

# KEVIN KILEY

MEMBER FOR THE 6TH ASSEMBLY DISTRICT



## Assembly Bill 2011 – Nonclassroom-Based Charter Facilities

### SUMMARY

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Assembly Bill 2011 (Kiley) would create a statutory exemption from the geographical restrictions in current charter school law as defined in Education Code Section 47605 and 47605.1, helping mitigate restricted access to state-mandated educational programs for students who utilize non-classroom based charter facilities and independent study programs (ISPs).

### BACKGROUND

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The *Anderson Union High School District v. Shasta Secondary Home School* case presented an issue of statutory interpretation of the geographical restrictions in current charter school law. Specifically, whether the statutory scheme governing charter schools permits a charter school – that is authorized by a school district and provides support for non-classroom based independent study – to locate a resource center outside the geographic boundaries of the authorizing school district but within the same county.

In this case, Shasta Secondary Home School (SSHS) opened a third resource center that resided within Shasta County, but outside the boundaries of the Shasta Union High School District (SSHS's authorizing district) and within the Anderson Union High School District (AUHSD). AUHSD filed a lawsuit contending the location of this resource center violated the Charter Schools Act and claimed they were harmed by the location of the resource center due to them losing funding when students within its district went to SSHS. The trial court denied these reliefs and found the geographic and site limitations of the Charter Schools Act do not apply to resource centers.

However, the 3<sup>rd</sup> District Court of Appeal overturned this decision finding that the geographic limitations imposed by the Legislature on charter schools in 2002 served to “clarify a district’s sovereignty over public education within its boundaries” and that the meaning of the Charter Schools Act as amended “is that a charter school authorized by a school district is to be located and operate entirely within the geographic boundaries of the authorizing district, unless an exception applies, such as where a non-classroom based school locates in an adjacent county.” This decision has impacted tens of thousands of students that depend on charter schools that operate resource centers in California

### ISSUE

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The Appellate Court reversal of this 14-year directive has affected non-classroom based charter schools by leaving them with administering an inherently unequal and discriminatory education delivery model to those students who reside within the county, but outside the district boundaries.

*As introduced on February 1, 2017*

Compounding this issue, California mandates all charter schools must offer the following educational services, which require a facility to administer, to enrolled students:

- a. CAASP, CELDT, and other testing requirements
- b. Subject mastery assessments
- c. Special Education Services (SPED)
- d. English Language Development Services (ELD)
- e. Labs for UC A-G approved Science Courses

The Appellate Court's decision has placed students who depend on non-classroom based facilities at a severe disadvantage, thereby, creating a significant, and in many cases, insurmountable hardship for tens of thousands of independent study student families.

## **PROPOSED SOLUTION**

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AB 2011 would exempt non-classroom based charter schools from the geographical restrictions specified in Section 47605 and 47605.1 for the purpose of fulfilling state educational mandates.

## **SUPPORT**

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- The Association of Personalized Learning Schools and Services (Sponsor)
- California Charter Schools Association
- California Parents for Public Virtual Education
- Choices Charter School
- Compass Charter Schools
- CORE Butte Charter School
- CORE Placer Charter School
- Pacific Charter Institute
- Pathways Charter School
- Phoenix Charter Academy
- Shasta Charter Academy
- Slavic American Chamber of Commerce
- W.E.B. DuBois Public Charter School

## **FOR MORE INFORMATION**

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