



PATRICK O'DONNELL
ASSEMBLYMEMBER, SEVENTIETH DISTRICT

MEMORANDUM

September 1, 2022

RE: AB 1507 (Smith, McCarty, O'Donnell), Statutes of 2019

FROM: Patrick O'Donnell, Assemblymember, 70th District

This memorandum is regarding the Charter Schools Act, and the Legislative changes made to the Act in 2019 through AB 1507, a bill I authored with Assemblymember Christy Smith and Assemblymember Kevin McCarty. I would like to clarify the Legislative intent behind the changes the bill made to requirements regarding charter school facility locations.

Prior to the passage of AB 1507, the Charter Schools Act allowed charter schools that were unable to find a suitable location in their authorizing school district to establish a single facility in a neighboring school district after giving notice to that school district of their intent to locate there. AB 1507 eliminated this exemption, and instead requires charter schools to locate only within the physical boundaries of their authorizing school district. In the case of charter schools approved by a county board of education on appeal, "within the boundaries of their authorizing school district" means within the boundaries of the school district to which the charter school originally submitted its petition, pursuant to Education Code Section 47605(k)(4)).

AB 1507 created a narrow exemption for existing charter schools that were operating a single site outside the jurisdiction of the authorizing school district to continue operations at their single out-of-district location until the charter school submitted its next renewal request to its authorizer. In order to continue operations at its single out-of-district location, AB 1507 requires the charter school to do one of the following:

1. Before submitting the request for the renewal of the charter petition, obtain approval in writing from the school district where the site is operating, or
2. Submit a request for the renewal of the charter petition to the school district in which the charter school is located.

It was the Legislature's intent that all charter schools would, within five years of AB 1507 taking effect, only be operating sites within the boundaries of their authorizing school district or be operating only one site with written approval from the school district where the charter school is operating.¹ **By eliminating the authorization for charter schools to establish new sites outside their authorizing school district through AB 1507, Legislative intent is clear, that charter schools be prohibited from establishing any additional sites outside the jurisdiction of their authorizing school district at any time after January 1, 2020. In summary, AB 1507 prohibits charter school authorizers from approving charter school facilities outside of the physical jurisdiction of the authorizing school district by all**

¹ In 2021, AB 130 extended all charter school terms by two years, resulting in the full impact of AB 1507's changes not being carried out for seven years, rather than five.

means, including a material revision. If an existing charter school, operating outside the jurisdiction of their authorizer, wishes to expand an existing program or open new sites, the Legislative intent is clear, that charter school must obtain written approval from the local school district, or submit a new petition to the local school district.

Additionally, AB 1507 made changes to the authorized locations of resource centers, to require that a charter school may only operate one resource center located within the physical boundaries of the school district where the charter school is physically located. The Legislative intent was to require all charter schools, and resource centers to be located in the jurisdiction of their authorizer, and not be located in the jurisdiction of any other neighboring school districts. AB 1507 created a narrow exception for existing resource centers, which may only continue to operate after the next renewal, with the local school district's written permission. AB 1507 also clarified the long standing Legislative intent that charter schools may only have one resource center by changing the language from "a resource center" to "one resource center" in Section 47605.1. This change was made intentionally to clarify that a charter school may only operate one resource center.

As a school district superintendent receives and responds to a request for approval of an existing charter school or resource center located within their school district jurisdiction, the school district superintendent must respond to that request with a letter either stating that there is approval for that site to continue operating with their current authorizer, or a statement that the request is not approved. No further analysis is required as part of the decision to approve or deny such a request.

The intent of AB 1507 was to improve transparency over the physical location of charter schools and resource centers, and to provide greater authority to local school districts to decide which charter schools and/or resource centers are physically located within their jurisdiction.

My staff, Chelsea Kelley, who assisted me, Assemblymember Christy Smith and Assemblymember Kevin McCarty in drafting the language in AB 1507, is available to answer any detailed questions you might have. Ms. Kelley can be reached at chelsea.kelley@asm.ca.gov or by phone at 916-319-2087.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick O'Donnell". The signature is fluid and cursive, with the first name "Patrick" and last name "O'Donnell" clearly distinguishable.

Patrick O'Donnell
70th Assembly District
Chair, Assembly Education Committee