

July 24, 2026

LEGAL ALERT

California AB 126 – the Governor's Education Omnibus Trailer Bill: Part 3 of 3

On July 9, 2026, Governor Gavin Newsom signed Assembly Bill ("AB") 126, which imposes substantial new obligations on charter schools. This legal alert will address the provisions of AB 126 related to charter petitions, renewals, and material revisions, along with an additional provision regarding independent study programs and fingerprinting of contractors that was not included in Parts 1 and 2.

Our previous legal alerts summarized the provisions of AB 126 most relevant to charter schools, including several Education Code provisions affecting charter school audits, independent study, contracting, and related operations. Part 2 pertained to pregnancy disability leave. Additional legal alerts may follow, with further analysis of each section. A YMC webinar was held on July 17, 2026, to provide training on AB 126 and its provisions and is available on demand.

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Changes to Required Charter Elements

AB 126 eliminated one element that must be included in a charter petition under Education Code Sections 47605(c)(5) (district charters) and 47605.6(b) (countywide charters). The Legislature has removed Element 9/I, which required a description of "the manner in which annual, independent financial audits shall be conducted" and how audit exceptions and deficiencies will be resolved. This change reflects the fact that charter school audit requirements are now fully

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set forth in Education Code Section 41020, which has been expanded to apply to charter schools, making a separate description within the charter document unnecessary and duplicative. Charter schools remain fully subject to the annual independent audit requirements in the Education Code; only the obligation to restate those requirements as a charter element has been eliminated. As a practical matter, existing charters need not be amended immediately, but schools should plan to conform their charter documents to the revised required elements at the time of their next renewal or material revision, and petitioners drafting new or renewal petitions should use the updated element structure prior to submission.

Verified Data Restored for Middle- and Low-Performing Charter Schools

AB 126 also restores an important tool for schools seeking renewal: the use of "verified data." As amended, Education Code Section 47607.2 once again permits both middle- and low-performing charter schools to present verified data, which is data derived from nationally recognized, valid, peer-reviewed, and reliable externally produced sources, including measures of postsecondary outcomes, to demonstrate measurable increases in academic achievement or strong postsecondary outcomes in support of renewal. Chartering authorities are required to consider such verified data through June 30, 2028. The State Board of Education has already approved a list of verified data sources. Charter schools in the middle- and low-performing categories with renewals on the horizon should consider how verified data can or must be used in the renewal analysis.

Timelines for Renewal and Material Revision Requests

As amended, Education Code Section 47607(b) provides that, beginning July 1, 2026, both charter renewals and material revisions are subject to the timelines, deadlines, and other procedures set forth in Education Code Section 47605(b) for new charter petitions. This means that upon receipt of a renewal or material revision request, the chartering authority must hold a public hearing within 60 days and must grant or deny the request within 90 days of receipt, subject to a single 30-day extension if both parties agree. The Legislature has expressed that material revisions are to be determined on a 90-day timeline. Charter schools should calendar these deadlines carefully when submitting renewal and material revision requests and must submit a certification of complete petition submission to document the commencement of the statutory timelines.

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A Supplement to Part One: New Education Code Section 45125.1(b)(3)

In the first part of our legal alert series on AB 126, we inadvertently omitted one addition to Education Code Section 45125.1. New subdivision (b)(3) addresses fingerprinting requirements where a pupil participates in services provided by a contractor as part of an independent study program. Under this provision, if the pupil is under the immediate supervision and control of the pupil's parent or guardian during the provision of those services, the local educational agency must do one of two things: (1) verify completion of a valid criminal records summary for all employees of the contractor who interact with the pupil, or (2) ensure that the parent or guardian has signed a consent form, before the pupil's interaction with the contractor's employee, attesting that the parent or guardian understands that the individual has not completed a valid criminal records summary as described in Section 44237. In practical terms, this means that when an independent study student will remain under the immediate supervision and control of their parent or guardian while engaging with a contractor, the LEA may utilize a parental consent form as set forth in the statute in lieu of fingerprinting and background clearance for the contractor's employees. We recommend that LEAs relying on this option adopt a compliant consent form, obtain the signed form before any interaction occurs, and retain documentation confirming that the parent-supervision condition is in fact met, as the consent alternative is available only where the pupil is under the parent's or guardian's immediate supervision and control during the services. A more conservative option is to continue to require fingerprinting and a criminal background check given the inability to monitor parent supervision.

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For specific questions regarding this legal alert, please contact; please contact Lisa Corr (lcorr@ymclegal.com) or Janelle Ruley (jruley@ymclegal.com) or call us at 916.646.1400.

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