas, including criteria for identifying LEAs in need of additional assistance due to low performance by one or more student groups. The lowest performance level for each of the Dashboard indicators (Red for state indicators and Not Met for Two or More Years for local indicators) generally serve as these criteria.

County offices of education must provide additional assistance to school districts that have one or more student groups in the lowest performance level for indicators in two or more LCFF state priority areas. LEAs may be subject to more intensive state intervention due to persistent low performance by multiple student groups. LCFF also created a new state agency, the California Collaborative for Educational Excellence (CCEE), to provide assistance and support to LEAs. Finally, LCFF gave new responsibilities to CDE to support county offices of education, in addition to CDE’s existing responsibilities to provide guidance and support to LEAs related to the state accountability system.

This collaborative process led to a focused System of Support for LEAs and schools, with three levels of assistance. The goal at all three levels is to help LEAs and their schools meet the needs of each student, with a focus on building capacity to sustain improvements and address student opportunity and outcome gaps.

- ***Support for All*** (Level 1): All school districts and schools can access resources and assistance, such as trainings, conferences, voluntary technical assistance, and various tools. This support builds the overall capacity of school districts and schools to improve opportunities and outcomes for all students.

- ***Differentiated Assistance*** (Level 2): County offices of education are required to provide customized assistance to school districts, also known as technical assistance, that meet eligibility criteria based on student performance.
- ***Intensive Intervention*** (Level 3): The Superintendent of Public Instruction may intervene in school districts if there are persistent performance issues over multiple years.

***Academic Accountability:*** In creating charter schools, the Legislature declared that the intent of charter schools was to provide opportunities for teachers, parents, students and community members to establish and maintain schools that operate independently from the existing school district structure, as a method to, among other things:

- 1) Improve student learning.
- 2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.
- 3) Hold the schools established under this part accountable for meeting measurable student outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.
- 4) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

With Legislative intent in mind, this bill provides charter schools with technical assistance with improving student outcomes consistent with the timeline that school districts receive technical assistance. Further, the bill directs the SPI to provide recommendations to the Legislature with regard to academic minimum thresholds by which a charter school should achieve in order to earn renewal. Specifically, the bill requires the SPI to provide recommendations in the following areas:

- charter school student academic achievement criteria that shall prohibit a charter school from being renewed,
- charter school student academic achievement criteria that may warrant a charter school not to be renewed, and
- charter school student academic criteria that may warrant charter revocation.

The following research illustrates the effectiveness of charter school academic outcomes.

- The June 2009 Center for Research on Education Outcomes (CREDO) report, “reveals that a decent fraction of charter schools, 17 percent, provide superior education opportunities for their students. Nearly half of the charter schools nationwide have results that are no different from the local public school options and over a third, 37 percent, deliver learning results that are significantly worse than their student would have realized had they remained in traditional public schools. These findings underlie the parallel findings of significant state-by-state differences in charter school performance and in the national aggregate performance of charter schools. The policy challenge is how to deal constructively with varying levels of performance today and into the future.”
- Epple, Ramano and Zimmer 2015: “CREDO found in the 2009 study that 17 percent of charter schools outperformed traditional public schools (TPSs) in math, but this number grew to 29 percent in the 2013 study. On a similar note, CREDO found that 31 percent

performed worse than their TPSs counterpart in the 2009 study, but only 19 percent in the 2013 study. While this suggests some improvement between the timeframes of the studies, the 2013 study's overall national estimate of charter schools suggests little average impact with no statistically significant difference in math and a slight positive effect in reading of 0.01 of a standard deviation. In general, these results have been interpreted in two ways. The more optimistic view is that overall performance of charter schools is improving over time. The more negative view is that many students' performance in many charter schools are still lagging behind students in TPSs and, overall, the results across the two studies do not show a pattern of systematic improvement."

