

CALIFORNIA CODES  
**EDUCATION CODE**  
SECTION 47605-47608

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

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

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

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

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

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

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

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

(B) The site is needed for temporary use during a construction or

expansion project.

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

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

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

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

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

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

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

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

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

(B) The measurable pupil outcomes identified for use by the **charter** school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

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

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

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

(F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

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

(H) Admission requirements, if applicable.

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

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

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

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

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

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

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

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

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

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

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

former attendance area of that public school.

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

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

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

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

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

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

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

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

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

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a **charter** school to the county board of **education**. The county board of **education** shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a **charter** school to the county board of **education** and the county board of **education** denies the petition, the petitioner may file a petition for establishment of a **charter** school with the state board, and the state board may approve the petition, in

accordance with subdivision (b). A **charter** school that receives approval of its petition from a county board of **education** or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the entity to which it originally submitted its petition. A **charter** petition that is submitted to either a county board of **education** or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the **charter** school will operate.

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

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

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

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

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

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

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

(3) A **charter** school that has been granted its **charter** through an appeal to the state board and elects to seek renewal of its **charter** shall, prior to expiration of the **charter**, submit its petition for renewal to the governing board of the school district that initially denied the **charter**. If the governing board of the school district denies the school's petition for renewal, the school may petition the state board for renewal of its **charter**.

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

(m) A **charter** school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as

described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of **schools** of the county in which the **charter** school is sited, unless the county board of **education** of the county in which the **charter** school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the **charter** school is encompassed in the audit of the chartering entity pursuant to Section 41020.

47605.1. (a) (1) Notwithstanding any other provision of law, a **charter** school that is granted a **charter** from the governing board of a school district or county office of **education** after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other provision of law, a **charter** school that is granted a **charter** by the State Board of **Education** after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of **education**, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the **charter**.

(3) A **charter** school that receives approval of its **charter** from a governing board of a school district, a county office of **education**, or the State Board of **Education** prior to July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of the part, in accordance with subdivision (e).

(b) Nothing in this section is intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other provision, a **charter** school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the **charter** school is authorized if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in nonclassroom-based independent study of the **charter** school.

(2) The **charter** school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.

(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a **charter** school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district where the **charter** school proposes to operate is notified in advance of the **charter** petition approval, the county superintendent of **schools** is notified of the location of the **charter** school before it commences operations, and either of the following circumstances exist:

(1) The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate.

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

(e) (1) For a **charter** school that was granted approval of its **charter** prior to July 1, 2002, and provided educational services to

pupils before July 1, 2002, this section shall only apply to any new educational services or schoolsites established or acquired by the **charter** school on or after July 1, 2002.

(2) For a **charter** school that was granted approval of its **charter** prior to July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section shall only apply upon the expiration of a **charter** that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a **charter** that is in existence on January 1, 2003, whichever is later, all **charter schools** shall be required to comply with this section for schoolsites at which **education** services are provided to pupils prior to or after July 1, 2002, regardless of whether the **charter** school initially received approval of its **charter** school petition prior to July 1, 2002. To achieve compliance with this section, a **charter** school shall be required to receive approval of a **charter** petition in accordance with this section and Section 47605.

(4) Nothing in this section is intended to affect the authority of a governmental entity to revoke a **charter** that is granted on or before the effective date of this section.

(f) A **charter** school that submits its petition directly to a county board of **education**, as authorized by Sections 47605.5 or 47605.6, may establish **charter** school operations only within the geographical boundaries of the county in which that county board of **education** has jurisdiction.

(g) Notwithstanding any other provision of law, the jurisdictional limitations set forth in this section do not apply to a **charter** school that provides instruction exclusively in partnership with any of the following:

(1) The federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801 et seq.).

(2) Federally affiliated Youth Build programs.

(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources **Code**.

(5) Instruction provided to juvenile court school pupils pursuant to subdivision (c) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

47605.2. The Delta **Charter** High School, located in the County of Santa Cruz, is exempt from the geographic and site limitations contained in subdivision (a) of Section 47605.

