

AN ANALYSIS OF THE CHARTER SCHOOL FACILITY LANDSCAPE IN CALIFORNIA

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EXECUTIVE SUMMARY

THE NATIONAL CHARTER SCHOOL RESOURCE CENTER ("RESOURCE CENTER"), the Colorado League of Charter Schools ("League"), the National Alliance for Public Charter Schools ("Alliance") and the California Charter Schools Association ("CCSA"), published this report, entitled *"An Analysis of the Charter School Facility Landscape in California,"* detailing the status of charter school facilities in the state.

In the spring of 2014, the above organizations worked to collect evidence about charter school facilities and facilities expenditures in the state of California. The data collection in California was supported by the Charter School Facilities Initiative (CSFI); a national project developed by the League to research charter school facilities and facilities funding across the country. Since 2011, the League's work, through the CSFI, has been supported by the U.S. Department of Education's Charter Schools Program through a subcontract with the Resource Center.¹

The League worked closely with CCSA to collect data from California's charter schools for use in this report.

Charter School Facilities Initiative Background

As of March 2015, the League and the CSFI have collected comprehensive charter school facility data in 14 states. This work is a result of a Task Force launched by the League in 2007. The goal of the Task Force is to encourage public policy and private sector changes leading to a more comprehensive, sustainable and adequate public school facilities system.

At the direction of the Task Force, the League developed a comprehensive Charter School Facilities Survey in partnership with a national leader in school facilities, Paul Hutton, AIA, of Cuningham Group Architecture, and experts in school planning, Wayne Eckerling, Ph.D., and Allen Balczarek. The survey was developed to establish a way to collect reliable and comprehensive charter school facilities data for research and policy development purposes.

1 www.charterschoolcenter.org

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BACKGROUND

Charter Schools in California

The California Charter Schools Act ("Act") was enacted in 1992.² The intention of the Act was "... to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure...." The Act outlined seven goals:

1. **Improve pupil learning.**
2. **Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.**
3. **Encourage the use of different and innovative teaching methods.**
4. **Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.**
5. **Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.**
6. **Hold the schools established under this part accountable for meeting measurable pupil outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems.**
7. **Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.**³

The first charter school in California opened in 1993. During the 2013-2014 school year, California had 1,130 charter public schools serving more than 514,000 students. California charter public schools serve 8.3 percent of the 6.2 million public school students statewide. In 2013-2014, 68 percent of California charter school students belonged to at least one ethnic minority group. At the average California charter school, 54 percent of students are eligible for free or reduced price meals.

2 Statutes of 1992, Chapter 781 (Senate Bill 1448).

3 Education Code Section 47601.

California's charter schools are located across the state: 31 percent are in the Greater Los Angeles Area, 27 percent are in the Northeast and Central Valley, 24 percent are in the North Coast and Bay Area, and 18 percent are in Southern California (outside of Los Angeles). In addition, 30 percent of California charters are managed by charter management organizations ("CMOs"), 56 percent are freestanding, and 14 percent are network schools.⁴

Following the CSFI model, California charter schools were asked to complete a survey about their facilities (see Appendix 1A for a detailed description of the survey). Although the survey was carefully constructed to obtain data about a broad range of charter facilities related issues, it was not designed to address each and every issue faced by charter schools in the search for high-quality, affordable school facilities. For example, charter schools seeking access to private facilities in California must navigate a complex system of local and state land use, zoning and development regulations which present many challenges for charter schools. CCSA led this data collection effort and provided supplemental data on school enrollment, student demographics and funding. The survey and measurement data was collected between January and June of 2014.



⁴ A CMO is an organization that operates three or more schools linked by a common philosophy and centralized governance or operations. A network is a group of schools linked by a common philosophy but not centralized governance or operations. Networks are also entities that would otherwise fit the definition of CMO but have fewer than three schools. Freestanding refers to both start-up single-site schools and traditional district schools that have converted to charters but have no network or CMO affiliation.

SECTION 1: AN ANALYSIS OF THE CHARTER SCHOOL FACILITY LANDSCAPE IN CALIFORNIA: CLASSROOM-BASED CHARTER SCHOOLS

INTRODUCTION

This report is based on survey, enrollment, and operating revenue data collected for the 2013-2014 school year.⁵ All results presented in this report are based on data from the 62 percent of California's autonomous, classroom-based and combination charter school facilities that completed all or part of a comprehensive survey.⁶ For additional information on survey participation please see Appendix 4. The sample of classroom-based charter schools is representative of the state in terms of school type, region, and management type.

The policy recommendations presented in the Conclusions and Recommendations section of this report are based on: the charter school facility landscape in California, the national charter school facility landscape, and the collective expertise of the Resource Center, the Alliance, the League, and CCSA.

California charter schools were asked to complete the Charter School Facilities Survey and allow a charter support organization representative to conduct an on-site measurement of the facility and educational spaces.

⁵ Enrollment and per-pupil funding were obtained from CCSA and the California Department of Education.

⁶ Non-autonomous, locally funded charter schools were not invited to participate in this survey. In 2013-2014, these schools represented 300 of the 1,130 charter schools in California. The California Charter Schools Act does not define charter schools as being either "non-autonomous" or "autonomous." However, these terms are typically understood to distinguish between charter schools which are operated by independent entities (most commonly 501(c)(3) non-profit corporations directly funded by the state, and responsible for their own debts and liabilities), and those charter schools that are operated, funded, and provided facilities by a school district. Among other requirements, California Education Code § 47612.5(e)(1) requires classroom-based instruction to include at least 80 percent of instructional time offered at the school site, that the school facility be used principally for classroom instruction, and that pupils be in attendance on-site at least 80 percent of the minimum instructional time required. For the purposes of this report, combination charter schools are schools that offer classroom-based programs in a traditional school facility, but also offer online learning, and/or independent study programs.

KEY FINDINGS

1. Meeting demand for California's charter schools will require new facilities solutions.

- **More than 91,000 students** remain on charter school waitlists statewide.
- The average charter school in California plans to **increase its enrollment by 56 percent over the next five years**.
- **85 percent** of charter schools plan to grow their enrollment over the next five years.
- **64 percent** of charter schools that plan to grow do not have the space for their desired enrollment in five years.
- **49 percent** of charter schools that plan to grow do not have plans to acquire new space within the next five years.

2. California's charter schools spend per-pupil revenue on facilities. The amount that charters spend on their facilities depends on the ownership situation.

- Charters that own their building pay an average of **\$895 per pupil**, or 13.2 percent of their per-pupil revenue.
- Charters located in a school district facility pay an average of **\$285 per pupil**, or 4.3 percent of their per-pupil revenue.
- Charters leasing from a private entity pay an average of **\$570 per pupil**, or 8.3 percent of their per-pupil revenue.

3. California charter school facilities are not as large as the national public school median, and are generally smaller than recommended by California's public school size standards and guidelines.

- Charter kindergarten classrooms are, on average, only **62 percent** of the size of state standards.
- Charter classrooms for elementary, middle, and high school students are, on average, between **82 and 89 percent** of state standards.
- The average charter school facility is located on a site that is approximately **60 percent smaller** than state site size recommendations.



4. California charter schools in district facilities face a number of challenges.

- While **78 percent** of charter schools that obtained district space through the Proposition 39 process are satisfied with their facility, only **58 percent** of charter schools that obtained district space in lieu of Proposition 39 are satisfied with their facility.
- **74 percent** of charter schools that had obtained space through Proposition 39 feel that the process was very time consuming.
- **47 percent** of charter schools in district space report that the availability and condition of technology infrastructure is not of the same quality as neighboring schools.

5. California charter schools that share their facilities face a number of challenges.

- Overall, **41 percent** of California charter schools are in shared facilities.
- **56 percent** of these schools share their facility with two or more additional organizations, which may include school and non-school entities.
- **40 percent** of charters in shared space are concerned with implementing the school's curriculum given the amount of exclusive space they have been allocated.
- **34 percent** of charters in shared space report that keeping students safe on school grounds is a major concern.

Key Finding #1: Meeting demand for California's charter schools will require new facilities solutions.

Charter school demand is high in California, with more than 91,000 students on waitlists for existing charter schools. Yet without comprehensive changes, charter schools will continue to have facility challenges and the situation may worsen. Additional funds, creative financing and access solutions may be needed to address facilities-related issues as the charter school student population continues to grow.

- The average charter school in California plans to **increase its enrollment by 56 percent over the next five years**. The median charter school plans to increase its enrollment by **25 percent over the next five years**.⁷
- **85 percent** of charter schools plan to grow their enrollment over the next five years.
- **64 percent** of charter schools that plan to grow do not have the space for their desired enrollment in five years.
- **49 percent** of charter schools that plan to grow do not have plans to acquire new space within the next five years.



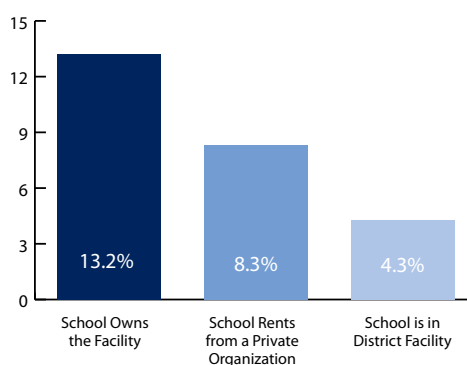
⁷ Much of this growth is due to the fact that many California charter schools have yet to reach their full enrollment, i.e., a K-8 school that started in year one as a K-2 school with the intent to add a grade each year, may currently be serving K-6, but will still grow by two additional grades.

