

Parameters and Guidelines

Education Code § 47605

Education Code § 47607

Chapter 781, Statutes of 1992

Charter Schools

I. Summary of the Source of the Mandate

Chapter 781, Statutes of 1992, effective January 1, 1993, added Part 26.8 to the Education Code, commencing with Section 47600 to establish a process for individuals to petition local school district governing boards to establish charter schools which would be exempt from state laws governing school district programs, except for those encompassed in the charter. Various requirements of the Charter Schools Act of 1992 establish specific responsibilities for school district and county office of education governing boards:

Section 47605, subdivision (b), requires the governing board of a school district hold a public hearing to consider the level of employee and parental support for a petition within thirty days of receiving a petition. Within sixty days of receiving a petition, subject to one thirty-day continuance by agreement of the parties, the governing board of a school district shall either grant or deny the petition according to thirteen conditions specified in subdivision (b) and the conditions stated in subdivision (h), generally referred to as the “elements of a school charter.”

Section 47605, subdivision (g), authorizes the governing board of a school district to request additional information from petitioners.

Section 47605, subdivision (j) (1), requires the governing body of a county office of education to select and convene a review panel at the request of any petitioner whose charter petition was denied by the school district governing board.

Section 47605, subdivision (j) (2), requires the review panel to make a determination regarding the actions of the school district governing board and either agree with the decision or resubmit the charter petition to the school district governing board for reconsideration.

Section 47605, subdivision (j) (3), requires the school district governing board to rehear the charter petition upon remand from the county office of education review committee. If the school district governing board once again denies the petition, the county office of education governing board must hold a public hearing in the manner specified in subdivision (b) and either grant the charter or not.

Section 47607, subdivision (a), authorizes the charter granting authority to revise and renew charters. Subdivision (b) authorizes the charter granting authority to revoke charters for specified reasons.

II. Commission on State Mandates' Decision

The Commission on State Mandates, in the Statement of Decision adopted at the July 21, 1994 hearing found that Education Code sections 47605 and 47607 as added by Chapter 781, Statutes of 1992 impose a new program or higher level of service within the meaning section 6, Article XIII B of the California Constitution for school districts and county offices of education.

The Commission determined that the following provisions of Education Code sections 47605 and 47607 establish costs mandated by the state pursuant to Government Code section 17514, by requiring the governing boards of school districts which have received a charter school petition to:

- (1) Respond to requests for information from the public regarding the Charter Schools Act.
- (2) Conduct a public hearing to consider the level of community support for the petition within thirty days of receiving a petition.
- (3) Review and evaluate the petition for its compliance with the conditions stated in the Charter Schools Act.
- (4) Grant or deny the petition within sixty days of receiving the petition, subject to one thirty-day continuance by agreement of the parties.
- (5) If the petition is denied by the school district and appealed by the petitioners to the county office of education, respond to the inquiry of the panel convened by the county superintendent to review the action of the school district governing board.
- (6) Reconsider the charter petition if so requested by the county office review panel.
- (7) Monitor the charter school performance to determine if it has achieved its goals and objectives, and upon cause, hear and decide upon a revocation of the charter.
- (8) Evaluate and decide upon requests for revision or renewal of charters approved by the district.

The Commission determined that the following provisions of Education Code Sections 47605 and 47607 establish costs mandated by the state pursuant to Government Code section 17514, by requiring the superintendent or governing board of county offices of education to:

- (9) At the request of petitioners whose petition has been denied by the school district, select and convene a review panel of three governing board members and three teachers from other school districts to determine if the school board governing board acted properly in denying the petition, and if necessary, request the school district governing board to reconsider the charter petition.

(10) At the request of petitioners whose petition has been denied again upon reconsideration by the school district, conduct a public hearing within thirty days of receiving a petition to consider the level of community support for a county office of education charter school.

(11) Review and evaluate the petition for its compliance with the conditions stated in the Charter Schools Act.

(12) Grant or deny the petition within sixty days of receiving the petition, subject to one thirty-day continuance by agreement of the parties.

(13) Monitor the charter school performance to determine if it has achieved its goals and objectives, and upon cause, hear and decide upon a revocation of the charter.

(14) Evaluate and decide upon requests for revision or renewal of charters approved by the county.

