

AMENDED IN SENATE MAY 1, 2013
AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 49

Introduced by Senators Lieu and Steinberg
(Principal coauthor: Assembly Member Olsen)
(Coauthor: Assembly Member Muratsuchi)

December 19, 2012

An act to amend Sections 32280, 32281, 32282, 32285, 32286, 32288, and 32288, and 47605 of, to add Sections 32286.1, 32288.1, and 32289.5 to, and to repeal Section 32289 of, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 49, as amended, Lieu. School safety plans.

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

This bill would revise and recast those procedures. The bill would, among other things, require each school to adopt its comprehensive

school safety plan by March 1, 2014, and to review and update its plan by March 1 of every 3rd year thereafter. The bill would require specified administrators of school districts and county offices of education to provide written notification to the Superintendent of Public Instruction identifying each school within the school district or county that has not complied with the requirement to adopt, and periodically review and update, a comprehensive school safety plan. The bill would require the department to monitor compliance with these provisions using an existing monitoring framework. By requiring school and local educational agency officers to perform additional duties, the bill would impose a state-mandated local program.

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

This bill, in addition, would add the development of a school safety plan, which would be required to include specified topics, and that is ~~annually~~ reviewed *and updated by March 1 of every 3rd year* by the school ~~and updated as necessary~~, to the procedures that the school will follow to ensure the health and safety of pupils and staff that are to be described in a petition for the establishment of, or application for the renewal of a charter of, a charter school.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

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

3 32280. (a) It is the intent of the Legislature that all California
4 public schools, in kindergarten, and grades 1 to 12, inclusive,
5 operated by school districts, in cooperation with local law
6 enforcement agencies, community leaders, parents, pupils, teachers,
7 administrators, and other persons who may be interested in the
8 prevention of campus crime and violence, develop a comprehensive
9 school safety plan that addresses the safety concerns identified
10 through a systematic planning process.

11 (b) (1) For the purposes of this article, law enforcement agencies
12 include local police departments, county sheriffs' offices, school
13 district police or security departments, probation departments, the
14 Attorney General, any district attorney, or any city attorney.

15 (2) For purposes of this article, "safety plan" means a plan to
16 develop strategies aimed at the prevention of, and education about,
17 potential incidents involving crime and violence on the school
18 campus.

19 (3) For purposes of Sections 32281 and 32282, "principal"
20 includes the principal's designee and "administrator in charge"
21 includes the designee of the administrator in charge.

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

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

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

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

37 (A) The principal or the administrator in charge of a school
38 without a principal.

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

3 (C) One parent whose child attends the school.

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

6 (E) Other members, if desired.

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

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

13 (c) Nothing in this article shall limit or take away the authority
14 of school boards as guaranteed under this code.

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

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

22 (e) (1) When a principal, or the administrator in charge of a
23 school without a principal, verifies through local law enforcement
24 officials that a report has been filed of the occurrence of a violent
25 crime on the schoolsite of an elementary or secondary school at
26 which he or she is the principal or administrator in charge, the
27 principal or administrator in charge may send to each pupil’s parent
28 or legal guardian and each school employee a written notice of the
29 occurrence and general nature of the crime. If the principal or
30 administrator in charge chooses to send the written notice, the
31 Legislature encourages the notice be sent no later than the end of
32 business on the second regular workday after the verification. If,
33 at the time of verification, local law enforcement officials
34 determine that notification of the violent crime would hinder an
35 ongoing investigation, the notification authorized by this
36 subdivision shall be made within a reasonable period of time, to
37 be determined by the local law enforcement agency and the school
38 district. For purposes of this section, a “violent crime” means a
39 Part 1 violent crime as defined in paragraph (2) of subdivision (i)

1 of Section 67381 and is an act for which a pupil could or would
2 be expelled pursuant to Section 48915.

3 (2) Nothing in this subdivision shall create any liability in a
4 school district or its employees for complying with paragraph (1).