Key Finding #2: California charter schools spend per-pupil revenue on facilities.

Statewide, 8.7 percent of charter schools own their buildings, 43.6 percent are housed in district facilities, 41.5 percent are located in private facilities, and 6.2 percent have other facilities arrangements. The average California charter school received per-pupil revenue ("PPR") of just under \$6,800 for the 2013-2014 school year. Qualifying charter schools can receive lease reimbursement assistance for their facilities expenses under the state's Charter School Facility Grant Program, which is administered by the California School Finance Authority (CSFA).⁸ The average school that obtained lease reimbursement assistance under this program received \$145,000 for the 2013-2014 school year.⁹ **On average, California charter schools reported expenses of \$504 per pupil (after applicable reimbursements) on facilities, representing 7.4 percent of their PPR.** However, the amount being spent varies depending on the type of entity that owns the facility: the school, a school district, or a private entity (including non-profit and for-profit organizations).

- Charter schools that own their facility pay an average of **\$895 per pupil**, or 13.2 percent of their PPR.
- Charter schools residing in a school district facility pay an average of **\$285 per pupil**, or 4.3 percent of their PPR.
- Charters renting from a private organization pay an average of **\$570 per pupil**, or 8.3 percent of their PPR.¹⁰

Figure 1
Facilities Spending as a Percent of PPR



This data demonstrates that school district facilities provide the most cost-effective option for charter schools, however, district facility space is not always made available to charter schools at the capacity and locations needed by charters. As a result, many charters seek more costly non-district facilities options.

⁸ The Charter School Facility Grant Program, commonly referred to as "SB 740" provides qualifying charter schools with funding equaling \$750 per unit of average daily attendance, or 75% of a school's lease costs, whichever is less. Charters qualify for the program by serving a student population with 70% of students that are eligible for free and reduced price meals, or by being located within in the attendance boundary of a district school which meets that threshold. Beginning in January of 2015, the threshold for eligibility was reduced to 60%. For additional information regarding this program see Cal. Ed. Code § 47614.5 and C.C.R. § 10170. CSFA was created in 1985 to oversee the statewide system for the sale of revenue bonds to reconstruct, remodel or replace existing school buildings, acquire new school sites and buildings to be made available to public school districts (K-12) and community colleges, and to assist school districts by providing access to financing for working capital and capital improvements. In addition to the Charter Schools Facility Grant Program, CSFA administers the federally funded Charter School Facilities Credit Enhancement Grant Program and State Charter School Facilities Incentive Grants Program, which are all designed to assist California charter schools in meeting their facilities needs.

⁹ This average is based on data collected from the California School Finance Authority. During the 2013-2014 school year, 301 California charter schools received lease reimbursement assistance.

¹⁰ Examples of private organizations include businesses, churches, and non-profits.

In addition to the recurring facilities expenses described above, **34 percent of charters** have undertaken major capital projects (in excess of \$20,000) over the past five years in order to renovate, upgrade, or otherwise maintain their facilities. For charter schools that undertook a major capital project in last five years, the median project cost was reported as \$325,000.

Key Finding #3: California charter school facilities are not as large as the national public school median, and are generally smaller than recommended by California's public school size standards and guidelines.

CLASSROOM SIZE

Table 1 shows the size of the average charter school classroom in square feet alongside California state standards for each classroom type.¹¹ Charter kindergarten classrooms are, on average, only 62 percent of the size of state standards. Charter classrooms for elementary, middle, and high school students are, on average, between 82 and 89 percent of state standards.

Table 1: Classroom Size		
Classroom Type	State Standard	Charter Average
Kindergarten	1,350	837
Elementary	960	813
Middle	960	787
High	960	855



11 For grades 1-12 classrooms see 5 CCR § 14030(g)(1)(A); for kindergarten classrooms see 5 CCR § 14030(h)(2).

TOTAL BUILDING SIZE PER STUDENT

The state of California does not have an explicit standard for the total amount of square footage per public school facility. However, the California Department of Education (“CDE”) undertook a study in 2007 (*California Department of Education Report on Complete Schools*) with the stated purpose to: “provide information requested by the State Allocation Board (SAB) on the components of a complete school consistent with the California Code of Regulations, Title 5 and a representative sample of such schools.”¹² At the time of the report, CDE identified 60 recently approved projects from throughout the state that represented complete schools based on each district’s educational specification.

Table 2 compares the median square footage per student of the 60 CDE approved projects to the median charter school size as determined by the CSFI.

Table 2: Total Building Size per Student				
Facility Type	60 Project Avg. Enrollment	60 Project Median Size	Charter Avg. Enrollment	Charter Median Size
Elementary	704	71	297	82
Middle	1,122	88	265	77
High	2,153	108	533	74

In its analysis of the 60 projects, the CDE concluded the following: “The 60 projects determined to be complete schools by the CDE are on average built with significantly less square feet than projects built nationwide and in neighboring states. Recall also, that if California data were to be disaggregated from the national and regional data, the differences would be even greater.”¹³

In two of the three grade configurations sampled by the CSFI, charter schools were able to provide even less square footage per student than the 60 CDE approved schools. The difference was greatest at the high school grade configuration where the median charter school was able to provide 34 less square feet per student. The median square footage figure for elementary charter schools was larger than the CDE complete school sample.

12, 13 <http://www.cde.ca.gov/ls/fa/sf/completesch.asp>

School Site Size

In 2000, the CDE produced a document referred to as the “*Guide to School Site Analysis and Development*,” which is intended to assist school districts in determining the amount of land needed for schools to support their educational programs in accordance with their stated goals and the recommendations of the California Department of Education.¹⁴ The guide discusses the merits of a functional approach to facilities planning which takes numerous factors into consideration when deciding upon an appropriate size for a school site, including but not limited to the following: the ultimate predicted enrollment, the grade levels to be served, the type, number, size, function, special characteristics, and spatial relationships of instructional areas, service areas, the building design (e.g., compact campus style or multistory), on-site parking and bus loading/unloading requirements, and outdoor physical education requirements.

After describing the methodology and rationale for size calculations, the guide also presents recommendations for school site size based on the most common grade configurations. Those figures are included in Table 3 below, along with the average size of charter school facilities:

Site Type	Enrollment Level For State Recommendations	State Site Size Recommendations (Acres)	Charter Avg. Enrollment	Charter Avg. Site Size (Acres)
Elementary	450	9.2	297	2.6
Middle	600	17.4	265	3.0
High	1,200	33.5	533	5.6

Charter schools have smaller enrollments than traditional public schools. However, even after adjusting for these differences in enrollment levels, the average charter school facility is located on a site that is approximately 60 percent smaller than state site size recommendations.

14 <http://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp>

Key Finding #4: California charter schools in district facilities face a number of challenges.

Proposition 39 was passed by California voters in 2000, requiring school districts to make “reasonably equivalent” educational facilities available to charter schools upon request. Under Proposition 39, school districts are allowed to charge charter schools for the use of district facilities, and those charges are assessed as the school’s pro rata share of the cost of the maintenance of district facilities, plus the district’s actual costs of oversight up to one percent of the charter school’s revenue (or three percent if no pro rata share is charged). Most schools in Proposition 39 arrangements do not have predictable, multi-year agreements and must re-submit Proposition 39 facilities requests every year on or before November 1 and renegotiate for continued use of the district space during the annual Proposition 39 cycle which runs from November to May. In many cases, California charter schools have entered into agreements to use school district facilities outside of the Proposition 39 option. State law allows school districts and charter schools to enter into an agreement for the use of district facilities or other forms of facilities related support as an alternative to the statutory Proposition 39 arrangement. In 2013-2014, 43.6 percent of California charter schools resided in district facilities.

Facilities which were designed and built to be used as public schools have certain advantages for charter schools when compared to many of the other facilities options available to charters, most of which were not designed for school use, and many of which come with significant zoning, land use, or permitting related challenges. However, charters which secure access to district facilities also face a number of challenges.

- While **78 percent** of charter schools that obtained district space through the Proposition 39 process are satisfied with their facility, only **58 percent** of charter schools that obtained district space in lieu of Proposition 39 are satisfied with their facility.
- **74 percent** of charters that obtained space through Proposition 39 believe the process was very time consuming.
- **47 percent** of charters in district space reported that the availability and condition of technology infrastructure is not of the same quality as neighboring schools.
- **35 percent** of charters in district space reported that their school facility is smaller than neighboring schools.
- **39 percent** of charters in district space reported that their athletic and/or play areas are not of the same quality as neighboring schools.

Key Finding #5: California charter schools in shared facilities face a number of challenges.

41 percent of California charter schools are sharing space with at least one other organization.

53 percent of the charters that share facilities reside in district buildings and the remaining 47 percent are in other types of non-district facilities. 13 percent of these charters share space with another charter school, 40 percent share space with traditional public schools, and the remainder share space with private organizations such as churches, businesses, or non-profit organizations. 56 percent of these charters share space with two or more additional schools or organizations. While 31 percent of schools sharing space report that it allows the school to access amenities that otherwise would not be affordable, many report a number of challenges associated with these arrangements.

