

Charter School FAQ

Answers to common questions about charter schools and how they operate

1. Do charter schools charge tuition?

No. Charter schools are paid for by taxpayers in the district on the same per-pupil stipend provided for traditional public schools. Many charter schools supplement this income with money from corporate and individual patrons, and some fundraising.

2. Who can apply for a charter school that is located in WCCUSD?

Any parent who desires the educational experience described by a charter school for their child can fill out the charter school's application and submit it for consideration.

3. How do charter schools decide whom to admit?

Charter schools are by law prevented from discriminating against any student, but the law also allows them to use a process to select whom to admit. Charter schools do not have to accept every student who applies. In other words, if the number of pupils who wish to attend the charter school exceeds the school's capacity, charter schools, unlike traditional public schools, do not have to admit students on a first come/first served basis.

If the number of pupils who wish to attend the charter school exceeds the school's capacity, the California Education Code states that the charter school must determine who can attend by conducting a “public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district.” Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

A good way to evaluate whether the charter school is discriminating, or can quietly discriminate, is to look at two things – the MOU and the lottery information:

- The Memorandum of Understanding (MOU) between the Charter Management Organization (the organization or company running the school – also known as the CMO) and the authorizing body (the school district, county, or state board of education that granted the charter). Does the MOU require:
 - Reporting on the details of what neighborhood the students who they enroll live?
 - Monthly Reporting on changing enrollment, such as when and why a student leaves the school?
 - The CMO to release the departing student’s records in a timely way, so that they follow the student to his/her new school?
 - The student’s record to describe why the student left a charter school?
 - Reporting on how the school provides parent involvement in meaningful decision-making?
- The school’s lottery information.
 - Does the school hold a public lottery, with published dates and times that any member of the community can attend?

- Is the lottery held on one day, or on multiple days? If held on multiple days, does the school state clearly how many students will be chosen for each class on each lottery date?
- Are there clear and public procedures for what happens to applications that do not get selected on a certain date? Do they go back into the pool for a subsequent lottery date, or does the student have to submit another application to be considered in the next lottery?
- If there is a use of a waiting list, how is the order of the waiting list determined?
- How are unsuccessful lottery participants informed of the outcomes and any waiting list procedures?
- Does the CMO require a student's records to accompany their application?
- Does the CMO require someone to make an account with them just to review the application form? Is the blank application form fully public?

4. Are the facilities of charter schools as safe as those of traditional public schools?

No. Public schools are required to comply with the state Field Act with special requirements to meet earthquake safety. That is one reason school building costs are higher for traditional public schools. Construction for every traditional public school building is also required to go through a lengthy, specific, and costly review by the Department of State Architects (DSA). Charter school buildings do not have to comply with these strict regulations.

For more information, see:

<http://www.cde.ca.gov/sp/cs/re/csfaqsect10.asp>

and <http://www.cde.ca.gov/ls/fa/sf/title5regs.asp> (§14011.g)

5. Do students in California charter schools have to take the same standardized tests that children in traditional public schools have to take?

Yes.

6. Do charter schools participate in the district-wide science fairs and other similar academic programs?

It is up to the discretion of charter schools as to whether they participate in District-wide academic programs such as science fairs, band concerts, and athletic leagues.

In 2014-15 in WCCUSD, charter school students did not participate or compete in the district-wide science fair for middle- and high-school students. Some charter schools operating within WCCUSD create their own parallel science fairs for their students. Some charter schools located in WCCUSD join athletic leagues with private schools for various sports.

7. Can charter schools guarantee that graduates will get into college?

No charter school teacher or administrator can make a lawful guarantee that any particular child will be admitted to college. Admission and financial aid decisions for universities and colleges are made by the staff and officials of those schools.

8. Are charter schools required to hire credentialed teachers?

The law says that teachers employed by charter schools who teach core, college preparatory courses (English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography) must be credentialed. With respect to non-core, non-college-preparatory courses, the California Ed Code specifies that it is the intent of the Legislature that charter schools be given flexibility with whether or not a teacher is credentialed. Principals and other administrators of a charter school do not need to be credentialed or licensed.

For more information, see:

<http://www.cde.ca.gov/sp/cs/re/qandasec5mar04.asp#q3>

9. Do charter schools have to be accredited by the Western Association of Schools and Colleges (WASC)?

No. WASC accreditation is not required for operation. WASC is one of six regional official academic bodies responsible for the accreditation of public and private universities, colleges, secondary and elementary schools in the United States and foreign institutions of American origin.