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

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

24 (3) Nothing in this subdivision precludes the governing board
25 of a school district or county office of education from conferring
26 in a closed session with law enforcement officials pursuant to
27 Section 54957 of the Government Code to approve a tactical
28 response plan developed in consultation with those officials
29 pursuant to this subdivision. Any vote to approve the tactical
30 response plan shall be announced in open session following the
31 closed session.

32 (4) Nothing in this subdivision shall be construed to reduce or
33 eliminate the requirements of Section 32282.

34 SEC. 3. Section 32282 of the Education Code is amended to
35 read:

36 32282. (a) The comprehensive school safety plan shall include,
37 but not be limited to, both of the following:

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

1 (2) Identifying appropriate strategies and programs that will
2 provide or maintain a high level of school safety and address the
3 school's procedures for complying with existing laws related to
4 school safety, which shall include the development of all of the
5 following:

6 (A) Child abuse reporting procedures consistent with Article
7 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
8 Part 4 of the Penal Code.

9 (B) Disaster procedures, routine and emergency, including
10 adaptations for pupils with disabilities in accordance with the
11 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
12 12101 et seq.). The disaster procedures shall also include, but not
13 be limited to, both of the following:

14 (i) Establishing an earthquake emergency procedure system in
15 every public school building having an occupant capacity of 50
16 or more pupils or more than one classroom. A district or county
17 office may work with the California Emergency Management
18 Agency and the Seismic Safety Commission to develop and
19 establish the earthquake emergency procedure system. The system
20 shall include, but not be limited to, all of the following:

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

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

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

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

34 (ii) Establishing a procedure to allow a public agency or
35 nongovernmental organization, including the American Red Cross,
36 to use school buildings, grounds, and equipment for mass care and
37 welfare shelters during disasters or other emergencies affecting
38 the public health and welfare. The district or county office shall
39 cooperate with the public agency or nongovernmental organization

1 in furnishing and maintaining the services as the district or county
2 office may deem necessary to meet the needs of the community.

3 (C) Policies pursuant to subdivision (d) of Section 48915 for
4 pupils who committed an act listed in subdivision (c) of Section
5 48915 and other school-designated serious acts which would lead
6 to suspension, expulsion, or mandatory expulsion recommendations
7 pursuant to Article 1 (commencing with Section 48900) of Chapter
8 6 of Part 27 of Division 4 of Title 2.

9 (D) Procedures to notify teachers of dangerous pupils pursuant
10 to Section 49079.

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

14 (F) The provisions of any schoolwide dress code, pursuant to
15 Section 35183, that prohibits pupils from wearing “gang-related
16 apparel,” if the school has adopted that type of a dress code. For
17 those purposes, the comprehensive school safety plan shall define
18 “gang-related apparel.” The definition shall be limited to apparel
19 that, if worn or displayed on a school campus, reasonably could
20 be determined to threaten the health and safety of the school
21 environment. Any schoolwide dress code established pursuant to
22 this section and Section 35183 shall be enforced on the school
23 campus and at any school-sponsored activity by the principal of
24 the school or the administrator in charge of a school without a
25 principal. For the purposes of this paragraph, “gang-related
26 apparel” shall not be considered a protected form of speech
27 pursuant to Section 48950.

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

30 (H) A safe and orderly environment conducive to learning at
31 the school.

32 (I) Procedures related to individuals with guns on school
33 campuses and at school-related functions, including, but not limited
34 to, training programs related to active shooters and active terrorists.

35 (J) The rules and procedures on school discipline adopted
36 pursuant to Sections 35291 and 35291.5.

37 (b) It is the intent of the Legislature that schools develop
38 comprehensive school safety plans using existing resources,
39 including the materials and services of the partnership, pursuant
40 to this chapter. It is also the intent of the Legislature that schools

1 use the handbook developed and distributed by the School/Law
2 Enforcement Partnership Program entitled “Safe Schools: A
3 Planning Guide for Action” in conjunction with developing their
4 plan for school safety.

