

specific schools based upon the number of students not proficient in English-Language Arts and/or mathematics. In the San Francisco Unified School District, low-performing schools receive an instructional reform facilitator, coverage for teachers receiving professional development, and a parent liaison through the STAR (Students and Teachers Achieving Results) program. This program also provides funding from the Targeted Instructional Improvement Block Grant, equal to \$520 per pupil in the 2009-2010 school year.

(F)(2) Ensuring Successful Conditions for High-Performing Charter Schools

(F)(2)(i) State Charter School Law Does Not Prohibit Increasing the Number of High-Performing Charters

California has been a national leader in the charter school movement since its inception. In 1992, California became the second state in the country to enact charter school legislation, and since that time, the total number of charter schools has grown to 810, representing nearly 8 percent of the schools in the State. In absolute numbers, California has the most charter schools and the largest number of charter students among all of the states.¹⁰¹ There are over 250,000 K–12 students in California who attend a charter school in 323 elementary, 89 middle, and 249 high schools, as well as 149 K–12 schools. Recently, California was one of only three states to receive an “A” from the Center for Education Reform for the strength of its charter school laws, noting that the State has been able to establish the largest number of charter schools in the country because of “consistent improvements to the law” and the establishment of “highly equitable funding measures” for their charters.¹⁰² Table 12 outlines the different types of California’s charter schools.

Types of California Charter Schools	Number of Schools (n=810)
Origin of School	
Conversion	122
Start-up	688

¹⁰¹ EdSource. *Charter Schools—Their Numbers and Enrollment*. Retrieved November 30, 2009 from: http://www.edsource.org/sch_ChSch_VitalStats.html.

¹⁰² Center for Education Reform. (2009). *Charter school access across the states 2010*. 11th Edition. Retrieved December 17, 2009, from <http://www.edreform.com/shopcer/index.cfm?fuseaction=details&pid=1000055&back=home&ShopCat=1>.

Table 12: Types of California’s Charter Schools, 2009–10	
Types of California Charter Schools	Number of Schools (n=810)
Curriculum Type	
Traditional	226
Performing/Fine Arts	96
Technology	65
Science/Mathematics	35
Vocational	26
Montessori	21
Other Specialty	486
Because some schools fall into more than one category, the total in this section is more than 810.	
Instructional Strategy	
Site-based instruction	626
Independent study	152
Combination of site-based instruction and independent study	32
Source of Funding	
Directly funded (i.e., funded by State)	577
Locally funded (i.e., funded through a district)	219
Not in funding model	14

The diversity of charter school types in California stems directly from state law that has created an environment supportive of the development of high-quality charter schools statewide. According to a report recently released by the National Alliance for Public Charter Schools, California ranks third in the nation when evaluated for its commitment to the full range of values in the public charter school movement: quality and accountability, funding equity, facilities support, autonomy, and growth and choice.¹⁰³

In 1998, California repealed its original statute that set a total cap of 100 charter schools in the state, and enacted a law that allows for continued growth in the number of charter schools.¹⁰⁴ Specifically, California allowed a total of 250 charter schools to be authorized in 1998, with a provision to increase that total by an additional 100 charter schools (or approximately one percent of all schools in California) *in each successive school year*. Moreover, any unused authorizations roll over to the following year. This limit has never

¹⁰³ National Alliance for Public Charter Schools. (2010) *How state charter laws rank against the new model public charter school law*. Washington, DC.

¹⁰⁴ EC 47602 as amended by AB 1544 of 1998 (see Appendix F2i.I).

restricted the number of charters authorized because the authority to expand has far outpaced the actual growth in charter schools. In 2009–10, a total of 1,350 charter schools were authorized to operate, in contrast with the 810 actually in operation.

(F)(2)(ii) State of California Charter School Law

The California Education Code clearly outlines the mechanisms for the approval, oversight, reauthorization, and revocation of charter schools and charter LEAs. Details of the processes associated with California charter schools are contained in Appendix F2ii.I. Multiple methods can be used to request authority for a charter, whether at the LEA level, the county level, or the state level. There are clear appeal processes for denials at each level. Charters can be granted for individual schools, for an entire LEA, an entire county, or for a “statewide benefit” charter school, which provides instructional services that cannot be provided by a charter school operating in only one LEA or county.¹⁰⁵ This system of multiple authorizers and types of charters ensures sufficient opportunity for innovative ideas to develop in charter schools across the state. All charter school petitioners must agree to meet all statewide academic standards and conduct all state pupil assessments.

