
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

Bill No: SB 705
Author: Hill
Version: February 27, 2015
Urgency: No
Consultant: Lenin Del Castillo
Hearing Date: April 8, 2015
Fiscal: Yes

Subject: Charter school facilities: preliminary proposal: public hearing

SUMMARY

This bill would require a school district to disclose at a public hearing its preliminary proposal to offer facilities for a charter school.

BACKGROUND

Charter schools

Under existing law, the Charter Schools Act of 1992 provides for the establishment of charter schools in California for the purpose, among other things, to improve student learning and expand learning experiences for pupils who are identified as academically low achieving. A charter school may be authorized by a school district, a county board of education, or the State Board of Education, as specified. Some charter schools are new while others are conversions from existing schools. Except where specifically noted otherwise, California law exempts charter schools from many of the statutes and regulations that apply to schools and school districts.

Current law requires that charter schools: 1) are nonsectarian in their programs, admission policies, employment practices, and all other operations; 2) not charge tuition; and 3) not discriminate against any pupil on the basis of the characteristics, as specified. Admission to a charter school may not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within the state, except that an existing public school converting to a charter school must adopt and maintain a policy giving admissions preference to pupils who reside within the former attendance area of that public school. (Education Code § 47605, et. seq.)

According to the State Department of Education, there were over 1,100 charter schools with an enrollment of approximately 514,000 pupils operating in the state in 2013-14.

School district provision of facilities to charter schools under Proposition 39

Existing law requires that school districts make available, to all charter schools operating in their school district with projections of at least 80 units of average daily attendance (ADA), facilities that will sufficiently accommodate all of the charter's in-

district students. It also requires that the facilities be reasonably equivalent to other classrooms, buildings, or facilities of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. Additionally, the school district is required to make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

Existing law states that school districts may charge a charter school a pro-rata share of the facilities costs which the school district pays for with unrestricted general fund revenues. The pro-rata share is based on the ratio of space allocated by the school district to the charter school divided by the total space of the district. Charter schools shall not be otherwise charged for use of the facilities. (Education Code § 47614)

ANALYSIS

This bill would require a school district's preliminary proposal regarding the space to be allocated to a charter school to be disclosed at a public hearing that includes the opportunity for public review and comment that is conducted at a properly noticed and regularly scheduled meeting of the governing board of the school district.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author's office, existing law does not explicitly require community input at the beginning of the allocation process for school districts in providing reasonably equivalent facilities to charter schools. This makes it almost impossible for community input to be considered in the decision. Specifically, in March 2014, a San Mateo based school district approved, without sufficient time for community input, the allocation of facilities for a charter school on the campus of an existing high school. There are two schools on one campus and due to the co-location, twelve teachers at the existing high school have to share classrooms. The author's office indicates that other locations could have potentially housed the school without the possibility of displacing present or future students. This bill is intended to ensure that community input is received in a timely manner.
2. ***How big is the problem?*** It is not clear whether this is an isolated incident or if it is prevalent statewide. It is also unclear how common it is for local school district governing boards to weigh in on school facility requests from charter schools. Absent this data, the Committee may wish to consider whether this measure is necessary. However, the bill could promote greater transparency in the consideration of these Proposition 39 facility requests. **Staff recommends an amendment** to remove the provision allowing the public "review" of a school district's proposal to allocate facilities to a charter school.
3. ***Proposition 39.*** This ballot initiative was passed by California voters in November 2000 and amended current law with the intent that public school facilities constructed with state dollars be shared fairly among all public school students, including those in charter schools. This coincided with another

provision included in Proposition 39 which reduced the threshold for the state or a local school district to pass a facilities bond from two-thirds to fifty-five percent, a considerably easier standard to meet. Prior to the passage of Proposition 39, charter school law permitted charter schools to use, at no cost, school district facilities which the school district was not using for instructional or administrative purposes or which were historically used as rental properties.

4. ***State-reimbursable mandate?*** By requiring a school district's governing board to hold a public hearing for any preliminary proposal of facilities to a charter school under Proposition 39, this bill could potentially impose a state-reimbursable mandate resulting in unknown Proposition 98 General Fund costs.

SUPPORT

California Federation of Teachers

OPPOSITION

California Charter Schools Association

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