

## **FREQUENTLY ASKED QUESTIONS – CHARTER SCHOOLS**

### **What is a Charter School?**

A charter school is an independently run public school that is granted greater flexibility in its operations than a traditional public school in exchange for greater accountability for performance. Charter schools operate under a “charter,” which is a contract between the school and its authorizing agency. The charter both authorizes the school’s existence and outlines the terms and conditions of its operations.

### **What is an Authorizing Agency?**

In California, a charter school can be authorized by a school district within which the charter school seeks to locate, the county board of education or the state board of education. However, as a result of recent changes in the law, if the state board of education grants a petition to establish a new charter school or to renew a charter school, it must designate, in consultation with the charter petitioner, chartering authority to either the governing board of the school district or the county board of education where the charter school is located. Current charter schools authorized by the state board of education will continue to operate under state board of education oversight until their charter term expires.

### **What is the Purpose of a Charter School?**

Charter schools were created to provide opportunities for teachers, parents, students and community members to establish and maintain schools that operate independently from the existing school district structure as a method to improve student learning; increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving; encourage the use of different and innovative teaching methods; create new opportunities for teachers; provide parents and students more options in the types of educational opportunities that are available within the public school system; hold these schools accountable for meeting measurable student outcomes and provide them with a means by which to change from rule-based to performance-based accountability; and provide competition within the public school system to stimulate continual improvements in all public schools.

### **How are Charter Schools Governed?**

Charter school governance structures vary. In California there are “independent” charter schools that function as independent legal entities and are usually governed by or as non-profit public benefit corporations and “dependent” charter schools which are established by or remain part of the school district or county office of education that granted their charter. An independent charter school operates independently of the school district in almost all respects, including finances, and has its own governing board which may include administrators, teachers, parents, community volunteers and other professionals such as attorneys and accountants. Some independent charter

schools are affiliated with charter management organizations that operate multiple schools. A dependent charter school functions under the auspices of the school district's board of education, and the school district typically administers all funding for the school.

### **Are Charter Schools Public Schools?**

Charter schools are public schools. They receive public funds, are tuition-free and are open to any student who wishes to attend.

### **How do Charter Schools Differ from Other Public Schools?**

Charter schools are exempt from many of the laws and regulations that apply to other public schools. They have greater autonomy in terms of curriculum, textbooks, instructional methods, and class schedules as well as financial decisions. In exchange for this increased autonomy, charter schools must fulfill their obligations under their charters, in addition to complying with applicable laws and regulations. They must also demonstrate performance in the areas of academic achievement, financial management and organizational stability. If they consistently fail to do so, their charters may be revoked and the schools may be closed. Charter schools also provide a means for school choice within the public school system. Parents and students can choose a school that meets their educational needs.

### **How do Charter Schools Differ from Private Schools?**

Charter schools are public schools. They receive funding from the state and federal government. Like other public schools, they may not charge tuition and must be non-sectarian in their policies, programs, and practices.

### **Who Can Enroll in a Charter School?**

A charter school is required to admit all students who wish to attend. It may not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. If more students apply to the school than it can accommodate, attendance, except for existing students of the school, must be determined by a public random drawing.

### **Who Attends Charter Schools?**

Charter schools generally have similar demographics to students in traditional public schools.

### **Can a Public School be Converted to a Charter School?**

Yes, a public school can be converted to a charter school. It is called a "conversion" charter.

### **Can a School District Convert all of its Schools to Charter Schools?**

A school district may convert all of its schools to charter schools if the charter petition contains all of the elements required to be included in a charter petition, as well as signatures of fifty percent of the teachers within the school district and alternative attendance arrangements for students residing within the school district who choose not to attend charter schools.

### **Can a Private School be Converted to a Charter School?**

The law expressly prohibits the conversion of a private school to a public charter school.

### **How are Charter Schools Funded?**

Charter schools receive most of their funding from states, although the federal government does offer some grant funding. In California, like other public schools, charter schools receive state and local tax dollars based on the number of pupils in attendance in each grade level. Additional funding is provided for students with greater needs, such as low-income students and English language learners. Public funding generally follows the student to the public school the parents choose, regardless of whether it is a charter school or a traditional district school.