When a charter is granted, it is approved for an initial period of up to five years. Renewals are approved for a period of five years and are based on student achievement and academic quality criteria. Charter authorizers must also provide ongoing oversight of the charter, including site visits and monitoring of the school’s fiscal condition.¹⁰⁶ In California, charter school oversight and monitoring are primarily implemented by the LEA authorizer. The law also provides county and State education agencies with charter oversight and monitoring responsibilities, including the right to investigate and to revoke a school’s charter.

California has also supported its charter schools by providing State-led technical assistance through a CDE Charter Support Team and the State Advisory Commission on Charter Schools, which reviews charter school funding and programmatic issues and provides advice to the State Board of Education (SBE). In addition, the California Charter School Association (CCSA) and the Charter Schools Development Center (CSDC) provide resources and training for charter school leaders and staff.

¹⁰⁵ EC 47605.8 (see Appendix F2ii.I).

¹⁰⁶ EC 47604.32–47604.33 (see Appendix F2ii.I).

California statutes provide explicit guidance to encourage the establishment of charter schools in areas that serve high-need students. The Education Code states, "*In reviewing petitions, [the charter authorizer] shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low-achieving...*"¹⁰⁷ In addition, among the 16 required elements for a charter school petition, the description of the proposed educational program must describe the following: how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; and how the charter school will meet the needs of students with disabilities, English Learners, students achieving substantially above or below grade level expectations, as well as other special student populations.¹⁰⁸

As a further incentive to increase charter school development in areas that serve high-need students, the State's Charter School Grant Program requires that "*funds be awarded at*

the highest funding level to charter schools opening in the vicinity (attendance area) of School Improvement Grant schools, and these new charter schools will receive an increased sub-grant

Case Study: Environmental Charter High School (ECHS) – Los Angeles Unified School District

Since 2001, ECHS has been empowering and inspiring students to be socially and environmentally responsible by providing them with unique learning opportunities. ECHS provides its students with a college preparatory education that utilizes environmental experiential education to both inspire students and to provide a real-world context for learning. Their model weaves together four recognized "best practices" that comprise the cornerstones of ECHS' instructional framework: a small learning community, a rigorous interdisciplinary core curriculum, experiential/service learning, and authentic work with community partners. Through this model, hundreds of students are being equipped to become environmental stewards and make the commitment to creating a sustainable environment for their community and the world. ECHS serves primarily low-income students from south Los Angeles County, with over 70% of students coming from communities of color. Ninety-seven percent of ECHS graduates complete the coursework needed for entry to a four-year college, in comparison to the state average of 32%. More than 9 out of 10 ECHS graduates (92%) are admitted to colleges and universities. ECHS was selected as one of six finalists for the Obama administration's Race to the Top Commencement Challenge.

¹⁰⁷ EC 47605(h) (see Appendix F2ii.I).

¹⁰⁸ EC 47605(b) (A) (see Appendix F2ii.I).

*level of Planning and Implementation funds.”¹⁰⁹ Stipulations for the funding of charter school facilities have a similar focus—California charter schools are eligible for assistance with facility rental and lease costs if they meet either of the following conditions: “*The charter school site is geographically located within the attendance area of a public elementary school in which at least 70 percent of the pupil enrollment is eligible for free or reduced price meals, or the charter school is serving a pupil population that meets or exceeds 70 percent eligibility for free and reduced price meals.*”¹¹⁰*

California law, under EC Section 47605(c), supports high-quality charter schools throughout the state by requiring that charter schools meet all statewide academic standards and conduct all state mandated pupil assessments, in addition to the criteria identified in their individual charter. In cases in which schools do not meet the statutory requirements, the charter is revoked. Reasons for revocation include failure to meet or pursue any of the student outcomes identified in the charter; violation of the charter’s conditions, standards, or procedures; fiscal mismanagement; or violation of any provision of law.¹¹¹ According to the code, a school’s charter may be revoked by the SBE, whether or not the SBE is the chartering authority.

Student achievement plays a particularly important role in determinations regarding charter revocation. The education code explicitly states that charter schools applying for renewal in the State of California need to meet the following academic criteria:

- ✓ Attaining an Academic Performance Index (API) (a composite of student test scores used to rank schools in the state) growth target in the prior year, or in two of the last three years, or in the aggregate for the prior three years;
- ✓ Attaining a state rank in deciles 4 to 10 (i.e., in the top 60 percent of schools) on the API in the prior year, or in two of the last three years;
- ✓ Attaining a state rank in deciles 4 to 10 on the API for a demographically comparable school in the prior year, or in two of the last three years; and
- ✓ Ensuring that the charter-granting entity determines that the academic

¹⁰⁹ California Department of Education. *2010-2015 California Public Charter School Grant Program Project Narrative*, p.12.

