

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 49

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

December 19, 2012

An act to amend Sections 32280, 32281, 32282, 32285, 32286, ~~41020,~~ 32288, and 47605 of, to add Sections 32286.1, ~~32287.1,~~ and ~~41338.5~~ 32288.1, and 32289.5 to, and 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 amended, Lieu. School safety plans.

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

This bill would revise and recast those procedures. *The bill would, among other things, require each school to adopt its comprehensive school safety plan by March 1, 2014, and to review and update its plan*

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

~~(2) 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)~~

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

This bill, in addition, would add the development of a school safety plan, which ~~includes~~ *would be required to include* specified ~~elements~~ *topics*, 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)~~

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

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

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

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

1 SECTION 1. Section 32280 of the Education Code is amended
2 to read:
3 32280. (a) It is the intent of the Legislature that all California
4 public schools, in kindergarten, and grades 1 to 12, inclusive,
5 operated by school districts, in cooperation with local law
6 enforcement agencies, community leaders, parents, pupils, teachers,
7 administrators, and other persons who may be interested in the
8 prevention of campus crime and violence, develop a comprehensive
9 school safety plan that addresses the safety concerns identified
10 through a systematic planning process.
11 (b) (1) For the purposes of this article, law enforcement agencies
12 include local police departments, county sheriffs’ offices, school
13 district police or security departments, probation departments, the
14 Attorney General, any district attorney, or any city attorney.
15 (2) For purposes of this article, a “safety plan” means a plan to
16 develop strategies aimed at the prevention of, and education about,
17 potential incidents involving crime and violence on the school
18 campus.
19 (3) For purposes of Sections 32281 and 32282, “principal”
20 includes the principal’s designee and “administrator in charge”
21 includes the designee of the administrator in charge.
22 SEC. 2. Section 32281 of the Education Code is amended to
23 read:
24 32281. (a) Each school district and county office of education
25 is responsible for the overall development of all comprehensive
26 school safety plans for its schools operating kindergarten or any
27 of grades 1 to 12, inclusive.
28 (b) (1) Except as provided in subdivision (d) with regard to a
29 small school district, the schoolsite council established pursuant
30 to former Section 52012, as it existed before July 1, 2005, or
31 Section 52852 shall write and develop a comprehensive school
32 safety plan relevant to the needs and resources of that particular
33 school.

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

4 (A) The principal or the administrator in charge of a school
5 without a principal.

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

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

9 (D) One classified employee who is a representative of the
10 recognized classified employee organization.

11 (E) Other members, if desired.

12 (3) The schoolsite council shall consult with a representative
13 from a law enforcement agency in the writing and development
14 of the initial comprehensive school safety plan, ~~and is strongly~~
15 ~~encouraged to consult with a representative from a law enforcement~~
16 ~~agency for the plan's review every year thereafter.~~

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

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

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

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

29 (e) (1) When a principal, or the administrator in charge of a
30 school without a principal, verifies through local law enforcement
31 officials that a report has been filed of the occurrence of a violent
32 crime on the schoolsite of an elementary or secondary school at
33 which he or she is the principal or administrator in charge, the
34 principal or administrator in charge may send to each pupil's parent
35 or legal guardian and each school employee a written notice of the
36 occurrence and general nature of the crime. If the principal or
37 administrator in charge chooses to send the written notice, the
38 Legislature encourages the notice be sent no later than the end of
39 business on the second regular workday after the verification. If,
40 at the time of verification, local law enforcement officials

1 determine that notification of the violent crime would hinder an
2 ongoing investigation, the notification authorized by this
3 subdivision shall be made within a reasonable period of time, to
4 be determined by the local law enforcement agency and the school
5 district. For purposes of this section, a “violent crime” means a
6 Part 1 violent crime as defined in paragraph (2) of subdivision (i)
7 of Section 67381 and is an act for which a pupil could or would
8 be expelled pursuant to Section 48915.

