

New Law Holds Charter Schools Accountable For Producing Results

Beginning January 1, 2013, the "academic achievement" of a charter school's students will be the most important factor chartering authorities must consider when renewing or revoking a charter. Senate Bill (SB) 1290 amends various provisions of the Education Code to require chartering authorities, including school districts and county offices of education, to place greater weight on the minimum academic achievement of the charter school's pupils, and their significant subgroups, during the renewal and revocation processes. SB 1290 also changes the academic criteria that a charter must meet to qualify for renewal. Although SB 1290 does not take effect until 2013, chartering authorities should immediately consider how to integrate these new standards into their assessment of charter petitions, as the standards will impact renewals and revocations in the future.

Considering "Academic Achievement" for Renewal and Revocation of a Charter School

In response to criticism from the U.S. Department of Education that California's Charter Schools Act did not place enough emphasis on academic achievement, under SB 1290, charter school petitions must now identify how the proposed charter school will increase the "academic achievement" for pupils on: (1) a school-wide basis; and (2) for all numerically significant pupil subgroups. However, SB 1290 does not define how "academic achievement" will be measured. This provides chartering authorities some latitude in evaluating a charter school's success based on the description provided in each individual charter petition. This flexibility attempts to strike a balance between a local community's needs for a particular charter school program and the Federal standards.

Since SB 1290 does not define what constitutes "academic achievement", chartering authorities should scrutinize how those standards are described when the charter petition is initially reviewed. These outcomes will be the measuring stick to evaluate the charter school's success when seeking a renewal, or when the chartering authority is considering revocation. Further, although "academic achievement" is now the "most important factor in determining whether to grant a charter renewal," it is not clear from the plain language of SB 1290, how much weight "academic achievement" must be given when analyzing a charter renewal in light of other significant factors, such as fiscal soundness or student safety. SB 1290 does not clarify at what point these deficiencies in a charter school's performance could outweigh the charter school's success in academic achievement.

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Change to Minimum Criteria for Charter Renewal

SB 1290 also amends the minimum academic performance criteria for charter renewal. Beginning January 1, 2013, charter schools seeking renewal must attain "its Academic Performance Index (API) growth target in the prior year or in two of the last *three years both schoolwide and for all groups of pupils served by the charter school*", or meet one of the other three criteria listed. (Ed. Code § 47607, subd. (b)(1) as enacted by SB 1290, emphasis added.) This change emphasizes the requirement of recent academic achievement for the entire school, as well as the significant subgroups. These significant subgroups are the same as those used to determine Academic Performance Index ("API") scores, which are broken down generally by race and socio-economic categories. Therefore, charter schools must continually improve academic achievement of their major student groups in order to be renewed.

Although SB 1290 takes effect January 1, 2013, school districts and other chartering authorities should consider addressing these issues in any new, or renewal, petitions that they receive. By conforming to the changes in the law now, chartering authorities can lay the appropriate foundation to hold charter schools accountable for their pupils' academic achievement.

Our attorneys have substantial experience handling all aspects of charter school issues. If you have any questions regarding these issues, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#) or download our [Client News Brief App](#).

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