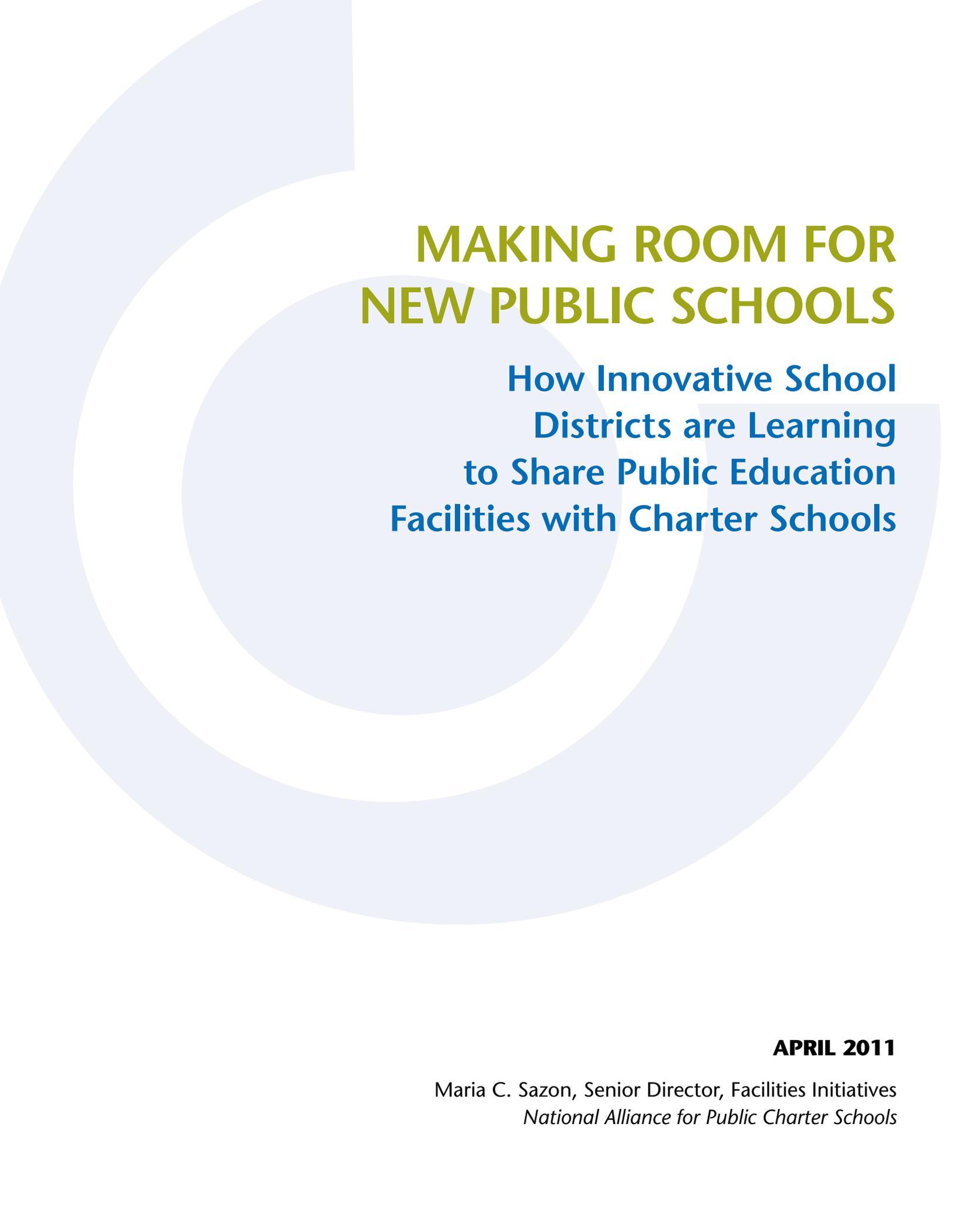


MAKING ROOM FOR NEW PUBLIC SCHOOLS

How Innovative School
Districts are Learning
to Share Public Education
Facilities with Charter Schools