¹¹⁰ California Department of Education, Charter Schools Division. *Instructions for Charter School Facility Grant Program 2009-2010 Application*, Revised July 2009, page 1.

¹¹¹ EC 47607(c) (see Appendix F2ii.I).

performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend. In addition, the school’s performance must be at least equal to the academic performance of the schools in the LEA in which the charter school is located, taking into account the composition of the pupil population that is being served at the charter school.

Application of the Education Code in this area is reflected in information regarding the reasons for revocation of school charters in California. A Rand report on the operation of charter schools in California found that the most frequent reason for revocation of a school’s charter was “an unsound academic program.”¹¹² According to the California Charter Schools Association, 30 of 32 state charter school closures last year were for quality reasons related to academic quality and/or fiscal stability. These 30 schools demonstrated overall low performance on a variety of academic measures, and many of these same schools did not demonstrate the capacity to achieve financial viability.

Table 13 provides information from the CDE on the numbers of charter schools started, renewed, and closed for each of the past five years, reflecting California’s commitment to approving high-quality charters and to revoking the charters for schools that have not been successful.

Table 13: Number of California Charter School Applications Approved, Denied, and Closed - 2005–06 to 2009–10					
	2005–06	2006–07	2007–08	2008–09	2009–10
Number of charter school applications approved	78	107	100	86	66
Number of new charter schools opened	85	78	108	83	92
Number of charter schools closed (including charter schools that were not reauthorized to operate)	31	39	25	35	10 (to date)

Although the State does not currently maintain information on the total number of applications made for charter schools or the total number of new charter applications denied, the CDE has committed to tracking this information going forward.

¹¹² Rand Education Report (2003), *Charter School Operations and Performance: Evidence from California*, Washington, D.C.: page 71.

(F)(2)(iii) Share of Revenues Received by Charter Schools

California has established funding mechanisms for the state’s charter schools to help ensure that they will receive funding at a level that is equitable to traditional public schools.¹¹³ The State’s Education Code indicates, “*It is the intent of the Legislature that each charter school be provided with operational funding that is equal to the total funding that would be available to a similar school district serving a similar pupil population.*”¹¹⁴ The mechanisms described in Section (F)(1)(ii) for both general and categorical funding for public schools apply equally to California’s charter schools. A revenue analysis for LEAs in the State of California for the 2007–08 school-year reflects that this strategy is being implemented effectively to create equity in funding between public and charter schools. (See Appendix F2iii.I for a more detailed description and an overview of the State’s Education Code in this area.)

(F)(2)(iv) The State Provides Charter Schools with Funding for Facilities

The provision of facilities is one of the greatest challenges faced by charter schools throughout the country. California has developed multiple strategies to assist charter schools in securing facilities. In 2000, voters in California enacted Proposition 39, which required that public school facilities be shared fairly among all public school students, including those in charter schools.¹¹⁵ In the 2009-2010 school year, 120 charter schools were beneficiaries of Proposition 39, and an additional 116 charter schools were housed in district facilities not supported by Proposition 39.¹¹⁶ Charters also participate in significant state and federal programs covering facilities costs, and they are treated in a manner substantially similar to public schools (see Appendix F2iv.I for more details).

The State has also made a significant investment in charter school facilities through the following programs:

- ✓ Charter School Facility Grant Program (SB 740): Provided a total of \$23.6 million to 195 charter schools in the 2008-2009 school year to support facility rental costs;

¹¹³ EC 47630—47664.

¹¹⁴ EC 47630.

¹¹⁵ EC 47614.

¹¹⁶ Numbers are based upon the 2009 Fall Member Survey of the California Charter Schools Association. Because only 494 of the 810 charter schools in the state completed the survey, it is likely that the actual number is higher.

- ✓ Qualified School Construction Bonds (QSCB): Awarded \$29.2 million to six charter schools, with a total of \$73 million set-aside, in 2008-2009;
- ✓ State Charter School Facilities Program (Prop. 47, 55, 1D): Awarded \$836 million to 58 charter schools serving 27,500 students;
- ✓ State Charter School Facility Incentive Grants Program: Awarded \$48 million to 128 charter schools serving 42,900 students; and
- ✓ California Charter Building Fund: Provided over \$100 million to 13 charter schools between 2007 and 2009.

In summary, California’s efforts to approve, fund, oversee, and provide facilities for charter schools—coupled with a strong accountability system that holds them to the same academic standards as all public schools—demonstrate the State’s overarching commitment to ensuring that all students across the state have access to innovative learning environments.

