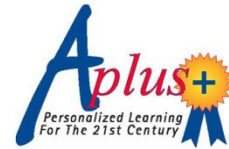




California  
Charter Schools  
Association



**CHARTER SCHOOLS  
DEVELOPMENT CENTER**



April 20, 2021

The Honorable Patrick O'Donnell  
Assembly Education Committee  
1020 N Street, Room 159  
Sacramento, California 95814

Dear Chair O'Donnell and Members of the Committee:

On behalf of more than 1,300 nonprofit charter public schools serving over 700,000 California students and their families, the California Charter Schools Association (CCSA), the Charter Schools Development Center (CSDC), the Association of Personalized Learning Schools & Services (APLUS+) with more than 130 organizations that represent over 350 charter public schools are signing on to this letter, in strong and unified **OPPOSITION to Assembly Bill 1316 (O'Donnell)** that would fundamentally damage the operations and missions of the entire California charter public school sector.

As you know, the nonprofit charter public school community has for many years worked with lawmakers on legislation and policy to ensure all nonprofit charter public schools are academically, fiscally and operationally accountable. However, AB 1316 has been introduced without any collaboration or meaningful engagement of the charter public school community. As a result, the bill is a misguided and one-sided approach that will hurt hundreds of thousands of California families and undermines the clear intent of the Charter Schools Act "to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently from the existing school district structure" for the purpose of increased learning opportunities, innovation and expanded choices through a performance-based accountability system (Education Code section 47601).

**AB 1316 Ignores Recent Sweeping Changes in Charter Law.** A package of bills passed in 2019 made comprehensive reforms to the accountability and transparency for all charter schools. Provisions of AB 1316 would blatantly violate the agreement reached through the negotiations on all these bills to limit further charter restrictions. These recent reforms include:

- **SB 126 (Leyva)** which specifically applies Government Code section 1090, the Brown Act, the Political Reform Act and the Public Records Act to charter schools to provide greater transparency in operations, strengthen conflict of interest prohibitions, and improve public transparency in charter school contracting and other board actions.
- **AB 1505 (O'Donnell)** which provides additional and specific factors for authorizers to consider in chartering decisions, provides clear and specific renewal criteria and imposed new credentialing requirements on charter schools.

- **AB 1507 (Smith)** which enacts significant limitations related to the location of resource centers operated by nonclassroom-based charter schools to improve transparency and authorizer oversight of nonclassroom-based programs.

We supported this package of charter school bills that impose strict regulations on the operations and accountability for all charter public schools, including nonclassroom-based charter public schools (NCBs). Many schools significantly restructured their operations to abide by the new measures. AB 1316 ignores the measures already passed to address the concerns regarding both classroom-based and NCBs.

AB 1316 attempts to paint a broad brush on the charter public school sector by citing a single egregious case of fraud by a school and local authorizers, and ignores the hard work and high ethical standards of the majority of charter public schools. Like the general public, the charter community was shocked and outraged by the criminal fraud and abuse in this case, and in fact, took early whistleblower action to notify the Superintendent of Public Instruction and the State Board of Education, encouraging them to step-in and investigate the troubling and questionable practices of this fraudulent operator. The individuals responsible for these egregious actions have pled guilty or are currently being prosecuted, including at least one school district superintendent, for a large number of criminal violations of existing law. It is important to underscore that these criminal actions occurred prior to the implementation of the new reforms noted above.

**AB 1316 Imposes Anti-Student Constraints on ALL Charter Schools, eroding their opportunity to innovate, or deliver mission-driven and student-centered programs.** AB 1316 would **prohibit multiple-track** schools that offer additional instructional days than students would otherwise receive, and **restrict instructional day** flexibility for all charter schools that would negatively hurt at-risk students that require scheduling flexibility due to work hours or childcare commitments.

AB 1316 ignores the significant **new credentialing requirements** enacted in AB 1505 and diminishes the value of paraprofessionals in offering a comprehensive educational program by imposing new and more stringent credentialing requirements. AB 1316 also **increases charter oversight fees** without any basis or accountability for the use of these funds. By increasing fees without any reasonable accountability for the use of those fees by authorizers, funds intended for charter students will be diminished and program quality could suffer directly impacting a student's education.

**AB 1316 would essentially eliminate "nonclassroom-based" charter schools by imposing unworkable mandates for site-based programming, excessive limits on enrollment, and mandatory funding cuts.**

CCSA recently released the report ***Serving Diverse Student Needs in the Golden State: Practices and Programs of Nonclassroom-based Charter Public Schools (NCBs)***. NCBs currently serve more than 190,000 students in California and have served 25-30 percent of all charter public

school students since at least 2008. The flexibility of NCBs allows them to offer students a tailored blend of distance learning, independent study, home study, site-based instruction, other services at resource center facilities, and/or access to career technical education pathways. Many of these schools maximize the learning potential and academic gains by offering a range of instructional support, with particular emphasis on individualized learning for some of the state's most vulnerable students – including those who have been expelled multiple times, dropped out of school, are chronically absent, teenage parents, medically fragile, and/or have mental health issues – and require more intensive tutoring and teacher supervision. These schools serve students who have failed to succeed in a traditional site-based setting yet are now thriving in a personalized learning environment which is the hallmark of all NCBs.