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

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

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

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

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

1 SEC. 3. Section 32282 of the Education Code is amended to
2 read:

3 32282. (a) The comprehensive school safety plan shall include,
4 but not be limited to, both of the following:

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

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

12 (A) Child abuse reporting procedures consistent with Article
13 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of
14 Part 4 of the Penal Code.

15 (B) Disaster procedures, routine and emergency, including
16 adaptations for pupils with disabilities in accordance with the
17 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
18 12101 et seq.). The disaster procedures shall also include, but not
19 be limited to, both of the following:

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

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

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

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

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

1 (ii) Establishing a procedure to allow a public agency or
2 nongovernmental organization, including the American Red Cross,
3 to use school buildings, grounds, and equipment for mass care and
4 welfare shelters during disasters or other emergencies affecting
5 the public health and welfare. The district or county office shall
6 cooperate with the public agency or nongovernmental organization
7 in furnishing and maintaining the services as the district or county
8 office may deem necessary to meet the needs of the community.

9 (C) Policies pursuant to subdivision (d) of Section 48915 for
10 pupils who committed an act listed in subdivision (c) of Section
11 48915 and other school-designated serious acts which would lead
12 to suspension, expulsion, or mandatory expulsion recommendations
13 pursuant to Article 1 (commencing with Section 48900) of Chapter
14 6 of Part 27 of Division 4 of Title 2.

15 (D) Procedures to notify teachers of dangerous pupils pursuant
16 to Section 49079.

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

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

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

36 (H) A safe and orderly environment conducive to learning at
37 the school.

38 (I) *Procedures related to individuals with guns on school*
39 *campuses and at school-related functions, including, but not limited*

1 to, training programs related to active shooters and active
2 terrorists.

3 (H)

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

6 ~~(J) Procedures related to individuals with guns on school
7 campuses and at school-related functions, including, but not limited
8 to, training programs related to active shooters and active terrorists.~~

9 (b) It is the intent of the Legislature that schools develop
10 comprehensive school safety plans using existing resources,
11 including the materials and services of the partnership, pursuant
12 to this chapter. It is also the intent of the Legislature that schools
13 use the handbook developed and distributed by the School/Law
14 Enforcement Partnership Program entitled “Safe Schools: A
15 Planning Guide for Action” in conjunction with developing their
16 plan for school safety.

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

20 (d) Each schoolsite council or school safety planning committee
21 in developing and updating a comprehensive school safety plan
22 shall, where practical, consult, cooperate, and coordinate with
23 other schoolsite councils or school safety planning committees.

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

30 (f) As comprehensive school safety plans are reviewed and
31 updated, the Legislature encourages all plans, to the extent that
32 resources are available, to include policies and procedures aimed
33 at the prevention of bullying.

34 ~~(g) (1) Before adopting its initial comprehensive school safety
35 plan, the schoolsite council or school safety planning committee
36 shall hold a public meeting at the schoolsite to hear public comment
37 about the school safety plan.~~

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

- 1 ~~(A) A representative of the local school employee organization.~~
- 2 ~~(B) A representative of each parent organization registered at~~
- 3 ~~the schoolsite, including the parent teacher association and parent~~
- 4 ~~teacher clubs.~~
- 5 ~~(C) A representative of each teacher organization at the~~
- 6 ~~schoolsite.~~
- 7 ~~(D) All persons who have requested to be notified.~~

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

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

- 16 (1) Assessment of the recent incidence of crime committed on
17 the school campus.
- 18 (2) Identification of appropriate strategies and programs that
19 will provide or maintain a high level of school safety.
- 20 (3) Development of an action plan, in conjunction with local
21 law enforcement agencies, for implementing appropriate safety
22 strategies and programs, and determining the fiscal impact of
23 executing the strategies and programs. The action plan shall
24 identify available resources which will provide for implementation
25 of the plan.

