

**Introduced by Senators Lieu and Steinberg**December 19, 2012

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An act to amend Sections 32280, 32281, 32282, 32285, 32286, 41020, and 47605 of, to add Sections 32286.1, 32287.1, and 41338.5 to, to repeal Section 32289 of, and to repeal and add Section 32288 of, the Education Code, relating to school safety.

## LEGISLATIVE COUNSEL'S DIGEST

SB 49, as introduced, 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 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 Superintendent to publish, on the Internet

Web site of the State Department of Education, the name of each school reported as not complying with the requirements to adopt, and periodically review and update, a comprehensive school safety plan. By requiring school and local educational agency officers to perform additional duties, the bill would impose a state-mandated local program.

(2) Existing law requires a county superintendent of schools to provide for an audit of all funds under his or her jurisdiction, and requires the governing board of a local educational agency to either provide for an audit of the books and accounts of the local educational agency or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing. Existing law requires a county superintendent of schools to be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under his or her jurisdiction related to specified topics, and determining whether the exceptions were either corrected or an acceptable plan of correction was developed. Existing law requires the county office of education to review certain audit exceptions upon submission and receipt of a final audit report. Existing law requires the Superintendent of Public Instruction to be responsible for ensuring that local educational agencies have either corrected or developed plans of correction for specified audit exceptions.

This bill, commencing with the 2014–15 fiscal year, would require the auditor to include in the audit report a summary of the extent to which a local educational agency has complied with the requirement that each of its schools develop a comprehensive school safety plan.

(3) Existing law establishes a public school funding system that includes, among other elements, the provision of funding to local educational agencies through state apportionments, the proceeds of property taxes collected at the local level, and other sources.

This bill would require the Superintendent of Public Instruction to withhold the next principal apportionment from a local educational agency if the Superintendent receives an audit report that finds that the local educational agency has not substantially complied with the requirement that each of its schools develop a comprehensive school safety plan, or if the Superintendent finds that a superintendent of a school district or county office of education, or an administrator in charge of a school district or county office of education without a superintendent, has committed a violation by failing to provide written notification to the Superintendent identifying each school within the district or county that has not complied with specified requirements

relating to the development and adoption of comprehensive school safety plans for that school year. The bill would authorize the Superintendent to apportion these funds to the affected local educational agency only after determining that the noncompliance or violation has been corrected.

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

This bill, in addition, would add the development of a school safety plan, which includes specified elements, and that is annually reviewed 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.

(5) 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

1 prevention of campus crime and violence, develop a comprehensive  
 2 school safety plan that addresses the safety concerns identified  
 3 through a systematic planning process. ~~For the purposes of this~~  
 4 ~~section, law enforcement agencies include local police departments,~~  
 5 ~~county sheriffs' offices, school district police or security~~  
 6 ~~departments, probation departments, and district attorneys' offices.~~  
 7 ~~For purposes of this section, a "safety plan" means a plan to~~  
 8 ~~develop strategies aimed at the prevention of, and education about,~~  
 9 ~~potential incidents involving crime and violence on the school~~  
 10 ~~campus.~~

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

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

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

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

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

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

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

38 (A) The principal or the ~~principal's designee.~~ *administrator in*  
 39 *charge of a school 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 *initial* comprehensive school safety ~~plan~~. *plan, and is*  
10 *strongly encouraged to consult with a representative from a law*  
11 *enforcement agency for the plan's review every year thereafter.*

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

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

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

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

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

1 district. For purposes of this section, ~~an act that is considered a~~  
2 “violent crime” ~~shall meet the definition~~ *means a Part 1 violent*  
3 *crime as defined in paragraph (2) of subdivision (i) of Section*  
4 *67381 and* ~~is~~ an act for which a pupil could or would be expelled  
5 pursuant to Section 48915.

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

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

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

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

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

37 SEC. 3. Section 32282 of the Education Code is amended to  
38 read:

39 32282. (a) The comprehensive school safety plan shall include,  
40 but not be limited to, both of the following:

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

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

8 (A) Child abuse reporting procedures consistent with Article  
9 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
10 Part 4 of the Penal Code.

