



## ***AB 1505 (O'Donnell) Local Accountability in Public Education***

### **Bill Summary:**

- **AB 1505 establishes a two-year moratorium on non-classroom-based charter schools, like online schools, while we fix these provisions of the law.**
- **AB 1505 ensures all matters related to charter schools' authorization, renewal and other key decisions be made by the local school communities** —those parents, educators and locally-elected officials who know the needs of their neighborhood children.
  - The bill repeals provisions allowing the State Board of Education to approve or renew charter school petitions. AB 1505 limits appeals at the State Board to be heard only if there was an abuse of local discretion.
  - Charter schools operating under a charter approved by the State Board may continue to operate under those charters only until the date on which the charter is required to be renewed.
- **AB 1505 allows local school boards to consider the community, programmatic, and fiscal impact of a charter applicant on students in neighborhood public schools when approving charter schools in their communities.**
  - The bill permits an authorizer to deny a charter school that would substantially undermine existing district school services.
  - The default for new charter school petitions submitted to school districts that have received negative certification of their budget or are under state receivership is denial.
- **AB 1505 provides school districts additional discretion in the charter school approval and renewal processes** – authorizers will be able to consider whether charter schools are “creaming and cropping,” complying with the new open meetings laws, and will consider financial stability in the renewal process so that problems can be identified before they become an emergency resulting in disruptive mid-year closures.
  - This proposal eliminates the ability to make material revisions to a charter school petition during the appeal process.
  - The bill extends timelines for authorizer review for new charter school petitions from 60 to 90 days.
  - AB 1505 updates Education Code requirements to reflect current public school accountability systems in the renewal process.

**Key Message:** Charter school law around non-classroom-based charter schools, like online schools, is filled with confusing loopholes and ripe for mischief, as evidenced by recent and concerning reports about misuse of public funds at home school charters, independent study charters, and virtual charters. A moratorium would give us time to ensure that the flaws in current law are fixed before more damage is done. Also, approving and renewing charter petitions should be made by the school communities in

which the charter will be located. This bill eliminates the role of the State Board in authorizing new charter schools and ensures good governance and safeguards against financial malfeasance at charter schools. Equally important, local school districts would be able to consider the community, programmatic, and fiscal impact on students attending neighborhood public schools in the district.

### Talking Points

- **Public education is for kids not profits.** The diverting of millions away from their neighborhood public schools and over to unregulated, privately-managed charter schools, leaves them without resources they need. In May of 2019, 11 people involved in opening 19 non-classroom-based charter schools throughout the state were indicted for defrauding California's public education system of more than \$50 million. According to news stories published across the country, A3 Education was able to enroll nearly 40,000 students, some of whom never did any class work or talked to a single teacher. The continued proliferation of charter schools draws fiscal and intellectual resources from neighborhood public schools and is preventing all of our district students from receiving the supports they deserve.
- **Research regarding virtual charter schools is concerning.** 2015 research published by Stanford University regarding online charter schools equates to a student losing 72 days of learning in reading and 180 days of learning in math, based on a 180-day school year noting: "It is literally as if the kid did not go to school for an entire year." AB 1505 establishes a charter school moratorium of two years on new non-classroom-based charters which will provide time to make much-needed adjustments to ensure all students, regardless of zip code, receive the tools, resources and overall quality education they need and deserve. These issues should be deeply examined before additional virtual charter schools are authorized. A moratorium would provide time to evaluate the causes and consequences of flawed law in the area of non-classroom-based charter schools.
- **Local accountability is good education policy.** AB 1505 returns control of important decisions about charter school authorizations to the local school community who, together with parents, students and administrators, know the needs of their students best. Local school communities must have the authority to authorize charters seeking to operate and must be able to consider the financial impact it will have on other neighborhood public schools. Studies show that in four school districts alone, neighborhood public schools lost more than \$740 million dollars that was shifted to charter schools.

Most charter schools that close abruptly are in fiscal distress. AB 1505 permits consideration of charter school financial stability in the renewal process so that a school district can identify and respond to a problem before it becomes an emergency.

- **Overturing locally-elected decision makers harms students.** The recent practices of the State Board of Education in overturning evaluations of charter petitions by local school boards is undermining the local communities and hurts students. One study shows that confirmed fraud and waste in California charter schools has reached more than \$149 million. AB 1505 limits appeals at the State Board to be heard only if there was an abuse of local discretion. The establishment of charter schools in California was not meant to yield the control or sidestep our democratically-elected leaders.

- **Collaboration is critical to ensuring student success.** Rather than a willing partner, too many school districts have felt that charter schools were administratively forced into their jurisdiction, often having a devastating impact on the educational experience of children attending district schools.
  - *In Oakland*, approval of a new charter school means that some of the special education students and their instructors at Howard Elementary lose their classrooms and are forced to move into a closet. At West Oakland Middle School, a resource specialist for special education students has been displaced from her classroom as a result of the intrusion of a new charter school, making it more difficult for her to maximize learning in the teachers' lounge, the school library, and the garden.
  - *In Carson*, counseling services at Catskill Avenue Elementary School are on the chopping block as a result of the district approval of a new charter school.
  - *In San Francisco*, approving new charter schools harmed the garden and art classes at Malcolm X Academy. Wellness services and restorative practices were significantly and negatively impacted as well.
  - *In San Jose*, students at Independence High School report that approval of new charter schools has had a destructive impact on their programs. The black student union could not use the cafeteria for a Black History Month Art Show. Sharing of fields, gyms, and practice spaces has been a challenge for the sports programs, and the captain of the track team complained he could only use the track several days of the week, and only after 7pm at night. Staff layoffs were exacerbated, and the elimination of a student advisor position meant she would no longer liaison to students with depression, alcohol/drug abuse issues, or connect students with community services like the gang taskforce.
  - *In Boyle Heights*, approval of a new charter school undermined existing programs at Sunrise Elementary School, including the parent center, hands-on-science, music, and the afterschool program. Sunrise Elementary School lost a vital resource: three computer labs that provided daily instruction on blended learning programs as well as much needed practice for students who do not have the same technology at home.
- By permitting authorizers to consider whether the charter school serves the interest of the entire school community, and does not undermine existing services, programs, or academic offerings, AB 1505 provides a path to ensure public school systems work together. We are deeply committed to the success of every student, and support approaches where we can learn from and give to, rather than take from and dump on each other.