MAKING ROOM FOR NEW PUBLIC SCHOOLS

How Innovative School
Districts are Learning
to Share Public Education
Facilities with Charter Schools

APRIL 2011

Maria C. Sazon, Senior Director, Facilities Initiatives
National Alliance for Public Charter Schools

TABLE OF CONTENTS

Foreword by Nelson Smith	3
Acknowledgements	4
Introduction	5
Research Methodology	7
Case Studies	8
Atlanta, Georgia	8
Chicago, Illinois	10
Denver, Colorado	12
Minneapolis, Minnesota.....	16
New Orleans, Louisiana	18
New York City, New York	22
Washington, D.C.	24
Best Practices for Improving Charter School Access to District Buildings	26
Conclusion	28



The National Alliance for Public Charter Schools is the leading national nonprofit organization committed to advancing the charter school movement. Our mission is to lead public education to unprecedented levels of academic achievement for all students by fostering a strong charter sector.

FOREWORD

We have learned much in recent years about shortcomings in the first round of charter school laws, those passed in the early and mid-1990s. One of the areas most egregiously ignored was facilities. Charter schools were denied access to capital funds in every state law, prohibited from raising their own facilities dollars through taxes and levies, and left with little leverage for bond financing. A few states created distinct facilities-funding streams but in almost all cases, the amount provided was nowhere near what it actually cost to build, buy, or lease school facilities. Although they were acknowledged in statute as public schools and held accountable to state authorities, charters were essentially treated as private entities when it came to securing space for their programs.

Perhaps the oddest aspect of these laws and the policies that followed was the rigid demarcation between “the public schools” and charter schools. District-run schools were not only entitled to capital dollars, but they also retained exclusive jurisdiction over the deployment and use of public school buildings. While charter laws were breaking the district monopoly on educational programming, no one seemed to have thought about districts’ hold over the building stock. After all, schools were built by taxes and bond proceeds raised by school districts; they paid for them and that was that.

If this approach made sense two decades ago, its rationale has eroded severely in the years since. For one thing, charter schools have become a major part of the delivery system for public education in city after city; in 14 major American communities more than 20 percent of public school students are now enrolled in public charter schools. It can no longer be argued that they are a marginal group, or are any less entitled to good school buildings than their district peers.

The most visible evidence of this dichotomy is the existence of ample district-owned space in communities where charter schools are bursting at the seams. Under enormous fiscal pressures, some districts are now taking steps to reduce their real estate footprint. Too many others are simply hoarding space, even when it is an economic drain.

Fortunately, there are forward-thinking policymakers trying to resolve the space impasse. Each of the seven case studies offered in this report shows districts and charter communities working toward win-win solutions, where districts shed the financial burden of shuttered school buildings and vacant hallways, and charter schools get the full-fledged public education facilities to which their students are entitled.

None of this is easy. Even when a new law is passed or a new policy proclaimed, there is often a gap between what’s on paper and what happens on the ground. (I learned this lesson as a charter authorizer in the District of Columbia, when I saw local government drive a Mack Truck through loopholes in a charter-facilities law I’d helped draft in a former job as a congressional staffer.) That’s why it takes vigilant advocates and sometimes, good lawyers to make sure promises are kept.

But these examples, and the lessons derived from them, offer a way forward. We hope policymakers in every chartering state will read them and think about how they could apply some of the same ideas for the benefit of students in their own state.

