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ELIMINATION OF CHARTER SCHOOLS. INITIATIVE STATUTE.

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Date: December 7, 2015

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DEC 07 2015

Initiative Coordinator
Office of the Attorney General
State of California
1300 I Street, 17th Floor
Sacramento, CA 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: The Public Education Restoration Act of 2016

As a proponent of the "Public Education Restoration Act of 2016 (15-0114)", I am amending our initiative. Our amendment deletes (italicized and lined out) part of the language in Article II, section (a) and adds the deleted language to an earlier part of Article II, section (a) (bold and underlined). Our amendment also deletes language in Article II, section (b) (italicized and lined out). I have enclosed an amended copy of our initiative with the language to be deleted italicized and lined out and the added language bold and underlined.

Thank you for your attention in processing this request,

Diana Mansker



Proponent

Please direct all correspondence and inquiries to:

Repeal Charter School Laws Committee
Attention: Diana Mansker
7753 Laurie Way
Sacramento, CA 95832
916-391-3384

SECTION 1. This act shall be known, and may be cited, as the Public School Restoration Act of 2016.

SEC. 2. (a) The people of California find and declare all of the following:

(1) The charter school movement has become a major tool for the corporate takeover of California public schools. Charter schools have harmed communities, parents, and educators by weakening the fair funding of California's public education system. Charter schools have also severely weakened democratic policymaking, as charter schools have nonelected, private governing boards that are unaccountable to the taxpayers. Charter schools are exempt from most laws governing public schools and school districts. Charter school investors see our public schools as profitable business opportunities, and view our children's educations as commodities to be sold at a profit.

(2) Charter schools often reject pupils with low test scores, pupils with behavior issues, pupils with special needs, and pupils who are English language learners. Too often, charter schools falsify records, commit enrollment fraud, embezzle public funds, and allow unlicensed instructors to teach in low-income areas. All of these practices have led to the segregation of pupil populations. Over the last 23 years, charter schools received a huge amount of public funds, yet have had no effective public accountability. Charter schools also commit union busting tactics, such as prohibiting workers from bargaining collectively, shattering communities by closing down schools in predominantly low-income areas, unjustly firing credentialed teachers, and draining public funds from the entire public education budget.

(3) The billionaires funding EdVoice, the California Charter School Association, and Democrats for Education Reform are supporting candidates and local programs that would dismantle the constitutional guarantee of a free public education for every pupil in California and replace it with company-run charter schools, noncredentialed teachers, and unproven, untested, so-called "reforms."

(b) Therefore, it is the goal of this measure to accomplish all of the following through the elimination of charter schools and virtual charter schools by the repeal of the Charter Schools Act of 1992:

(1) To terminate the existence of all charter schools in this state, whether those charter schools are located in conventional buildings or operate online. Existing charter schools would either convert to a traditional public school, also known as a common school, or close, depending on factors such as cost and pupil enrollment, with those decisions to be made by local school districts. If the decision is made to close a charter school, the pupils displaced by the termination of charter schools shall be appropriately and promptly accommodated in public schools.

(2) To end the privatization and segregation of our public schools caused by the charter school system, and to support the real needs of the classroom: trained teachers, adequate funding, safe and clean facilities, diverse and stimulating curriculum, and equal access to a high-quality public education administered by publicly elected school boards. No public money shall ever be appropriated for the support of any school not under the exclusive control of the officers of the public schools, as required by Section 8 of Article IX of the California Constitution.

(3) To ensure that free, accessible public schools are able to offer to all of their pupils a fair, substantive opportunity to learn from educators who have the right to be represented by their unions and to bargain collectively.

SEC. 3. Section 91 is added to the Education Code, to read:

91. Pursuant to the repeal of the Charter Schools Act of 1992 (Part 26. 8 (commencing with Section 47600) of Division 4 of Title 2) and the elimination of charter schools effected by the Public School Restoration Act of 2016, whenever the term "charter school" is used in a provision of this code, that provision shall be interpreted in light of the expressed intent of the Public School Restoration Act of 2016 to eliminate charter schools in this state.

SEC. 4. Article 11 (commencing with Section 33460) is added to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, to read:

Article 11. Restoration of Public Schools

33460. Upon the elimination of charter schools by Section 5 of the Public School Restoration Act of 2016:

(a) An existing charter school maintaining a single site or multiple sites within one school district **or with a site or sites in multiple school districts** shall either convert to a common school under the exclusive control of the school district in which it is located or close depending on factors such as cost and pupil enrollment, with that decision to be made by the school district in which the charter school is located. An existing charter school with no physical site ~~or with a site or sites in multiple school districts~~ shall close. Upon closure of a charter school, all pupils displaced by the

termination of the charter school shall be appropriately and promptly accommodated in public schools as determined by the pupil's resident school district. All pupil records in the possession or control of charter schools shall be turned over to the appropriate local educational agency or the pupil's new school of attendance.

(b) All public funds that have been allocated to charter schools that are unencumbered as of the operative date of the act that adds this article shall be returned to the state and deposited in Part A of the State School Fund. Any real property that has been purchased with public funds shall become property of a school district in which the real property is located ~~based and allocated in the case of multiple school districts to the district with the greatest number of enrolled charter school pupils at the time of closure~~. Any furnishings, supplies, instructional materials, or other tangible property in the possession or control of charter schools that have been purchased with public funds shall be proportionally allocated to the school districts in which the former charter school pupils reside.

33461. In order to implement Section 33460:

(a) The Superintendent is authorized to request the Bureau of State Audits to conduct appropriate audits relating to the assets of charter schools.

(b) The Attorney General and district attorneys are authorized to bring civil and criminal actions, as appropriate, in courts of competent jurisdiction against parties who violate Section 33460.

SEC. 5. Section 33462 is added to the Education Code, to read:

33462. No charter school shall begin the closure procedures described in its charter petition pursuant to subparagraph (P) of paragraph (5) of subdivision (b)

Section 47605 or otherwise transfer any assets or incur any liabilities in any manner inconsistent with the day-to-day operations of the school.

SEC. 6. Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code is repealed.

SEC. 7. With the exception of Section 5, this act shall become operative on July 1 of the year immediately following the year in which it is approved by the voters.

Section 5 shall take effect immediately.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

ELIMINATION OF CHARTER SCHOOLS. INITIATIVE STATUTE. Repeals laws governing charter schools effective July 1, 2017. Requires charter schools to convert to traditional public schools or close, at local school districts' discretion. Requires charter schools to return all unencumbered public funds to the state and to transfer all real property purchased with public funds to their local school districts. Authorizes state audits of school assets. Provides penalties for violations. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **About \$5 billion in state funding and operational costs would shift from charter schools to school districts. Ongoing facility costs also would shift from charter schools to school districts, with the exact effect depending upon the decisions made by state policymakers and districts. Transition costs totaling hundreds of millions of dollars statewide for school districts to dispose of charter school property, recruit and train staff, replace textbooks, determine appropriate instructional placements for incoming students, and repurpose facilities.** (15-0114.)