



CHARTER SCHOOLS TOOLKIT

Focused on AB 1505 and AB 1507

PREPARED BY

Lozano Smith's Charter School Practice Group

October 2019

GOVERNOR NEWSOM SIGNS COMPREHENSIVE REFORMS FOR CHARTER SCHOOLS



FIRM OVERVIEW

Practice Areas

Administrative Hearings
Charter School
Community College
Facilities & Business
Governance
Investigations
Labor & Employment
Litigation
Municipal
Public Finance
Public Safety
Special Education
Student
Technology & Innovation
Title IX

Statewide

Sacramento
Walnut Creek
Fresno
Monterey
Bakersfield
Los Angeles
Mission Viejo
San Diego

Authors

Edward J. Sklar
esklar@lozanosmith.com

Megan Macy
mmacy@lozanosmith.com

Erin M. Hamor
ehamor@lozanosmith.com

Courtney de Groof
cdegroof@lozanosmith.com

In the largest overhaul of California's Charter Schools Act ("Act") since it was enacted in 1992, Governor Gavin Newsom signed AB 1505 and AB 1507 on October 3, 2019. The Act authorizes the establishment and operation of charter schools in California. The closely watched and hotly debated reforms impact most aspects of charter school authorization, including oversight, appeals, and renewals. Enactment of AB 1505 and AB 1507 follows months of negotiations and compromises from both sides in the ongoing charter school debate.

BACKGROUND

Charter schools operate independently from school districts, but they require oversight from the school district or county board that authorizes them. In the last decade, California has seen unprecedented growth in the number of charter schools. According to the California Department of Education ("CDE"), there were approximately 1,306 charter schools and seven all-charter districts in California at the beginning of the 2018-19 academic year. With this growth has come criticism that the law was not keeping pace with necessary checks and balances on charter school operation and the impacts charter schools have on public school districts. These bills were introduced to correct deficiencies and close loopholes brought to light by litigation, including *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262 handled by Lozano Smith (see Client News Brief Number 5, January 2017), as well as a subsequent Legislative Audit examining charter school operation and oversight, and the work of the Governor's California Charter School Policy Task Force.

AB 1505

Most provisions of AB 1505 are set to go into effect on July 1, 2020. Major highlights of AB 1505 include the following changes:

- > **Petition Approval Criteria.** When considering whether or not to grant or deny a petition for a new charter school, a district may consider whether the charter school will serve the interests of the entire community in which the charter school is proposing to locate. Further, if a district meets certain criteria, the district may also consider whether or not it is positioned to absorb the fiscal impact of the proposed charter school.
- > **Petition Review Timelines.** The timeline for a school district to review an initial charter petition and a renewal petition has been extended. The district must hold a public hearing to consider the level of support for the petition 60 days after the petition is submitted, and the district must now hold a second public hearing to take action on a petition 90 days after the petition is submitted. Additionally, the governing board of a school district or county board of education is now required to publish all staff recommendations and findings regarding a charter petition at least 15 days before the public hearing at which the board will either approve or deny the initial or renewal petition. Petitioners must also be afforded equivalent time to present evidence and testimony to the governing board at the public hearing in which the petition will be approved or denied.



