

SUMMARY OF AB 1505 (O'Donnell), as amended July 5, 2019:

According to the most recent amendments to AB 1505 and the most recent analysis of the bill by Ian Johnson in the Senate Education Committee, AB 1505 would, among other things:

Reforms to Charter School Authorization Process

Petition review extension. The bill would extend the timeline to approve or deny a new charter school petition an additional 30-days (30 to 60 days for the hearing, and 60 to 90 days for action). The bill also states a charter petition is deemed received when the petitioner submits the complete petition.

Petitioner opportunity to respond. The bill would require the governing board of a school district or county board of education to publish all staff recommendations regarding a charter petition at least 15 days before the public hearing at which the board will either grant or deny the charter. It would specify that petitioners shall have an opportunity, including “sufficient time,” to present evidence and testimony to the governing board. The bill requires all new charter petitions to include:

1. The names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter governing board for schools operated by, or as, a nonprofit public benefit corporation.
2. A clear explanation of why a new or expanding charter school’s proposed model cannot be accomplished within the school district structure of neighborhood public schools.

Expands reasons for petition denial, includes fiscal impact. The measure would allow school districts to deny a petition to create or expand a charter school if the charter school is “demonstrably unlikely” to serve the interests of the entire community in which the school is proposing to locate. A finding under this provision must detail specific facts and circumstances that analyze and consider both of the following:

1. The extent to which the proposed charter school would “substantially undermine” existing services, academic offerings, or programmatic offerings, including consideration of the fiscal impact of the proposed charter school. And,
2. Whether the proposed charter school would duplicate a program currently offered within existing neighborhood schools and the existing program has “sufficient capacity” for the pupils proposed to be served.

The bill would also allow school districts to deny a petition to create or expand a charter school if the district is not positioned to absorb the fiscal impact of the proposed charter school, which includes any of the following circumstances:

- The district has a “qualified” interim certification and the county superintendent of schools, in consultation with the FCMAT, certifies that approving the charter school would result in the district having a “negative” interim certification.
- The district has a negative interim certification.
- The district is under state receivership.

Charter School Appeals Process

Remands changes to “material terms” upon appeal. The bill would specify that a charter petition submitted to a county board of education, or the State Board of Education, on appeal containing new or different “material terms” shall be immediately remanded back to the denying school district or COE for reconsideration within 30 days. If the school district denies the petition, the petitioner may elect to resubmit the petition on appeal to the county board of education.

The bill defines “material terms” to mean the signatures, affirmations, disclosures, documents, and descriptions included in the charter petition, but does not include administrative updates due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law.

State Board appeals process. Requires the SBE’s Advisory Commission on Charter Schools to hold a public hearing to review the appeal and submit a recommendation to the SBE whether there is sufficient evidence to hear or summarily deny review of the appeal. Upon hearing an appeal, the SBE may reverse the determination of the county board of education upon a determination that there was an abuse of discretion. If the denial of a charter petition is reversed by the SBE, the county board of education shall become the chartering authority.

Teacher Credentialing

Credentialing requirements for charter schools. The bill requires charter school teachers to hold a Commission on Teacher Credentialing (CTC) certificate, permit, or other document required for the teacher’s certificated assignment, unless the teacher holds a certificate of clearance and does not teach a course in English, math, science, social science, elementary school, or in some special education settings. The bill

exempts teachers employed by a charter school before January 1, 2020 assigned to teach noncore, noncollege preparatory courses from this requirement. The bill also requires the CTC to develop a certificate of clearance or other equivalent document for noncore, noncollege preparatory courses in charter schools.

Countywide Benefit Charter Schools

Eliminates countywide benefit charters and requires existing to seek local authorization. The bill would eliminate the authority to establish a new statewide benefit charter school and specifies that an existing statewide benefit charter school may continue to operate until the date on which the charter is up for renewal, at which point the charter school shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located.

Academic Accountability Linked to Renewal Periods

The measure would establish additional charter renewal criteria based on the performance of the charter school on the state and local indicators included in the state's evaluation rubrics. Specifically:

- The chartering authority shall not deny renewal of a charter school, and may renew the charter for a period of between five and seven years, if the charter school received, for two consecutive years immediately preceding the renewal decision, the two highest performance levels on all the state indicators and the chartering authority does not make an adverse finding based on the renewal charter petition.
- The chartering authority shall not renew a charter school if the charter school received, for two consecutive years immediately preceding the renewal decision, the two lowest performance levels on all the state indicators, unless the chartering authority makes a written factual finding that continued operation of the charter school is in the best interest of pupils and the charter school is making meaningful steps to address the underlying cause of low performance. Upon making such a determination, the charter school may be renewed for a period of two years.
- The chartering authority shall consider denying a charter renewal if the charter school received, for four consecutive years immediately preceding the renewal decision, the two lowest performance levels on all the state indicators, unless the chartering authority makes a written factual finding that continued operation of the charter school is necessary based on an identified extraordinary need in the community and the charter school is making

meaningful steps to address the underlying cause of low performance, as reflected in a written plan adopted by the charter governing board. Upon making such a determination, the charter school may be renewed for a period of two years.

- For all other charter schools, the chartering authority shall consider the performance of all groups of pupils served by the charter school on the state and local indicators and provide greater weight to performance on measurements of academic performance. The chartering authority may deny a renewal upon making a written finding that closure of the school is in the best interest of pupils and that its decision provided greater weight to performance on measurements of academic performance. An approval of a renewal shall be for a period of five years.

Moratorium on Establishment of Non-Classroom-Based Charter Schools

The bill prohibits the approval of a petition for the establishment of a new non-classroom-based charter school from January 1, 2020 to January 1, 2022, except for a non-classroom-based charter school that was granted approval of its petition and was providing educational services to pupils before July 1, 2019 under either of the following circumstances:

- If [AB 1507](#) becomes operative and the charter school is required to submit a petition to the governing board of a school district in an adjacent county in which its existing resource center is located, or to retain current program offerings and enrollment.
- If a charter school is required to submit a petition to a school district in which a resource center is located in order to comply with the court decision in *Anderson Union High School District v. Shasta Secondary Home School*, and the petition is necessary to retain current program offerings or enrollment.