Some charter schools are accredited. Not all charter schools in WCCUSD are accredited.

When colleges and universities review student applications for admission, the accreditation status of the student's high school is one of the things they take note of, because it adds credibility to the grade reports. If a charter school is new, and is just beginning to accept students in grades 10, 11, or below, it may be in the process of getting accredited, and can operate before earning accreditation.

10. Do charter schools provide a better education than the traditional public schools?

There is no general answer to this question. Research suggests that there are some very well-run charter schools, just as there are some very well run and successful public schools. On the other hand, there are also unsuccessful charters and public schools.

Further, a particular school – whether traditional public or charter – may be a better fit for some children than others because of access to a music program, arts, sports, certain languages, teaching style, Advanced Placement courses, computer-based-learning, etc.

Just because a school is a charter school does not in any way ensure that the school will be “better” than a nearby public school, and it may in fact be significantly worse (which can be difficult to determine because of lack of transparency).

11. What are the most common reasons cited for attending charter schools?

Many charter parents feel that their local public school doesn't treat them well or fairly. Some feel that the local public school isn't safe. Some feel that their child will get more personal attention at a charter school, or have access to a specialized curriculum.

Some feel that their child will get a better education at a charter school, or cite the high cost of parochial school and private school. Some parents are attracted to the charter company's record of success in other communities, and to the branding or marketing materials of the charter school.

12. What are the most common reasons cited for attending neighborhood public schools?

Parents who are happy at neighborhood public schools most often cite individual strong teachers and the sense of community they have with the school. Some say that they value that the school is a reflection of the community—with kids who have a wide range of abilities and talents. Some like the culture of local achievement and pride that has developed around certain arts, academic subjects, or athletics, such as band, foreign languages, rhetoric, mathematics, technology, football, or track and field. Others say they appreciate that the public schools are inclusive of everyone, which helps prepare their kids for success in the real world.

Parents who cite positive qualities of traditional public schools are sometimes not 100 percent satisfied with their neighborhood schools, but are committed to holding the district accountable for making improvements for all kids by advocating as parents and through the PTA, by serving on the schools' Site Councils, and other activism and volunteering.

13. How do charter schools operate differently from the traditional public schools?

Fundamentally, they select their students through a process, whereas public schools must serve every single child who registers.

Charter school administrations operate behind closed doors. The management organizations are not required to have open meetings as they discuss things such as school budgets, student selection, teacher pay, etc. It is not known who is making the decisions or why. The public does not have the ability to vote their board members out of office. Because charter schools may be funded by private individuals, the public has less power to investigate and understand their purpose for supporting charter schools, and their personal agendas.

Some charter schools operating in WCCUSD have requirements for parents to volunteer* a certain number of hours per month, and to attend special training sessions. Traditional public schools often encourage parents to volunteer, but are disallowed from presenting parent involvement in any way that could be interpreted as required.

*In January 2015, the California Department of Education issued an advisory rule #15-01 that prohibits any school that uses public funds from offering or removing “course credit or privileges related to educational activities based on whether or not the school receives money or donations of goods or services from a pupil or a pupil’s parents or guardians.”

14. Who runs charter schools?

In California, charter schools can be run by any individual or any company. Most charter schools prior to 2010 were started and run by experienced local educators who felt strongly that they could provide an effective alternative education for certain types of students, such as artistic students or students whose families spoke another language in the home, who were being underserved locally. Since 2010, more charters are run by Charter Management Organizations (CMOs), which are corporations. Most are non-profit corporations, but a few are for-profit corporations. Even those run by non-profit CMOs frequently have profit-making arrangements intertwined with individuals on their boards for renting the buildings the schools operate in, or for supplying school services.

In 2015, Governor Brown vetoed a bill that the legislature passed that made it unlawful for a CMO to be a for-profit corporation (AB 787). On the other end of the spectrum, in 2015, the Supreme Court of the State of Washington ruled charter schools unconstitutional because they aren't governed by elected boards and therefore are not accountable to voters.

15. How does a charter school come into a school district in California?

Petitioners must submit an application to a district office. The application must describe specific goals and intended operating procedures. The application must provide details about the planned school year calendar, discipline policies, financial resources, fiscal control, facility needs, budget, employee policies, qualifications of the school's leadership, recruitment plans, insurance, academic programs, and how the school will accommodate students with special needs.

