

New Petitions



In 2019, the Legislature enacted the most substantial changes to California's charter school laws since passage of the original California Charter Schools Act in 1992. These changes resulted from increased demands from district *and* charter parents, educators, administrators, and school board members, as communities throughout California faced the negative impacts of unregulated charter school growth, as well as increasing concerns that charter schools do not serve all students.

The new laws contain significant changes to new charter school petition timelines and content requirements, as well as new reasons they can be denied, including:

Protect the Interests of the Entire Community:
Consider the Impacts of New Charters on District Finances, Facilities, Programs & Services
(Effective July 1, 2020)

Under AB 1505, there are now additional factors that a district must consider in granting or denying a petition, including:

- Whether the charter school is demonstrably unlikely to serve the interests of the entire community in which the school proposes to locate, a finding which shall include consideration of the fiscal impact of the proposed charter school, and
- The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings, and
- Whether the proposed charter school would duplicate programs with existing capacity that are currently offered within the school district.

Legislative Intent:

“This bill allows school districts to have flexibility to consider the community impact, including the fiscal impact to the school district, when a new charter school, or existing charter school that is expanding, presents a petition to the school district. If a charter school is not enrolling as many students with disabilities, especially severely disabled students, the resulting negative fiscal impact on the school district may be considered during renewal if the charter school proposes to expand. Additionally, my intent is to authorize school districts to consider the impact that a charter school would have on school district programs such as English Learner instruction, hands-on science, music, and theater. The challenges of sharing space with a charter school may limit use of science labs, music rooms, and computer labs, and these are some of the factors AB 1505 will allow school districts to consider before a new or expanding charter school is approved. Further, school districts may consider the staffing needs of district services and programs that might be impacted by a charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter school, school boards must take this into account in order to meet the needs of all students.”¹

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¹ California State Assembly, Floor Analysis, September 9, 2019

Protect Districts in Fiscal Distress

(Effective July 1, 2020)

AB 1505 also adds a provision that allows denial when a school district is not positioned to absorb the fiscal impact of a proposed charter school, including a rebuttable presumption of denial in districts that are facing certain fiscal challenges. These fiscal challenges include:

- The district is under state receivership,
- The district has a negative interim certification of its financial reports, or
- The district has a qualified interim certification of its financial reports, that would lead to a negative certification if a new charter school is approved (the County Superintendent, in consultation with FCMAT, must agree).

In other words, previously a charter petition must have been granted, *unless* the chartering authority made written findings setting forth specific facts supporting denial. Under this provision, the petition must *be denied* unless the petitioner can specifically overcome the presumption of denial.

Charters Must Plan to Serve ALL Students

(Effective July 1, 2020)

AB 1505 strengthens existing law by adding a requirement that charter school petitions contain a description of how the petitioner will achieve a balance of English learners and students with disabilities, along with the previously required racial and ethnic balance, that is reflective of the school district (or county, in the case of countywide schools).

Extended Petition Timelines

(Effective July 1, 2020)

AB 1505 gives charter school authorizers additional time to do their due diligence on new charter school petitions by allowing 60 days (previously 30 days for school districts) from receiving a petition until a public hearing is held, and allowing 90 days (previously 60 days for school districts) from receiving a petition until a vote is taken. The law continues to allow a 30-day extension of this timeline (up to 120 days total) by mutual agreement of the petitioner and the school district.

Nonclassroom- Based Moratorium

(Effective January 1, 2020)

AB 1505 establishes a moratorium of two years (January 1, 2020 until January 2, 2022) on new nonclassroom-based charter schools (including home, independent study, and virtual schools). In light of the increased scrutiny on this sector of the charter school industry, this moratorium will provide time to make much-needed adjustments to ensure all students receive the tools, resources, and overall quality education they deserve.

No New Charters Outside Authorizing District or County

(Effective January 1, 2020)

Prior to the 2019 changes, a charter school that could not find a suitable facility inside its chartering school district or needed a temporary facility during construction of a permanent facility could locate outside its authorizing district, but within the same county. This exemption has been removed by AB 1507. Beginning January 1, 2020, new charter schools are required to be located inside their authorizing school district.

These changes represent a significant overhaul of existing laws, and it is important that they are implemented correctly from the start. Use our new rapid response hotline for **questions** or to **report new charter school petitions or requests to expand** in your district:



(650) 525-4362



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www.cta.org/charters