- > **Petition Renewal Criteria.** Charter petition renewals will be considered under a 3-tiered system whereby authorizers must consider the academic performance of the charter school on the state indicators included in the evaluation rubrics (the “Dashboard”) adopted by the State Board of Education (“SBE”). Under the tiered system, a “high performing” charter school may be renewed for five to seven years, an “middle performing” charter school may be renewed for five years, and a “low performing” charter school, generally, may not be renewed. However, under certain conditions, a “low performing” charter school may be renewed for a two year period. Additionally, the requirement to consider increases in pupil academic achievement as the most important factor in determining whether to grant or deny a renewal has been eliminated.
 - > **Appeal Process.** The new law modifies the appeal process for denials of a new charter school petition or renewal of an existing charter at both the county and state level in a variety of ways. For example, a petition submitted on appeal to a county board of education or the SBE containing “new or different material terms” will be immediately remanded back to be reconsidered by the district within 30 days of remand. Additionally, districts and county boards of education are required to prepare and submit an administrative record to the SBE upon request of the petitioners. The SBE may only reverse the denial of a petition or renewal if it finds there was an “abuse of discretion” by the county or district, or both. If a petition is approved on appeal to the SBE, either the district or county office of education will be designated as the authorizing authority, effectively eliminating the SBE as a charter school authorizer.
 - > **Nonclassroom-Based Charter Schools.** The new law creates a 2-year moratorium on the approval of a petition for the establishment of a new charter school offering nonclassroom-based instruction, effective January 1, 2020 to January 1, 2022. According to the California Charter School Policy Task Force Report, the two year freeze on nonclassroom-based charter school will allow advocates to spend the time studying issues related to the establishment of nonclassroom-based charter schools, such as their operational practices and performance, and to make further recommendations to ensure students are receiving appropriate instruction.
 - > **Teacher Credentialing.** Under prior law, charter school teachers were only required to hold a state-approved credential if teaching a Core course. Under the new law, all teachers hired after July 1, 2020 must have the appropriate credential for their certificated assignment regardless of whether they teach a core subject. All teachers employed at a charter school during the 2019-2020 school year without a credential will have until July 1, 2025 to obtain the appropriate credential for their certificated assignment. By July 1, 2020, all charter school teachers must also obtain a certificate of clearance and satisfy the requirements for professional fitness under the Education Code.
- AB 1507**
- AB 1507 makes two major changes to the location requirements for charters schools, effective January 1, 2020.
- > **Charter School Location.** Under prior law, a charter school that was unable to locate within the geographic boundaries of its authorizing district was permitted to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if specific requirements were satisfied. AB 1507 eliminates this loophole and requires all charter schools to locate within the geographic boundaries of the authorizing district. A charter school lawfully established outside the boundaries of the authorizing district, but within the county, before January 1, 2020, may continue to operate at the site until the charter school submits a renewal petition. At that time, to continue operating at the same location, the charter school must either obtain written approval from the district where the charter school is operating, or submit a renewal petition to the district in which the charter school is located.
 - > **Resource Centers.** Under prior law, a nonclassroom-based charter school was able to establish a resource center in a county adjacent to the county in which the charter school was authorized, if certain conditions were met. The new law eliminates the ability of a nonclassroom-based charter school to establish a resource center in an adjacent county. A charter school that was lawfully operating a resource center outside the geographic boundaries of the authorizing district before January 1, 2020, may continue to operate at the site until the charter school submits a renewal petition—at which time the charter school must obtain written approval from the district where the resource center is located to continue operations at the same site.



TAKEAWAYS

The current legislation reflects a shift in the charter school debate in this state. Rather than an emphasis on the performance of charter schools compared to district operated schools, the changes in the Act reflect a focus on the fiscal and operational impacts that new and existing charter schools have on public school districts. The enactment of AB 1505 and AB 1507 signals a policy shift in California and marks a victory for school districts that have been advocating for more local control of the approval, renewal, and oversight process. However, as part of the legislative compromise process, some significant new obligations have been placed on districts and will likely have long term impacts on the charter school landscape in California. In the short term, school districts should expect an influx of charter petition submissions in the coming months in anticipation of the comprehensive reforms going into effect on January 1, 2020 and July 1, 2020.

If you would like more information regarding AB 1505 and AB 1507, or if you have any questions regarding charter school authorization and oversight generally, please contact the authors of this Client News Brief or an attorney at one of our eight offices located statewide. You can also subscribe to our podcast, follow us on Facebook, Twitter, and LinkedIn or download our mobile app.

NEW CHARTER LEGISLATION TOOLKIT FREQUENTLY ASKED QUESTIONS



Petitioning

Q. WHAT IS THE NEW CHARTER PETITION REVIEW TIMELINE?

A. Effective July 1, 2020, a public hearing must be held within **60 days** after a school district or county office receives a charter petition to consider the level of support for the charter. The decision to grant or deny the petition must be made at a public hearing, within **90 days** of its receipt. The timeline to take action on a petition may be extended up to **30 days** through the mutual agreement of the parties.

Q. ARE TWO PUBLIC HEARINGS NOW REQUIRED WHEN CONSIDERING A CHARTER PETITION?

A. Yes, unless the decision to grant or deny the charter petition is made at the same time as the first public hearing.

Q. WHEN IS A CHARTER PETITION CONSIDERED “RECEIVED” BY A SCHOOL DISTRICT, TRIGGERING THE 60/90 DAY TIMELINE?

A. The law now specifies that a petition is considered “received,” triggering petition review timelines, on the day a petition is submitted to the district office along with a signed certification stating the petitioner deems the petition to be complete.