**Arguments in Support:** According to the San Bernardino County District Advocates for Better Schools, "Charter schools play an important role in our public school system, but their recent unmitigated growth has taken a toll on neighborhood schools and the students they serve. California public schools are experiencing ongoing declines in attendance, increased special education costs, and unmet facilities and technology needs. These are real issues that require strategic solutions and meaningful investments, but they are exacerbated when local boards cannot consider whether a charter school will actually improve services and programs offered to students, or whether a charter school will draw resources away from already strapped neighborhood schools. We fully support AB 1505's mission to return power to local school boards in all matters impacting the public schools in their jurisdiction. The school board is elected to make decisions in the best interest of the children living in their district, and if voters disagree with the decisions their school board members make, they have recourse at the ballot box. We believe AB 1505 supports sensible and long-needed charter school reform that will strengthen both neighborhood and charter schools."

**Arguments in Opposition:** According to the Charter Schools Development Center, "This bill repeals the entire appeals process for charter schools and would place all charter-granting authority solely in the hands of local school district boards, making charter-granting a discretionary act, eliminating the current right of appeal of denials of charter petition and charter renewals. Under current law, schools districts are nominally compelled to grant charters unless they can make specified findings, charter petitioners may appeal denials to both the county and state boards of education, and may also appeal denials of renewals. This bill would eliminate all such rights of appeal, unless the issue for appeal is procedural, leaving charter petitioners subject to the sole discretion of local districts, who would no longer need to make specified findings to justify denial of a charter. This bill also amends the current law calling for charter renewals to last five years, allowing for renewals as short as two years, and imposing various renewal restrictions and intervention requirements based on the state's new California School Dashboard indicators."

**Committee Amendments:** *Staff recommends* the following amendments:

- 1) Require charter petitions to include a description of the governance structure of the school, including the process for parental involvement and the names of the charter school governing body members.
- 2) Clarify that a COE cannot consider a charter school petition on appeal if there are new or different material terms than the original petition submitted to the school district.
- 3) Prohibit the provisions in this bill to be waived by the SBE.

***Related and Prior Legislation:*** AB 1506 (McCarty) from this Session would establish a statewide and local cap on the number of charter schools that can operate.

AB 1507 (Smith) from this Session would eliminate the authorization for charter schools to be located outside the boundaries of their authorizer in specified instances; and, authorize nonclassroom-based charter schools to establish one resource center within the jurisdiction of the school district where the charter school is located.

SB 808 (Mendoza) from 2017, which was held at the request of the author in the Senate Education Committee, would have required all charter school petitions to be approved by the governing board of the school district in which the charter school is located, prohibited a charter school from locating outside of its authorizer's district boundaries, and limited the current charter appeal process to claims of procedural violations. Further, the bill specified that charter schools previously approved by a county board or the state and charter schools operating outside of their authorizer's district boundaries may continue to operate until the charter is required to be renewed.

SB 1362 (Beall) from 2018, which was never heard by the Senate Education Committee, would have expanded the existing oversight requirements of, and increased the oversight fees that can be charged by, charter school authorizers; changed the charter petition review process for school district and county office of education governing boards; added special education and fiscal and business operations content to the information that must be included in a charter petition; expanded the authority of a governing board to deny charter petitions; and, required the Legislative Analyst to submit a report to the Legislature on special education services by charter schools.

SB 808 (Mendoza) from 2017, which was held in the Senate Education Committee, would have required all charter school petitions to be approved by the governing board of the school district in which the charter school is located, prohibited a charter school from locating outside of its authorizer's district boundaries, and limited the current charter appeal process to claims of procedural violations. Further, the bill specified that charter schools previously approved by a county board or the state and charter schools operating outside of their authorizer's district boundaries may continue to operate until the charter is required to be renewed.

AB 950 (Rubio) from 2017, which was held on the Assembly Appropriations Suspense File, would have expanded the role of a county board of education and the State Board of Education (SBE) in authorizing charter schools; authorized countywide charter schools to hire non-credentialed teachers for noncore courses; and, authorized countywide charter schools to appeal the denial of an application to the SBE.