### **Do Charter Schools Provide a Better Education than Traditional Public Schools?**

The results are mixed. According to a 2014 study on charter school performance in California conducted by the Center for Research on Education Outcomes (CREDO), approximately 32% of California charter schools outpace the learning impacts of traditional public schools in reading, and 29% do so in math. However, 21% of charter schools have results that are significantly worse than traditional public schools for reading and 37% of charter schools are underperforming in math. Additionally, 30% of California charter schools have below-average growth and achievement in reading and 42% have below-average growth and achievement in math. The share of underperforming charter schools is balanced somewhat by the proportion of charter schools achieving at high levels. For reading, the proportion is over 47% and for math it exceeds 40%. Overall, CREDO found that while some charter schools perform better than traditional public schools, the majority do the same or worse. The Brookings Institution has concluded that charter school students, in general, perform about the same as their matched peers in traditional public schools, but there is variation across different types of schools and groups of students.

### **Must Charter School Teachers Hold Teaching Credentials?**

Previously, California charter schools were provided flexibility in credentialing with regard to noncore, non-college preparatory courses. However, due to recent changes in the law, beginning July 1, 2020, all newly hired teachers in charter schools must hold the proper credential, permit, or other document required for their certificated assignment. Teachers employed by a charter school during the 2019-20 school year have until July 1, 2025 to obtain the requisite credentials, and charter schools have until July 1, 2025 to correct any misassignments of teachers they employed during the 2019-20 school year.

### **Are Charter School Students Required to Participate in State Testing?**

Charter school students are required to participate in all statewide assessments that are applicable to students in traditional public schools.

## **Do Charter Schools Take Money Away from Public Schools?**

Charter schools are public schools. When a child leaves a traditional public school for a charter school, the money follows that child.

## **How do Charter Schools Impact the Public School System?**

Charter schools arguably provide a variety of services to children that place healthy pressure on school districts to provide equal or better services. Studies have shown that many traditional districts create new educational programs in response to charter schools.

## **When and Where Did the First Charter School Open?**

In 1991, Minnesota passed the first charter school law. California followed suit in 1992.

## **How is a Charter School Established?**

Parents, community leaders, teachers, school districts, educational entrepreneurs and municipalities may submit a charter petition to a charter authorizing agency to establish a charter school. The authorizing agency must review the petition and determine whether it contains the elements required by law, and must determine whether the school possesses the requisite support from parents, teachers, and the community.

## **What Must a Charter Petition Contain to Merit Approval?**

To be approved, a charter petition must contain the elements required by law and must provide information regarding the proposed operation and potential effects of the charter school, including, but not limited to, where the school intends to locate and a first year operational budget, including start-up costs and cash flow and financial projections for the first three years of operation, the manner in which administrative services will be provided, and potential civil liability effects, if any, upon the charter school and upon the school district. The petition must also include the names and relevant qualifications of all persons whom the charter petitioner nominates to serve on the governing body of the charter school. Additionally, a petition must either be signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation, or be signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.

## **What are the Required Elements of a Charter Petition?**

Each charter petition must contain reasonably comprehensive descriptions of each of the following 15 required elements: (1) A description of the educational program of the school, the charter school's annual goals, and if the proposed charter will serve high school students, a description of how the school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements; (2) the measurable pupil outcomes identified for use by the school; (3) the method by which pupil progress in meeting those

pupil outcomes is to be measured; (4) the governance structure of the school, including, but not limited to, the process to be followed by the charter school to ensure parental involvement; (5) the qualifications to be met by individuals employed by the school; (6) procedures to ensure health and safety of students and staff; (7) the means by which the school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, that is reflective of the general population residing in the district; (8) admission requirements, if applicable; (9) the manner in which financial audits will be conducted, and the manner in which audit exceptions and deficiencies will be resolved; (10) the procedures by which students may be suspended or expelled; (11) provisions for employee coverage under the State Teachers' Retirement System, the Public Employees' Retirement System or federal social security; (12) the public school alternatives for students residing within the school district who choose not to attend charter schools; (13) a description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school; (14) the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter; and (15) the procedures to be used if the charter school closes, including a final audit of the charter school to determine disposition of all assets and liabilities of the charter school and plans for the maintenance and transfer of pupil records.

### **Must an Authorizing Agency Approve a Charter Petition?**

The authorizing agency must approve the petition unless it makes written factual findings supporting one or more of the following conclusions: (1) the charter school presents an unsound educational program; (2) the petitioners are demonstrably unlikely to successfully implement their program; (3) the petition does not contain the signatures of at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and/or the signatures of the parents or legal guardians of at least one-half of the number of students that the charter school estimates will enroll in the school for its first year of operation; (4) the petition does not contain affirmations of the specific requirements of charter school law, such as that the school shall be nonsectarian in its programs, admission policies, employment practices and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic defined as a hate crime; (5) the petition does not contain reasonably comprehensive descriptions of the 15 elements mandated by the Education Code; (6) the petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school; (7) the charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate; and (8) the school district is not positioned to absorb the fiscal impact of the proposed charter school.