- **40 percent** of charters in shared space report that implementing the school's curriculum is a major concern given the amount of exclusive space it has been allocated.
- **34 percent** of charters in shared space report that keeping students safe on school grounds is a major concern.
- **35 percent** of charters in shared space report that maintaining a school climate consistent with the school's mission is a major concern.
- **31 percent** of charters in shared space report that there is a lack of adequate parking or pick-up and drop-off areas.
- **41 percent** of charters in shared space report that they do not have adequate access to the gymnasium.
- **47 percent** of charters in shared space report that they do not have adequate access to specialized classrooms such as science labs and computer labs.
- **43 percent** of charters in shared space report that they do not have adequate access to the library.

ADDITIONAL EVIDENCE AND FINDINGS

Specialized Instructional Spaces

Most instruction during the school day takes place in generic classrooms; however, specialized instructional spaces such as special education resource rooms, science labs, libraries, and computer labs are an important part of a comprehensive educational program. California charter schools often have a limited number of these types of spaces. In fact, only 56 percent of California charters report that their facility has the amenities and specialized spaces needed to best implement their educational program.

- **30 percent** of charters do not have a dedicated special education resource room.
 - **21 percent** of charters in district buildings do not have a dedicated special education resource room.
 - **34 percent** of charters in non-district buildings do not have a dedicated special education resource room.
- **54 percent** of secondary charters do not have a dedicated science lab.
 - **42 percent** of secondary charters in district buildings do not have access to a dedicated science lab.
 - **60 percent** of secondary charters in non-district buildings do not have access to a dedicated science lab.
- **57 percent** of charters do not have a dedicated library/media center.
 - **39 percent** of charters in district buildings do not have a dedicated library/media center.
 - **71 percent** of charters in non-district buildings do not have a dedicated library/media center.
- **59 percent** of charters do not have a dedicated computer lab.
 - **57 percent** of charters in district buildings do not have a dedicated computer lab.
 - **60 percent** of charters in non-district buildings do not have a dedicated computer lab.

Serving Meals

The average California charter school has 54 percent of students eligible to receive free and reduced price lunch (“FRL”). Yet a majority of California charter schools (76 percent) do not have a full-preparatory, federally-qualified food kitchen in which to prepare hot meals that qualify for reimbursement under the National School Lunch Program. As a result, 80 percent of charters have lunches brought in by outside caterers (including school districts). Many California charters face additional challenges in serving meals.

- **40 percent** of charters do not have a lunch room.
- Only **68 percent** of charters have the dedicated space and equipment to keep food warm.
- Only **74 percent** of charters have the dedicated space and equipment to keep food cold.

Physical Education

Physical education options can be limited for California charter school students. Although the majority of California charter schools (84 percent) have playgrounds for elementary students, many California charter schools report that their facility does not have a gymnasium or a play/athletic field, nor access to one nearby. Although not all charter schools have the need for a full range of athletic facilities, for some charter schools the lack of these amenities may limit the ability of charter school students to fully participate in physical education and organized athletic activities.

- **52 percent** of California charter schools do not have access to an athletic field.
 - **39 percent** of charters in district buildings do not have access to an athletic field.
 - **60 percent** of charters in non-district buildings do not have access to an athletic field.
- **60 percent** of charter schools do not have access to a gymnasium.¹⁵
 - **59 percent** of charters in district buildings do not have access to a gymnasium.
 - **60 percent** of charters in non-district buildings do not have access to a gymnasium.
- **45 percent** of charters serving secondary students do not have access to a gymnasium.
- **76 percent** of charters with a gymnasium on campus do not have locker rooms and/or shower facilities for their students.

¹⁵ In consideration of the California climate, schools were asked if they had an interior gym or an equivalent dedicated outdoor space or access to one nearby.

Charter School Facilities Program

During the past five years, 29 charter schools received funding for new school construction or modernization through the Charter School Facilities Program (also known as the State Bond Program). The total amount of funding allocated to these 29 schools was \$259 million. The funding amounts ranged from approximately \$700,000 to \$24 million, with an average allocation of \$9 million per school. This program is designed to provide charter schools with a grant representing 50 percent of the project cost, while the charter must provide a 50 percent matching share. The matching share can be provided from the school's own resources, or it can be borrowed from the state and paid back in annual installments for up to 30 years.

Additionally, projects funded under this program are required to be built under the auspices of the California Division of State Architect (DSA), in compliance with the various state regulations applicable to public school construction projects completed by local school districts. In addition to the DSA, various other state agencies are commonly involved in the oversight of these school construction projects, including: the State Allocation Board, the Office of Public School Construction, the California Department of Education School Facilities Planning Division, the Department of Toxic Substances Control, the California Energy Commission, the Department of General Services, the Department of Public Health, the Department of Transportation, and the Office of Emergency Services Hazard Mitigation. As a result, these projects meet the state's new school construction standards and do not differ significantly from district schools in terms of standards and construction quality.

There are 1,130 charter schools currently operating in California, and the rate of participation in this program is quite low.



School Environment

Recent studies conducted by Uline and Tschannen-Moran,¹⁶ Tanner,¹⁷ and Duran-Narucki¹⁸ demonstrate a link between the quality of the physical environment within a school facility and students' educational outcomes. Facility characteristics that are believed to have an impact on student learning are: acoustics, windows, natural day light, thermal comfort, and indoor air quality. The facilities survey asked California charter school leaders to rate their schools on these aspects.

- **51 percent** of charters reported that they do not have insulated glass (thermal pane) windows.
- **30 percent** of charters reported that noise generated from other classrooms or corridors is disruptive.
- **30 percent** of charters reported that their school site has large cracks in the pavement or sidewalks.
- **30 percent** of charters reported that the quantity of student restrooms was inadequate.

In addition, 43 percent of California charter schools reported having at least some modular classrooms and 33 are in facilities that were not originally constructed as schools.

16 Cynthia Uline, Megan Tschannen-Moran, (2008) "The walls speak: the interplay of quality facilities, school climate, and student achievement", *Journal of Educational Administration*, Vol. 46 Issue: 1, pp. 55–73.

17 C. Kenneth Tanner, (2009) "Effects of school design on student outcomes", *Journal of Educational Administration*, Vol. 47 Issue: 3, pp. 381–399.

18 Valkiria Durán-Narucki (2008). "School building condition, school attendance, and academic achievement in New York City public schools: A mediation model." *Journal of Environmental Psychology*, Vol. 28 Issue: 3, pp. 278–286.

CONCLUSIONS AND RECOMMENDATIONS

California's charter schools currently serve 8.3 percent of the state's public school students, and are poised to serve an even larger percentage in the coming years. **The Facilities Survey shows that 85 percent of California's charter schools plan to grow over the next five years, but 64 percent do not have the space for their desired enrollment.**

In light of the continued growth and the facility challenges that charter schools face, California policy makers and agencies should consider the following recommendations to improve state charter school facility programs and options:

1. **Under Proposition 39, school districts are required to provide charter schools with facilities that are sufficient to accommodate charter school needs and reasonably equivalent to other district facilities through an annual application process. School districts may charge a charter school only a proportionate share of its facilities costs that are paid from the general fund.**
 - **Inventory Reporting.** Require school districts to publish annual reports concerning objective school by school capacity, based on state mandated criteria, to provide facility information to charter schools applying under Proposition 39.
 - **Application Process.** Make the Proposition 39 application process more efficient and less burdensome for charter schools.
 - **Enforcement.** Provide an enforcement mechanism in addition to court challenges for charter schools to challenge facility offers from school districts under Proposition 39.
2. **California law includes a limited option for charter schools to receive the "first right of refusal" to any surplus school district property (but only to July 1, 2016 unless the provision is extended) used for instructional purposes at less than market value.**
 - **Property Type.** Amend the current statutory framework to require school districts to provide charter schools with the first right of refusal for all school district property deemed surplus or excess, irrespective of the current and past use of the property.
 - **Timeframes.** Amend the current statutory framework to grant charter schools the first right of refusal for public school property irrespective of when the property was declared surplus or excess.
 - **District Incentives.** Consider regulatory changes that will provide financial incentives for local school districts to make surplus property available to charter schools.

3. California law does not affirmatively require school districts to include facility funding for charter schools in their local bond measures.

- **Local School Bonds.** Enact legislation or regulatory changes that:
 - Ensure charter school eligibility for the receipt of a proportional share of revenues from facilities funding generated by the issuance of general obligation bonds by school districts. As an alternative to mandatory inclusion, incentivize districts to include charters by raising the statutory limits on the amount of bond indebtedness allowed by districts if they agree to include charters.
 - Prohibit districts from including any unreasonable limitations on charter school participation in bond programs.
- **Efficient Use of Local Revenues.** Enact legislation or regulatory changes establishing that charter school projects funded with local bond or parcel tax revenues will not be subject to state laws or regulations that impose cost and facility burdens that decrease the efficiencies otherwise achievable on charter school construction projects.

4. Under California law, the Charter School Facilities Program authorizes the State Allocation Board to provide per-pupil facilities grant funding for 50 percent of the total project cost for new construction or renovation of charter facilities. This program is subject to available statewide school bonds passed to support charter school facilities. At the time this report was drafted, there was a small amount of funding available for charters under this program, and legislation to seek voter approval for the issuance of additional school construction bonds by the state was not approved. If the state government does decide to move forward with plans to provide additional funding for this program, the following program changes should be considered:

- **Application Process.** Simplify and shorten the application process to expand access to the program to include charter schools that lack the in-house expertise to navigate a complex and time consuming system.
- **Program Timeframes.** Streamline the state charter school facility bond program to increase efficiency and ensure timely funding of approved projects.
- **Flexible Use of Funds.** Ensure that charter schools are able to use funding from the state bond program in as flexible a manner as possible, and without onerous regulatory burdens.

