

CALIFORNIA CODES
EDUCATION CODE
SECTION 47600-47604.5

47600. This part shall be known, and may be cited, as the "**Charter Schools** Act of 1992."

47601. It is the intent of the Legislature, in enacting this part, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain **schools** that operate independently from the existing school district structure, as a method to accomplish all of the following:

(a) Improve pupil learning.

(b) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

(c) Encourage the use of different and innovative teaching methods.

(d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the schoolsite.

(e) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

(f) Hold the **schools** established under this part accountable for meeting measurable pupil outcomes, and provide the **schools** with a method to change from rule-based to performance-based accountability systems.

(g) Provide vigorous competition within the public school system to stimulate continual improvements in all public **schools**.

47602. (a) (1) In the 1998-99 school year, the maximum total number of **charter schools** authorized to operate in this state shall be 250. In the 1999-2000 school year, and in each successive school year thereafter, an additional 100 **charter schools** are authorized to operate in this state each successive school year. For the purposes of implementing this section, the State Board of **Education** shall assign a number to each **charter** petition that it grants pursuant to subdivision (j) of Section 47605 or Section 47605.8 and to each **charter** notice it receives pursuant to this part, based on the chronological order in which the notice is received. Each number assigned by the state board on or after January 1, 2003, shall correspond to a single petition that identifies a **charter** school that will operate within the geographic and site limitations of this part. The State Board of **Education** shall develop a numbering system for **charter schools** that identifies each school associated with a **charter** and that operates within the existing limit on the number of **charter schools** that can be approved each year. For purposes of this section, sites that share educational programs and serve similar pupil populations may not be counted as separate **schools**. Sites that do not share a common educational program shall be considered separate **schools** for purposes of this section. The limits contained

in this paragraph may not be waived by the State Board of **Education** pursuant to Section 33050 or any other provision of law.

(2) By July 1, 2003, the Legislative Analyst shall, pursuant to the criteria in Section 47616.5, report to the Legislature on the effectiveness of the **charter** school approach authorized under this part and recommend whether to expand or reduce the annual rate of growth of **charter schools** authorized pursuant to this section.

(b) No **charter** shall be granted under this part that authorizes the conversion of any private school to a **charter** school. No **charter** school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The State Board of **Education** shall adopt regulations to implement this section.

47603. This part shall not be construed to prohibit any private person or organization from providing funding or other assistance to the establishment or operation of a **charter** school.

47604. (a) **Charter schools** may elect to operate as, or be operated by, a nonprofit public benefit corporation, formed and organized pursuant to the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1) of the Corporations **Code**).

(b) The governing board of a school district that grants a **charter** for the establishment of a **charter** school formed and organized pursuant to this section shall be entitled to a single representative on the board of directors of the nonprofit public benefit corporation.

(c) An authority that grants a **charter** to a **charter** school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the **charter** school, or for claims arising from the performance of acts, errors, or omissions by the **charter** school, if the authority has complied with all oversight responsibilities required by law, including, but not limited to, those required by Section 47604.32 and subdivision (m) of Section 47605.

47604.3. A **charter** school shall promptly respond to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority, the county office of **education** that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction and shall consult with the chartering authority, the county office of **education**, or the Superintendent of Public Instruction regarding any inquiries.

47604.32. Each chartering authority, in addition to any other duties imposed by this part, shall do all of the following with respect to each **charter** school under its authority:

(a) Identify at least one staff member as a contact person for the **charter** school.

(b) Visit each **charter** school at least annually.

(c) Ensure that each **charter** school under its authority complies with all reports required of **charter schools** by law.

(d) Monitor the fiscal condition of each **charter** school under its authority.

(e) Provide timely notification to the department if any of the following circumstances occur or will occur with regard to a **charter** school for which it is the chartering authority:

(1) A renewal of the **charter** is granted or denied.

(2) The **charter** is revoked.

(3) The **charter** school will cease operation for any reason.

(f) The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to Section 47613.

47604.33. (a) Each **charter** school shall annually prepare and submit the following reports to its chartering authority and the county superintendent of **schools**, or only to the county superintendent of **schools** if the county board of **education** is the chartering authority:

(1) On or before July 1, a preliminary budget. For a **charter** school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.

(2) On or before December 15, an interim financial report. This report shall reflect changes through October 31.

(3) On or before March 15, a second interim financial report. This report shall reflect changes through January 31.

(4) On or before September 15, a final unaudited report for the full prior year.

(b) The chartering authority shall use any financial information it obtains from the **charter** school, including, but not limited to, the reports required by this section, to assess the fiscal condition of the **charter** school pursuant to subdivision (d) of Section 47604.32.

(c) The cost of performing the duties required by this section shall be funded with supervisorial oversight fees collected pursuant to Section 47613.

47604.4. (a) In addition to the authority granted by Sections 1241.5 and 47604.3, a county superintendent of **schools** may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a **charter** school located within that county and conduct an investigation into the operations of that **charter** school. If a county superintendent of **schools** monitors or investigates a **charter** school pursuant to this section, the county office of **education** shall not incur any liability beyond the cost of the investigation.

(b) A **charter** school shall notify the county superintendent of **schools** of the county in which it is located of the location of the **charter** school, including the location of each site, if applicable, prior to commencing operations.

47604.5. The State Board of **Education**, whether or not it is the authority that granted the **charter**, may, based upon the recommendation of the Superintendent of Public Instruction, take appropriate action, including, but not limited to, revocation of the school's **charter**, when the State Board of **Education** finds any of the

following:

(a) Gross financial mismanagement that jeopardizes the financial stability of the **charter** school.

(b) Illegal or substantially improper use of **charter** school funds for the personal benefit of any officer, director, or fiduciary of the **charter** school.

(c) Substantial and sustained departure from measurably successful practices such that continued departure would jeopardize the educational development of the school's pupils.