11 (B) Disaster procedures, routine and emergency, including  
12 adaptations for pupils with disabilities in accordance with the  
13 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
14 12101 et seq.). The disaster procedures shall also include, but not  
15 be limited to, both of the following:

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

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

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

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

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

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

1 shall cooperate with the public agency *or nongovernmental*  
2 *organization* in furnishing and maintaining the services as the  
3 district or county office may deem necessary to meet the needs of  
4 the community.

5 (C) Policies pursuant to subdivision (d) of Section 48915 for  
6 pupils who committed an act listed in subdivision (c) of Section  
7 48915 and other school-designated serious acts which would lead  
8 to suspension, expulsion, or mandatory expulsion recommendations  
9 pursuant to Article 1 (commencing with Section 48900) of Chapter  
10 6 of Part 27 of Division 4 of Title 2.

11 (D) Procedures to notify teachers of dangerous pupils pursuant  
12 to Section 49079.

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

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

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

32 (H) A safe and orderly environment conducive to learning at  
33 the school.

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

36 (J) *Procedures related to individuals with guns on school*  
37 *campuses and at school-related functions, including, but not limited*  
38 *to, training programs related to active shooters and active*  
39 *terrorists.*



1 (b) It is the intent of the Legislature that schools develop  
2 comprehensive school safety plans using existing resources,  
3 including the materials and services of the partnership, pursuant  
4 to this chapter. It is also the intent of the Legislature that schools  
5 use the handbook developed and distributed by the School/Law  
6 Enforcement Partnership Program entitled “Safe Schools: A  
7 Planning Guide for Action” in conjunction with developing their  
8 plan for school safety.

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

12 (d) Each schoolsite council or school safety planning committee  
13 in developing and updating a comprehensive school safety plan  
14 shall, where practical, consult, cooperate, and coordinate with  
15 other schoolsite councils or school safety planning committees.

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

23 (f) As comprehensive school safety plans are reviewed and  
24 updated, the Legislature encourages all plans, to the extent that  
25 resources are available, to include policies and procedures aimed  
26 at the prevention of bullying.

27 (g) ~~The (1) Before adopting its initial~~ comprehensive school  
28 safety plan, ~~as written and updated by the schoolsite council or~~  
29 ~~school safety planning committee, committee shall be submitted~~  
30 ~~for approval under subdivision (a) of Section 32288.~~ *hold a public*  
31 *meeting at the schoolsite to hear public comment about the school*  
32 *safety plan.*

33 (2) *The schoolsite council or school safety planning committee*  
34 *shall notify, in writing, all of the following persons and entities,*  
35 *if available, of the public meeting:*

36 (A) *A representative of the local school employee organization.*

37 (B) *A representative of each parent organization registered at*  
38 *the schoolsite, including the parent teacher association and parent*  
39 *teacher clubs.*

1 (C) A representative of each teacher organization at the  
2 schoolsite.

3 (D) All persons who have requested to be notified.

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

6 32285. (a) The governing board of a school district, on behalf  
7 of one or more schools within the district that have developed a  
8 school safety plan, may apply to the Superintendent of Public  
9 Instruction for a grant to implement school safety plans. The  
10 partnership shall may award grants for school safety plans that  
11 include, but are not limited to, the following criteria:

12 (1) Assessment of the recent incidence of crime committed on  
13 the school campus.

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

16 (3) Development of an action plan, in conjunction with local  
17 law enforcement agencies, for implementing appropriate safety  
18 strategies and programs, and determining the fiscal impact of  
19 executing the strategies and programs. The action plan shall  
20 identify available resources which will provide for implementation  
21 of the plan.

22 (b) The Superintendent of Public Instruction shall award grants  
23 pursuant to this section to school districts for the implementation  
24 of individual school safety plans in an amount not to exceed five  
25 thousand dollars (\$5,000) for each school. No grant shall be made  
26 unless the school district makes available, for purposes of  
27 implementing the school safety plans, an amount of funds equal  
28 to the amount of the grant. Grants should be awarded through a  
29 competitive process, based upon criteria including, but not limited  
30 to, the merit of the proposal and the need for imposing school  
31 safety, based on school crime rates.