47605.3. Notwithstanding subdivision (d) of Section 47605, a **charter** school with a schoolsite physically located in the attendance area of a public elementary school in which 50 percent or more of the pupil enrollment is eligible for free or reduced price meals may give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the **charter** schoolsite is located. This section is not intended to affect the requirement contained in subdivision (d) of Section 47605 that a public school converting partially or entirely to a **charter** school adopt and maintain a policy that gives an admission preference to pupils who

reside within the former attendance area of that public school.

47605.5. A petition may be submitted directly to a county board of **education** in the same manner as set forth in Section 47605 for **charter schools** that will serve pupils for whom the county office of **education** would otherwise be responsible for providing direct **education** and related services. Any denial of a petition shall be subject to the same process for any other county board of **education** denial of a **charter** school petition pursuant to this part.

47605.6. (a) (1) In addition to the authority provided by Section 47605.5, a county board of **education** may also approve a petition for the operation of a **charter** school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of **education**. A county board of **education** may only approve a countywide **charter** if it finds, in addition to the other requirements of this section, that the educational services to be provided by the **charter** school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a **charter** school that operates in only one school district in the county. A petition for the establishment of a countywide **charter** school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the **charter** school. The petition may be submitted to the county board of **education** for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the **charter** school estimates will enroll in the school for its first year of operation and each of the school districts where the **charter** school petitioner proposes to operate a facility has received at least 30 days notice of the petitioner's intent to operate a school pursuant to this section.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the **charter** school estimates will be employed at the school during its first year of operation and each of the school districts where the **charter** school petitioner proposes to operate a facility has received at least 30 days notice of the petitioner's intent to operate a school pursuant to this section.

(2) An existing public school may not be converted to a **charter** school in accordance with this section.

(3) After receiving approval of its petition, a **charter** school that proposes to establish operations at additional sites within the geographic boundaries of the county board of **education** shall notify the school districts where those sites will be located. The **charter** school shall also request a material revision of its **charter** by the county board of **education** that approved its **charter** and the county board shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the school's approved **charter**.

(4) A petition shall include a prominent statement indicating that

a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child or ward attend the **charter** school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the **charter** school. The proposed **charter** shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of **education** shall hold a public hearing on the provisions of the **charter**, at which time the county board of **education** shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the **charter** school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of **education** shall either grant or deny the **charter** within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A county board of **education** may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide **charter** school. A county board of **education** may grant a **charter** for the operation of a school under this part only if the board is satisfied that granting the **charter** is consistent with sound educational practice and that the **charter** school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of **education** shall deny a petition for the establishment of a **charter** school if the board finds, one or more of the following:

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

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

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

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

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

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

(ii) If the proposed **charter** school will enroll high school pupils, a description of the manner in which the manner in which the **charter** school will inform parents regarding the transferability of courses to other public high **schools**. Courses offered by the **charter** school that are accredited by the Western Association of **Schools** and Colleges may be considered to be transferable to other public high **schools**.

(iii) If the proposed **charter** school will enroll high school pupils, information as to the manner in which the **charter** school will inform parents as to whether each individual course offered by the **charter** school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the **charter** school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals

in the school's educational program.

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

(D) The location of each **charter** school facility that the petitioner proposes to operate.

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

(F) The qualifications to be met by individuals to be employed by the school.

(G) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

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

(I) The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of **Education**, and the manner in which audit exceptions and deficiencies shall be resolved.

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

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

(L) The procedures to be followed by the **charter** school and the county board of **education** to resolve disputes relating to provisions of the **charter**.

(M) A declaration whether or not the **charter** school shall be deemed the exclusive public school employer of the employees of the **charter** school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code**).

(N) Admission requirements, of the **charter** school, if applicable.

(O) The public school attendance alternatives for pupils residing within the county who choose not to attend the **charter** school.

(P) A description of the rights of an employee of the county office of **education**, upon leaving the employment of the county office of **education**, to be employed by the **charter** school, and a description of any rights of return to the county office of **education** that an employee may have upon leaving the employ of the **charter** school.

(Q) A description of the procedures to be used if the **charter** school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the **charter** school, including plans for disposing of any net assets and for the maintenance and transfer of public records.

(6) Any other basis that the board finds justifies the denial of the petition.