Q. WHAT IS THE NEW REQUIREMENT TO PUBLISH STAFF RECOMMENDATIONS REGARDING A CHARTER PETITION?

All staff recommendations, including the recommended findings regarding a petition, must be published at least **15 days** before the public hearing at which a school district or county board will either grant or deny the charter.

Q. WHAT DOES IT MEAN TO “PUBLISH” STAFF RECOMMENDATIONS AND FINDINGS?

A. AB 1505 appears to leave the method of publication up to the school district or county board. Potential methods of publication could include posting on a website, making copies available at the administrative office, posting the recommendations and findings in a publicly accessible place, or similar. Any method of posting should be Brown Act compliant.

Q. ARE THERE RULES GOVERNING HOW PETITIONERS MUST BE PERMITTED TO RESPOND TO STAFF RECOMMENDATIONS AND FINDINGS REGARDING A CHARTER PETITION?

A. Yes. During the public hearing to grant or deny a petition, petitioners must be given equivalent time and procedures as was given to staff to present evidence and testimony in response to the staff recommendations and findings.

Q. ARE THERE ANY NEW REQUIREMENTS RELATED TO MATERIAL REVISIONS TO A CHARTER PETITION?

A. Yes. At any point in time that a charter school proposes to expand operations to one or more additional sites, or grade levels, including if the proposal is made concurrent with a renewal, a material revision to the charter must be requested. This means charter schools submitting renewal requests seeking to expand operations to additional sites or grades must submit *both* a renewal petition and a request for a material revision.

Criteria for Granting or Denying Charter Petitions

Q. ARE THERE NEW CRITERIA UPON WHICH A CHARTER PETITION SUBMITTED TO A SCHOOL DISTRICT MAY BE DENIED?

A. Yes, there are two. A petition may now be denied where written findings are made indicating the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Separately, a petition may also be denied if an authorizing school district is not positioned to absorb the fiscal impact of the proposed charter school.

Q. WHAT DOES IT MEAN FOR A CHARTER SCHOOL TO BE DEMONSTRABLY UNLIKELY TO SERVE THE INTERESTS OF THE ENTIRE COMMUNITY IN WHICH IT PROPOSES TO LOCATE?

- A. Written findings must consider: (1) the extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings; and (2) whether the proposed charter school would duplicate a program currently offered within the school district, if the existing program has sufficient capacity for the students proposed to be served in proximity to where the charter school intends to locate.

Q. HOW CAN A SCHOOL DISTRICT DEMONSTRATE IT IS NOT POSITIONED TO ABSORB THE FISCAL IMPACT OF A PROPOSED CHARTER SCHOOL?

- A. A school district qualifies to assert this as a basis for denial if it has: (1) a negative interim certification, **or** (2) is under state receivership, **or** (3) has a qualified interim certification and the county superintendent of schools, in consultation with FCMAT, certifies that approving the charter school would result in the school district having a negative interim certification.

Petition Appeals

Q. MAY A PETITIONER STILL APPEAL A PETITION DENIAL TO THE COUNTY BOARD OF EDUCATION?

- A. Yes. A petition may be submitted on appeal to the county board within **30 days** of its denial by a school district. If the petition contains new or different material terms, the county board must immediately remand the petition to the school district board for reconsideration, which shall grant or deny the petition within **30 days**.

Q. WHAT DOES IT MEAN FOR A PETITION TO CONTAIN NEW OR DIFFERENT “MATERIAL TERMS”?

“Material terms” means the signatures, affirmations, disclosures, documents, and required element descriptions, but does not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county as the chartering authority.

Q. IF A COUNTY BOARD DENIES A PETITION ON APPEAL, MAY IT BE SUBMITTED ON APPEAL TO THE STATE BOARD OF EDUCATION (SBE)?

- A. Yes. A petition may be appealed to the SBE within **30 days** of denial at the county level. A petitioner must include the findings and documentary record from consideration of the petition at the district and county levels, along with a written submission, with specific citations to the documentary record, detailing how petitioner alleges the school district or the county board, or both, abused their discretion. If a petition contains new or different material terms, the SBE must immediately remand the petition to the school district board for reconsideration, which shall grant or deny the petition within **30 days**.

Q. WHO IS RESPONSIBLE FOR PREPARING THE DOCUMENTARY RECORD OF THE SCHOOL DISTRICT AND/OR COUNTY BOARD’S CONSIDERATION OF THE PETITION?

- A. Each school district and county board is responsible for preparing the documentary record of its own proceedings, at a petitioner’s request, including transcripts of the public hearing(s), if any, where the petition was denied. The record must be provided to a petitioner within **10 days** of such request.