### **How Can an Authorizing Agency Establish that a Charter School is Demonstrably Unlikely to Serve the Interests of the Entire Community in Which it is Proposing to Locate?**

An analysis of whether a charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate must include consideration of the fiscal impact of the proposed charter school. A written factual finding that a charter school is demonstrably unlikely to serve the interests of the entire community in which it is proposing to locate must detail specific facts and circumstances that analyze and consider the extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings, and 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.

### **How Can a School District Establish that it is Not Positioned to Absorb the Fiscal Impact of the Proposed Charter School?**

A school district establishes that it is not positioned to absorb the fiscal impact of a proposed charter school by showing it has a qualified interim certification pursuant to Education Code section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Education Code section 42131, has a negative interim certification pursuant to Section 42131, or is under state receivership. Charter schools proposed in a school district satisfying one of these conditions are subject to a rebuttable presumption of denial.

### **What is the Timeline for a School District's Approval of a Charter Petition?**

The governing board of a school district must hold a public hearing on a proposed charter within 60 days of receiving a charter petition. During the hearing, the governing board of the school district must consider the level of support for the petition by teachers employed by the school district, other employees of the district and parents. The school district must then either approve or deny the charter within 90 days of receipt of the petition. If both parties agree, that date may be extended by an additional 30 days. The governing board of the school district must publish all staff recommendations, including the recommended findings and, if applicable, the certification from the county superintendent of schools that approving the charter school would result in the school district having a negative interim certification pursuant to Education Code section 42131, regarding the petition at least 15 days before the public hearing at which the governing board of the school district will either grant or deny the charter.

### **What Happens at the Hearing Where the Governing Board of the School District Considers the Charter Petition?**

At the public hearing at which the governing board of the school district will either grant or deny the charter, the charter petitioner must be provided equivalent time and procedures to present evidence and testimony to respond to the school district staff recommendations and findings.

### **Can a School District Governing Board Approve a Petition to Establish a Charter School if the Grade Levels Served by the School are not Currently Served by the District?**

The governing board of a school district may approve a charter petition for a school that will serve grade levels not served by the district only if the petition also proposes to serve all of the grade levels served by the district.

### **What is the Maximum Term of a Charter?**

A charter may be granted for a period not to exceed five years.

### **What Happens if a School District Denies a Charter Petition?**

If a school district denies a petition, the petitioner may elect to submit the petition to the county board of education within 30 days after the denial. If the petition submitted to the county board on appeal contains new or different material terms, the county board must immediately remand the petition to the governing board of the school district for reconsideration. The school district must then grant or deny the petition within 30 days. If the school district denies the petition after reconsideration, the petitioner may elect to resubmit it to the county board of education. If the county board of education denies the petition, the petitioner may submit a petition for the establishment of a charter school to the state board of education within 30 days of the county board's denial. If there is no independent county board of education, the charter school may submit its appeal directly to the state board of education. A petition submitted either to a county board of education or the state board of education must still meet all otherwise applicable petition requirements.

### **What is a School District's Role in Working with Charter Schools?**

As a charter authorizer, a school district is responsible for reviewing petitions for the establishment of new charter schools, reviewing petitions for renewal of charters, reviewing material revisions of charters and oversight of charter schools under its authority. Even if a school district is not the authorizer of a charter school located in its school district, it may be responsible for the provision of facilities to the charter school if the charter school timely submits a written facilities request that supplies the requisite information.

### **How do Charter Schools Acquire Facilities?**

Charter schools may either acquire a private facility or apply to the school district in which they wish to locate for facilities. If they apply to the school district, they must submit a written facilities request to the school district on or before November 1 of the preceding fiscal year.

### **Can a Charter School Authorized by a County Board of Education or the State Board of Education Locate in a School District that Denied its Charter?**

Even if a school district has denied a charter school's charter petition, the charter school must still locate within the geographic boundaries of the chartering authority that initially denied the petition for the charter.

### **Is a School District Required to Provide Facilities for All Students of an Applicant Charter School, Even if they do not Reside in the District?**

A school district is required to make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. A school district is not required to provide facilities for students not residing in the district.

### **What Information is a Charter School Required to Provide in a Written Facilities Request?**

A charter school must provide a reasonable projection of in-district and total average daily attendance and in-district and total classroom average daily attendance in the fiscal year prior to the fiscal year in which the facilities request is made, adjusted for expected changes in enrollment for the forthcoming fiscal year (this must be broken down by grade level and by the school in the school district that the student would otherwise attend); a description of the methodology used for the projections; if the school is not yet open, or to the extent that an operating charter school projects a substantial increase in in-district average daily attendance, documentation of the number of in-district students meaningfully interested in attending the charter school that is sufficient for the district to determine the reasonableness of the projection, but that need not be verifiable for precise arithmetical accuracy; the charter school's operational calendar; and information regarding the district school site and/or general geographic area in which the charter school wishes to locate.