AB 1224 (Weber), from 2017, which was held in the Assembly Education Committee, would have established a County Chartering Pilot Program for three county offices of education (COEs) to authorize up to five new charter schools in their county or the neighboring counties; authorized existing charter management organizations (CMOs) to consolidate up to 10 existing schools, located anywhere in the State, under a county office of education as part of the Pilot Program; and, exempted these charter management organizations from existing requirements pertaining to the citing of resource centers which would allow an unlimited number of resource centers anywhere in the State.



SB 329 (Mendoza) from 2015, which was held on the Senate Appropriations Suspense file, would have required a school district or county office of education, as part of its review of a charter petition, to consider 1) a report assessing its capacity to conduct oversight of the charter school and 2) a report of the anticipated financial and educational impact on the other schools for which the school district has oversight obligations.

SB 1290 (Alquist), Chapter 572, Statutes of 2012, requires the authority that grants a charter school to consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant a charter renewal or whether to revoke a charter school; and, requires a charter school to achieve its Academic Performance Index (API) growth target for schoolwide and numerically significant pupil subgroups for renewal, as specified.

AB 1172 (Mendoza) from 2012, which failed passage in the Senate Education Committee, would have authorized a school district to deny a petition for the establishment of a charter school if it finds the charter school would have a negative fiscal impact on the school district.

AB 440 (Brownley), from 2011, which was moved to the inactive file on the Senate Floor, would have established academic and fiscal accountability standards related to charter schools.

AB 1950 (Brownley), from 2010, which was held in the Senate Education Committee, would have established academic and fiscal accountability standards related to charter schools.

AB 2320 (Swanson), from 2010, which failed passage in the Senate Education Committee, would have added new requirements to the charter school petition process, deleted the authority of a charter school petitioner to submit a petition to a County Board of Education to serve pupils that would otherwise be served by the County Office of Education, and eliminated the ability of the State Board of Education to approve charter school petition appeals.

AB 8 X5 (Brownley) from 2009, proposed comprehensive changes to the Education Code consistent with the federal Race to the Top (RTTT) program; this bill addressed the four RTTT policy reform areas of standards and assessments, data systems to support instruction, great teachers and leaders and turning around the lowest-achieving schools. Deleted the statewide charter school cap; proposed enhanced charter school fiscal and academic accountability standards. This bill was held in the Senate Education Committee at the request of the author.

AB 3 X5 (Torlakson) from 2009, deleted the statewide charter school cap and proposed changes to the measurable student outcomes, renewal and revocation procedures for charter schools. This bill was introduced but was not referred to a committee.

AB 2954 (Liu) from 2006, which was vetoed by the Governor, would have added "negative fiscal impact" as a reason for a school district to deny a charter school petition and authorizes a condition for approval of a petition as it relates to providing free and reduced priced meals. Governor's veto message:

While I understand the plight of school districts faced with fiscal challenges of declining enrollment and other management issues, I cannot condone allowing them to deny parents and students their rights to petition for the establishment of a charter school. In essence, this bill would grant school districts the authority to punish charter petitioners

because of problems caused by their own fiscal management issues or their unwillingness to make tough decisions, or both.

In addition, allowing school districts to require, as a condition of approval, that the petition describe how the charter school will provide free and reduced-priced meals to eligible pupils would simply provide districts with another pretext on which to deny a charter. Charter schools are generally exempt from most laws and regulations governing school districts and they should continue to be exempt from this one.

In sum, this bill runs counter to the intent of charter schools, which is to provide parents and students with other options within the public school system and to stimulate competition that improves the quality not only of charter schools, but of non-charter schools as well.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

American Federation Of State, County And Municipal Employees, Afl-Cio  
California Association Of School Business Officials (Casbo)  
California Federation Of Teachers  
California Labor Federation, Afl-Cio  
California School Employees Association  
California State Association Of Electrical Workers  
California State Pipe Trades Council  
California Teachers Association  
Educators For Democratic Schools  
Newhall School District  
Oakland Unified School District  
Public Advocates Inc.  
San Bernardino County District Advocates For Better Schools (Sandabs)  
San Diego Unified School District  
San Francisco Unified School District  
Santa Barbara Unified School District  
Small School Districts Association  
Stand With Public Education  
Western States Council Sheet Metal, Air, Rail And Transportation  
Individuals