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

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

1 SEC. 5. Section 32286 of the Education Code is amended to
2 read:

3 32286. (a) Each school shall adopt its comprehensive school
4 safety plan for the upcoming school year no later than the preceding
5 by March 1, 2014, and shall review and update its plan by March
6 1 of ~~each~~ *every third* year thereafter. A new school campus that
7 begins offering classes to pupils after March 1, 2001, shall adopt
8 a comprehensive school safety plan within one year of initiating
9 operation, and shall review and update its plan by March ~~1~~, *1* every
10 year thereafter.

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

22 (e)

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

35 (d)

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

1 SEC. 6. Section 32286.1 is added to the Education Code, to
2 read:

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

10 ~~SEC. 7. Section 32287.1 is added to the Education Code, to~~
11 ~~read:~~

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

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

19 ~~SEC. 8. Section 32288 of the Education Code is repealed.~~

20 *SEC. 7. Section 32288 of the Education Code is amended to*
21 *read:*

22 32288. (a) In order to ensure compliance with this article, each
23 school shall forward its comprehensive school safety plan to the
24 school district or county office of education for approval.

25 (b) (1) (A) Before adopting its comprehensive school safety
26 plan, the schoolsite council or school safety planning committee
27 shall hold a public meeting at the schoolsite in order to allow
28 members of the public the opportunity to express an opinion about
29 the school safety plan.

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

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

- 36 (A) The local mayor.
- 37 (B) A representative of the local school employee organization.
- 38 (C) A representative of each parent organization at the
39 schoolsite, including the parent teacher association and parent
40 teacher clubs.

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

3 (E) A representative of the student body government.

4 (F) All persons who have indicated they want to be notified.

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

8 (A) A representative of the local churches.

9 (B) Local civic leaders.

10 (C) Local business organizations.

11 (c) In order to ensure compliance with this article, each school
12 district or county office of education shall annually notify the ~~State~~
13 ~~Department of Education~~ *department* by October 15 of any schools
14 that have not complied with Section 32281.

15 ~~SEC. 9.~~

16 *SEC. 8.* Section ~~32288~~ *32288.1* is added to the Education Code,
17 to read:

18 ~~32288.~~

19 *32288.1.* (a) Each principal or administrator in charge of a
20 school without a principal shall keep and maintain a copy of the
21 most recent comprehensive school safety plan for that school.

22 (b) Each superintendent of a school district or county office of
23 education, or each administrator in charge of a district or county
24 office without a superintendent, shall keep and maintain a copy of
25 the most recent comprehensive school safety plan filed pursuant
26 to Section ~~32286~~ *32288* and a copy of every notification made
27 pursuant to Section ~~32286.1~~.

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

34 ~~SEC. 10.~~

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

37 *SEC. 10.* Section 32289.5 is added to the Education Code, to
38 read:

39 *32289.5.* *The department shall monitor compliance with this*
40 *article using an existing monitoring framework.*

1 ~~SEC. 11. Section 41020 of the Education Code is amended to~~
2 ~~read:~~

3 ~~41020. (a) It is the intent of the Legislature to encourage sound~~
4 ~~fiscal management practices among local educational agencies for~~
5 ~~the most efficient and effective use of public funds for the~~
6 ~~education of children in California by strengthening fiscal~~
7 ~~accountability at the district, county, and state levels.~~

8 ~~(b) (1) Not later than May 1 of each fiscal year, each county~~
9 ~~superintendent of schools shall provide for an audit of all funds~~
10 ~~under his or her jurisdiction and control, and the governing board~~
11 ~~of each local educational agency shall either provide for an audit~~
12 ~~of the books and accounts of the local educational agency,~~
13 ~~including an audit of income and expenditures by source of funds,~~
14 ~~or make arrangements with the county superintendent of schools~~
15 ~~having jurisdiction over the local educational agency to provide~~
16 ~~for that auditing.~~

