

Education Budget Trailer Bill (SB No. 75) Changes Charter School Admission, Enrollment, and LCAP Requirements, Among Others

August 07, 2019

On July 1, 2019, the Governor's signature codified Senate Bill 75, the Education Omnibus Trailer Bill, into California law. This bulletin summarizes the changes SB 75 made to existing laws related to charter schools, effectively immediately.

- Amends Education Code section 33050 to prohibit the State Board of Education from waiving Education Code sections: 2574 (county office state funding); 47632 (charter school state funding); 47635(i); 47652 (advanced apportionment for charter schools); 47660 (charter school excluded from district funds) 48310 (school district of choice state funding) and 48359.5 (basic aid school district funding) related to funding for county offices and charter schools.
- Amends Education Code section 47604.33, subdivision (c) to expand oversight authority by requiring the chartering authority to use financial *or other information* it obtains from the charter school to perform *all* oversight duties specified in 47604.32, subdivision (a), including monitoring and not just assessing *the fiscal condition of the charter school*.
- Amends Education Code section 47605(b)(5)(A)(ii)¹ to require a charter school petition to reasonably comprehensively describe annual goals for all pupils and for each subgroup of pupils identified in Education Code section 52052 in each of the state priority areas specified in Education Code section 52060 subdivision (d)(2)-(8) for each grade level served by the charter school, instead of only requiring charter schools to address priorities "that apply for... the nature of the program operated by the charter school."
- Adds Education Code paragraph (4) to subdivision (d) of section 47605² to more explicitly prohibit a charter school from discouraging enrollment or encouraging disenrollment of any pupil for any reason, and specifically for reasons based on academic performance, the pupil's nationality, race, ethnicity, or sexual orientation, or because the pupil is disabled, academically low-achieving, an English learner, neglected or delinquent, homeless, economically disadvantaged, or a foster youth.
 - Subparagraph (d)(4)(B) now prohibits a charter school from requesting a pupil's record or requiring a parent to provide a pupil's records prior to enrollment in the

- charter school.
- Subparagraph (d)(4)(D)(i)-(iii) requires the California Department of Education to develop a notice of the requirements of paragraph (4), and for the notice to be posted on the charter school's website and provided to parent/guardian/pupil 18 years or older anytime they inquire about enrollment, in advance of conducting any lottery on enrollment, and in advance of any disenrollment of the pupil from the charter school.
 - Subparagraph (d)(4)(E)(i)-(ii) expressly allows any person who suspects that a charter school has violated paragraph (4) may file a complaint with the chartering authority and for the California Department of Education to develop a template to be used for filing such complaints.
- Adds Education Code paragraph (5) to subdivision (d) of section 47605 to allow a charter school that operates in partnership with the California National Guard as of July 1, 2019 to dismiss a pupil from the charter school for failing to maintain the minimum standards of conduct required by the Military Department.
 - Amends Education Code section 47606.5 requiring the governing body of a charter school to hold a public hearing to adopt a local control and accountability plan using a template adopted by the state board, and adding paragraphs (e) through (h) to:
 - Require the governing body of a charter school to hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the local control and accountability plan or annual update to the local control and accountability plan, after posting the agenda at least 72 hours before the public hearing and making the local control and accountability plan or annual update to the local control and accountability plan available for public inspection at each site operated by the charter school.
 - Allow the governing body of a charter school to adopt revisions to a local control and accountability plan during the period the local control and accountability plan is in effect only if it follows the process to adopt a local control and accountability plan pursuant to this section and the revisions are adopted in a public meeting.
 - Require charter schools to submit the adopted or revised local control and accountability plan to its chartering authority and the county superintendent of schools as part of annual report requirements of Section 47604.33.
 - Requires charter schools to prominently post on the homepage of their website any local control and accountability plan adopted by the governing body of the charter school, and any updates or revisions to a local control and accountability plan approved by the governing body of the charter school.
 - Amends the definition of "sponsoring local educational agency" in Education Code section 47632(i)(3) for purposes of determining in lieu property tax funding due to a state-authorized charter from the district that initially denied the charter petition to the school district designated by the State Board or, if no such designated district, to the pupil's



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- school district of residence if the school district of residence is a basic aid district.
- Amends Education Code section 48985 to extend existing written translation and response requirements for public schools to charter schools for all notices, reports, statements, or records sent to parents anytime 15% or more of the pupils enrolled in the charter school speak a single primary language other than English.
 - Amends Education Code section 52065 to require the superintendents of school districts, county offices of education, and the State Superintendent to post on the homepage the agency's website any local control and accountability plan approved by the governing board of the school district, governing body of a charter school, or the county office, or links to those plans, of those agencies within its jurisdiction.

If you have any questions regarding this report, please do not hesitate to contact a DWK attorney in our Charter Schools practice group.

¹ Same changes made as to countywide charter schools in 47605.6

² Same changes made as to countywide charter schools in 47605.6

PRACTICE AREAS

- Charter Schools