AB 1316 would require all NCBs to offer a **parallel site-based program** for all high school students and any student who is not succeeding in the independent study setting. This nonsensical and wasteful approach to offering an alternative to traditional classroom-based programming is even more troubling given the significant constraints on physical operations of NCBs just imposed in AB 1507. By further limiting the geographic scope of enrollment and **capping enrollment** relative to district size, AB 1316 upends the reforms recently imposed in AB 1507 and would require even more operational restructuring and reorganization, without any evidence the reforms in AB 1507 are working. AB 1316 would **mandate funding cuts** for all NCBs solely based on the level of classroom instruction, without any quantifiable evidence that correlates to student academic success with in-person instruction. These students have chosen alternative instructional models because they are not academically successful in a classroom-only learning environment. Mandating program cuts without regard to program effectiveness or individual student needs, and based on a single metric, will severely limit the capacity of schools to provide meaningful, innovative and flexible learning opportunities to the most disenfranchised students in California, as well as undermine student success and increase the state's school dropout rate.

AB 1316 ignores the good work and commitment that NCBs offer their community. It is important to note that during the pandemic, all schools became “nonclassroom-based”, and many of the leaders in this charter sector openly offered best practices, support and resources to other charter schools and traditional school districts to transition to a more successful distance learning environment for all of California students. These schools were also held to their pre-pandemic requirements for student progress and attendance reporting. We must be careful not to “throw the baby out with the bathwater” as we consider what narrow additional controls may be appropriate to further limit exposure to fraud.

#### **New Audit and Fiscal Reporting and Oversight Requirements are Excessive and Duplicative.**

AB 1316 would overlay broad new fiscal and operational accountability on ALL charter schools by ignoring the existing annual audit requirements, and the significant impact of fiscal and operational accountability reforms already implemented under AB 1505, AB 1507 and SB 126. By imposing the entirety of the **Public Contract Code** on charter schools, this bill would blatantly violate the recent agreement on which school district laws should apply to charter

schools, and eliminate flexibility, a fundamental element of the charter school model. The new **fiscal reporting requirements and audit provisions** in this bill are particularly cumbersome and convoluted through the imposition of duplicative and wasteful oversight across many agencies, including independent auditors, charter authorizers, county offices of education, the California Department of Education (CDE) and the State Controller. While some narrow additional accountability may still be considered for the NCB sector, this bill goes too far. We note that SB 593 (Glazer), also introduced this session, attempts to address fiscal accountability concerns for NCBs in a much more strategic and targeted manner.

California's charter schools provide a meaningful and accountable educational opportunity for many of California's students. The essential value of the flexibility of charter schools was on full display during the pandemic. Charters were the first to transition to distance learning, led by the leadership of the nonclassroom based sector. Charter schools also led the education community to provide critical community support such as student meals. We take seriously our commitment to educational outcomes, and fiscal and operational accountability and transparency, but the value of our responsiveness and flexibility must not be diminished.

Unfortunately, AB 1316 is the wrong approach. For the reasons stated above, we respectfully, but firmly **OPPOSE AB 1316**.

Respectfully,

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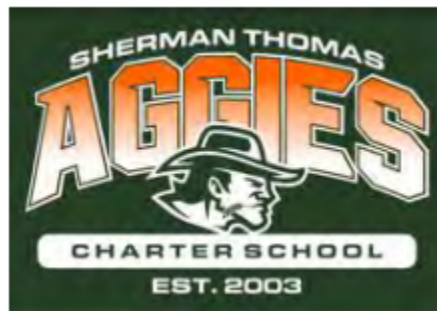


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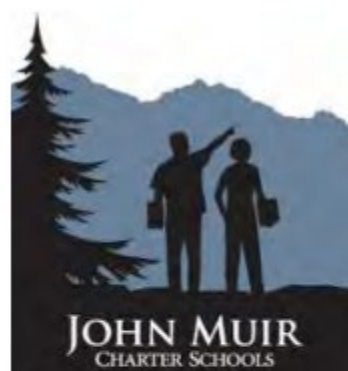
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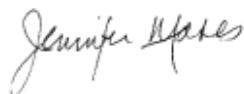
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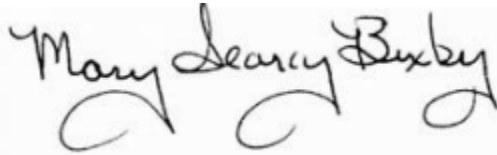
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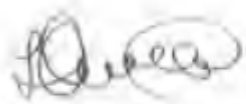


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