Q. DOES THIS MEAN A SCHOOL DISTRICT OR COUNTY OFFICE IS REQUIRED TO RECORD AND TRANSCRIBE ITS PUBLIC HEARINGS TO CONSIDER CHARTER PETITIONS?

- A. This is an area of the new law that is open to interpretation. Discuss with legal counsel whether your school district or county office is now required to record and/or transcribe its meetings.

Q. IS A SCHOOL DISTRICT OR COUNTY BOARD PERMITTED TO RESPOND TO A PETITIONER’S ALLEGATIONS REGARDING ABUSE OF DISCRETION IN THE CHARTER PETITION APPROVAL PROCESS?

- A. Yes. Within **30 days** of receipt of an appeal submitted to the SBE, a school district or county board may submit a written opposition to the SBE detailing, with specific citations to the documentary record, opposing the appeal.

Q. UNDER WHAT CIRCUMSTANCES MAY THE SBE APPROVE A PETITION ON APPEAL?

- A. The SBE may reverse a petition denial only upon its determination that there was an abuse of discretion at the school district and/or county level.

Q. IF A CHARTER PETITION IS APPROVED ON APPEAL AT THE STATE BOARD LEVEL, WHO WILL BE THE CHARTERING AUTHORITY?

- A. The SBE is getting out of the charter authorizing business. If a petition denial is reversed by the SBE, either the school district or county board of education will be designated as chartering authority—a decision made by the SBE in consultation with petitioner.

Petition Renewals

Q. DOES AB 1505 PROVIDE NEW CRITERIA FOR CONSIDERING CHARTER PETITION RENEWALS?

- A. Yes. In effect, the new law establishes a three-tier system of charter renewal criteria based on a charter school's performance, depending on whether a charter school is generally low performing, middle, or high performing. Performance criteria are largely based on criteria from the State Dashboard.

Q. WHERE CAN I FIND A BREAKDOWN OF THE CRITERIA FOR THE NEW THREE-TIER RENEWAL SYSTEM?

- A. Lozano Smith has created a quick-reference chart explaining in detail the new criteria for considering charter renewal petitions. Please contact Client Services (clientservices@lozanosmith.com) to request a copy of the chart.

Q. WHAT CRITERIA ARE USED FOR CHARTER SCHOOLS NOT SCORED ON THE DASHBOARD?

- A. For charter schools eligible for alternate methods for calculating the state and local indicators, the chartering authority must consider the charter school's performance on alternative metrics applicable to the charter school based on the pupil population served.

Q. WHAT IF THE DASHBOARD INDICATORS ARE NOT AVAILABLE AT THE TIME OF RENEWAL?

- A. If the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the Dashboard indicators, such as data from the California Assessment of Student Performance and Progress (CASPP).

Credentialing and Fingerprint Clearance Requirements for Charter School Teachers

Q. IS IT TRUE THAT ALL CHARTER SCHOOL TEACHERS MUST NOW HOLD A TEACHING CREDENTIAL?

- A. Yes. Charter School teachers must hold the Commission on Teacher Credentialing (CTC) certificate, permit, or other document required for the teacher's certificated assignment. A charter school has authority to request an emergency permit or a waiver from the CTC, on a case-by-case basis, in the same manner as a school district.

Q. WILL CURRENT CHARTER SCHOOL TEACHERS WITHOUT CREDENTIALS BE GIVEN TIME TO COME INTO COMPLIANCE?

- A. Yes. Teachers employed by charter schools during the 2019–20 school year will have until July 1, 2025 to obtain the certificate required for the teacher's certificated assignment.

Q. WHAT IF A CHARTER SCHOOL TEACHER WORKED WITHOUT A CREDENTIAL IN PRIOR SCHOOL YEARS, BUT TOOK THE 2019-20 SCHOOL YEAR OFF?

- A. The new law provides an exception only for teachers working in the 2019–20 school year. Therefore, teachers who worked without a credential prior to this school year, and subsequently wish to work in the 2020–21 school year or thereafter, must comply with all new credentialing requirements.

Q. WHAT ARE THE NEW FINGERPRINT AND PROFESSIONAL CLEARANCE REQUIREMENTS FOR CHARTER SCHOOL TEACHERS?

A. By July 1, 2020, all charter school teachers must obtain a certificate of clearance from the CTC and satisfy the CTC's professional fitness requirements. This means all charter school teachers will be required to submit their fingerprints and information regarding their background to the CTC, and obtain Department of Justice and Federal Bureau of Investigation clearances, through the CTC.