32 (c) Any school receiving a grant under this section shall submit  
33 to the Superintendent of Public Instruction verified copies of its  
34 schoolsite crime report annually for three consecutive years  
35 following the receipt of the grant to study the impact of the  
36 implementation of the school safety plan on the incidence of crime  
37 on the campus of the school.

38 SEC. 5. Section 32286 of the Education Code is amended to  
39 read:

1 32286. (a) Each school shall adopt its comprehensive school  
2 safety plan ~~by~~ *for the upcoming school year no later than the*  
3 *preceding* March 1, ~~2000~~, and shall review and update its plan by  
4 ~~March 1, every 1 of each year~~ thereafter. A new school campus  
5 that begins offering classes to pupils after March 1, 2001, shall  
6 adopt a comprehensive school safety plan within one year of  
7 initiating operation, and shall review and update its plan by March  
8 1, every year thereafter.

9 (b) *The principal or administrator in charge of a school without*  
10 *a principal shall forward the school's comprehensive school safety*  
11 *plan for the upcoming school year to the superintendent of the*  
12 *school district or county office of education, or to the administrator*  
13 *in charge where there is no superintendent, no later than March*  
14 *31 of each year. The school district or county office of education*  
15 *either may approve the plan or may determine that the plan does*  
16 *not comply with this section and return it to the school for*  
17 *amendment. The principal or administrator in charge shall return*  
18 *an amended plan within 60 days of the date each rejected plan is*  
19 *returned for amendment.*

20 ~~(b) Commencing in July 2000, and every July thereafter, each~~  
21 ~~school shall~~

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

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

38 SEC. 6. Section 32286.1 is added to the Education Code, to  
39 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 32287.1 is added to the Education Code, to  
 9 read:

10 32287.1. (a) No later than December 31 of each year, the  
 11 Superintendent shall publish on the department’s Internet Web  
 12 site the name of each school reported pursuant to Section 32286.1.

13 (b) No later than 60 days after a notification pursuant to Section  
 14 32287, the Superintendent shall publish on the department’s  
 15 Internet Web site the name of every school district and county  
 16 office so notified and the date of notification.

17 SEC. 8. Section 32288 of the Education Code is repealed.

18 ~~32288. (a) In order to ensure compliance with this article, each~~  
 19 ~~school shall forward its comprehensive school safety plan to the~~  
 20 ~~school district or county office of education for approval.~~

21 ~~(b) (1) Before adopting its comprehensive school safety plan,~~  
 22 ~~the schoolsite council or school safety planning committee shall~~  
 23 ~~hold a public meeting at the schoolsite in order to allow members~~  
 24 ~~of the public the opportunity to express an opinion about the school~~  
 25 ~~safety plan.~~

26 ~~(2) The schoolsite council or school safety planning committee~~  
 27 ~~shall notify, in writing, the following persons and entities, if~~  
 28 ~~available, of the public meeting:~~

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

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

1 ~~(A) A representative of the local churches.~~

2 ~~(B) Local civic leaders.~~

3 ~~(C) Local business organizations.~~

4 ~~(e) In order to ensure compliance with this article, each school~~  
5 ~~district or county office of education shall annually notify the State~~  
6 ~~Department of Education by October 15 of any schools that have~~  
7 ~~not complied with Section 32281.~~

8 SEC. 9. Section 32288 is added to the Education Code, to read:

9 32288. (a) Each principal or administrator in charge of a school  
10 without a principal shall keep and maintain a copy of the most  
11 recent comprehensive school safety plan for that school.

12 (b) Each superintendent of a school district or county office of  
13 education, or each administrator in charge of a district or county  
14 office without a superintendent, shall keep and maintain a copy of  
15 the most recent comprehensive school safety plan filed pursuant  
16 to Section 32286 and a copy of every notification made pursuant  
17 to Section 32286.1.

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

24 SEC. 10. Section 32289 of the Education Code, as added by  
25 Section 1 of Chapter 272 of the Statutes of 2004, is repealed.