5 (c) Grants to assist schools in implementing their comprehensive
6 school safety plan shall be made available through the partnership
7 as authorized by Section 32285.

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

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

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

22 SEC. 4. Section 32285 of the Education Code is amended to
23 read:

24 32285. (a) The governing board of a school district, on behalf
25 of one or more schools within the district that have developed a
26 school safety plan, may apply to the Superintendent for a grant to
27 implement school safety plans. The partnership may award grants
28 for school safety plans that include, but are not limited to, the
29 following criteria:

30 (1) Assessment of the recent incidence of crime committed on
31 the school campus.

32 (2) Identification of appropriate strategies and programs that
33 will provide or maintain a high level of school safety.

34 (3) Development of an action plan, in conjunction with local
35 law enforcement agencies, for implementing appropriate safety
36 strategies and programs, and determining the fiscal impact of
37 executing the strategies and programs. The action plan shall
38 identify available resources which will provide for implementation
39 of the plan.

1 (b) The Superintendent shall award grants pursuant to this
2 section to school districts for the implementation of individual
3 school safety plans in an amount not to exceed five thousand
4 dollars (\$5,000) for each school. No grant shall be made unless
5 the school district makes available, for purposes of implementing
6 the school safety plans, an amount of funds equal to the amount
7 of the grant. Grants should be awarded through a competitive
8 process, based upon criteria including, but not limited to, the merit
9 of the proposal and the need for imposing school safety, based on
10 school crime rates.

11 (c) Any school receiving a grant under this section shall submit
12 to the Superintendent verified copies of its schoolsite crime report
13 annually for three consecutive years following the receipt of the
14 grant to study the impact of the implementation of the school safety
15 plan on the incidence of crime on the campus of the school.

16 SEC. 5. Section 32286 of the Education Code is amended to
17 read:

18 32286. (a) Each school shall adopt its comprehensive school
19 safety plan by March 1, 2014, and shall review and update its plan
20 by March 1 of every third year thereafter. A new school campus
21 that begins offering classes to pupils after March 1, 2001, shall
22 adopt a comprehensive school safety plan within one year of
23 initiating operation, and shall review and update its plan by March
24 1 of every *third* year thereafter.

25 (b) No later than July 31 of every third year, the principal or
26 administrator in charge of a school without a principal shall
27 accurately report on the status of the school's safety plan for the
28 upcoming school year, including a description of its key elements
29 in the annual school accountability report card prepared pursuant
30 to Sections 33126 and 35256. The report shall include, but is not
31 limited to, whether or not a school safety plan was adopted for the
32 upcoming year, the date the school safety plan was adopted and a
33 description of the safety plan's elements as set forth in Section
34 32282.

35 (c) Each school principal or administrator in charge of a school
36 without a principal shall provide written or electronic notice to
37 each teacher and classified employee that the adopted school safety
38 plan is readily available for inspection.

39 SEC. 6. Section 32286.1 is added to the Education Code, to
40 read:

1 32286.1. No later than October 15 of each year, each
 2 superintendent of a school district or county office of education,
 3 or each administrator in charge of a district or county office without
 4 a superintendent, shall provide written notification to the
 5 Superintendent identifying each school within the school district
 6 or county that has not complied with Section 32281 or subdivision
 7 (b) of Section 32286 for that school year.

8 SEC. 7. Section 32288 of the Education Code is amended to
 9 read:

10 32288. (a) In order to ensure compliance with this article, each
 11 school shall forward its comprehensive school safety plan to the
 12 school district or county office of education for approval.

13 (b) (1) (A) Before adopting its comprehensive school safety
 14 plan, the schoolsite council or school safety planning committee
 15 shall hold a public meeting at the schoolsite in order to allow
 16 members of the public the opportunity to express an opinion about
 17 the school safety plan.

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

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

- 24 (A) The local mayor.
- 25 (B) A representative of the local school employee organization.
- 26 (C) A representative of each parent organization at the
 27 schoolsite, including the parent teacher association and parent
 28 teacher clubs.
- 29 (D) A representative of each teacher organization at the
 30 schoolsite.
- 31 (E) A representative of the student body government.
- 32 (F) All persons who have indicated they want to be notified.