Q. OUR CHARTER SCHOOL TEACHERS ALREADY HAVE LIVESCAN FINGERPRINT CLEARANCES ON FILE WITH THE DISTRICT. MUST TEACHERS BE RE-FINGERPRINTED THROUGH THE CTC?

A. Yes, if a teacher does not possess a current CTC certificate of clearance, the teacher will need to be re-fingerprinted in order to obtain one.

Charter School Location

Q. I UNDERSTAND NEW RESTRICTIONS HAVE BEEN PLACED ON WHERE A CHARTER SCHOOL MAY LOCATE. TRUE?

A. Yes. With very few exceptions, all charter schools must now operate within the geographic boundaries of the authorizing school district.

Q. IS A NONCLASSROOM-BASED CHARTER SCHOOL STILL PERMITTED TO OPERATE A SATELLITE FACILITY IN A COUNTY ADJACENT TO THE ONE IT IS AUTHORIZED IN?

A. No. Effective January 1, 2020, this exception, formerly located at Education Code section 47605.1(c), is eliminated.

Q. WHAT HAPPENS TO CHARTER SCHOOL FACILITIES LOCATED IN AN ADJACENT COUNTY AT THE TIME AB 1507 WAS ENACTED?

A. Charter school facilities lawfully located in an adjacent county, pursuant to section 47605.1(c) prior to January 1, 2020, may operate in their present location until the charter petition comes up for renewal. At that time, before submitting a renewal petition to its authorizer, a charter school must first obtain written permission from the school district(s) in which its satellite facility is located, to continue operating at the adjacent county location.

Q. WHERE MAY A NONCLASSROOM-BASED CHARTER SCHOOL NOW LOCATE ITS SATELLITE FACILITIES?

A. Going forward, a nonclassroom-based charter school may now operate a resource center, meeting space, or other satellite facility within the jurisdiction of the school district in which it is physically located, if: (1) the facility is used exclusively for the educational support of students enrolled in nonclassroom-based independent study of the charter school, and (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 charter school is authorized.

Q. DOES THE LAW PROVIDE FOR A CHARTER SCHOOL TO ESTABLISH ADDITIONAL FACILITIES WITHIN THE JURISDICTION OF THE CHARTERING AUTHORITY?

A. Yes, either a seat-based or nonclassroom-based charter school may establish additional facilities within the jurisdiction of the charter school's chartering authority, only if: (1) the charter school is physically located within the boundaries of the charter school's chartering authority, and (2) the charter school obtains written approval from the chartering authority for each additional facility.

Q. MAY A CHARTER SCHOOL STILL LOCATE ONE SITE OUTSIDE THE BOUNDARIES OF ITS AUTHORIZER, BUT WITHIN THE SAME COUNTY, IF IT ATTEMPTED, BUT WAS UNABLE, TO LOCATE WITHIN THE GEOGRAPHIC BOUNDARIES OF ITS AUTHORIZING SCHOOL DISTRICT?

A. No. Effective January 1, 2020, this exception, formerly located at Education Code sections 47605(a)(5) and 47605.1(d), was eliminated entirely.

Q. WHAT HAPPENS TO A CHARTER SCHOOL LOCATED AT A SITE OUTSIDE THE BOUNDARIES OF THE DISTRICT, BUT WITHIN THE SAME COUNTY, AT THE TIME AB 1507 WAS ENACTED?

- A. Charter schools lawfully located pursuant to sections 47605(a)(5) and/or 47605.1(d) prior to January 1, 2020 may operate in their present location until the charter petition comes up for renewal. At that time, a charter school must do one of the following: either (1) before submitting a renewal petition to its authorizer, first obtain written permission from the school district(s) in which the charter school is located, to continue operations at the same location; or (2) submit a renewal petition pursuant to section 47607, to the school district in which the charter school facility is *physically located*.

Q. IF A SCHOOL DISTRICT PROVIDES WRITTEN PERMISSION FOR A CHARTER SCHOOL TO LOCATE IN ITS BOUNDARIES, HOW LONG IS THAT PERMISSION GOOD FOR?

- A. The new law does not establish whether a school district's grant of permission constitutes *carte blanche* for a charter school to remain located within the boundaries of that district indefinitely. Although the law is unclear, it would seem permissible for a school district to place limiting language on any written permission it chooses to give—e.g., only for the life of the renewal petition, etc.