26 ~~32289. A complaint of noncompliance with the school safety~~  
27 ~~planning requirements of Title IV of the federal No Child Left~~  
28 ~~Behind Act of 2001, 20 U.S.C. Sec. 7114(d)(7), may be filed with~~  
29 ~~the department under the Uniform Complaint Procedures as set~~  
30 ~~forth in Chapter 5.1 (commencing with Section 4600) of Title 5~~  
31 ~~of the California Code of Regulations.~~

32 SEC. 11. Section 41020 of the Education Code is amended to  
33 read:

34 41020. (a) It is the intent of the Legislature to encourage sound  
35 fiscal management practices among local educational agencies for  
36 the most efficient and effective use of public funds for the  
37 education of children in California by strengthening fiscal  
38 accountability at the district, county, and state levels.

39 (b) (1) Not later than ~~the first day of~~ May 1 of each fiscal year,  
40 each county superintendent of schools shall provide for an audit

1 of all funds under his or her jurisdiction and control, and the  
2 governing board of each local educational agency shall either  
3 provide for an audit of the books and accounts of the local  
4 educational agency, including an audit of income and expenditures  
5 by source of funds, or make arrangements with the county  
6 superintendent of schools having jurisdiction over the local  
7 educational agency to provide for that auditing.

8 (2) A contract to perform the audit of a local educational agency  
9 that has a disapproved budget or has received a negative  
10 certification on any budget or interim financial report during the  
11 current fiscal year or either of the two preceding fiscal years, or  
12 for which the county superintendent of schools has otherwise  
13 determined that a lack of going concern exists, is not valid unless  
14 approved by the responsible county superintendent of schools and  
15 the governing board.

16 (3) If the governing board of a local educational agency has not  
17 provided for an audit of the books and accounts of the local  
18 educational agency by April 1, the county superintendent of schools  
19 having jurisdiction over the local educational agency shall provide  
20 for the audit of each local educational agency.

21 (4) An audit conducted pursuant to this section shall comply  
22 fully with the Government Auditing Standards issued by the  
23 Comptroller General of the United States.

24 (5) For purposes of this section, “local educational agency” does  
25 not include community colleges.

26 (c) Each audit conducted in accordance with this section shall  
27 include all funds of the local educational agency, including the  
28 student body and cafeteria funds and accounts and any other funds  
29 under the control or jurisdiction of the local educational agency.  
30 Each audit shall also include an audit of pupil attendance  
31 procedures.

32 (d) All audit reports for each fiscal year shall be developed and  
33 reported using a format established by the Controller after  
34 consultation with the Superintendent and the Director of Finance.

35 (e) (1) The cost of the audits provided for by the county  
36 superintendent of schools shall be paid from the county school  
37 service ~~fund~~ *fund*, and the county superintendent of schools shall  
38 transfer the pro rata share of the cost chargeable to each district  
39 from district funds.

1 (2) The cost of the audit provided for by a governing board shall  
2 be paid from local educational agency funds. The audit of the funds  
3 under the jurisdiction and control of the county superintendent of  
4 schools shall be paid from the county school service fund.

5 (f) (1) The audits shall be made by a certified public accountant  
6 or a public accountant, licensed by the California Board of  
7 Accountancy, and selected by the local educational agency, as  
8 applicable, from a directory of certified public accountants and  
9 public accountants deemed by the Controller as qualified to conduct  
10 audits of local educational agencies, which shall be published by  
11 the Controller not later than December 31 of each year.

12 (2) Commencing with the 2003–04 fiscal year and except as  
13 provided in subdivision (d) of Section 41320.1, it is unlawful for  
14 a public accounting firm to provide audit services to a local  
15 educational agency if the lead audit partner, or coordinating audit  
16 partner, having primary responsibility for the audit, or the audit  
17 partner responsible for reviewing the audit, has performed audit  
18 services for that local educational agency in each of the six previous  
19 fiscal years. The Education Audits Appeal Panel may waive this  
20 requirement if the panel finds that no otherwise eligible auditor is  
21 available to perform the audit.

22 (3) It is the intent of the Legislature that, notwithstanding  
23 paragraph (2), the rotation within public accounting firms conform  
24 to provisions of the federal Sarbanes-Oxley Act of 2002 (P.L.  
25 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of the  
26 report required by the act of the Comptroller General of the United  
27 States addressing the mandatory rotation of registered public  
28 accounting firms, the Legislature intends to reconsider the  
29 provisions of paragraph (2). In determining which certified public  
30 accountants and public accountants shall be included in the  
31 directory, the Controller shall use the following criteria:

32 (A) The certified public accountants or public accountants shall  
33 be in good standing as certified by the Board of Accountancy.