(c) A county board of **education** that approves a petition for the operation of a countywide **charter** may, as a condition of **charter** approval, enter into an agreement with a third party, at the expense of the **charter** school, to oversee, monitor, and report to the county board of **education** on the operations of the **charter** school. The county board of **education** may prescribe the aspects of the **charter** school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the **charter** school to the county board of **education**.

(d) (1) **Charter schools** shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public **schools**.

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

(e) (1) In addition to any other requirement imposed under this part, a **charter** school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a **charter** school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state.

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

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

(C) In the event of a drawing, the county board of **education** shall make reasonable efforts to accommodate the growth of the **charter** school and, in no event, shall take any action to impede the **charter** school from expanding enrollment to meet pupil demand.

(f) No county board of **education** shall require any employee of the county or a school district to be employed in a **charter** school.

(g) No county board of **education** shall require any pupil enrolled in a county program to attend a **charter** school.

(h) The county board of **education** shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school, any school district where the **charter** school may operate and upon the county board of **education**. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation.

(i) In reviewing petitions for the establishment of **charter schools** within the county, the county board of **education** shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low-achieving pursuant to the standards established by the State Department of **Education** under Section 54032.

(j) Upon the approval of the petition by the county board of **education**, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent of Public Instruction and to the State Board of **Education**.

(k) If a county board of **education** denies a petition, the petitioner may not elect to submit the petition for the establishment of the **charter** school to the State Board of **Education**.

(l) Teachers in **charter schools** shall be required to hold a

Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public **schools** would be required to hold. These documents shall be maintained on file at the **charter** school and shall be subject to periodic inspection by the chartering authority.

(m) A **charter** school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the County Office of **Education**, State Controller and the State Department of **Education** by December 15 of each year. This subdivision shall not apply if the audit of the **charter** school is encompassed in the audit of the chartering entity pursuant to Section 41020.

47605.7. (a) A petition for the establishment of a **charter** school shall not be denied based on the actual or potential costs of serving individuals with exceptional needs, as that term is defined pursuant to Section 56026.

(b) Notwithstanding subdivision (a), this section shall not be construed to prevent a school district from meeting its obligation to ensure that the proposed **charter** school will meet the needs of individuals with exceptional needs in accordance with state and federal law, nor shall it be construed to limit or alter the reasons for denying a petition for the establishment of a **charter** school pursuant to subdivision (b) of Section 47605.

47605.8. (a) A petition for the operation of a state **charter** school may be submitted directly to the state board, and the state board shall have the authority to approve a **charter** for the operation of a state **charter** school that may operate at multiple sites throughout the state. The State Board of **Education** shall adopt regulations, pursuant to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government **Code**) for the implementation of this section. Regulations adopted pursuant to this section shall ensure that a **charter** school approved pursuant to this section meets all requirements otherwise imposed on **charter schools** pursuant to this part, except that a state **charter** school approved pursuant to this section shall not be subject to the geographic and site limitations otherwise imposed on **charter schools**. The petitioner shall submit a copy of the petition, for notification purposes, to the county superintendent of **schools** of each county in which the petitioner proposes to operate the state **charter** school. The petitioner also shall ensure that the governing board of each school district in which a site is proposed to be located is notified no later than 120 days prior to the commencement of instruction at each site, as applicable.

(b) The state board shall not approve a petition for the operation of a state **charter** school pursuant to this section unless the state board makes a finding, based on substantial evidence, that the proposed state **charter** school will provide instructional services of statewide benefit that cannot be provided by a **charter** school operating in only one school district, or only in one county. The finding of the state board in this regard shall be made part of the public record of the proceedings of the state board and shall precede the approval of the **charter**.

(c) The state board, as a condition of **charter** petition approval,

may enter into an agreement with a third party, at the expense of the **charter** school, to oversee, monitor, and report on, the operations of the state **charter** school. The state board may prescribe the aspects of the operations of the state **charter** school to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the state **charter** school to the state board.

(d) The state board shall not be required to approve a petition for the operation of a state **charter** school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6.