Q. DOES A GEOGRAPHIC LOCATION EXCEPTION STILL APPLY FOR CHARTER SCHOOLS OPERATING EXCLUSIVELY IN PARTNERSHIP WITH THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)?

- A. Yes. AB 1507 left intact the geographic location exception applicable to charter schools lawfully providing instruction in exclusive partnership with either WIOA, or another agency set forth in the amended Education Code section 47605.1(f).

Nonclassroom Based Charter School Moratorium

Q. WHO IS IMPACTED BY THE NEW CHARTER SCHOOL MORATORIUM?

- A. New law creates a two year moratorium, effective from January 1, 2020 to January 1, 2022, on the approval of a petition for the establishment of a new charter school offering nonclassroom-based instruction.

Q. DOES THIS APPLY TO HYBRID PROGRAMS INCLUDING BOTH SEAT-BASED AND NONCLASSROOM-BASED INSTRUCTION?

- A. Yes. While the new law does not address this point expressly, it forbids during the moratorium period granting *any* petition providing for nonclassroom-based instruction, as that term is defined by Education Code section 47612.5(e).

Q. ARE THERE ANY EXCEPTIONS TO THE MORATORIUM?

- A. Very few. If: (1) a nonclassroom based charter school is required to resubmit its petition to a chartering authority to in an adjacent county in which its resource center is located to comply with AB 1507, or to retain its current program offerings or enrollment, or (2) if a charter school is required to submit a petition to comply with the *Anderson* ruling or other court order and the petition is necessary to retain current program offerings or enrollment, then it may continue operating through the moratorium period, *but only if* the charter school was approved and serving pupils prior to October 1, 2019.

Q. WHAT IF A PETITIONER SUBMITS A CHARTER PETITION PROPOSING TO OFFER NONCLASSROOM-BASED EDUCATION DURING THE MORATORIUM PERIOD?

- A. Such a charter petition may not be lawfully approved. School districts and/or county offices of education may first wish to contact the petitioner with a reminder regarding the prohibition on nonclassroom-based education during the moratorium period. If a petitioner does not withdraw its petition, the reviewing agency should contact legal counsel to determine the most appropriate next steps.

Disclaimer: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2019 Lozano Smith All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license. - Rev. October 21, 2019

AB 1505 AND AB 1507 IMPLEMENTATION CHECKLIST



BOARD POLICIES

School districts and county offices of education should review current board policies and revise as necessary to reflect the new requirements of AB 1505 and/or AB 1507. To assist in this process, we understand CSBA will be revising its model policies in the coming months.

PETITION REVIEW MATRICES

Petition review matrices should be updated to reflect new petition review criteria. It may be advisable to develop a separate petition matrix for charter renewal petitions that reflects the new criteria for considering charter petition renewals. CARNet is in the process of updating its petition review matrix and will make it available to authorizers once finalized.

REVISE INTERNAL PETITION PROCESSING GUIDELINES FOR DISTRICT STAFF AND PETITIONERS

Authorizers should review internal charter petition processing guidelines provided to both district staff and petitioners, and revise as necessary to reflect new petitioning timelines and procedures.

DEPENDENT CHARTER SCHOOL COMPLIANCE AUDIT

Consider reviewing the petitions and operations of all currently authorized dependent charter schools to proactively determine whether compliance or other issues may arise under AB 1505 and/or AB 1507. Areas of consideration include, but are not be limited to:

- > Charter school geographic location
- > Teacher credentialing standards
- > Teacher fingerprint and professional clearance requirements
- > Charter school State Dashboard performance

Optionally, authorizers may consider initiating discussions with independently operated charter schools to determine if compliance issues are anticipated under the new legislation.

OPERATIONAL MEMORANDA OF UNDERSTANDING REVIEW

Conduct a review of any current, operational memoranda of understanding (MOU) agreements with charter schools to determine whether the MOUs may trigger potential issues under AB 1505 and/or AB 1507. Examples of potential issues that may arise include:

- > Charter renewal provisions
- > Material revision provisions
- > Facilities location provisions

COLLABORATION WITH AUTHORIZED CHARTER SCHOOLS

After reviewing current charter school petitions, operations, and MOUs, consider working collaboratively with current charter schools authorized to develop strategies for addressing any implementation concerns under AB 1505 and/or AB 1507.

TRAINING FOR KEY STAFF MEMBERS AND DISTRICT GOVERNING BOARD MEMBERS

Determine whether training on new legal requirements of AB 1505 and/or 1507 is advised for key staff members working in the areas of charter school petitioning or operations.