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

- 36 (A) A representative of the local churches.
- 37 (B) Local civic leaders.
- 38 (C) Local business organizations.

39 (c) In order to ensure compliance with this article, each school
 40 district or county office of education shall annually notify the

1 department by October 15 of any schools that have not complied
2 with Section 32281.

3 SEC. 8. Section 32288.1 is added to the Education Code, to
4 read:

5 32288.1. (a) Each principal or administrator in charge of a
6 school without a principal shall keep and maintain a copy of the
7 most recent comprehensive school safety plan for that school.

8 (b) Each superintendent of a school district or county office of
9 education, or each administrator in charge of a district or county
10 office without a superintendent, shall keep and maintain a copy of
11 the most recent comprehensive school safety plan filed pursuant
12 to Section 32288 and a copy of every notification made pursuant
13 to Section 32286.1.

14 (c) All books, documents, records, and other papers kept and
15 maintained pursuant to subdivisions (a) and (b) shall be open for
16 inspection and copying on business days, excluding legal holidays,
17 during the hours of 9 a.m. to 5 p.m., inclusive, within 48 hours of
18 a written, verbal, or electronic request by a law enforcement agency
19 described in Section 32280.

20 SEC. 9. Section 32289 of the Education Code, as added by
21 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

22 SEC. 10. Section 32289.5 is added to the Education Code, to
23 read:

24 32289.5. The department shall monitor compliance with this
25 article using an existing monitoring framework.

26 SEC. 11. Section 47605 of the Education Code is amended to
27 read:

28 47605. (a) (1) Except as set forth in paragraph (2), a petition
29 for the establishment of a charter school within a school district
30 may be circulated by one or more persons seeking to establish the
31 charter school. A petition for the establishment of a charter school
32 shall identify a single charter school that will operate within the
33 geographic boundaries of that school district. A charter school
34 may propose to operate at multiple sites within the school district,
35 as long as each location is identified in the charter school petition.
36 The petition may be submitted to the governing board of the school
37 district for review after either of the following conditions is met:

38 (A) The petition is signed by a number of parents or legal
39 guardians of pupils that is equivalent to at least one-half of the

1 number of pupils that the charter school estimates will enroll in
2 the school for its first year of operation.

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

7 (2) A petition that proposes to convert an existing public school
8 to a charter school that would not be eligible for a loan pursuant
9 to subdivision (b) of Section 41365 may be circulated by one or
10 more persons seeking to establish the charter school. The petition
11 may be submitted to the governing board of the school district for
12 review after the petition is signed by not less than 50 percent of
13 the permanent status teachers currently employed at the public
14 school to be converted.

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

21 (4) After receiving approval of its petition, a charter school that
22 proposes to establish operations at one or more additional sites
23 shall request a material revision to its charter and shall notify the
24 authority that granted its charter of those additional locations. The
25 authority that granted its charter shall consider whether to approve
26 those additional locations at an open, public meeting. If the
27 additional locations are approved, they shall be a material revision
28 to the charter school's charter.

29 (5) A charter school that is unable to locate within the
30 jurisdiction of the chartering school district may establish one site
31 outside the boundaries of the school district, but within the county
32 in which that school district is located, if the school district within
33 the jurisdiction of which the charter school proposes to operate is
34 notified in advance of the charter petition approval, the county
35 superintendent of schools and the Superintendent are notified of
36 the location of the charter school before it commences operations,
37 and either of the following circumstances exists:

