California Charter School Law Overview

California’s first charter law was enacted in 1992. School district boards are the primary authorizers, although a county board of education and the State Board of Education (with its charter school oversight administered by the California Department of Education) may authorize such schools upon appeal or rejection. Revisions effective July 2002, however, have changed some key provisions. For example, previously a local board could charter a school anywhere in the state. Now, school boards can only open charters within their districts and counties. Any schools authorized before July 2002 which had not been approved by a local board within their county, must seek authorization by an appropriate entity prior to July 2005.

The current cap allows 550 schools, with no more than 100 schools approved in any given year.

As of Fall 2002, 427 operating charter schools existed. This includes 396 schools approved by 182 local boards, 26 schools approved by 18 county offices of education, and five approved by the State Board—making a total of 201 authorizers.

State Policy Environment

Support for Charter Schools: California received a C– here, mostly due to weak acceptance of charters by local districts, which are the main authorizers. Each has its own policies and procedures and enjoys considerable discretion over charter approval and oversight processes. Most schools do not operate as legally autonomous entities (though they can be fiscally autonomous if this is negotiated as part of their charters). One type of school defined by law—“non-profit public benefit corporation”—can have more, or even complete, autonomy.

Districts range from extremely supportive and effective to extremely inept and hostile toward charter schools, according to survey respondents.

California also received low marks for the general public’s level of understanding of charter schools. And the legislature presents a mixed picture. At times, members speak approvingly of the charter movement—and then vote to restrict these schools’ autonomy or to levy additional regulatory requirements upon them.

California received higher marks for having a well-developed charter network or association. There are several non-governmental organizations, such as the Charter Schools Development Center at the California
State University Institute for Education Reform. The state also has an association that provides advocacy, networking, and information to the charter community. California also received high marks for technical assistance. In addition to that provided by resource centers, the State Department provides some assistance. However, respondents report that local districts provide little, if any, technical assistance.

**Support and External Accountability for Authorizers:** California received a D+ in this category, with particularly low scores for a watchful media, as well as no periodic reports by authorizers to the legislature or other state body.

**Authorizer Practices**

**Application Processes:** California’s application processes earned a D from survey respondents, with a very low score for seeking charter applications to fill market gaps.

**Approval Processes:** The state received a C–, with mediocre scores on all criteria. Due to the many local authorizers, the landscape is very diverse. Some authorizers are good; some are not good. Charter operators are glad to have places to take their appeals from unsupportive local boards. One commented, “We originally applied in [a] School District. They were ignorant of charter law, and adamantly opposed to allowing a charter within their district. After over a year of shenanigans and a final denial, we went to the [county] and had very positive participation and finally good results.”

**Performance Contracts:** Higher marks for most criteria related to performance contracts led to a B– in this category. Each district has its own policies for contract content, however.

**Oversight:** California received a C– here. Each authorizer enjoys considerable legal flexibility over charter oversight. Hence, districts range from effective to ineffective oversight of charter schools. Although authorizers do not have to report annually to a state body, the schools themselves are required to send their annual audit to the state controller, their County Office of Education, the State Department, and their authorizing entities. Survey respondents gave California high marks for these reports, as well as for the review of them and notification to schools of problem areas. Respondents gave low marks, however, to authorizer efforts to shield schools from red tape and bureaucracy.

A recent state audit focused on the authorizing practices of large districts, and found that they were inadequately monitoring both the academic and fiscal operations of their schools. They also failed to adequately ensure that their charter schools were abiding by applicable state mandates. Because the old charter law didn’t explicitly define a chartering entity’s oversight responsibilities, authorizers responded that it was unfair of the state auditor to read various duties into the law that aren’t there and then fault them for not fulfilling those expectations.

**Renewal and Revocation Processes:** California received a D+ in this category. Again, operators report that some authorizers handle this well, others badly. Survey respondents gave a particularly low score for authorizers’ notifying schools that are in danger of being closed with enough time to remedy problems. As of Fall 2002, 22 charters had been revoked or non-renewed.

**Transparency and Internal Accountability:** The state received a D in this category, with a very low score for authorizers’ publishing reports about their schools. Evidently this seldom occurs.

**Overall Grade**

Based on scores for 56 criteria, California earned a D+ for its policy environment and a D+ for authorizer practices, resulting in an overall grade of D+. When California observer and school operator respondents were asked to provide a single “holistic” grade, the average given was a C-. Although the holistic grade is slightly better, room for significant improvement is obvious.

The charter landscape in California is extremely diverse, with 201 authorizers sponsoring schools. Survey respondents with knowledge “on the ground” view the present California system very poorly, as indicated by the low criterion-based and “holistic” grades. One observer commented that “Most districts… don’t see approval and oversight of charter schools as their mission and probably would rather not assume that
role—but they also don’t want to relinquish it.” It will be interesting to see how the new law affects these perceptions in the future. Meanwhile, authorizers and policymakers should review the specific criteria located in Appendix A, and on the web at http://www.edexcellence.net/tbfinstitute/authorizers.html.

Note: The grades for California are based upon survey data received from 16 authorizer respondents (representing 13 different authorizers—including the three largest—overseeing 31% of the operating schools); 16 observer respondents; and 63 charter operator respondents (of 427 total operating charter schools, or 15%).

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**California**

<table>
<thead>
<tr>
<th>Charter School &amp; Authorizer Numbers</th>
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<tbody>
<tr>
<td><strong>Year Initial Charter Law Enacted</strong></td>
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<tr>
<td><strong>Total Charter Schools &amp; Students (as of Fall 2002)</strong></td>
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<tr>
<td># Approved Charter Schools</td>
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<td># Operating Charter Schools</td>
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<td># Charter Students (% of Total Public School Students)</td>
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<td><strong>Total Closures (to date)</strong></td>
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<td># Revocations or Non-renewals</td>
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<td># Voluntary Closures</td>
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<td><strong>Major Authorizers (those with three or more schools)</strong></td>
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<td>Name</td>
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<tr>
<td>Los Angeles Unified District</td>
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<td>San Diego City Unified District</td>
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<td>Oakland Unified District</td>
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<tr>
<td>Twin Ridges Elementary District</td>
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<td>Fresno Unified District</td>
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<td>Chula Vista Elementary District</td>
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Kingsburg Joint Unified Elementary District 6
San Carlos Elementary District 6
California State Board of Education 5
Long Beach Unified District 5
Pajaro Valley Joint Unified District 5
Redding Elementary District 5
Ukiah Unified District 5
Western Placer Unified District 5
East Side Union High District 4
El Dorado County Office of Education 4
Napa Valley Unified District 4
Paradise Unified District 4
Ravenswood City Elementary District 4
San Francisco Unified District 4
San Juan Unified District 4
West Fresno Elementary District 4
Bonsall Union Elementary District 3
Gorman Elementary District 3
Hickman Elementary District 3
Keyes Union Elementary District 3
Lodi Unified District 3
Pioneer Union Elementary District 3
Sanger Unified District 3
Santa Ana Unified District 3
Santa Barbara Elementary District 3
Visalia Unified District 3
West Contra Costa Unified District 3

Data Source: California Department of Education—includes schools listed as “pending” with a start state in 2002 (since this database is not up-to-date).