(F)(2)(v) Enabling LEAs to operate innovative, autonomous public schools

State law provides that school districts may establish and maintain alternative schools and programs of choice.¹¹⁷ These sections of Education Code provide a definition of alternative schools of choice, declare the purposes of alternative schools of choice, and stipulate the requirements that alternative schools of choice must meet. One requirement mandates that alternative schools of choice must be maintained and funded at the same level of support as other educational programs; another requires the LEA to annually evaluate such schools and programs.

LEAs may apply to the State Superintendent of Public Instruction (SPI) for waivers of sections of the Education Code on behalf of alternative schools of choice. A goal of alternative schools and programs of choice is that they be “operated in a manner to maximize the opportunity for improvement of the general school curriculum by innovative methods and ideas.”¹¹⁸ The SPI may grant waivers of specific provisions of state law, on request, to provide alternative schools and programs of choice the flexibility to innovate.

Examples of alternative schools of choice in California include the following:

- ✓ Early College High Schools are small, autonomous schools that blend high school and college into a coherent education program. They are designed so that all

¹¹⁷ EC sections 58500 through 58512 (see Appendix F2v.I)

¹¹⁸ EC Section 58507

students can achieve two years of college credit at the same time they are earning a high school diploma (within four to five years of entering ninth grade). These schools are designed for young people who are underrepresented in postsecondary education.

- ✓ Magnet Schools are designed to attract students from their schools of residence by providing special curriculum opportunities. Magnet Schools are often oriented around a special interest area, career education, or vocational skills training.
- ✓ Schools Without Walls incorporate the use of community facilities and resources into learning activities and may offer internships or project-based learning.
- ✓ Thematic Schools are organized around a curricular theme such as the humanities, the arts, international relations, or health careers.

In addition to the schools listed above, alternative schools of choice also include schools that offer:

- ✓ A different educational philosophy or approach to learning, such as Montessori, Waldorf, or International Baccalaureate.
- ✓ A different instructional strategy, such as independent study, dual language immersion, or online learning; or specialized programs for targeted student populations, such as street academies and newcomer centers.

Examples of the flexibility afforded LEAs in California to develop innovative, autonomous public schools are evident in EC 42238.20(a) and 47612.7, which were specifically granted to allow the creation of a Joint Powers Agreement (JPA) between Clovis Unified School District and Fresno Unified School District to establish the Center for Advanced Research and Technology (CART) program. Highlights of the unique CART program include:

- ✓ The half-day attendance model, which allows students to leverage the advantages of attending both a large, comprehensive neighborhood high school and a small, project-based campus with thematic programs;
- ✓ The cross-curricular learning labs, which provide an academically demanding, learn-by-doing instructional approach;
- ✓ Over 1,400 students from across the community learning together in a collaborative environment with a representative racial/ethnic population (46% White, 35% Hispanic, 11% Asian, 6% African American, and 2% Other); and

with 52% of those students qualifying for free and reduced lunch; and

- ✓ CART students earn higher academic achievement scores than their peers on the California Standards Test in English-Language Arts for high school juniors and seniors, and 99% of seniors who completed CART programs passed the California High School Exit Exam over the last four years.

Design Science High School in Fresno Unified is another example of the flexibility provided by the State to operate innovative, autonomous public schools other than charter schools. Highlights of this early college high school's approach include the following:

- ✓ An innovative partnership between the school district and the State Center Community College District (SCCCD) which allows students to earn both secondary and post-secondary dual credit for specific courses;
- ✓ Students can enroll as full-time college students beginning in their third year of high school, but continue to receive the daily support of their high school teachers to help them navigate all aspects of college; and
- ✓ Students graduate in five years with a high school diploma, two-years of college credit, and an Associate of Arts college degree.

This program has been extremely successful in closing the academic achievement gap for its students, with 81.8% scoring "proficient" or "advanced" in English-Language Arts and 96.4% scoring "proficient" in mathematics.

(F)(3) Demonstrating Other Significant Reform Conditions

In addition to the reform conditions the State has put in place around the four key assurance areas that have already been described in this proposal, California has taken many additional measures to build a foundation of reform. Significant examples of these include the following: (1) Implementation of the Advancement VIA Individual Determination (AVID) program, which focuses on closing the achievement gap by strengthening college readiness for all students; (2) Creation of the California Partnership Academies (CPA), designed to integrate a rigorous academic program with career technical education, in order to provide students with the choice of multiple career paths upon graduation from school; (3) Enactment of legislation that strengthens the role of parents in the education of their children, especially when those children attend low-performing schools; (4) Encouragement of innovation at the local level through flexibility in the education code and in funding strategies; and (5) Improvement and expansion of