



Charter Schools in California

Conceived as laboratories for reform, charter schools are meant to instill competition and choice in the public school system.

What is a charter school?

A charter school is a public school operated independently under a performance agreement with a chartering authority, such as a school district. The performance agreement spells out the school's education program, goals, and other features. A charter school is free from most regulations that apply to school districts. It usually is able to hire its own staff but can be closed for failure to meet its promises regarding student performance or for financial mismanagement.

What are they like?

Charter schools are diverse. Some emphasize college-prep; others feature science, technology, or performing arts. Some focus on independent study; others have unusual schedules. Most are smaller than regular schools. Some have traditional grade configurations, but a large percentage of these schools depart from tradition in a variety of ways.

How long has California had charter schools?

California was the second state in the nation (after Minnesota) to enact charter school legislation—the Charter Schools Act of 1992. In 2004–05 California had 511 active charter schools. In 2003–04 more than 167,000 students—or about 2.6% of the state's 6.3 million public school students—attended charter schools.

How does someone start a charter school?

Groups of educators, parents, or community members can start a charter school. Nonprofit and for-profit organizations, universities, or other agencies may operate these schools.

Sometimes a school community decides to turn its regular public school into a charter. Those “conversion schools” make up about 30% of all charters in California. The other 70%—“start-up schools”—were started from scratch. In either case, the creation of a charter begins with a petition that must contain 16 specific elements, including a description of the school's structure, its expectations for student performance, the procedures for resolving disputes between the school and the chartering authority, and the procedures for closing the school. Petitioners must also describe the school's facilities, administrative services, auditing approach, and potential for lawsuits that would affect the school and district.

Anyone can circulate a petition to start a charter school, which is then submitted to a chartering authority. Conversion schools must have the signatures of at least 10% of the district's teachers or 50% of the teachers at the existing school. To create a start-up school, petitioners must gather signatures from parents of at least half the students expected to enroll in the school in its first year or signatures from half the teachers at the proposed charter school.

Chartering authorities can be school districts or county boards of education. Some schools are under the State Board of Education (SBE), particularly those with a statewide constituency, such as distance-learning schools.

What if a chartering authority's school board denies a charter?

School boards are expected to grant the charter unless they make written findings that the petitioners have proposed an unsound education program, are demonstrably unlikely to implement the charter, or do not meet specific petition requirements. If a district denies a charter, petitioners can go to the county board of education. If the county board denies a charter request or an appeal, then petitioners can take their case to the State Board of Education.

Are there safeguards to ensure that students are being well educated?

Charter schools are approved for up to five years, with renewal generally required every five years. A charter can be revoked for:

- A material violation of the charter;
- Failure to meet or pursue the pupil performance outcomes described in the petition;
- Violation of generally accepted accounting standards of fiscal management; and
- Violations of the law.

However, unless the violation constitutes a severe and imminent threat to the health or safety of students, charter operators are given a chance to remedy the situation. In addition, the State Board of Education has the authority to revoke a charter if it finds fiscal mismanagement.

Charter schools are also held accountable for the performance of their students on statewide standards tests and are ranked according to the Academic Performance Index (API) with a few exceptions. Their students must also make adequate yearly progress (AYP), based on test scores, under the federal No Child Left Behind Act (NCLB). Those receiving federal Title I funding under NCLB face a series of interventions—from requiring tutoring assistance for pupils to reorganizing the school—if they repeatedly fail to make AYP.

Beginning in 2005, a charter school that has operated for at least four years will have to show one of the following in order to be renewed:

- 1) That it met its growth targets on the API;
- 2) That it ranked above the 30th percentile either statewide or in the group of 100 schools to which it is most similar;
- 3) That it qualified for the state's alternative accountability system because it serves a special population or is very small;
- 4) That its chartering authority determined that its performance is comparable to that of district schools its students would otherwise attend.

Do teachers at charter schools have to meet the same requirements as other teachers?