### **How Many Students Must a Charter School Have to Entitle it to School District Facilities?**

A charter school must project an in-district average daily classroom attendance of at least 80 students if it wishes to locate in school district facilities.

### **What if the School District Disagrees with the Charter School's Average Daily Attendance Projections?**

A school district reviews the charter school's written facilities request, and on or before December 1 notifies the charter school of any objections it may have to the charter school's average daily attendance projections. If the school district does have objections, it must state, in writing, the projection it considers to be reasonable. The charter school may respond to the objections and school district projection by January 2.



### **When Does the School District Notify a Charter School Where it Will be Located?**

On or before February 1, the school district must provide a preliminary proposal to the charter school regarding the space to be allocated to the charter school. The charter school must then provide a written response by March 1, expressing any concerns and addressing any differences between the preliminary proposal and its facilities request and making any counterproposals. The school district must provide the charter school with a written final notification of space on or before April 1 which responds to the charter school's concerns and counter proposals, if any. The final notification of space must identify the classroom space and non-teaching station space to be provided, as well as shared use space and arrangements for sharing, the average daily attendance assumptions upon which the allocation is based, the specific location or locations of the space, all conditions pertaining to the space, the charge to the charter school for use of the space and the payment schedule. The charter school must then advise the school district, in writing, by May 1 as to whether it intends to occupy the space.

### **If a Charter School is Offered Space on a School District Campus, How Is the Space Allocated?**

Public school facilities must be shared fairly by all public school students, including those in charter schools. This means that a school district must provide classroom space to a charter school in the same ratio of classrooms to average daily attendance as that provided to students at school district-operated schools with similar grade levels that serve students living in the high school attendance area.

### **If a Charter School is Co-Located on a School District Campus with a District School, Does it Share Space with the District School?**

District schools must share space fairly with charter school students. Charter schools are allocated space that they may use exclusively as well as space that they must share with the district school. Charter schools may elect not to use all of the space they are allocated. Administrators for the school district and charter schools must negotiate schedules for use of shared use space.

### **What Types of Space on a School District Campus is Shared with Charter Schools?**

Shared use space may include specialized classroom space such as science laboratories and non-teaching station space such as administrative space, multi-purpose rooms and play area space.

### **Is a School District Required to Pay to Modify a School Site to Accommodate a Charter School?**

A school district is not obligated to pay for the modification of an existing school site to accommodate a charter school's grade level configuration, however, no law precludes the school district from entering into an agreement with the charter school to modify an existing school site, with the costs of the modifications being paid exclusively by the charter school or the school district, or paid jointly by the district and the charter school.

### **What if a Charter School Has Fewer Students than the Projected Average Daily Attendance Upon Which its Facilities Allocation was Based?**

If a charter school generates less average daily classroom attendance than it projected, the charter school must reimburse the school district for the over-allocated space at rates set by the state board of education.

### **Can a Charter be Revised After it is Granted?**

A charter school that seeks to establish an additional site or add a grade level must request a material revision. Other proposed changes to a charter may also be considered material revisions. A material revision of the provisions of a charter may only be made with the approval of the authority that granted the charter.

### **May a Charter be Renewed When its Initial Term Expires?**

A chartering authority may grant one or more renewals of a charter school's charter. A charter school seeking renewal of its charter must submit a petition similar to that which it submitted for its initial charter approval. The renewal petition must satisfy the same requirements as a petition for initial charter approval. However, as an additional criterion for determining whether to grant a charter renewal, the chartering authority must consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Education Code section 52064.5. A high performing charter school will only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter. Unlike with approval of an initial charter petition, a chartering authority may not deny a renewal of an existing charter school based on findings that the charter school will not serve the interests of the entire community, or that the school district is not positioned to absorb the fiscal impact of the charter school.

### **What is the Term of a Charter Renewal?**

Prior to Governor Newsom's signing Assembly Bills 1505 and 1507 into law, charter renewal terms were for five years. Now, a chartering authority can authorize renewals of high performing charter schools for five to seven years and renewals of middle performing charter schools for five years. A low performing charter school will not be renewed if for two years preceding the renewal the school has received the two lowest levels schoolwide for all state indicators it has, or if it is at or below the statewide average for all measurements of academic performance schoolwide and is below the average for a majority of underperforming subgroups. A charter school not meeting the requisite standards may still be renewed (only through June 30, 2025) for no more than two renewal terms if the authorizer determines that the school is addressing the low performance, and the school provides verifiable data from an externally validated nationally recognized source that the school has made significant gains. Such a renewal may only be for a two-year term.