5. California law created the Charter School Facility Grant Program (via SB 740) that provides up to \$750 per pupil in lease reimbursement for charter schools in attendance areas where 70 percent of students qualify for free and reduced price lunch. California Assembly Bill 948, signed into law in October of 2014, reduced the threshold to 60 percent effective January 1, 2015. Payments under this program may not exceed 75 percent of total annual facilities rent costs.

- **Eligibility.** The state should further reduce the free and reduced-price lunch eligibility requirements to 55 percent.
- **Increase Reimbursement.** Increase the per-pupil and total annual facility reimbursement amounts.
- **Allowed Uses.** Expand the eligible costs for reimbursement under the state lease reimbursement program, such as debt service/loan payments.



6. California law provides that privately-owned charter facilities are generally exempt from the extensive set of state public school design and construction regulations applicable to district schools which are typically funded in part by state bond revenue under the state's School Facilities Program. Charter school facilities must comply with state building code standards as implemented by city or county planning and building agencies. The more efficient and cost-effective local oversight approach to charter school facility development and construction is critically important for charter schools, but additional changes are needed to maximize charter school operators' ability to develop new school facilities.¹⁹

- **Flexible Use of Funds.** Ensure that charter schools are able to use funding from state and local bond programs in as flexible a manner as possible, and without onerous regulatory burdens. Although, as discussed above, charter facilities projects are typically exempt from the same regulations that apply to school district facilities projects, charter school operators are sometimes compelled to follow the state design and construction process as a condition of receiving project funding from school bond programs. The application of this design and construction process to some charter facilities projects undermines the state's policy goal of providing flexibility for charter school projects.
- **Land Use Powers.** The time-consuming, complex, and expensive local land use and zoning process, from which school district projects are exempt, is a major obstacle to the efficient development of affordable charter school facilities. The state should enact legislation providing a process for charter schools to obtain a similar land use and zoning authority as school districts are permitted to exercise in developing and constructing school facilities for instructional purposes.

The 2013-2014 Charter School Facilities Survey results indicate that California charter schools struggle to obtain equitable access to facilities and facilities financing. By ensuring equitable access for all California public schools, charter schools could widen programming options, increase the quality of the educational experiences, and increase the number of available seats for the growing charter school student population.

19 Cal Ed Code § 47610.5. Cal Ed Code § 47610.

APPENDIX 1A: METHODOLOGY

Questionnaire Development

A critical first step to gathering the best possible set of objective data and information about charter school facilities needs was to develop a comprehensive questionnaire.

To accomplish this, the League commissioned charter school experts in architecture and operations, including Paul Hutton, AIA. Mr. Hutton has designed a variety of schools and is known for his creative, cost-effective, and environmentally conscious facilities and has designed numerous new charter schools and charter school additions. The League also asked Wayne Eckerling, Ph.D. to assist in the design of the survey. Dr. Eckerling was a former assistant superintendent with Denver Public Schools with responsibilities for supervision of charter schools, educational planning, and research. In addition to his public school facilities expertise, Dr. Eckerling has experience with general obligation bond planning and implementation.

The draft questionnaire was reviewed by the League's facility task force, League staff, and others with expertise in school construction and educational policy. A draft questionnaire was then field tested with a small group of charter schools to ensure clarity and comprehensiveness. Further revisions to the original base survey were made based on feedback from all participating Colorado charter schools. The CSFI administered a version of the charter school facility survey in Georgia, Indiana and Texas. The revised base survey was customized for each state to include state-specific questions and account for the state charter school landscape. Extensive feedback was solicited from state, charter support organizations, stakeholders and charter schools, resulting in further revisions to the base survey.

Topics addressed include the following:

- Demographic information including grades served, year of inception, and waiting lists.
- Future facility plans.
- Shared use information.
- Facility information including year of construction and site size.
- Facility ownership, financing, and annual payments.
- Facility and classroom size and information technology resources.
- Facility amenities such as gymnasiums, lunchrooms, libraries, and playgrounds.
- Facility adequacy, condition, and maintainability.
- Facility funding.

California Survey Procedures

The League's base survey was revised to address California-specific issues. As necessary, CCSA and its consultants provided technical assistance to schools completing the survey. Submitted surveys were reviewed again for accuracy and completeness. Follow-up was done with the schools as necessary. While the completed surveys are the primary source of information for this study, additional information was procured by CCSA from the California Department of Education (including items like enrollment, per-pupil funding and free and reduced price lunch eligibility).

SECTION 2: AN ANALYSIS OF THE CHARTER SCHOOL FACILITY LANDSCAPE IN CALIFORNIA: NONCLASSROOM-BASED CHARTER SCHOOLS

INTRODUCTION

This portion of the California Charter School Facilities Initiative (“CSFI”) report introduces the challenges faced by charter schools that operate much like classroom-based schools but fall under a regulatory definition of nonclassroom-based schools as a result of operating quasi-independent study programs. Due to this classification as nonclassroom-based, charter schools offering these educational options operate without the funding sources available to traditional district schools and, in some cases, without access to the same funding sources available to classroom-based charter schools.

Originally legislated in the 1970s, independent study programs were designed to allow young athletes and actors the opportunity to keep up with their school work while travelling for their occupations. Initially, it was school districts that accommodated these students through independent study options and many continue to do so today. The typical model of these district-run independent study programs involves students coming to a small site—sometimes a single room of a traditional high school building—to meet with faculty for one hour per week to turn in assignments and receive additional course work.



Given this typical independent study model, where students have little contact with teachers and faculty, independent study schools have become synonymous with nonclassroom-based schools. However, in the years following the passage of California's charter school legislation, many charter leaders embraced the flexibility provided by independent study options and adopted some of the components of the independent study concept, while adding innovative elements to the model in order to offer a wide variety of educational options to their students.

These creative approaches are not always well understood by the broader educational community and often do not follow the same nonclassroom-based model as the independent study schools run by school districts. As discovered through the analysis presented in this report, charter independent study schools appear to operate in larger facilities and provide more instructional time each week than independent study schools operated by traditional school districts. Today, independent study charter schools do not just serve actors and athletes; many serve homeschool students as well as students that have struggled either socially or academically in traditional educational settings. Charter leaders have expanded the idea of independent study and developed innovative ways to serve many students' social and academic needs. By blending the traditional classroom-based educational model with nonclassroom-based independent study options, many charter schools have created new educational options that are no longer sufficiently described by either the term "nonclassroom-based" or "independent study."

To illustrate this point, data collected in California for nonclassroom-based charter schools as part of the CSFI, is summarized in this report. The following sections outline the types of educational spaces found within charter school facilities that are classified by the California Department of Education (CDE) as independent study. In addition, data summarizing the cost of facilities among independent study charter schools is provided.

It should be noted that this report does not include data on independent study charter schools that operate as full-time online schools.

GLOSSARY OF TERMS

There are a number of terms used throughout this section of the report that may be unfamiliar to some readers. In some cases specific terms are used rather than more simplistic terminology in order to parallel California statutory language. The following is a short list of those terms and their definitions.

Independent Study Schools: Generally speaking, independent study schools offer students the flexibility to learn on their own time and historically provide very little in the way of face-to-face interaction with teachers and faculty.

Charter Schools: Charter schools are public schools of choice, which are tuition-free, open to any student who wishes to attend, and operate independently from a school district's central administration. Each charter is governed by its own board of directors. Charter school petitions are initially reviewed for approval by school districts' boards of education, county boards of education or the State Board of Education, and are typically renewed every five years to ensure strong academic results and fiscal and operational responsibility.

Resource Centers: Resource Centers are locations, or sites, which are operated by an Independent Study Charter School. One Independent Study Charter School can operate multiple resource centers. The term resource center is used here, rather than site, because it is consistent with the language used in California's Independent Study legislation. The intent of this specific language is to distinguish a facility operated by an Independent Study School from more traditional site-based school models.

Classroom-based (or Site-based) Instruction/Schools: Classroom-based Instruction is statutorily defined in California Education Code Section 47612.5(e)(1) and is used to determine how schools are funded. In addition to requiring at least 80 percent of instruction to occur at the school facility, classroom-based programs are subject to other regulations regarding student attendance and facility use. See Appendix 2B. Schools classified by the California Department of Education as site-based are assumed to provide classroom-based instruction to all students.

Nonclassroom-based Instruction/Schools: Nonclassroom-based Instruction is very loosely defined as a school program that does not fit under the Classroom-based Instruction definition, and includes independent study, home study, work study, and distance and computer-based education. See California Education Code Section 47612.5(d) and (e). Nonclassroom-based programs are treated differently than classroom-based programs for state funding and facility aid.

CALIFORNIA NONCLASSROOM-BASED CHARTER SCHOOLS

Approximately 18 percent (148 out of 828) of the autonomous or semi-autonomous²⁰ charters in California are classified as nonclassroom-based schools and offer independent study programming. Thirty-four of these charter schools are full-time, online programs and were not eligible to participate in the CSFI survey as they do not operate out of a brick and mortar facility. The remaining 114 nonclassroom-based charter schools provide at least some portion of student instruction in a facility and, therefore, were eligible to participate in the facilities survey. For the remainder of this report, we refer to these charter schools as independent study and/or nonclassroom-based schools interchangeably, but the reader should note that no full-time, online schools were included in the analysis.