The Commission determined that the following provisions of Education Code Sections 47605 and 47607 establish costs mandated by the state pursuant to Government Code section 17514, by requiring other school districts to:

(15) Provide district personnel to participate in the review panel convened by the county superintendent of schools.

The Commission determined that Education Code sections 47605 and 47607 did not establish costs mandated by the state pursuant to Government Code section 17514, for governing boards of school districts and county offices of education to:

(16) Plan and prepare procedures for implementation of the Charter Schools Act.

(17) Disseminate information regarding charter schools to staff, students, parents, and the community.

III. Eligible Claimants

Any “school district”, as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

IV. Period of Reimbursement

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was received by the Commission on December 1, 1993, therefore all mandated costs incurred on or after the operative date of January 1, 1993, for implementation of Education Code sections 47605 and 47607 as added by Chapter 781, Statutes 1992 are reimbursable.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Section 17561 (d) (3) of the Government Code, all claims for reimbursement of initial years costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

V. Reimbursable Costs

A. Scope of the Mandate

1. For school districts which have received an original charter school petition and county offices of education which have received a petition subsequent to its denial upon reconsideration by the school district, to: respond to requests for information from the public; conduct a public hearing to consider the level of community support for the petition; review and evaluate the petition for its compliance with the conditions stated in the Charter Schools Act; grant or deny the petition within sixty days of receiving the petition, subject to one thirty-day continuance by agreement of the parties; monitor the charter school performance to determine if it has achieved its goals and objectives; upon cause, hear and decide upon a revocation of the charter; and evaluate and decide upon requests for revision or renewal of charters.
2. For county offices of education which have received an appeal of a charter school denied by a school district to: select and convene a review panel of three governing board members and three teachers from other school districts to determine if the school board governing board acted properly in denying the petition, and if necessary, request the school district governing board to reconsider the charter petition.
3. For school districts which have denied an original charter school petition, to: respond to the inquiry of the panel review convened by the county superintendent and reconsider the charter petition if so requested.
4. For other school districts to provide personnel to take part in the review panel convened by the county superintendent of schools.

B. Reimbursable Activities

For each eligible school district and county office of education, the direct and indirect costs of labor, supplies and services incurred for the following mandate components are reimbursable:

1. Responding to information requests

Providing information, upon request, to the community regarding the Charter Schools Act of 1992 and governing board's charter policy and procedures.

2. Evaluating Petitions

Administrative review and evaluation of qualified charter petitions for compliance with criteria for the granting of charters.

3. Public hearings

Administrative preparation for the conducting of public hearings needed to reach a determination for adoption, reconsideration, renewal, revision, revocation, or appeal of a petition.

4. Monitoring the charter

Subsequent administrative review, analysis, and reporting on the charter school's performance for purposes of charter reconsideration, renewal, revision, evaluation, or revocation by the governing body.

5. Petition appeals

Staffing and convening the county office review panel, conducting the analysis of the school district decision process, responding to the review panel inquiries and requests, and reporting to the involved parties.

VI. Claim Preparation

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

A. Reporting by Components

Claimed costs must be allocated according to the five components of reimbursable activity described in Section V. B.

B. Supporting Documentation

Claimed costs should be supported by the following information:

1. Employee Salaries and Benefits

Identify the employee(s) and their job classification, describe the mandated functions performed, and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Materials and Supplies

Only the expenditures that can be identified as a direct cost of the mandate can be claimed. List cost of materials which have been consumed or expended specifically for the purpose of this mandate.

3. Contract Services

Give the name(s) of the contractor(s) who performed the service(s). Describe the activities performed by each named contractor, and give the number of actual hours spent on the activities. Show the inclusive dates when services were performed and itemize all costs for those services.

4. Allowable Overhead Costs

- a. School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.
- b. County offices of education must use the J-580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the State Department of Education.

VII. Supporting Data

For reporting purposes, all costs claimed must be traceable to source documents and/or worksheets that show evidence of the validity of such costs. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than four years after the end of the calendar year in which the reimbursement claim is filed, and made available on the request of the State Controller.

VIII. Offsetting Savings and Other Reimbursements

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., service fees collected, federal funds, other state funds, etc., shall be identified and deducted from this claim. The Commission has not identified any specific offsetting savings from state or federal sources applicable to this mandate.

IX. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.