17 ~~(2) A contract to perform the audit of a local educational agency~~
18 ~~that has a disapproved budget or has received a negative~~
19 ~~certification on any budget or interim financial report during the~~
20 ~~current fiscal year or either of the two preceding fiscal years, or~~
21 ~~for which the county superintendent of schools has otherwise~~
22 ~~determined that a lack of going concern exists, is not valid unless~~
23 ~~approved by the responsible county superintendent of schools and~~
24 ~~the governing board.~~

25 ~~(3) If the governing board of a local educational agency has not~~
26 ~~provided for an audit of the books and accounts of the local~~
27 ~~educational agency by April 1, the county superintendent of schools~~
28 ~~having jurisdiction over the local educational agency shall provide~~
29 ~~for the audit of each local educational agency.~~

30 ~~(4) An audit conducted pursuant to this section shall comply~~
31 ~~fully with the Government Auditing Standards issued by the~~
32 ~~Comptroller General of the United States.~~

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

35 ~~(e) Each audit conducted in accordance with this section shall~~
36 ~~include all funds of the local educational agency, including the~~
37 ~~student body and cafeteria funds and accounts and any other funds~~
38 ~~under the control or jurisdiction of the local educational agency.~~
39 ~~Each audit shall also include an audit of pupil attendance~~
40 ~~procedures.~~

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

4 ~~(e) (1) The cost of the audits provided for by the county~~
5 ~~superintendent of schools shall be paid from the county school~~
6 ~~service fund, and the county superintendent of schools shall transfer~~
7 ~~the pro rata share of the cost chargeable to each district from district~~
8 ~~funds.~~

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

13 ~~(f) (1) The audits shall be made by a certified public accountant~~
14 ~~or a public accountant, licensed by the California Board of~~
15 ~~Accountancy, and selected by the local educational agency, as~~
16 ~~applicable, from a directory of certified public accountants and~~
17 ~~public accountants deemed by the Controller as qualified to conduct~~
18 ~~audits of local educational agencies, which shall be published by~~
19 ~~the Controller not later than December 31 of each year.~~

20 ~~(2) Commencing with the 2003-04 fiscal year and except as~~
21 ~~provided in subdivision (d) of Section 41320.1, it is unlawful for~~
22 ~~a public accounting firm to provide audit services to a local~~
23 ~~educational agency if the lead audit partner, or coordinating audit~~
24 ~~partner, having primary responsibility for the audit, or the audit~~
25 ~~partner responsible for reviewing the audit, has performed audit~~
26 ~~services for that local educational agency in each of the six previous~~
27 ~~fiscal years. The Education Audits Appeal Panel may waive this~~
28 ~~requirement if the panel finds that no otherwise eligible auditor is~~
29 ~~available to perform the audit.~~

30 ~~(3) It is the intent of the Legislature that, notwithstanding~~
31 ~~paragraph (2), the rotation within public accounting firms conform~~
32 ~~to provisions of the federal Sarbanes-Oxley Act of 2002 (P.L.~~
33 ~~107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of the~~
34 ~~report required by the act of the Comptroller General of the United~~
35 ~~States addressing the mandatory rotation of registered public~~
36 ~~accounting firms, the Legislature intends to reconsider the~~
37 ~~provisions of paragraph (2). In determining which certified public~~
38 ~~accountants and public accountants shall be included in the~~
39 ~~directory, the Controller shall use the following criteria:~~

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

3 (B) The certified public accountants or public accountants, as
4 a result of a quality control review conducted by the Controller
5 pursuant to Section 14504.2, shall not have been found to have
6 conducted an audit in a manner constituting noncompliance with
7 subdivision (a) of Section 14503.

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

9 (A) A statement that the audit was conducted pursuant to
10 standards and procedures developed in accordance with Chapter
11 3 (commencing with Section 14500) of Part 9 of Division 1 of
12 Title 1.

13 (B) A summary of audit exceptions and management
14 improvement recommendations.