34 (B) The certified public accountants or public accountants, as  
35 a result of a quality control review conducted by the Controller  
36 pursuant to Section 14504.2, shall not have been found to have  
37 conducted an audit in a manner constituting noncompliance with  
38 subdivision (a) of Section 14503.

39 (g) (1) The auditor’s report shall include each of the following:

1 (A) A statement that the audit was conducted pursuant to  
2 standards and procedures developed in accordance with Chapter  
3 3 (commencing with Section 14500) of Part 9 of Division 1 of  
4 Title 1.

5 (B) A summary of audit exceptions and management  
6 improvement recommendations.

7 ~~(C) Each audit of a local educational agency shall include an~~  
8 *An evaluation by the auditor on whether there is substantial doubt*  
9 *about the ability of the local educational agency to continue as a*  
10 *going concern for a reasonable period of time. This evaluation*  
11 *shall be based on the Statement of Auditing Standards (SAS) No.*  
12 *59, as issued by the AICPA regarding disclosure requirements*  
13 *relating to the ability of the entity to continue as a going concern.*

14 *(D) Commencing with the 2014–15 fiscal year, a summary of*  
15 *the extent to which the local educational agency has complied with*  
16 *the requirement that each of its schools develop a comprehensive*  
17 *school safety plan pursuant to Section 32281.*

18 (2) To the extent possible, a description of correction or plan  
19 of correction shall be incorporated in the audit report, describing  
20 the specific actions that are planned to be taken, or that have been  
21 taken, to correct the problem identified by the auditor. The  
22 descriptions of specific actions to be taken or that have been taken  
23 shall not solely consist of general comments such as “will  
24 implement,” “accepted the recommendation,” or “will discuss at  
25 a later date.”

26 (h) Not later than December 15, a report of each local  
27 educational agency audit for the preceding fiscal year shall be filed  
28 with the county superintendent of schools of the county in which  
29 the local educational agency is located, the department, and the  
30 Controller. The Superintendent shall make any adjustments  
31 necessary in future apportionments of all state funds; to correct  
32 any audit exceptions revealed by those audit reports.

33 (i) (1) Commencing with the 2002–03 audit of local educational  
34 agencies pursuant to this section and subdivision (d) of Section  
35 41320.1, each county superintendent of schools shall be responsible  
36 for reviewing the audit exceptions contained in an audit of a local  
37 educational agency under his or her jurisdiction related to  
38 attendance, inventory of equipment, internal control, and any  
39 miscellaneous items, and determining whether the exceptions have



1 been either corrected or an acceptable plan of correction has been  
2 developed.

3 (2) Commencing with the 2004–05 audit of local educational  
4 agencies pursuant to this section and subdivision (d) of Section  
5 41320.1, each county superintendent of schools shall include in  
6 the review of audit exceptions performed pursuant to this  
7 subdivision those audit exceptions related to use of instructional  
8 materials program funds, teacher misassignments pursuant to  
9 Section 44258.9, *and* information reported on the school  
10 accountability report card required pursuant to Section 33126, and  
11 shall determine whether the exceptions are either corrected or an  
12 acceptable plan of correction has been developed.

13 (j) Upon submission of the final audit report to the governing  
14 board of each local educational agency and subsequent receipt of  
15 the audit by the county superintendent of schools having  
16 jurisdiction over the local educational agency, the county office  
17 of education shall do all of the following:

18 (1) Review audit exceptions related to attendance, inventory of  
19 equipment, internal control, and other miscellaneous exceptions.  
20 Attendance exceptions or issues shall include, but not be limited  
21 to, those related to revenue limits, adult education, and independent  
22 study.

23 (2) If a description of the correction or plan of correction has  
24 not been provided as part of the audit required by this section, then  
25 the county superintendent of schools shall notify the local  
26 educational agency and request the governing board of the local  
27 educational agency to provide to the county superintendent of  
28 schools a description of the corrections or plan of correction by  
29 March 15.