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2019 Lozano Smith - All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license. - Rev. October 21, 2019

AB 1505 – RENEWAL CRITERIA



High Performing Schools Education Code § 47607(c)	Middle Performing Schools Education Code § 47607.2(b)	Low Performing Schools Education Code § 47607.2(a)
<p>SHALL NOT DENY RENEWAL for a charter school that for two consecutive years immediately preceding renewal either:</p> <ol style="list-style-type: none"> 1. Scored green or blue schoolwide on all state indicators on the Dashboard;¹ <p>OR</p> <ol style="list-style-type: none"> 2. For all measurements of academic performance,² received performance levels schoolwide that are the same or higher than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels that are higher than the state average. 	<p>Charter schools not satisfying the “high performing” or “low performing” criteria should be evaluated under this column.</p> <ol style="list-style-type: none"> 1. Shall consider schoolwide performance and performance of all subgroups on the Dashboard,¹ and shall provide “greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.” 2. Shall also consider clear and convincing evidence, demonstrated by verified data,³ showing either: <ol style="list-style-type: none"> a. The school achieved measureable increases in academic achievement, as defined by at least one year’s progress for each year in school; <p>OR</p> <ol style="list-style-type: none"> b. Strong postsecondary outcomes equal to similar peers. <p>MAY DENY ONLY upon making written findings that:</p> <ol style="list-style-type: none"> 1. The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school; <p>AND</p> <ol style="list-style-type: none"> 2. The closure is in the best interest of the pupils; <p>AND</p> <ol style="list-style-type: none"> 3. The decision provided greater weight to the performance on measurements of academic performance. 	<p>SHALL NOT RENEW a charter school that for two consecutive years immediately preceding renewal either:</p> <ol style="list-style-type: none"> 1. Scored red or orange schoolwide on all state indicators on the Dashboard;¹ <p>OR</p> <ol style="list-style-type: none"> 2. For all measurements of academic performance, received performance levels schoolwide that are the same or lower than the state average, AND for a majority of subgroups performing statewide below the state average in each respective year, received levels that are lower than the state average. <p>However, MAY RENEW ONLY upon making both of the following written factual findings:</p> <ol style="list-style-type: none"> 1. The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school; <p>AND</p> <ol style="list-style-type: none"> 2. There is clear and convincing evidence, demonstrated by verified data, showing either: <ol style="list-style-type: none"> a. The school achieved measureable increases in academic achievement, as defined by at least one year’s progress for each year in school; <p>OR</p> <ol style="list-style-type: none"> b. Strong postsecondary outcomes equal to similar peers.
<p>For charter schools satisfying the criteria in this column:</p> <ul style="list-style-type: none"> > 5-7 year renewal term > Only required to update petition to include reasonably comprehensive description of any new requirements, and as necessary to reflect the current program offered by the charter school > Charter schools eligible for technical assistance not eligible for renewal under this column 	<p>For charter schools satisfying the criteria in this column:</p> <ul style="list-style-type: none"> > 5 year renewal term > Verified data considered for the next two subsequent renewals until January 1, 2026 	<p>For charter schools satisfying the criteria in this column:</p> <ul style="list-style-type: none"> > 2 year renewal term > Verified data considered until 6/30/2025 for a school operating on or before 6/30/2020 for the next two subsequent renewals

Notwithstanding 47607(c), 47607.2(a) and 47607.2(b), pursuant to 47607(e)

MAY DENY RENEWAL of any charter school upon a finding that either:

1. The charter school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors;

OR

2. The charter school is not serving the pupils who wish to attend, as documented by 47607(d).

Must provide 30 days' notice with a reasonable opportunity to cure the violation AND make a finding that either:

- a. The corrective action proposed by the charter school has been unsuccessful;

OR

- b. The violations are sufficiently severe and pervasive as to render a corrective action unviable.