Teachers of college-preparatory and core academic classes (such as English, math, science, social studies, foreign languages, and the arts) must have a teaching credential. Teachers at charter schools also have the same right to be represented by a union.

How are students selected?

Charter schools cannot charge tuition or discriminate against any student based on ethnicity, national origin, gender, religion, or disability. They must be nonsectarian, with enrollment by lottery in cases where the demand for pupil slots exceeds the supply. Charters are allowed to have admissions guidelines to help them match a student's interests with the school's mission. For example, a performing arts charter may require pupils to audition.

Does a student have to live in the school district where the charter school is located?

Generally admission cannot be based on where a student lives. But when a regular school is converted to a charter, it must give preference to students who live within the former attendance area. In addition, if demand exceeds capacity and admissions are based on lottery, preference is normally given to students who live in the district. The chartering authority can permit other preferences as long as they are nondiscriminatory.

How are they financed?

Charter schools receive money on a per-pupil basis from the state and federal governments either directly or through their chartering authority. Like other schools, they receive extra funding for students who are English learners or from low-income families. They also have more flexibility in how they use many state categorical funds, which for regular schools are targeted for specific students or programs. In place of some of these categorical funds, charter schools receive a block grant based on a per-pupil amount. Charter schools can also apply for funds for specific programs that are not included in the block grant or are federal programs.

Some charter schools receive substantially less funding than other schools serving comparable populations, in part because charters don't always apply for these categorical funds. Charter schools may also rely

on independent fundraising, grants, and corporate sponsors to make up the difference.

What about students in Special Education?

Charter schools provide services and receive funding for Special Education students generally through their chartering authority. Schools have to negotiate with their chartering authority how funds and responsibilities for these students will be allocated.

Who governs charter schools?

While a charter school is required to consult regularly with parents and teachers about its education program, it is generally not required to have any particular type of governing body or board. An increasing proportion of charters are organized as or operated by nonprofit corporations with independent governing boards.

What about facilities?

A district must make facilities available to a charter school operating in the district and serving a minimum of 80 district students. The space (which remains district property) must be adequate to accommodate students in conditions comparable to other district schools. It must also be in one place and must not be moved unnecessarily. In addition, the facility must be furnished and equipped and efforts must be made to put it close to where the charter school wants to locate. In practice, however, many charter schools have yet to receive facilities from districts under these new laws, and facilities remain an extra financial burden for many charters.


Unlike other schools, charters are generally able to use facilities that do not comply with the Field Act, which requires strict on-site inspections during the construction process along with the highest commercial level of seismic safety features.

What are the advantages and disadvantages of charter schools?

Unlike traditional schools, most charter schools are new and relatively untested, which leaves them open to both opportunity and risk.

Proponents say that charter schools expand families' choices, encourage parental involvement, and increase teacher satisfaction because they are allowed more creativity and typically have a stronger voice in the school's operation. Charters are generally smaller, less bureaucratic, and have more flexibility in meeting student needs.

Oponents say that districts do not have the time or funds to properly monitor charter schools, which are sometimes governed by people with little experience in education. A few charters, they point out, have failed. Teachers in charters are more likely to be new to the profession. In addition, charter schools typically do not offer the wider range of course selection and activities seen in traditional schools.

Because each charter school is unique, it is important for any family considering a charter to investigate the experience of the people who are running the school, the credentials of the teachers, the programs offered, and the academic success and enthusiasm for learning of its students. 

How can I find out more?

For more information, go to:

- California Charter Schools Association: www.charterassociation.org
- Charter Schools Development Center: www.cacharterschools.org
- U.S. Charter Schools: www.uscharterschools.org
- California Teachers Association: www.cta.org (type "charter schools" in search to get "Unchartered Waters...Do charter schools get too much latitude?")
- EdSource: www.edsource.org for two reports on charter schools: *Charter Schools in California: An Experiment Coming of Age* (June 2004) and *How Are California Charter Schools Performing?* (May 2005)

For a Spanish translation of this Q&A, go to: www.edsource.org/spa.cfm



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