To provide options for, and meet the demands of, students across a broad geographic and educational range, independent study charter schools often operate in more than one facility, referred to throughout this report as resource centers (see glossary of terms). This means that many of the charter schools that offer independent study options are responsible for the acquisition and maintenance of multiple facilities. Yet, these charter schools are denied state facility aid—aid that may be available to all site-based charter schools—simply because they are considered to be “nonclassroom-based schools” under current California law.

A survey of the 114 independent study charter school websites found that each charter operates an average of four resource centers with an estimated total of 481 independent study charter school centers across the state of California. While the majority of these charter schools run five or fewer centers (Table 4), at least 25 run six or more resource centers—with one charter running 30 centers in San Diego County. A list of the nonclassroom-based charter schools, together with the number of sites each charter runs is provided in Appendix 3C.

Table 4: Number of Nonclassroom-based Charter Schools and Resources Centers in 2013-2014

Total # of Independent Study Charter Schools	114
Avg. # of Centers per School	4
Total # of Centers	481
# of Schools with 1-2 Centers	52
# of Schools with 3-5 Centers	37
# of Schools with 6-9 Centers	12
# of Schools with 10+ Centers	13

20 Autonomy is determined by the level of freedom the charter school board has over budget and staffing decisions. Non-autonomous charter school budget and staffing decisions are determined by their authorizing entity and, thus, these schools were not eligible to participate in the CSFI survey.

Initial 2013-2014 enrollment figures published by the California Department of Education indicate that there were approximately 91,622 students enrolled in the autonomous and semi-autonomous nonclassroom-based charter schools, which is equal to 1.5 percent of the 6.2 million students enrolled in the state's public school system. Enrollment in these charter schools range from six students to over 5,000 students, with the average school enrolling 679 students. Table 5 outlines the demographics of the 91,622 students.

Table 5: Demographics of the Students Enrolled in Nonclassroom-based Charter Schools Compared to Statewide Demographics, for 2013-2014		
Demographic Factor	Percent of Nonclassroom-based Students	Percent of all Public School Students
Percent Minority Students	55%	74%
Percent Free or Reduced Meal Eligible	50%	59%
Percent English Language Learner Students	6%	22%

Over half of the students enrolled in nonclassroom-based charter schools are minorities and half of the students enrolled also qualify for free or reduced price meal programs. These charter schools serve fewer numbers of English Language Learner ("ELL") students than are identified throughout the state, at six versus 22 percent.

Nonclassroom-based charter schools also tend to have non-traditional grade configurations. Of those surveyed, none serve traditional elementary or middle school grade configurations. As shown in Table 6 below, the participating 58 resource centers represented in the report were structured as K-8, K-12, 6-12, or 9-12 schools.

Table 6: Grade Configuration among Participating Nonclassroom-based Charter School Resource Centers	
Grade Configuration	Number of Independent Study Resource Centers
K-8	11
K-12	20
6-12	15
9-12	12
Total	58



REGULATIONS THAT IMPACT FUNDING FOR NONCLASSROOM-BASED CHARTER SCHOOLS

NONCLASSROOM-BASED INSTRUCTION

As mentioned above, independent study schools run by a school district, and charter independent study schools that utilize some combination of independent study and online learning, are typically classified as nonclassroom-based schools in California. This classification has implications for the way these schools are funded by the state, and depending upon the specific structure of the programs offered, may be incorrectly applied in some cases.

California Education Code Section 47612.5(e)(1) defines what constitutes classroom-based instruction (Appendix 2B) and, to a far less specific extent, what does not. In summary, a charter is classified as classroom-based if all of the following apply:

1. The charter school's pupils are engaged in educational activities required of those pupils, and the pupils are under the immediate supervision and control of an employee of the charter school who is authorized to provide instruction to the pupils within the meaning of Education Code section 47605(l).
2. At least 80 percent of the instructional time offered at the charter school is at the school site.
3. The charter school's site is a facility that is used principally for classroom instruction.
4. The charter school requires its pupils to be in attendance at the school site at least 80 percent of the minimum instructional time required by the Education Code.

OPERATIONAL REVENUES

A charter school program that does not meet the requirements for classroom-based instruction, as specified above, is considered to be nonclassroom-based and must have a funding determination approved by the State Board of Education ("SBE").

To receive full funding for its nonclassroom-based programs, a charter school must demonstrate that ALL three of the following conditions are met:

- 1. The charter school's total expenditures for salaries and benefits for all employees who possess a valid teaching certificate, permit, or other equivalent document and who work in the charter school in a position required to provide direct instruction or direct instructional support to students must equal or exceed 40 percent of the school's total public revenues.**
- 2. The charter school's total expenditures on instruction and related services must equal or exceed 80 percent of the school's total revenues.**
- 3. The ratio of average daily attendance for independent study pupils to full-time employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1, or the equivalent ratio of pupils to full-time employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates.**

Nonclassroom-based charter school programs that do not meet the 40 percent, 80 percent, and 25:1 conditions, as described above, may be eligible for 85 percent or 70 percent of full funding by meeting lower levels of spending on salaries and benefits and instruction and related services.

FACILITY RESOURCES

In addition to the regulations regarding nonclassroom-based funding determinations that impact the amounts of funding received by these charter schools, and which place limits on how schools can spend those funds, these schools are not eligible to receive facility resources that are available to other charter schools.

The Charter School Facility Grant Program: In October 2001, the state of California enacted Senate Bill 740 ("SB 740"), which made significant changes to the regulations governing the allocation of funds to charter schools. This legislation also established the Charter School Facility Grant Program—a program that provides facility lease aid to schools serving student populations with 70 percent or more students who are eligible for free and reduced priced lunch (reduced to 60 percent effective January 2015). This program, administered by the California School Finance Authority, provides schools with \$750 per unit of average daily attendance, or up to 75 percent of their facilities lease costs, whichever is lesser. Nonclassroom-based schools, however, are not eligible for the Charter School Facility Grant Program.

The Charter School Facilities Program: The State of California also offers a program which provides funds for charter schools to acquire real property and/or build or renovate charter school facilities. This program is known as the Charter School Facilities Program. The Charter School Facilities Program is administered by the Office of Public School Construction and overseen by the State Allocation Board, and is funded from the proceeds of general obligation bonds issued by the state. However, nonclassroom-based charter school facilities projects are not eligible to receive funding from this program.

The Charter School Facility Grant Program, and to a lesser extent the Charter School Facilities Program, are major sources of state facilities funding available to California charter schools. The ineligibility of nonclassroom-based charter schools for funding under these programs, in addition to the funding determination regulations enacted by SB 740, limit the budgetary options for these charter schools. This limitation may have an adverse impact on the level of instructional programming and support these charter schools can provide their students.

Facilities Standards: Unlike for the site-based charter schools described in the first half of the report, there is no comparative national dataset from nonclassroom-based facilities. In addition there is no state or local standard for building and classroom sizes for nonclassroom-based school facilities. Therefore, the goal of this portion of the CSFI report was to collect data on a small subset of at least 10 percent of the charter school facilities which utilized independent study programs in order to provide a description of the typical facility, outline average facility expenditures for these charter facilities, and explore common barriers that exist for these charter operators. Due to the small sample of resource centers on which the CSFI collected data, results described in this report are not representative of the state's entire population of independent study charter schools and should only be seen as preliminary.

As described in the following sections, nonclassroom-based charter schools do not follow a uniform model when it comes to either facility configuration or mode of instruction for students. What follows is a description of the complex nature of these facilities, based on the schools' myriad methods for educating students and addressing their individual needs.

FACILITY SIZE AND NUMBER OF INSTRUCTIONAL SPACES

Historically, district-run independent study programs were housed in a facility with one large room which students visited for an hour or two per week to meet with teachers or paraprofessionals to receive assistance with assignments and to receive some limited amount of face-to-face instruction. Under this traditional model, instruction was provided outside of the resource center facility—whether online, via parents, or through reading materials. Based upon this traditional understanding of the way these schools functioned, assumptions have been made about the charter schools that offer independent study options and all are currently classified as nonclassroom-based schools.

After collecting data from 58 charter resource centers, the assumptions regarding how these facilities are configured and operated appears inconsistent with the nonclassroom-based classification. While data on the number of hours students attend resource centers per week was not collected as part of this study, a number of data pieces included in the survey leads to the conclusion that many of these “nonclassroom-based” charter schools are actually serving students in these centers for many more hours than would be required to turn in assignments and receive new course work to complete at home.

Furthermore, findings of the CSFI survey demonstrate that many of these schools have facilities that far exceed what would be necessary to operate a typical independent study resource center. The following table presents data on the average size of resource center facilities as well as number of instructional spaces, including general classrooms and specialized instructional spaces (e.g., gymnasiums, libraries, science labs), found in the buildings that were visited as part of the CSFI data collection process.

Spaces	Average	Minimum	Maximum	N
Total Facility Size (in sq. ft.)	15,172	1,300	56,115	41
Total Site Size (in acres)	1.69	0	15.8	41
Number of K-12 Classrooms in Center	9	1	30	37
Number of Specialized Instructional Spaces (e.g., library, science lab, art room) in Center	2	0	10	42
Total Number of Instructional Spaces in Center	12	2	39	35

A site size equal to zero means that the school has no dedicated exterior space for use by the school.