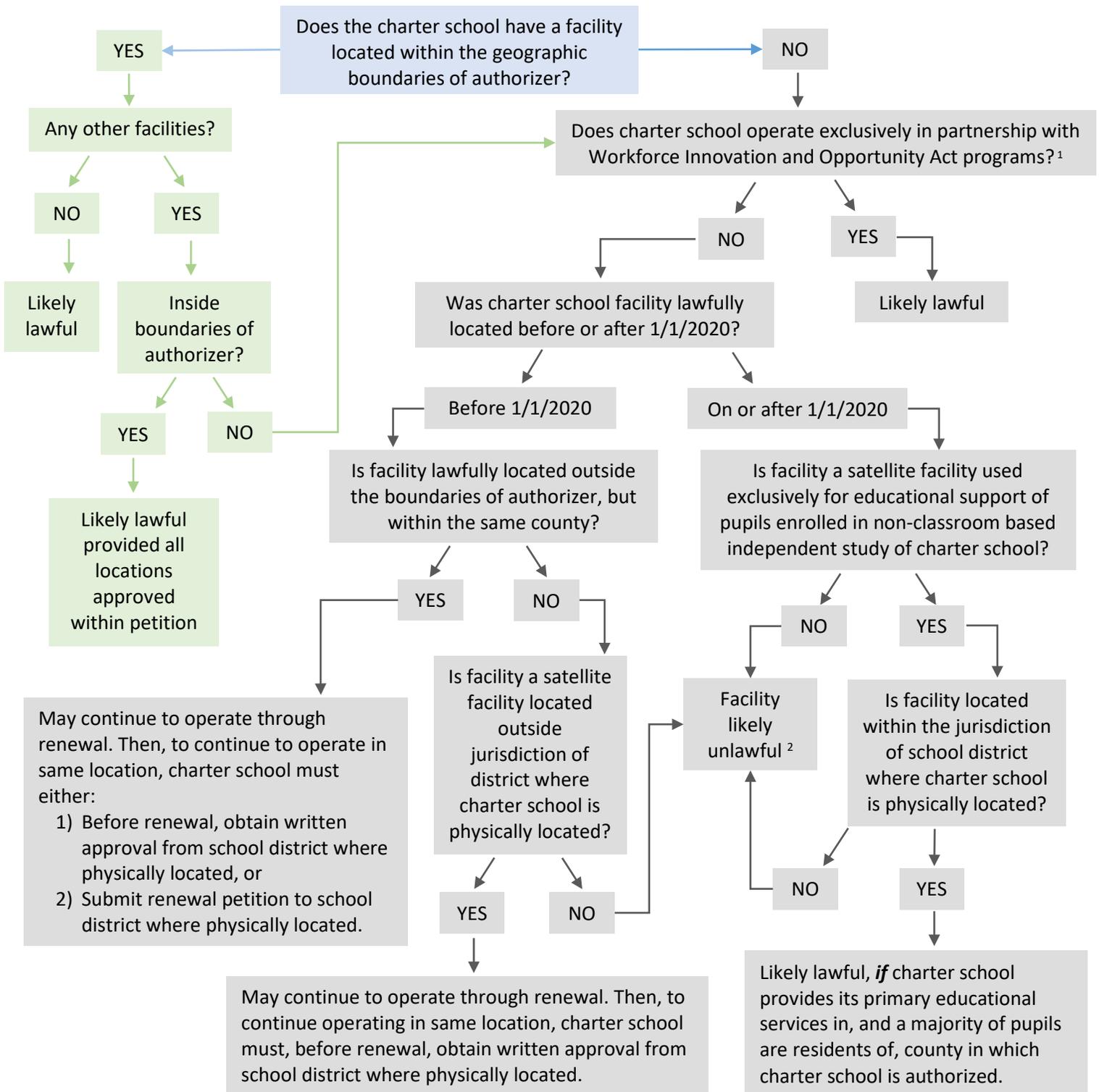
1 Schools with Dashboard Alternative School Status (DASS) are reviewed under alternative criteria.

2 "Measurement of academic performance" means indicators included in the evaluation rubrics adopted by the SBE based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator, and the college and career readiness indicator.

3 "Verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources externally produced, and includes measures of postsecondary outcomes. By January 1, 2021, the SBE shall establish criteria to define verified data and identify an approved list of valid and reliable assessment that shall be used for this purpose.

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2019 Lozano Smith - All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license. - Rev. October 21, 2019



¹ Or, in exclusive partnership with another program set forth in Education Code section 47605.1(f), as amended January 1, 2020.

² There are very limited exceptions to these rules, applicable on a fact-specific, case-by-case basis. For further guidance, contact your legal counsel.

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2019 Lozano Smith - All rights reserved. No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license. – Rev. October 23, 2019



Disclaimer: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2019 Lozano Smith.

No portion of this work may be copied, distributed, sold or used for any commercial advantage or private gain, nor any derivative work prepared therefrom, nor shall any sub-license be granted, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. By accepting this product, recipient agrees it shall not use the work except consistent with the terms of this limited license.