15 (C) An evaluation by the auditor on whether there is substantial
16 doubt about the ability of the local educational agency to continue
17 as a going concern for a reasonable period of time. This evaluation
18 shall be based on the Statement of Auditing Standards (SAS) No.
19 59, as issued by the AICPA regarding disclosure requirements
20 relating to the ability of the entity to continue as a going concern.

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

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

33 (h) Not later than December 15, a report of each local
34 educational agency audit for the preceding fiscal year shall be filed
35 with the county superintendent of schools of the county in which
36 the local educational agency is located, the department, and the
37 Controller. The Superintendent shall make any adjustments
38 necessary in future apportionments of all state funds to correct any
39 audit exceptions revealed by those audit reports.

1 ~~(i) (1) Commencing with the 2002–03 audit of local educational~~
2 ~~agencies pursuant to this section and subdivision (d) of Section~~
3 ~~41320.1, each county superintendent of schools shall be responsible~~
4 ~~for reviewing the audit exceptions contained in an audit of a local~~
5 ~~educational agency under his or her jurisdiction related to~~
6 ~~attendance, inventory of equipment, internal control, and any~~
7 ~~miscellaneous items, and determining whether the exceptions have~~
8 ~~been either corrected or an acceptable plan of correction has been~~
9 ~~developed.~~

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

20 ~~(j) Upon submission of the final audit report to the governing~~
21 ~~board of each local educational agency and subsequent receipt of~~
22 ~~the audit by the county superintendent of schools having~~
23 ~~jurisdiction over the local educational agency, the county office~~
24 ~~of education shall do all of the following:~~

25 ~~(1) Review audit exceptions related to attendance, inventory of~~
26 ~~equipment, internal control, and other miscellaneous exceptions.~~
27 ~~Attendance exceptions or issues shall include, but not be limited~~
28 ~~to, those related to revenue limits, adult education, and independent~~
29 ~~study.~~

30 ~~(2) If a description of the correction or plan of correction has~~
31 ~~not been provided as part of the audit required by this section, then~~
32 ~~the county superintendent of schools shall notify the local~~
33 ~~educational agency and request the governing board of the local~~
34 ~~educational agency to provide to the county superintendent of~~
35 ~~schools a description of the corrections or plan of correction by~~
36 ~~March 15.~~

37 ~~(3) Review the description of correction or plan of correction~~
38 ~~and determine its adequacy. If the description of the correction or~~
39 ~~plan of correction is not adequate, the county superintendent of~~

1 schools shall require the local educational agency to resubmit that
2 portion of its response that is inadequate.

3 ~~(k) Each county superintendent of schools shall certify to the~~
4 ~~Superintendent and the Controller, not later than May 15, that his~~
5 ~~or her staff has reviewed all audits of local educational agencies~~
6 ~~under his or her jurisdiction for the prior fiscal year, that all~~
7 ~~exceptions that the county superintendent was required to review~~
8 ~~were reviewed, and that all of those exceptions, except as otherwise~~
9 ~~noted in the certification, have been corrected by the local~~
10 ~~educational agency or that an acceptable plan of correction has~~
11 ~~been submitted to the county superintendent of schools. In addition,~~
12 ~~the county superintendent shall identify, by local educational~~
13 ~~agency, any attendance-related audit exception or exceptions~~
14 ~~involving state funds, and require the local educational agency to~~
15 ~~which the audit exceptions were directed to submit appropriate~~
16 ~~reporting forms for processing by the Superintendent.~~

17 ~~(l) In the audit of a local educational agency for a subsequent~~
18 ~~year, the auditor shall review the correction or plan or plans of~~
19 ~~correction submitted by the local educational agency to determine~~
20 ~~if the exceptions have been resolved. If not, the auditor shall~~
21 ~~immediately notify the appropriate county office of education and~~
22 ~~the department and restate the exception in the audit report. After~~
23 ~~receiving that notification, the department shall either consult with~~
24 ~~the local educational agency to resolve the exception or require~~
25 ~~the county superintendent of schools to follow up with the local~~
26 ~~educational agency.~~