The Board of Education in a district has the authority to accept or reject a charter school. If the local district rejects a charter, it can only be based on failure to meet one of the following five measures:

- Consistency with sound educational practices.

- Likelihood to successfully implement the program set forth in the petition.
- The petition is 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 school for its first year of operation.”
- Failure to affirm non-discrimination and other typical earmarks of intent to create a responsible operation.
- The petition does not contain comprehensive descriptions of the educational programs, target audience, recruitment strategies, number of students planned for each grade, how they will measure success or failure, the means by which a school will achieve racial and ethnic balance among students, admission requirements, plans for independent financial analysis, disciplinary procedures, rights of employees and personnel policies, legal conflict resolution policies, plans to implement statewide required testing, the facilities needed for and used by the school, and other details.

The school board must review and vote on the application within 120 days of the submittal.

16. What are the qualifications for charter founders?

They must be able to submit the completed petition for consideration.

17. What happens if a school board denies a petition?

The people who want to start the charter school can appeal to the County Board of Education, and the County Board must vote on the appeal within 60 days. If it is denied there, the people who want to start the school can appeal it to the State Board of Education.

18. What if a school district seeks to deny a charter petition based on the number of charter schools already in the district or because there are so many charters already operating there that the district does not have enough money to serve students in traditional public schools?

The district legal council would probably advise the district not to do it, because saturation, or district bankruptcy, are not measures that can legally be considered as reasons for denial of a charter.

In January 2016, the Los Angeles Unified School District (LAUSD) Board of Trustees unanimously supported a symbolic resolution that opposed private philanthropist Eli Broad's plan to dramatically increase in the number of LA Unified charters over the next eight years. In 2016, LAUSD already had the most students enrolled charter schools of any district in the nation.

The approved resolution states that the LAUSD Board "stands opposed to external initiatives that seek to reduce public education in Los Angeles to an educational marketplace and our children to market shares."

19. What if the school doesn't have any place to operate?

Schools can rent buildings or work with philanthropists to build or remodel, and then lease, buildings in which to operate.

In California, Proposition 39 states that a district is required to provide facilities to a charter school operating within its boundaries that are reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.

In WCCUSD, the charter management companies (the companies that run charter schools – also known as CMOs) provide enrollment projections to the District for 5-10 years into the future. These enrollment projections are like the sales goals* of the companies. WCCUSD Long Range Facilities Master Planning consultants used these numbers verbatim in a Jan 12, 2016 presentation to the Facilities Subcommittee. In this way, CMOs attempt to make a case for the District to close neighborhood schools and give the buildings to charter schools.

In 2014, WCCUSD used bond funds for construction of a new building for the Leadership charter High School, which it shares with the District's Gompers Continuation High School. The cost of the building for the two schools was \$50 million.

*CMOs have a growth model that is much like any other company. They create demand by creating an aura of scarcity through their lotteries, and then project peak enrollment – by suggesting that there is always more demand than can be accommodated.

20. What happens when a school board or county board approves a petition for a charter school?

The authorizing agency – either the district or county or state – negotiates a Memorandum of Understanding (MOU) with the founding educator or the Charter Management Organization (CMO). The Memorandum of Understanding (MOU) lays out the terms of the operation and required reporting and record-sharing for financial, admissions, enrollment, programmatic, employment policies, and facilities.

This MOU is approved by the board of the authorizing agency, and is in place for 5 years. After 5 years, both the charter authorization and the MOU have to be reapproved or revised.

21. Is there a limit to the number of charters a district can accept? For example, could the charter schools eventually outnumber the traditional public schools in our District?

The California Education code does not limit the number or percentage of charter schools in a district.

22. In what way does student enrollment at charter schools impact the budget of a district?

A district receives “Average Daily Attendance” (ADA) funds from the State of California in the amount of about \$6,500 to \$7,000 per year for every student enrolled in its traditional public schools. When a student enrolls at a charter school instead, the ADA amount is paid to the charter school operator.

Because charter schools can select which students they serve, they often do not choose the students who require special services. This has the effect of concentrating students with the highest needs in the traditional public schools, raising the average cost per student for the District, while minimizing risk and costs for the charter schools.