30 (3) Review the description of correction or plan of correction  
31 and determine its adequacy. If the description of the correction or  
32 plan of correction is not adequate, the county superintendent of  
33 schools shall require the local educational agency to resubmit that  
34 portion of its response that is inadequate.

35 (k) Each county superintendent of schools shall certify to the  
36 Superintendent and the Controller, not later than May 15, that his  
37 or her staff has reviewed all audits of local educational agencies  
38 under his or her jurisdiction for the prior fiscal year, that all  
39 exceptions that the county superintendent was required to review  
40 were reviewed, and that all of those exceptions, except as otherwise

1 noted in the certification, have been corrected by the local  
2 educational agency or that an acceptable plan of correction has  
3 been submitted to the county superintendent of schools. In addition,  
4 the county superintendent shall identify, by local educational  
5 agency, any attendance-related audit exception or exceptions  
6 involving state funds, and require the local educational agency to  
7 which the audit exceptions were directed to submit appropriate  
8 reporting forms for processing by the Superintendent.

9 (l) In the audit of a local educational agency for a subsequent  
10 year, the auditor shall review the correction or plan or plans of  
11 correction submitted by the local educational agency to determine  
12 if the exceptions have been resolved. If not, the auditor shall  
13 immediately notify the appropriate county office of education and  
14 the department and restate the exception in the audit report. After  
15 receiving that notification, the department shall either consult with  
16 the local educational agency to resolve the exception or require  
17 the county superintendent of schools to follow up with the local  
18 educational agency.

19 (m) (1) The Superintendent shall be responsible for ensuring  
20 that local educational agencies have either corrected or developed  
21 plans of correction for any one or more of the following:

22 (A) All federal and state compliance audit exceptions identified  
23 in the audit.

24 (B) Any exceptions that the county superintendent certifies as  
25 of May 15 have not been corrected.

26 (C) Any repeat audit exceptions that are not assigned to a county  
27 superintendent to correct.

28 (2) In addition, the Superintendent shall be responsible for  
29 ensuring that county superintendents of schools and each county  
30 board of education that serves as the governing board of a local  
31 educational agency either correct all audit exceptions identified in  
32 the audits of county superintendents of schools and of the local  
33 educational agencies for which the county boards of education  
34 serve as the governing boards or develop acceptable plans of  
35 correction for those exceptions.

36 (3) The Superintendent shall report annually to the Controller  
37 on his or her actions to ensure that school districts, county  
38 superintendents of schools, and each county board of education  
39 that serves as the governing board of a school district have either

1 corrected or developed plans of correction for any of the exceptions  
2 noted pursuant to paragraph (1).

3 (n) To facilitate correction of the exceptions identified by the  
4 audits issued pursuant to this section, commencing with 2002–03  
5 audits pursuant to this section, the Controller shall require auditors  
6 to categorize audit exceptions in each audit report in a manner that  
7 will make it clear to both the county superintendent of schools and  
8 the Superintendent which exceptions they are responsible for  
9 ensuring the correction of by a local educational agency. In  
10 addition, the Controller annually shall select a sampling of county  
11 superintendents of ~~schools and~~ *schools*, perform a followup of the  
12 audit resolution process of those county superintendents of ~~schools~~  
13 *schools*, and report the results of that followup to the  
14 Superintendent and the county superintendents of schools that  
15 were reviewed.

16 (o) County superintendents of schools shall adjust subsequent  
17 local property tax requirements to correct audit exceptions relating  
18 to local educational agency tax rates and tax revenues.

19 (p) If a governing board or county superintendent of schools  
20 fails or is unable to make satisfactory arrangements for the audit  
21 pursuant to this section, the Controller shall make arrangements  
22 for the audit, and the cost of the audit shall be paid from local  
23 educational agency funds or the county school service fund, as the  
24 case may be.

25 (q) Audits of regional occupational centers and programs are  
26 subject to the provisions of this section.

27 (r) This section does not authorize examination of, or reports  
28 on, the curriculum used or provided for in any local educational  
29 agency.

30 (s) Notwithstanding any other ~~provision of~~ law, a nonauditing,  
31 management, or other consulting service to be provided to a local  
32 educational agency by a certified public accounting firm while the  
33 certified public accounting firm is performing an audit of the  
34 agency pursuant to this section ~~must~~ *shall* be in accord with  
35 Government Accounting Standards, Amendment No. 3, as  
36 published by the United States General Accounting Office.