Table 7 shows that the average charter school resource center measured was over 15,000 square feet, had nine general classrooms, and had two specialized instructional spaces. Thus, while some resource centers appear to fit the more typical model of nonclassroom-based schools, as seen in the minimum size and number of spaces in Table 4, others clearly have facilities that are as large as some site-based programs—with a similar number of instructional spaces.

Table 8: Total Facility Size of Resource Centers, in Square Feet Per Student					
Number of Students Based on:	N	Minimum Sq. Ft. / Student	Maximum Sq. Ft. / Student	Average Sq. Ft. / Student	Median Sq. Ft. / Student
Max in the facility at one time	35	20	306	106	96
Official enrollment count	22	11	207	48	37
Number charter reported serving throughout the school year	22	12	191	45	39

Table 8 displays the total gross square footage of the resource centers per student. Given the nature of independent study, where not all students are served in the center at one time, the number of total square feet per student is presented in three sets of figures; 1) the maximum number of students in the building at one time (as reported by the resource center directors), 2) the CDE official enrollment count, and 3) the overall number of students served by the center throughout the school year²¹. When computed based on the actual number of students present in the building at one time, the independent study resource centers appear to be quite large. Though the reader should be aware that the total facility measurement includes all aspects of a facility—restrooms, hallways, administrative spaces, etc.—and is not limited to instructional spaces.

21 Official enrollment count is based on a single day count in the fall of each school year and does not always capture the total number of students that a school serves throughout the school year. Therefore, both numbers were presented.

AVERAGE NUMBER OF STUDENTS IN THE BUILDING PER DAY

When looking at the number of students served in nonclassroom-based school facilities at any given time, the numbers vary widely. One center served as few as 10, while another served upwards of 761 students at one time. The majority of the participating resource centers reported that between 50 and 250 students were served in the facility on a given day (see Table 9).

Table 9: Number of Students Served in Nonclassroom-Based Facilities on a Given Day	
Number of Students Served (Range)	Number of Sites
less than 30 students	5
30-50 students	9
51-100 students	15
101-250 students	12
251-400 students	5
more than 400 students	4
No response	8

The figures in Table 9 should not be confused with the number of students that the charter serves in a given year. As stated earlier in the report, the average nonclassroom-based charter serves 679 students throughout the school year. Though it is clear that each resource center does not see all of the students that are “enrolled” at the particular center on a daily basis, it also appears that some centers see a great number of students on a given day—perhaps more than can be seen by staff on a one-to-one ratio like the traditional independent study model maintains. This suggests that some resource centers may be working with students in a group setting.

SPECIALIZED INSTRUCTIONAL SPACES

Specialized instructional spaces, such as libraries, art rooms, science labs, and gymnasiums are not likely to be present in facilities that simply serve students for one to two hours per week. Rather, the presence of these specialized spaces would suggest that students are being served for more significant portions of the day or week than suggested by a typical independent study model. Data collected from the measurement of the resource centers revealed that 26 percent of independent study centers have libraries, 16 percent have science labs, 12 percent have art classrooms, 14 percent have music classrooms, and 36 percent have spaces that are used as gyms, auditoriums, and/or lunchrooms (see Table 10).

Table 10: Number of Resource Centers with at Least One of the following Specialized Instructional Spaces							
	Library	Computer Lab	Science Lab	Art Room	Music Room	SPED Resource Room	Gymnasium/Auditorium/Lunch Room
Yes	11	17	7	5	6	23	15
No	31	26	36	37	36	20	27
Percent with each Type of Space	26%	40%	16%	12%	14%	54%	36%

Data collected during site visits, not self-report

The presence of specialized instructional spaces in more than half of the participating resource centers suggests, again, that students are attending these “nonclassroom-based” charter schools for more than just a few hours per week. While not common, some resource centers serve meals on-site (see Table 11).

Table 11: Number, Percent of Independent Study Charter Resource Centers that Report Serving Meals On-site			
Does the school serve meals to students on-site?	Number of Schools	Total Percentage	Adjusted Percentage
Yes	3	5.2%	8.3%
No	33	56.9%	91.7%
Missing Data	22	37.9%	100%

Findings from a small sampling of nonclassroom-based charter schools suggest that at least some of the centers are providing more than 20 percent of instruction on-site. Further investigation into the amount of time students spend at the centers is warranted, as there could be funding implications for the resource centers—both in terms of limitations placed on state revenue and whether centers qualify to receive state or local facility funding. Funding aid, as the following section will demonstrate, could benefit many independent study charter schools.

CHARACTERISTICS OF NONCLASSROOM-BASED CHARTER SCHOOLS

A review of the 41 participating nonclassroom-based charter school websites found the following:

- 22 nonclassroom-based charters list minimum weekly attendance requirements:
 - Five mandate two hours per week
 - Six require at least two days per week
 - 11 determine the required number of days based on grade level or student need
- Four nonclassroom-based charters state no minimum weekly attendance
- 10 nonclassroom-based charters list either a blended-learning model and/or an on-site component of the program
- Five nonclassroom-based charters provide support for home school students
- Two nonclassroom-based charters provide on-site instruction, blended learning options, and homeschool support across multiple locations

EXAMPLE BLENDED LEARNING CHARTER SCHOOL PROFILE

The Classical Academy Charter Schools provide an example of how charters have embraced the flexibility allowed in California to provide innovative ways of meeting students' needs. It also illustrates the shortcomings of a system that mandates an "either/or" classification of charters as classroom-based or nonclassroom-based —while demonstrating that not all resource centers should be assumed to be the same.

Number of charters: 2

Number of resource centers: 7

Size of Facility (three examples):

Facility 1: 29,000 sq. ft., 16 general classrooms, 11 specialized instructional spaces

Facility 2: 7,100 sq. ft., 11 general classrooms, 4 specialized instructional spaces

Facility 3: 5,236 sq. ft., one large space

Grades served: K-12 (collectively)

Number of Students

in 2013-2014: 1837 (collectively)

Attendance requirements: . . Up to 2 days a week, depending on program and grade level

Instructional model: varies by location but includes site-based, blended, and independent home study

Years in operation: 14 and 11 years

NONCLASSROOM-BASED CHARTER SCHOOL FACILITY EXPENDITURES

As part of the CSFI survey, charter school leaders reported on the proportion of the resource center facility that was owned by various types of entities (listed in Table 12). A majority of the charter school leaders reported that the charter pays rent for their resource center facilities. Only four of the participating resource centers reported 100 percent ownership by the charter school or its building corporation. Two other resource centers were reported to be partially owned by the school. By-and-large (34 out of 50), these charter schools lease their facilities from for-profit landlords.

Table 12: Number of Resource Centers Owned by each Entity		
Who Owns the Facility?	100% Ownership	Partial Ownership
The school (or building corporation formed by the school)	4	2
A school district	1	1
The state	0	0
A government entity other than a school district	0	1
A for-profit company	34	0
A non-profit organization unrelated to the school	3	1
A non-profit organization related to the school	3	0

Charter school leaders also reported on the annual payments made for the resource center facilities. Whether paying on a bond, loan, or lease, the average nonclassroom-based charter school pays \$196,406 annually for the resource center facility. Table 13 provides the distribution of adjusted facility payments²² based on reports from charter school leaders.

Table 13: Distribution of Annual Facility Payments Made by Charters for their Resource Centers

	N	Min	25th %ile	50th %ile	75th %ile	Max	Average
Annual Facility Payments*	39	\$1	\$39,532	\$97,800	\$247,411	\$1,041,100	\$196,406

* Annual facility payments are adjusted to include interest in bonds/loans and to exclude utilities when included in rental payments

While a few resource centers receive their facilities for very low or no cost, others are paying a substantial amount for the facility, with three of the centers reporting annual payments of \$900,000. The average independent study charter school with 679 students, pays \$4,753 more per year from its operating budget than a similar charter school (with the same number of students) that obtained its facility as a part of the California Proposition 39 process. If nonclassroom-based charter schools were eligible to receive facilities under Proposition 39, those funds could go back into their instructional budget.

To further illustrate the impact of facilities costs on nonclassroom-based charter schools' budgets, the CSFI survey reviewed facilities costs per student, using three different metrics. Table 14 summarizes the results of that analysis and the metrics are described below. This analysis is relevant because the amounts spent per pupil differ greatly between methods, whereas classroom-based charter schools' per pupil spending figures are much more straightforward.²³ The three figures presented below would all be equal since the number of students used for each would be the same. For nonclassroom-based charter schools, however, the number of students served on a given day, the number served throughout the course of a year, and average daily attendance ("ADA") are all different.

22 Facility payments were adjusted to include interest and principal when charters were paying on a bond or loan and to exclude utility costs when utilities were included in the total lease payment.

23 To see how much classroom-based charters spend per pupil on facilities, see Section 1 of this report.

Table 14: Distribution of Annual Facilities Cost per Student for Nonclassroom-Based Charter Schools

Number of Students based on:	N	Min	25th %ile	50th %ile	75th %ile	Max	Average
Maximum # of students served in the Resource Center at one time	39	\$0	\$567	\$932	\$2,352	\$10,411	\$1,956
Total Students Served by the Resource Center in 2013-2014	28	\$0	\$169	\$305	\$582	\$2,203	\$416
2013-2014 ADA	20	\$3	\$197	\$262	\$503	\$978	\$338

The following paragraphs outline the differences between the figures and considerations for their use.