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

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

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

8 (b) No later than 30 days after receiving a petition, in accordance
9 with subdivision (a), the governing board of the school district
10 shall hold a public hearing on the provisions of the charter, at
11 which time the governing board of the school district shall consider
12 the level of support for the petition by teachers employed by the
13 district, other employees of the district, and parents. Following
14 review of the petition and the public hearing, the governing board
15 of the school district shall either grant or deny the charter within
16 60 days of receipt of the petition, provided, however, that the date
17 may be extended by an additional 30 days if both parties agree to
18 the extension. In reviewing petitions for the establishment of
19 charter schools pursuant to this section, the chartering authority
20 shall be guided by the intent of the Legislature that charter schools
21 are and should become an integral part of the California educational
22 system and that the establishment of charter schools should be
23 encouraged. The governing board of the school district shall grant
24 a charter for the operation of a school under this part if it is satisfied
25 that granting the charter is consistent with sound educational
26 practice. The governing board of the school district shall not deny
27 a petition for the establishment of a charter school unless it makes
28 written factual findings, specific to the particular petition, setting
29 forth specific facts to support one or more of the following
30 findings:

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

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

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

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

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

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

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

17 (B) The measurable pupil outcomes identified for use by the
18 charter school. “Pupil outcomes,” for purposes of this part, means
19 the extent to which all pupils of the school demonstrate that they
20 have attained the skills, knowledge, and attitudes specified as goals
21 in the school’s educational program. Pupil outcomes shall include
22 outcomes that address increases in pupil academic achievement
23 both schoolwide and for all groups of pupils served by the charter
24 school.

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

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

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

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

35 (i) A requirement that each employee of the school furnish the
36 school with a criminal record summary as described in Section
37 44237.

38 (ii) The development of a school safety plan, which shall include
39 the topics listed in subparagraphs (A) to (I), inclusive, of paragraph
40 (2) of subdivision (a) of Section 32282, that is ~~annually~~ reviewed

1 *and updated by March 1 of every third year by the school—and*
2 ~~updated as necessary.~~

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

7 (H) Admission requirements, if applicable.

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

13 (J) The procedures by which pupils can be suspended or
14 expelled.

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

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

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

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

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

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

36 (c) (1) Charter schools shall meet all statewide standards and
37 conduct the pupil assessments required pursuant to Sections 60605
38 and 60851 and any other statewide standards authorized in statute
39 or pupil assessments applicable to pupils in noncharter public
40 schools.

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

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

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

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

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

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

38 (e) The governing board of a school district shall not require
39 any employee of the school district to be employed in a charter
40 school.

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

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

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

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

27 (j) (1) If the governing board of a school district denies a
28 petition, the petitioner may elect to submit the petition for the
29 establishment of a charter school to the county board of education.
30 The county board of education shall review the petition pursuant
31 to subdivision (b). If the petitioner elects to submit a petition for
32 establishment of a charter school to the county board of education
33 and the county board of education denies the petition, the petitioner
34 may file a petition for establishment of a charter school with the
35 state board, and the state board may approve the petition, in
36 accordance with subdivision (b). A charter school that receives
37 approval of its petition from a county board of education or from
38 the state board on appeal shall be subject to the same requirements
39 concerning geographic location to which it would otherwise be
40 subject if it received approval from the entity to which it originally

1 submitted its petition. A charter petition that is submitted to either
2 a county board of education or to the state board shall meet all
3 otherwise applicable petition requirements, including the
4 identification of the proposed site or sites where the charter school
5 will operate.

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

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

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

23 (5) The state board shall adopt regulations implementing this
24 subdivision.

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

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

34 (2) The designated local educational agency shall have all
35 monitoring and supervising authority of a chartering agency,
36 including, but not limited to, powers and duties set forth in Section
37 47607, except the power of revocation, which shall remain with
38 the state board.

39 (3) A charter school that is granted its charter through an appeal
40 to the state board and elects to seek renewal of its charter shall,

1 before expiration of the charter, submit its petition for renewal to
2 the governing board of the school district that initially denied the
3 charter. If the governing board of the school district denies the
4 school's petition for renewal, the school may petition the state
5 board for renewal of its charter.

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

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

24 SEC. 12. If the Commission on State Mandates determines
25 that this act contains costs mandated by the state, reimbursement
26 to local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.

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