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

30 ~~(A) All federal and state compliance audit exceptions identified~~
31 ~~in the audit.~~

32 ~~(B) Any exceptions that the county superintendent certifies as~~
33 ~~of May 15 have not been corrected.~~

34 ~~(C) Any repeat audit exceptions that are not assigned to a county~~
35 ~~superintendent to correct.~~

36 ~~(2) In addition, the Superintendent shall be responsible for~~
37 ~~ensuring that county superintendents of schools and each county~~
38 ~~board of education that serves as the governing board of a local~~
39 ~~educational agency either correct all audit exceptions identified in~~
40 ~~the audits of county superintendents of schools and of the local~~

1 educational agencies for which the county boards of education
2 serve as the governing boards or develop acceptable plans of
3 correction for those exceptions.

4 (3) ~~The Superintendent shall report annually to the Controller
5 on his or her actions to ensure that school districts, county
6 superintendents of schools, and each county board of education
7 that serves as the governing board of a school district have either
8 corrected or developed plans of correction for any of the exceptions
9 noted pursuant to paragraph (1).~~

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

22 (o) ~~County superintendents of schools shall adjust subsequent
23 local property tax requirements to correct audit exceptions relating
24 to local educational agency tax rates and tax revenues.~~

25 (p) ~~If a governing board or county superintendent of schools
26 fails or is unable to make satisfactory arrangements for the audit
27 pursuant to this section, the Controller shall make arrangements
28 for the audit, and the cost of the audit shall be paid from local
29 educational agency funds or the county school service fund, as the
30 case may be.~~

31 (q) ~~Audits of regional occupational centers and programs are
32 subject to the provisions of this section.~~

33 (r) ~~This section does not authorize examination of, or reports
34 on, the curriculum used or provided for in any local educational
35 agency.~~

36 (s) ~~Notwithstanding any other law, a nonauditing, management,
37 or other consulting service to be provided to a local educational
38 agency by a certified public accounting firm while the certified
39 public accounting firm is performing an audit of the agency
40 pursuant to this section shall be in accord with Government~~

1 ~~Accounting Standards, Amendment No. 3, as published by the~~
2 ~~United States General Accounting Office.~~

3 ~~SEC. 12.~~ Section 41338.5 is added to the Education Code, to
4 read:

5 ~~41338.5. (a) Notwithstanding any other law, the Superintendent~~
6 ~~shall withhold the next principal apportionment from a local~~
7 ~~educational agency if either of the following occurs:~~

8 ~~(1) The Superintendent receives an audit report, pursuant to~~
9 ~~Section 41020, that finds that the local educational agency has not~~
10 ~~substantially complied with the requirement that each of its schools~~
11 ~~develop a comprehensive school safety plan pursuant to Section~~
12 ~~32281.~~

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

20 ~~(b) The Superintendent shall apportion any funds withheld~~
21 ~~pursuant to this section to the affected local educational agency~~
22 ~~only after the Superintendent determines that the noncompliance~~
23 ~~or violation that caused the funds to be withheld has been corrected.~~

24 ~~SEC. 13.~~

25 ~~SEC. 11.~~ Section 47605 of the Education Code, as amended
26 by Section 1 of Chapter 576 of the Statutes of 2012, is amended
27 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (ii) The development of a school safety plan, which ~~includes~~
39 *shall include the elements outlined topics listed* in subparagraphs
40 (A) to ~~(J)~~ (I), inclusive, of paragraph (2) of subdivision (a) of

1 Section 32282, that is annually reviewed by the school and updated
2 as necessary.

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

7 (H) Admission requirements, if applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~SEC. 14.~~

25 *SEC. 12.* If the Commission on State Mandates determines
26 that this act contains costs mandated by the state, reimbursement
27 to local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.