47606. (a) A school district may convert all of its **schools** to **charter schools** under this part only if it meets all of the following conditions:

(1) Fifty percent of the teachers within the school district sign the **charter** petition.

(2) The **charter** petition contains all of the requirements set forth in subdivisions (b), (c), (d), (e), and (f) of Section 47605 and a provision that specifies alternative public school attendance arrangements for pupils residing within the school district who choose not to attend **charter schools**.

(b) Notwithstanding subdivision (b) of Section 47605, the districtwide **charter** petition shall be approved only by joint action of the Superintendent of Public Instruction and the State Board of **Education**.

47607. (a) (1) A **charter** may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A **charter** granted by a school district governing board, a county board of **education** or the state board, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a **charter** petition may be made only with the approval of the authority that granted the **charter**. The authority that granted the **charter** may inspect or observe any part of the **charter** school at any time.

(2) Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of **charter schools** enacted into law after the **charter** was originally granted or last renewed.

(b) Commencing on January 1, 2005, or after a **charter** school has been in operation for four years, whichever date occurs later, a **charter** school shall meet at least one of the following criteria prior to receiving a **charter** renewal pursuant to paragraph (1) of subdivision (a):

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) (A) The entity that granted the **charter** determines that the academic performance of the **charter** school is at least equal to the academic performance of the public **schools** that the **charter** school

pupils would otherwise have been required to attend, as well as the academic performance of the **schools** in the school district in which the **charter** school is located, taking into account the composition of the pupil population that is served at the **charter** school.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison **schools**.

(iii) Information submitted by the **charter** school.

(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

(D) A **charter** renewal may not be granted to a **charter** school prior to 30 days after that **charter** school submits materials pursuant to this paragraph.

(5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

(c) A **charter** may be revoked by the authority that granted the **charter** under this chapter if the authority finds, through a showing of substantial evidence, that the **charter** school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the **charter**.

(2) Failed to meet or pursue any of the pupil outcomes identified in the **charter**.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of law.

(d) Prior to revocation, the authority that granted the **charter** shall notify the **charter** public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(e) Prior to revoking a **charter** for failure to remedy a violation pursuant to subdivision (d), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the **charter** school. No later than 30 days after providing the notice of intent to revoke a **charter**, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the **charter**. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the **charter**, unless the chartering authority and the **charter** school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a **charter**, unless it makes written factual findings supported by substantial evidence, specific to the **charter** school, that support its findings.

(f) (1) If a school district is the chartering authority and it revokes a **charter** pursuant to this section, the **charter** school may appeal the revocation to the county board of **education** within 30 days following the final decision of the chartering authority.

(2) The county board may reverse the revocation decision if the county board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board does not issue a decision on the appeal within 90 days of receipt, or the county board upholds the revocation, the **charter** school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (e) are supported by substantial evidence.

(g) (1) If a county office of **education** is the chartering authority and the county board revokes a **charter** pursuant to this section, the **charter** school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence.

(h) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the **charter** shall continue to be regarded as the chartering authority.

(i) During the pendency of an appeal filed under this section, a **charter** school, whose revocation proceedings are based on paragraph (1) or (2) of subdivision (c), shall continue to qualify as a **charter** school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the **education** of pupils enrolled in the school is not disrupted.

(j) Immediately following the decision of a county board to reverse a decision of a school district to revoke a **charter**, the following shall apply:

(1) The **charter** school shall qualify as a **charter** school for funding and for all other purposes of this part.

(2) The **charter** school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the **charter** school, or that the **charter** school had otherwise been deprived of use, as a result of the revocation of the **charter** shall be immediately reinstated or returned.

(k) A final decision of a revocation or appeal of a revocation pursuant to subdivision (c) shall be reported to the chartering authority, the county board, and the department.

47607.5. If either a school district governing board or a county board of **education**, as a chartering agency, does not grant a renewal to a **charter** school pursuant to Section 47607, the **charter** school may submit its application for renewal pursuant to the procedures pertaining to a denial of a petition for establishment of a **charter** school, as provided in subdivision (j) of Section 47605.

47608. All meetings of the governing board of the school district and the county board of **education** at which the granting, revocation, appeal, or renewal of a **charter** petition is discussed shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government **Code**).