1. **Cost per maximum number of students served in the resource center at one time** reflects the cost based on the typical number of students the resource center serves at its peak time of the week/day. The actual survey question the resource center directors answered was, "For the 2013-2014 school year, what is the usual maximum number of students served in the facility at any one time?" This figure is consistent with the way cost per student is considered for site-based programs as the "usual maximum number of students served in the [typical site-based] facility" in California is roughly equivalent to ADA.
2. **Cost per students based on the number of students served by the resource center throughout the course of the academic year** is more consistent with cost per ADA at the individual resource center level. However, the way official ADA data is managed by the state is by each charter school's unique state identification number. As explained earlier in this report, charters that utilize independent study programs sometimes operate multiple resource centers. ADA is calculated by the state at the charter level, as a result there is no official data that shows ADA levels for each resource center. Asking center directors, "How many students are/will be served in this resource center in the 2013-2014 school year?" helps to determine a more accurate picture of ADA or each center.
3. **ADA data** was collected from the state department of education, but is only provided at the charter level not the center level. For reasons described in paragraph 2 above, cost per ADA is not an accurate reflection of the cost of a single resource center facility.

Discussions around how California might provide facilities assistance to nonclassroom-based charter schools may want to consider which of the metrics presented above is the most appropriate if facilities aid will be provided on a per pupil basis.

Table 15: Total Annual Facilities Costs as a Percent of Per ADA Revenue

Charter Type:	N	Min	25th %ile	50th %ile	75th %ile	Max	Average
Independent Study Charter Schools	39	0.0%	0.5%	2.5%	4.9%	14.0%	3.4%
Site-based Charter Schools	304	0.0%	2.6%	5.4%	10.7%	36.1%	7.4%

While ADA is not an accurate reflection of each resource center's operational budget, it is a good indicator of the overall budget for each independent study charter. Table 15 provides the distribution of facility payments as a percent of the participating independent study charter schools' total ADA revenue. To provide a point of comparison, Table 15 also includes the corresponding percent of ADA spent on facilities by site-based charter schools.

On average, participating independent study charter schools paid 3.4 percent of their per ADA revenue on resource center facilities, with at least one spending as much as 14 percent. Compared to site-based charter schools, independent study charters pay about one-half of the facilities costs in per ADA dollars. For at least 75 percent of the independent study charter schools surveyed, facilities costs cut into the budget that non-charter independent study schools use only for instructional purposes.

FACILITIES CHALLENGES

In addition to the challenge of paying for facilities out of ADA revenue faced by a majority of the nonclassroom-based charters, charter school leaders also report a number of significant barriers when setting up a resource center. Table 16 outlines the types of barriers faced and the proportion of leaders reporting to have experienced them.

Table 16: Percent of Nonclassroom-based Charter Schools to Indicate the Following as Barriers to Setting up a Resource Center (N=58)	
Potential Barrier	Percent Selected
Getting a zoning change approved	9%
Obtaining a use permit	31%
Getting a certificate of occupancy	21%
Obtaining financing for remodeling at a cost the resource center/charter school can afford	22%
The high cost of remodeling	21%
The high cost of renting space in an area that is convenient for our students	31%
Finding an adequate facility in an area that is convenient for our students	31%
Lease issues	17%

Note: The total percentage does not equal 100%, as respondents were asked to select all that applied.

The most commonly reported challenges to setting up a resource center had to do with the high cost of rent and the availability of an adequate facility in an area convenient for the school's students—with 31 percent of school leaders indicating that both of those were a barrier. In addition, 31 percent also reported having issues in obtaining a use permit once they had selected a facility.

Once the facilities were selected and the resource centers had started to serve students, the center directors appear to be satisfied with their facilities. Table 17 provides data on responses to survey questions that the directors of each resource center were asked to complete.

Table 17: Resource Center Directors' Perceptions of the Suitability of the Facility to the School's Needs					
Survey Item	N	Strongly Agree	Agree	Disagree	Strongly Disagree
The school facility contributes to student learning.	51	76%	20%	2%	2%
The school facility contributes to a positive school climate/culture.	51	67%	31%	0%	2%
The school facility has amenities, including specialized classrooms, to best implement its educational program.	51	29%	45%	18%	8%
There is sufficient space in the current facility to meet student demand for this program.	37	11%	41%	32%	16%
The facility is well located for the student population it serves.	37	49%	43%	5%	3%

More than 90 percent of resource center directors agreed or strongly agreed that "the school facility contributes to student learning" and "...to a positive school climate and culture." The only item that resource center directors tended to disagree with was that "there [was] sufficient space in the current facility to meet student demand for the program," with 48 percent either disagreeing or strongly disagreeing with that statement.

CONCLUSIONS AND RECOMMENDATIONS

Analysis of survey and measurement data from 12 percent of the charter school resource centers suggests that at least a portion of the nonclassroom-based charter schools providing independent study programming are operating more like classroom-based schools than previously thought. Nonclassroom-based resource center facilities were found to vary widely in their size and structure. While some do appear to be limited to one large room with little in the way of supplemental or specialized instructional spaces—more consistent with the traditional independent study model—others are large and have multiple classrooms and specialized spaces on-site which allow them to offer instruction in a group setting and for multiple subject areas.

If it is the case that nonclassroom-based charter schools are offering more than 20 percent of student instruction in the resource centers there could be implications for how these schools are funded and whether they should qualify for facility assistance. As outlined in the introduction of this section, all independent study charter schools are currently classified as nonclassroom-based, which places limits on how ADA funds can be spent and precludes them from qualifying for certain facilities support.

Expenditure data collected in the CSFI survey shows that while a small portion of resource center facilities are provided at no cost or very low cost, this was only the case for three out of 39 centers that provided data. The remaining 92 percent of centers paid in excess of \$10,000 annually for the use of their facility, with three centers spending more than \$900,000 per year. On average these resource center based charter schools are spending 3.4 percent of ADA revenue on their facilities. Thus, it appears that expanded facilities financial support for nonclassroom-based charter schools could be very beneficial for a large number of these schools.

After reviewing the data outlined in Section 2 of this report, it appears that many of the nonclassroom-based charter schools do not conform to the traditional independent study model. Many of these charter schools offer significant amounts of classroom-based instruction in increasingly sophisticated ways and in costly school facilities. Given these findings, it appears that both the classification of charter schools and the related funding models could use revisiting. The following section provides an outline of the possible ways California could consider revamping the classification and funding systems for nonclassroom-based charter schools.

Funding Disparities

As discussed previously, under California Education Code Section 47612.5(e)(1), a charter school program that meets the 80 percent on-site instruction time requirement (as well as the other requirements of that code provision) is deemed classroom-based, is eligible to receive full funding without a funding determination, and is eligible for Charter School Facility Grant Program funding for lease and tenant improvement reimbursement, as well as funding from the state Charter School Facilities Program. However, a charter school that falls even a point or two below the 80 percent threshold would receive none of these considerations, even if the classroom-based and non-classroom based schools were virtually indistinguishable in terms of educational programming, school facilities arrangements, and facilities costs.

According to Table 13 above, the average annual facilities payment for nonclassroom-based resource center facilities was \$196,406. Under the Charter School Facility Grant Program, in many cases 75 percent of that annual cost would be reimbursable if these nonclassroom-based schools were eligible for this program. If the actual distinctions between classroom and nonclassroom-based charter schools continue to break down, the state may consider whether a public policy that distinguishes recipients on an increasingly illusory model is truly serving the interest of California's public school students. If so, legislators have different options for revisiting this policy, and might consider one of the following policy changes:

1. Revise the Education Code to Remove the Classroom/Nonclassroom Distinction Altogether.

The first and most obvious approach to addressing the facilities challenges unique to non-classroom-based charter schools might involve the enactment of legislation to remove the classroom-based/nonclassroom-based regulatory framework that currently exists. This approach would have the following benefits: First, it would remove the sometimes arbitrary regulatory distinction between similar charter school programs that fall on different sides of the classroom-based/nonclassroom-based dichotomy. Second, without this distinction, charters that are currently not eligible for facilities aid programs due to their nonclassroom-based categorization would become eligible for facilities funding as are classroom-based schools. Third, it would provide additional incentives for California's charter schools to continue to seek out creative, innovative, effective and efficient ways of providing a high-quality education, without having to make financial sacrifices to do so.

2. Expand Eligibility for the Charter School Facility Grant Program.

As an alternative to removing the classroom/nonclassroom-based distinction in the Education Code, the state might consider expanding eligibility for the Charter School Facility Grant Program to include nonclassroom-based charter schools.

Although the data presented herein demonstrates that many charter programs that are currently classified as nonclassroom-based do, in fact, provide classroom-based instruction in facilities not altogether different from traditional schools, a significant number of charter schools continue to operate programs that align more closely with the traditional independent study model. Supporters of the classroom-based/nonclassroom-based distinction rightfully point out that those schools that operate closer to the traditional independent study model typically have lower facilities costs. Therefore any effort to expand eligibility for the Charter School Facility Grant Program would need to continue to ensure that funding under the Program is proportional to actual facilities costs.

Another approach to addressing the facilities funding need of nonclassroom-based schools might entail setting a lower facilities funding amount for these schools. This approach has been proposed as part of a larger bill to restructure the lease reimbursement program. Assembly Bill 948 (introduced February 22, 2013 by Assembly Member Olsen) included an Education Code amendment that would make nonclassroom-based charter schools eligible to receive \$375 per unit of ADA, as opposed to the current \$750 per unit of ADA for classroom based schools (or 75 percent of lease and related costs, whichever is lesser). This provision was ultimately removed from the legislation. However, this approach has the potential to remove some of the financial facility disadvantages between classroom and nonclassroom-based schools, and has received some support in the California State Legislature.