23. What financial sources provide the budgets for charter schools?

Charter schools are funded by taxpayers, with most of their revenue coming from state “Average Daily Attendance” funds (ADA), roughly \$6,500 to \$7,000 annually per student (depending on grade level). Charter schools can use their ADA money for a variety of purposes — for salaries, textbooks or to cover the cost of facilities. Charter schools also receive other federal, state and local funds, and some receive corporate funding and raise money privately.

In 2014, the California Charter School Association files a lawsuit against WCCUSD for a share of the District's parcel tax revenues. The suit was settled in February 2016, with the District Board agreeing to adopt a policy that the charter schools would be included in parcel tax proceeds.

24. Why are financiers investing in charter schools? How can they profit?

Of course, we can expect that most people, financiers included, genuinely want to support education and to help kids. However, financiers generally only invest when they see potential for profit. Some may see potential profits down the road by leasing land or buildings to charter schools at a currently low price, speculating that once the school is established in the community, it would be very difficult to move. Some may simply want to invest their fortunes in real estate, which over the long term provides a steady return. Others may see potential profits in the technology and curriculum delivery products piloted with students at charter schools, and refined based on how well they worked for students at charter schools.

Hedge fund managers may be motivated by part of the U.S. tax code* that gives a huge tax credit to banks and equity funds that invest in charter schools in underserved areas.

Foreign investors who put a minimum of \$500,000 in charter school companies are eligible to purchase immigration visas for themselves and family members (Federal Program EB-5)

*The 2001 Consolidated Appropriations Act included provisions from the Community Renewal Tax Relief Act of 2000. The law provided tax incentives for seven years to businesses that locate and hire residents in economically depressed urban and rural areas. The tax credits were reauthorized for 2008-2009, 2010-2011, and 2012-2013. For more information, see

<https://www.washingtonpost.com/news/answer-sheet/wp/2014/06/04/why-hedge-funds-love-charter-schools/>

25. Who is liable for student injuries of children who attend charter schools?

Case law is not clear because thankfully, a situation has not arisen that has tested this question. The California Government Code Section 835 governs this, but has been interpreted in different ways. The relevant passage is, "... a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonable foreseeable risk of the kind of injury which was incurred..."

The MOU between the charter school and its authorizer should require proof of liability insurance consistent with the safe housing and education of the number of students it hopes to enroll.

Many factors feed in to the liability amount, including location and facilities. Because the facilities construction safety requirements for charter school facilities are relaxed*, it is difficult to know how much this amount should be.

In 2004, a public school was held partially liable for deaths when two students were struck and killed by a negligent driver who ran up the curb during afterschool pickups. However, that school was not a charter school.

*Charter schools do not need to follow the Field Act or other California school facilities construction standards. For more information, see:

- <http://www.cde.ca.gov/sp/cs/re/csfaqsect10.asp>
- <http://www.cde.ca.gov/ls/fa/sf/title5regs.asp> (§14011.g)
- Liz Block, WCCUSD Trustee, 1:19:55 March 18, 2015 Board meeting – KCRT Archive:
http://richmond.granicus.com/ViewPublisher.php?view_id=15)

26. Are charter schools public schools?

There are big differences in charter schools. All charter schools use public money to operate. But most charter schools do not act like public bodies. Their proceedings and how they spend their (public, taxpayer) money, are not open to the public. For many, their Boards are not elected by the public or the parents they serve. Many do not respond to Freedom of Information Act requests (FOIA). Many operate in buildings that do not conform to the same safety requirements necessary for traditional public schools.

Some charter schools in WCCUSD operate like the public laboratory schools that the legislature envisioned them to be. But several are controlled by education corporations that seek to shift all public education to the charter model for ideological or business reasons.

27. How many charter schools are operating in WCCUSD?

As of January 2016, there are 12 charter schools operating in WCCUSD. Nine were authorized by the District, and three were rejected by the District and authorized by the Contra Costa County Office of Education in Pleasant Hill.

There are about 31,700 students enrolled in K-12 schools in WCCUSD in 2015-16.

Enrollment in charter schools in WCCUSD in 2015-16 is about 4,000 students. (12%)

Enrollment in District schools in WCCUSD in 2015-16 is about 27,700 students. (88%)

Charter schools operating currently in WCCUSD aim to increase enrollment to about 20% of WCCUSD students by 2019-20.