### **Opposition**

California Charter Schools Association  
Edvoice  
Forest Charter School  
Gabiella Charter Schools  
Gateway College And Career Academy  
Girls Athletic Leadership Schools Los Angeles  
Goals Academy

Granada Hills Charter High School  
Green Dot Public Schools California  
Grimmway Schools  
Grossmont Secondary School  
Guajome Schools  
Hawking Steam Charter School  
Heritage Peak Charter School  
High Tech Los Angeles  
Icef Public Schools  
Ilead California Charter Schools  
Inspire Charter Schools  
International School For Science And Culture  
Isana Academies  
Ivy Academia Entrepreneurial Charter School  
James Jordan Middle School  
John Muir Charter Schools  
Julian Charter School  
Kairos Public Schools  
Kavod Charter School  
Kinetic Academy  
Kipp Bayview Academy  
Kipp Bayview Elementary  
Kipp Bridge Academy  
Kipp La Public Schools  
La Verne Elementary Preparatory Academy  
Language Academy Of Sacramento  
Larchmont Charter School  
Lashon Academy  
Leadership Public Schools  
Learn4life Assurance Learning Academy  
Leonardo Da Vinci Health Sciences Charter School  
Libertas College Preparatory Charter School  
Lighthouse Community Public Schools  
Literacy First Charter Schools  
Los Angeles Academy Of Arts And Enterprise  
Los Angeles International Charter School  
Los Angeles Leadership Academy  
Los Feliz Charter School For The Arts  
Magnolia Public Schools  
Mirus Secondary School  
Multicultural Learning Center  
Navigator Schools  
New Academy Of Sciences And Arts  
New Horizons Charter Academy  
New Los Angeles Charter Schools  
New West Charter  
Norton Science And Language Academy  
Nova Academy Early College High School  
Oakland Unity High School

Odyssey Charter Schools  
Olive Grove Charter School  
Orange County Academy Of Sciences And Arts  
Orange County Educational Arts Academy  
Pacific Charter Institute  
Pacoima Charter School  
Palisades Charter High School  
Partnerships To Uplift Communities Schools  
Perseverance Prep  
Phoenix Charter Academy  
Pivot Charter Schools  
Plumas Charter School  
Puente Charter School  
Resolute Academy  
Rio Valley Charter School  
Rocketship Public Schools  
Rocklin Academy Family Of Schools  
Samueli Academy  
San Diego Cooperative Charter Schools  
San Diego Global Vision Academy  
San Jose Conservation Corps & Charter School  
Santa Rosa Academy  
Scholarship Prep Charter School  
Shasta Charter Academy  
Sherman Thomas Charter School  
Silicon Schools Fund  
Soar Charter Academy  
Soleil Academy  
Springs Charter School  
St Hope Public Schools  
Stem Prep Schools  
Summit Leadership Academy High Desert  
Summit Public Schools  
Sutter Peak Charter Academy  
Sweetwater Secondary School  
Sycamore Academy Of Science And Cultural Arts  
Sycamore Creek Community Charter School  
Taylion Academy  
Teach Public Schools  
The Academies  
The Charter School Of San Diego  
The Foundation For Hispanic Education  
The Preuss School Ucsd  
Thrive Public Schools  
Twin Ridges Home Study Charter School  
University High School  
University Preparatory Academy  
Urban Discovery Academy  
Valley Charter School

Valley View Charter Prep  
Village Charter Academy  
Visions In Education  
Vista Charter Public Schools  
Voices College Bound Language Academies  
Vox Collegiate Of Los Angeles  
Western Sierra Charter Schools  
Westlake Charter School  
Wish Charter Schools  
Yes Charter Academy  
Youth Policy Institute Charter Schools  
Youthbuild Charter School Of California  
Individuals

**Analysis Prepared by:** Chelsea Kelley / ED. / (916) 319-2087