Another method of providing nonclassroom-based charters schools with access to lease reimbursement funding would be to establish funding eligibility on a tiered system. For example, a nonclassroom-based charter school that met all of the other requirements for eligibility might receive an amount of facilities funding according to a sliding scale, similar to the way the SB 740 funding determination works for classroom-based charters. Whereas a classroom-based charter receives \$750 per unit of ADA, or up to 75 percent of lease costs, a nonclassroom-based charter that meets a 70 percent instructional hour threshold might receive \$500 per ADA or 50 percent of lease costs, \$350 per ADA or 35 percent of lease costs for meeting a 60 percent on-site instructional hour threshold, with lower amounts available as instruction hour levels decrease accordingly.

3. Expand Eligibility for the State Bond Program

As mentioned above, nonclassroom-based charter schools are not currently eligible to participate in the Charter School Facilities Program. Many of the points discussed with regards to the Charter School Facility Grant Program also apply to the state bond program. Nonclassroom-based charter schools have significant facilities costs and many of these schools are now leasing or buying school facilities with specialized instructional space, and should have access to public funding to help with these costs. It also bears mentioning that the model utilized by blended learning charter schools, with significant amounts of instruction occurring outside of the school facility, allows for a more efficient use of limited school construction dollars. A blended learning charter school that incorporates independent study and online learning programs can serve more students in a facility than would otherwise be possible if all students were in class on-site 100 percent of the time. This efficient use of public school construction dollars should be encouraged.

The enactment of legislation to remedy the facilities funding gap currently experienced by charter schools categorized as nonclassroom-based would greatly benefit these schools and allow these schools to spend more of their general revenues on instruction and curriculum, and other expenditures that focus more directly on students. In addition to the facilities funding gap, nonclassroom-based charter schools face many of the same facilities challenges that classroom-based charter schools face, and the problems and potential solutions discussed in this report, should be read and considered in conjunction with the broader range of facilities challenges for both classroom-based and nonclassroom-based charter schools.

APPENDIX 2A: METHODOLOGY

As with the site-based charter school surveys, the CSFI team worked with staff at the California Charter Schools Association ("CCSA") to customize an online survey for charter school leaders and resource center directors. The survey was developed to address facility related issues faced by nonclassroom-based charter schools and resource centers. Both the charter school leaders and the resource center directors were asked to complete a set of questions for the survey. Data collection team members hired specifically to work on the CSFI project were responsible for scheduling site visits to the resource centers and measuring the instructional spaces in each center.

Survey and/or measurement data was collected from 58 charter school resource centers (see Appendix 3C for the proportion with each type of data), 12 percent of the estimated number of sites in California. These 58 centers represented 41 unique charter schools, or 36 percent of the autonomous and semi-autonomous nonclassroom-based charter schools in the state.

APPENDIX 2B: CALIFORNIA EDUCATION CODE SECTION 47612.5(e)(1)

(e) (1) Notwithstanding any other provision of law, and as a condition of apportionment, “classroom-based instruction” in a charter school, for the purposes of this part, occurs only when charter school pupils are engaged in educational activities required of those pupils and are under the immediate supervision and control of an employee of the charter school who possesses a valid teaching certification in accordance with subdivision (l) of Section 47605. For purposes of calculating average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by the charter school shall be at the school site, and the charter school shall require the attendance of all pupils for whom a classroom-based apportionment is claimed at the school site for at least 80 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5.

(2) For the purposes of this part, “non-classroom instruction” or “nonclassroom-based instruction” means instruction that does not meet the requirements specified in paragraph (1). The State Board of Education may adopt regulations pursuant to paragraph (1) of subdivision (d) specifying other conditions or limitations on what constitutes nonclassroom-based instruction, as it deems appropriate consistent with this part.

(3) For purposes of this part, a school site is a facility that is used principally for classroom instruction.

APPENDIX 3C: LIST OF INDEPENDENT STUDY CHARTERS

Excluding Full-Time Online Charter Schools

Charter School Name	# Resource Centers
Academy of Personalized Learning	1
Academy of the Inland Empire (formerly Taylion Virtual Academy)	1
Alder Grove Charter School	1
Alta Vista Public	5
Ambassador Phillip V. Sanchez Public Charter	5
Anchor Academy Charter School	1
Antelope Valley Learning Academy	4
ASA Charter School	1
Assurance Learning Academy	3
Audeo Charter School	9
Bayshore Preparatory Charter School	1
Big Sur Charter School	2
Camptonville Academy (C.O.R.E)	1
Charter Alternative Program (CAP)	8
Classical Academy High School	2
Classical Academy-Elementary/Middle	2
CLUES (Center for Learning and Unlimited Educational Success)	1
Coastal Academy	1
Community Collaborative Charter School	2
Connecting Waters Charter School	1
CORE Butte Charter School	3
CORE Placer Charter School	3
Coronado Pathways Charter School	1
Crescent Valley	2
Crescent View West Charter School	1
Crescent View South	3
Da Vinci Innovation Academy (K-8)	4
Dehesa Charter School	8

Charter School Name	# Resource Centers
Delta Charter - Tracy	4
Desert Sands Charter High School	10
Diego Hills Charter School	3
Diego Valley Public Charter	8
Eleanor Roosevelt Community Learning Center	1
Empire Springs Charter School	4
Excel Prep Charter- IE	6
Excellence and Justice in Education Charter School (EJE Charter School)	1
Excelsior Charter	3
Family Partnership Home Study Charter School	5
Five Keys Independence HS	1
Forest Charter School	3
Glacier High School Charter	2
Gold Rush Charter School	1
Golden Eagle Charter	4
Golden Valley Charter School	1
Gorman Learning Center	4
Greater San Diego Academy	4
Guajome Learning Center	1
Harbor Springs Charter School	13
Heritage Peak Charter School	9
Hope Academy	5
Horizon Charter School	8
Island Community Day	1
Julian Charter School	13
La Vida Charter School	1
Laurel Preparatory Academy	2
Learning for Life Charter School	1
Learning Works	4
Mirus Secondary School	5
Mission View Public	10
Mojave River Academy	10

Charter School Name	# Resource Centers
Mountain Home School Charter	1
Mountain Oaks School	4
National University Academy	20
National University Academy - Orange Center	2
National University Academy, Armona	1
New Day Academy	1
Ocean Grove Charter School	4
Olive Crest Academy Early College High School	12
one.Charter	3
Opportunities for Learning - Baldwin Park II	11
Opportunities for Learning - Baldwin Park (Arleta)	9
Opportunities for Learning - Capistrano/Dana Point	2
Opportunities for Learning - Duarte	4
Opportunities for Learning - Hermosa Beach	5
Opportunities for Learning - William S. Hart	6
Opportunities for Learning- Fresno	1
Options for Youth - San Gabriel	7
Options for Youth - Burbank	5
Options for Youth - Hermosa Beach	2
Options for Youth - San Bernadino	2
Options for Youth - San Juan	5
Options for Youth - Victorville	12
Oxford Preparatory- San Marcos	3
Pacific View Charter School - Oceanside	1
Partnerships for Student-Centered Learning	8
Pathways Charter School	3
Pivot Charter School - San Diego	30
Pivot Online Charter School - North Bay	1
Plumas Charter School	4
RAI Online Charter	1
Rio Valley Charter School	9
River Oaks Academy Charter	1

Charter School Name	# Resource Centers
River Springs Charter	11
River Valley Charter School	1
San Diego Neighborhood Homeschools - North County	2
SAVA: Sacramento Academic and Vocational Academy-Dwight Rd.	4
Shasta Secondary Home School	1
Sherman Thomas Charter High	1
Sierra Charter School	1
Sky Mountain Charter School	1
South Sutter Charter School	1
The Charter School of San Diego	16
The Heights Charter	1
The Learning Choice Academy	4
Trivium Charter	3
Twin Ridges Home Study Charter	3
Uncharted Shores Academy	1
Valley Oak Charter	1
Venture Academy	11
Visions Academy Charter School	1
Vista Real Charter High School	4
West Park Charter Academy	3
Westwood Charter	2
Total Number of Resource Centers	481
Average Number of Resource Centers Per Charter	4

APPENDIX 4: SURVEY PARTICIPATION

Table 18 shows the percentage of participating schools that completed the online survey, the percentage of participating schools that completed a building or site measurement, and the percentage of participating schools that completed both. Statewide, 62 percent of classroom-based schools participated in this effort and 12 percent of nonclassroom-based schools participated.

Table 18: Percentage of Schools that Participated in the Survey by Type		
Participation Type	Classroom-based Percentage	Nonclassroom-based Percentage
Survey Only	16.1	27.6
Measurement Only	16.6	13.8
Survey and Measurement	67.3	58.6
Total	100.0	100.0

Charter School Facilities Initiative: An Analysis of the Charter School Facility Landscape in California,
prepared by the Colorado League of Charter Schools and the National Alliance for Public Charter
Schools on behalf of the California Charter Schools Association.

Additional copies of this report can be obtained by contacting the California Charter Schools Association, the Colorado League of Charter Schools, the National Charter School Resource Center, or the Charter School Facilities Initiative. Please visit the Charter School Facilities Initiative website at www.facilitiesinitiative.org to access additional state reports, additional information on data presented in this report, or for general charter school facilities questions.