37 SEC. 12. Section 41338.5 is added to the Education Code, to  
38 read:

1 41338.5. (a) Notwithstanding any other law, the Superintendent  
2 shall withhold the next principal apportionment from a local  
3 educational agency if either of the following occurs:

4 (1) The Superintendent receives an audit report, pursuant to  
5 Section 41020, that finds that the local educational agency has not  
6 substantially complied with the requirement that each of its schools  
7 develop a comprehensive school safety plan pursuant to Section  
8 32281.

9 (2) The Superintendent finds that a superintendent of a school  
10 district or county office of education, or an administrator in charge  
11 of a district or county office without a superintendent, has violated  
12 Section 32286.1 by failing to provide written notification to the  
13 Superintendent identifying each school within the district or county  
14 that has not complied with Section 32281 or subdivision (b) of  
15 Section 32286 for that school year.

16 (b) The Superintendent shall apportion any funds withheld  
17 pursuant to this section to the affected local educational agency  
18 only after the Superintendent determines that the noncompliance  
19 or violation that caused the funds to be withheld has been corrected.

20 SEC. 13. Section 47605 of the Education Code, as amended  
21 by Section 1 of Chapter 576 of the Statutes of 2012, is amended  
22 to read:

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

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

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

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

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

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

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

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

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

37 (6) Commencing January 1, 2003, a petition to establish a charter  
38 school may not be approved to serve pupils in a grade level that  
39 is not served by the school district of the governing board

1 considering the petition, unless the petition proposes to serve pupils  
2 in all of the grade levels served by that school district.

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

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

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

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

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

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

36 (A) (i) A description of the educational program of the school,  
37 designed, among other things, to identify those whom the school  
38 is attempting to educate, what it means to be an “educated person”  
39 in the 21st century, and how learning best occurs. The goals

1 identified in that program shall include the objective of enabling  
2 pupils to become self-motivated, competent, and lifelong learners.

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

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

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

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

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

29 (F) The procedures that the school will follow to ensure the  
30 health and safety of pupils and staff. These procedures shall include  
31 ~~the~~ *both of the following:*

32 (i) A requirement that each employee of the school furnish the  
33 school with a criminal record summary as described in Section  
34 44237.

35 (ii) *The development of a school safety plan, which includes the*  
36 *elements outlined in subparagraphs (A) to (J), inclusive, of*  
37 *paragraph (2) of subdivision (a) of Section 32282, that is annually*  
38 *reviewed by the school and updated as necessary.*

39 (G) The means by which the school will achieve a racial and  
40 ethnic balance among its pupils that is reflective of the general

1 population residing within the territorial jurisdiction of the school  
2 district to which the charter petition is submitted.

3 (H) Admission requirements, if applicable.

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

9 (J) The procedures by which pupils can be suspended or  
10 expelled.

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

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

16 (M) A description of the rights of any employee of the school  
17 district upon leaving the employment of the school district to work  
18 in a charter school, and of any rights of return to the school district  
19 after employment at a charter school.

20 (N) The procedures to be followed by the charter school and  
21 the entity granting the charter to resolve disputes relating to  
22 provisions of the charter.

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

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

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

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



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

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

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

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

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

35 (e) The governing board of a school district shall not require  
36 any employee of the school district to be employed in a charter  
37 school.

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

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

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

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

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

1 otherwise applicable petition requirements, including the  
2 identification of the proposed site or sites where the charter school  
3 will operate.

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

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

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

21 (5) The state board shall adopt regulations implementing this  
22 subdivision.

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

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

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

37 (3) A charter school that is granted its charter through an appeal  
38 to the state board and elects to seek renewal of its charter shall,  
39 before expiration of the charter, submit its petition for renewal to  
40 the governing board of the school district that initially denied the

1 charter. If the governing board of the school district denies the  
2 school’s petition for renewal, the school may petition the state  
3 board for renewal of its charter.

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

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

22 SEC. 14. If the Commission on State Mandates determines  
23 that this act contains costs mandated by the state, reimbursement  
24 to local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.

O