

AB 1505 and New Charter Petitions

OUSD Office of Charter Schools
Charter Matters Committee
September 22, 2022



**OAKLAND UNIFIED
SCHOOL DISTRICT**

Community Schools, Thriving Students

Background

- AB 1505 updated charter law and included many substantial changes, most of which went into effect on July 1, 2020. In the 2020-21 school year, OUSD received one new charter petition request with this new law in place. No new petitions have been submitted to OUSD since the 2020-21 school year.
- This deck summarizes the changes that AB 1505 made to education code with regards to the legal processes related to new charter petition submission and district review.

New Charter Petition Review Timeline

Step 1:
Petitioner submits
new charter
petition to OUSD

Step 2:
Initial public
hearing is held
within 60 days of
submission

Step 3:
Decision hearing
and OUSD Board
vote is held
within 90 days of
submission*

*Staff report and recommendations are published 15 days prior to the decision hearing

Education Code Requirements for New Petitions

Education Code states that a board shall not deny a new petition unless specific findings are made. Most new petition content requirements did not change under AB 1505. As such, new petitions can continue to be denied with any of the following findings:

- The petition presents an unsound educational program, *OR*
- The petitioners are demonstrably unlikely to successfully implement the program, *OR*
- The petition does not contain a reasonably comprehensive description of the 15 required charter elements (see appendix), *OR*
- The petition does not contain the required number of signatures*, *OR*
- The petition does not contain the required affirmations outlined in EC §47605(e)**

*Signatures from meaningfully interested parents or teachers (half the number of students to be served in first year or half the number of teachers to be employed in first year)

**Requires that a charter school be nonsectarian in its programs, admission policies, employment practices, and all other operations; that it not discriminate against any pupil; and not charge tuition

Additional Findings for Denial of New Petitions

- AB 1505 added two additional findings that may be used to deny a new charter petition:
 1. Community impact: “The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate”
 2. Fiscal impact: “The school district is not positioned to absorb the fiscal impact of the proposed charter school”
- AB 1505 also requires districts to “consider the academic needs of the students the school proposes to serve” when making any denial finding.

“The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate...”

[AB 1505 Sec. 2.3 – EC 47605(c)(7)]

- “A written factual finding under this paragraph must detail specific facts and circumstances that analyze and consider the following factors:
 - a) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.
 - b) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.”

“The school district is not positioned to absorb the fiscal impact of the proposed charter school...”

[AB 1505 Sec. 2.3 – EC 47605(c)(8)]

Per Education Code, a school district may only use this criteria if the district:

- a) has a qualified interim certification and the county superintendent of schools, in consultation with the County Office FCMAT, certifies that approving the charter school would result in the school district having a negative interim certification, *or*
- b) has a negative interim certification, *or*
- c) is under state receivership.

Appeal Process

- If a district board denies a renewal petition, a petitioner has 30 days to submit an appeal to the county board. The appeal petition cannot contain material changes to the previously submitted petition.
- If both the district and the county deny a renewal petition, the petitioner can appeal to the State Board of Education. SBE can only overturn county or district denials if they find that there was an “abuse of discretion” in denying the petition.
 - The State is no longer authorizing charters after phase-out period.

Other Notes on New Petitions Under AB 1505

- Petitions must now contain a description of how the petitioner will achieve a balance of English learners and students with disabilities, along with the previously required description of achieving a racial and ethnic balance that is reflective of the district.
- New charter schools are now required to be located within the boundaries of their authorizing school district.

Resources

- Education Code §47605:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=47605
- Full text of AB 1505:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1505
- CDE abuse of discretion review standard:
<https://www.cde.ca.gov/be/pn/im/documents/jun22memocsd01.docx>
- OCS website page on new petitions:
<https://www.ousdcharters.net/applying-charter-schools.html>

Questions?



Appendix

Summary of the 15 Required Elements

Element Description	Education Code § 47605(c)(5) Subparagraph
1. Description of the educational program of the school, including what it means to be an “educated person” in the 21st century and how learning best occurs.	(A)
2. Measurable student outcomes	(B)
3. Method by which student progress is to be measured	(C)
4. Governance structure	(D)
5. Qualifications to be met by individuals employed at the school	(E)
6. Procedures for ensuring health and safety of students	(F)
7. Means for achieving a balance of racial and ethnic, English learner, and special education students ¹⁸	(G)
8. Admission policies and procedures	(H)
9. Manner for conducting annual, independent financial audits and manner in which audit exceptions and deficiencies will be resolved	(I)
10. Suspension and expulsion procedures	(J)
11. Manner for covering STRS, PERS, or Social Security	(K)
12. Attendance alternatives for students residing within the district	(L)
13. Employee rights of return, if any	(M)
14. Dispute resolution procedure for school-authorizer issues	(N)
15. Procedures for school closure	(O)



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