

Issue 10

June 1, 2014

Dear ,

Please find below the HK School Law Monthly Newsletter for June 2014. We appreciate your interest and look forward to hearing from you soon.

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Quick Links



[*Litigation Update: Cruz et al. v. State of California*](#)

On May 29, 2014, the ACLU filed a class action suit in Alameda Superior Court claiming that students in high poverty schools in California are not receiving the same learning time in school that other students receive. The link above to a story by NPR outlines the basic nature of the case. The implications of the case could be far reaching, and we will update our readers with information as it becomes available.

[*Reminder: Annual Charter Schools Survey*](#)

Now is the time to update your school's CDE data. While not mandatory, the Charter Schools Division states "that the information provided in the Charter Schools Annual Information Survey may be necessary in order for charter schools to complete the...PENSEC...Report and/or Charter School 20 Day Attendance Report." Because this data is also publicly accessible, we urge all schools to click the link above to complete the Annual Survey.

[*News Alert: New Orleans District Moves To An All-Charter System*](#)

The so-called "Recovery School District," a Louisiana state control board that runs most schools in New Orleans, shut down the last of its five traditional public schools in New Orleans this week, making it the first all-charter system in the nation. Read the story above..

CURRENT LEGISLATION AFFECTING CHARTER SCHOOLS

OVERVIEW

This legislative season has been busy with regard to charter schools. As the summer break nears for most schools, we wanted to provide a brief "wrap up" of current legislation still pending. We urge you to read these updates and take action as you desire. HK School Law does not advocate for or against any particular legislative effort.

SB837: The Kindergarten Readiness Act.

Summary: This legislation require LEA's and charter schools offering kindergarten to offer transitional kindergarten and would further authorize the ADA to include pupils enrolled in transitional kindergarten to receive a pupil base grant for apportionment purposes. The Bill also requires transitional kindergarten to be taught by teachers and paraprofessionals who meet specialized educational requirements, and that the classroom educational program include specified elements that promote integration and alignment with the early learning and child care system and the elementary education system. Further, it places a mandate on charter schools currently offering kindergarten.

Impact on Charters: SB 837 requires charter schools, as a condition of receiving apportionments for transitional kindergarten, to: (a) Admit to transitional kindergarten in the 2012-13 school year a child who will have his or her fifth birthday between November 2 and December 2; (b) Admit to transitional kindergarten in the 2013-14 school year a child who will have his or her fifth birthday between October 2 and December 2; and (c) Admit to transitional kindergarten in the 2014-15 school year, and each year thereafter, a child who will have his or her fifth birthday between September 2 and December 2.

AB925: New Petition Requirements.

Summary: AB925 proposes a new petition requirement; namely, that petitioners include a description of the personnel policies and procedures of the charter school, including, but not limited to, those related to jury duty, vacations, holidays, employee discipline, and leave for pregnancy, bereavement, and illness.

Impact on Charters: Adding this new requirement would substantively modify the traditional at-will employer-employee relationship that most charter schools currently have with their employees and would likely impose unique requirements on charter school employers that are different than those imposed on at-will employers. In particular, authorizers may attempt to review and dictate personnel policies for charter schools as a result of this proposed law. The new requirement would likely serve to increase the length of petitions and result in cost increases for charter school petitioners. Further, this new requirement would likely require a material revision to a charter school petition each time the school updates its personnel policies.

AB1034: Revisions to Charter School Admission and Lottery Petition Elements.

Summary: This Bill proposes to "clarify" the requirement that charter school petitions describe their admission policies and procedures. This law would require that the description of admissions policies and procedures (1) make clear that parental involvement can be recommended, but is not an admission requirement, and (2) authorize lottery preferences to be extended on an individual school basis, provided that the preferences ensure access for pupils with disabilities, academically low-achieving pupils, English learners, and low-income pupils.

Impact on Charter Schools: This bill would require modifications to the admissions policies and procedures description in new and renewal charter school petitions.

AB1172: Charter School Approval Process.

Summary: AB1172 allows a school district to deny a charter school petition based on negative fiscal impact to the district.

Impact on Charter Schools: If passed, this law would permit a school district to deny a charter school petition simply because the charter school would have a net negative fiscal impact on the school district, which would likely allow school districts to deny charter schools based on the fact that the charter school would take enrollment from the school district.

AB1568: Regulation of the Charter School Lottery Process.

Summary: This Bill specifically excludes the contribution of time and money as preferences in any enrollment lottery a charter school conducts.

Impact on Charter Schools: This law would prevent a charter school from granting enrollment preferences to families that donated either time or money to the charter school.

AB2032: State Regulation of Charter School Discipline Policies.

Summary: This law proposes to require that charter school suspension and expulsion petition policies specify the following procedures: (a) The list of acts for which a student must or may be suspended or expelled; (b) the suspension and expulsion procedures the school will follow; (c) the procedures by which parents and students will be informed about the action, and their due process rights; and (d) the process by which the procedures will be periodically reviewed.

Impact on Charter Schools: Current law already requires that charter school petitions specify their suspension and expulsion procedure. If an authorizer is concerned with a charter school's suspension or expulsion policies, it has the right to request changes to those procedures during the charter review process. This legislation would presumably mandate that charter schools function more like traditional public schools with regard to suspension and expulsion policies, although the potential impact of this law on charter school petitioners (both new and renewing) is difficult to predict. It is likely that the new law would allow authorizers greater authority to dictate the suspension and expulsion policies and procedures of a charter school.

AB1263: Charter Schools Location.

Summary: AB1263 proposes to eliminate the authority of a charter school to locate outside the jurisdiction or geographic boundaries of the chartering school district. Existing law authorizes a charter school that is unable to locate within the jurisdiction or geographic boundaries of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if (a) the school district where the charter school proposes to operate is notified in advance of the charter petition approval; (b) the county superintendent of schools is notified of the location of the charter school before it commences operations; and (c) either the charter school has attempted to locate a single site or facility to house the entire program, but such a site or facility is unavailable in the area in which the school chooses to locate or the site is needed for temporary use during a construction or expansion project. This bill would eliminate a charter school's ability to locate outside the jurisdiction or geographic boundaries of the chartering school district, as described above.

Impact on Charter Schools: Many charter schools across California have already located outside the jurisdiction or geographic boundaries of the chartering school district that authorized their charter and many charter schools will continue to require this flexibility. While difficult to predict, the inability of a charter school to locate outside the jurisdiction or geographical boundaries of its authorizing district could prevent certain new charter schools from opening by limiting their facilities options.

AB948: Charter School Facility Grant Program.

Summary: The California Charter Schools Association sponsored this legislation, which proposes to expand the SB 740 facility grant program by lowering the threshold for eligibility. Currently, the free-and-reduced-price-meal program threshold for eligibility is 70%. This bill proposes to lower the threshold to 60% as funds allow, and the bill would make technical changes such as applying the audit guide to the program.

Impact on Charter Schools: By lowering the threshold, AB 948 would increase the number of charter schools eligible for SB 740 grant money. Many charter schools spend upwards of 20% of their budget on facilities, and sponsors of AB 948 argue that the bill would allow charters to spend more money on educational programs rather than facilities costs.

WHAT YOU CAN DO

- The legislative process needs your input to work correctly. Advocate for or against those bills as you see fit.
- Watch for [Action Alerts](#) on the CCSA website.
- Contact [your legislators](#) to voice your opinion.

QUESTIONS?

As always, if you have questions about this newsletter or any other matter, please contact us at any time for guidance.

Regards,

HK School Law

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