### **What Impact Has the COVID-19 Pandemic Had on the Length of Charter Terms?**

Notwithstanding the renewal process, effective July 1, 2021, all charter schools with terms expiring on or between January 1, 2022 and June 30, 2025 will have their terms extended by two years.

### **What if the Chartering Authority Denies a Charter School's Petition for Renewal of its Charter?**

If a school district as a chartering agency does not grant a renewal to a charter school, the charter school may submit its renewal petition to the county board of education. If the county board of education denies the renewal petition, the charter school may then submit it to the state board of education. If there is no independent county board of education, or if the appeal is from a state board of education-authorized charter school seeking its first renewal after July 1, 2020, the charter school may file its appeal directly with the state board of education.

### **What is the Current State of the Law Regarding the Establishment of Non-Classroom-Based Charter Schools?**

There is currently a moratorium on the establishment of new non-classroom-based charter schools. There can be no authorization of new non-classroom-based charter schools until 2025.

### **Who is Responsible for Evaluating a Charter School?**

The charter school authorizer, whether it is a school district, county board of education or state board of education, evaluates the charter school's performance annually. Charter schools have a high level of accountability and are therefore subject to closure if they are not meeting the prescribed terms of their charters.

### **How Are Charter Schools Monitored to Ensure they are Fulfilling their Obligations Under their Charters and Pursuant to the Law?**

A school district authorizing a charter school must monitor the charter school's progress and attainment of measurable pupil outcomes, as well as compliance with all applicable laws and regulations, the terms of the charter and financial reporting requirements. Specifically, the Education Code requires a school district, as an authorizer of charter schools, to (1) identify at least one staff member to serve as a contact person for the charter school; (2) visit the charter school at least annually; (3) ensure that the charter school complies with all reporting required by law, including the charter school's required annual update; (4) monitor the fiscal condition of the charter school; and (5) provide timely notification to the Department of Education if a renewal of the charter is granted or denied, the charter is revoked or the charter school will cease operation for any reason.

### **Is a Chartering Authority Compensated for the Costs of Oversight?**

Charter Schools authorized by a school district must pay the district an oversight fee. A charter authorizing entity may charge a charter school for the actual costs of supervisory oversight, not

to exceed one percent of the revenue of the charter school. If the charter authorizing entity provides substantially rent-free facilities for use by the charter school, however, the charter authorizing entity may charge for the actual costs of supervisory oversight, not to exceed three percent of the revenue of the charter school.

### **Do Charter Schools Pay Rent for the Use of School District Facilities?**

A school district may charge a charter school a pro rata share, based on the ratio of space allocated by the school district to the charter school divided by the total space of the district, of those school district facilities costs which the school district pays for with unrestricted general fund revenues. These may include, for example, costs such as insurance, maintenance and operations, grounds costs and debt service. A school district shall not otherwise charge a charter school for use of the facilities.

### **What Would Cause an Authorizing Agency to Revoke a Charter?**

An authorizing agency must consider increases in student academic achievement for all groups of students served by the charter school as the most important factor in determining whether to revoke a charter. An authorizing agency may revoke a charter if it finds, through a showing of substantial evidence, that the charter school committed a material violation of any of the conditions, standards or procedures set forth in its charter; failed to meet or pursue any of the student outcomes identified in its charter; failed to meet generally accepted accounting principles or engaged in fiscal mismanagement; or violated any provision of law.

### **Does a Charter School Have the Right to Appeal if its Charter is Revoked?**

If a school district is the chartering authority and it revokes a charter, the charter school may appeal the revocation to the county board of education within 30 days following the school district's final decision. The county board of education may reverse the revocation if it determines that the school district's findings were not supported by substantial evidence. The school district may then appeal the reversal to the state board of education. If the county board of education does not issue a decision on the appeal within 90 days of receipt, or if it upholds the revocation, the charter school may appeal the revocation to the state board of education. The state board of education may reverse the revocation decision if it determines that the school district's findings are not supported by substantial evidence, or it may uphold the revocation decision if it determines that the school district's findings are supported by substantial evidence.

### **What is the Process for Closing a Charter School?**

A charter petition must include a description of the procedures to be used if the school closes, including a final audit, plans for disposing of all assets, including the return of funds to their sources, and maintenance and transfer of student records.