I salute this volume’s author, Maria C. Sazon, for her diligent and comprehensive approach to this subject. A former municipal bond analyst who is experienced in assessing the risks of investing in charter facilities financings, she has brought to the National Alliance for Public Charter Schools and to our movement an acute understanding of the dynamics by which deals are actually made, and her experience is reflected throughout this timely and important report. ●

Nelson Smith

Senior Advisor

National Alliance for Public Charter Schools

April 2011

ACKNOWLEDGEMENTS

We want to thank the many professionals who shared their time, expertise and insights with us. Their contributions and assistance were invaluable and tremendously helpful in this research. These individuals are: Tony Roberts, Ph.D., Georgia Charter Schools Association; Andrew Lewis, Georgia Charter Schools Association; Allen Mueller, Atlanta Public Schools; Tanya Vartivarian, IFF; Claudia Quezada, Chicago Public Schools; Joseph Giambone, Chicago Public Schools; Dan Alexander, Noble Network of Charter Schools; Shea Coughlin, Noble Network of Charter Schools; Jim Griffin, Colorado League of Charter Schools; Jessica Johnson, Esq., Colorado League of Charter Schools; Kelly Leid, Denver Public Schools; Allen Balczarek, Denver Public Schools; Jon Bacal, Minneapolis Public Schools; Kathleen Padian, New Orleans School Facility Project; Ramsey Green, Recovery School District; Nash Molpus Crews, Scott S. Cowen Institute for Public Education Initiatives at Tulane University; Tara O'Neill, Ph.D., Scott S. Cowen Institute for Public Education Initiatives at Tulane University; Michael Thomas Duffy, formerly with the New York City Department of Education, Rana Khan, formerly with the New York City Department of Education; Elena Day, New York City Charter School Center; Michael Regnier, New York City Charter School Center; Brian Ferguson, Our World Neighborhood Charter School; Robert Cane, Friends of Choice in Urban Schools (FOCUS); Stefan Huh, Office of the State Superintendent of Education, Government of the District of Columbia; Thomas Nida, United Bank; Josephine Baker, District of Columbia Public Charter School Board; and Jeremy Williams, District of Columbia Public Charter School Board.

We also want to thank The Walton Family Foundation and The Bill and Melinda Gates Foundation for their financial support of this report and their commitment to the charter school community.

The findings and recommendations presented in this research are those of the National Alliance for Public Charter Schools and do not reflect the opinions of the above-named individuals or the organizations they are associated with or the foundations. ●

INTRODUCTION

All public school children are entitled to quality public educational facilities—including those who attend public charter schools.

Yet charter school leaders often spend substantial time and money searching for a facility. When they find one, they encounter significant costs associated with leasing or purchasing the building. They may have to settle for old warehouses, vacant storefronts and church basements. Sometimes there's a shuttered parochial school on the market. In all cases, the charter operator will need to spend additional money to improve, renovate and furnish these spaces and make them ready to receive students.

Since only 15 states and Washington D.C. provide charter schools with some type of funding for facilities, and since charter schools have no taxing power, money spent on facilities must be borrowed, raised, or spent directly from the charter school's operating funds. Under these circumstances, every dollar spent on monthly rent, every dollar that pays off a mortgage or renovation loan, is a dollar that could be spent on instruction.

There are many possible ways to put public charter schools on par with traditional district schools that benefit from state capital funds. These include designated facilities-funding streams, expansion of bonding authority and access to capital dollars. This paper explores one such solution: providing charter schools with access to the existing stock of public buildings.

School district buildings are funded from public monies and should benefit all public school students, including those in public charter schools. Yet in city after city after city, school buildings sit vacant, or have classrooms and hallways that no longer echo with students' voices because district officials refuse to share space with a new kind of public school that is not under their jurisdiction.

Throughout the country, charter schools are denied the opportunity to use available public space even in cities where traditional public school enrollment is declining. This odd

situation is explained in part by a simple vacuum of law and policy. Ownership of these buildings was conferred on school districts in an era of rapid growth, decades before the advent of charter schools. State laws simply never contemplated any fundamental change in the notion public school buildings would be owned and operated by one provider, the school district.

But something more troubling is at work when charter schools go begging for space despite laws that explicitly entitle them to purchase excess public buildings at minimal cost, or that require local school districts to provide charters with facilities comparable to those of schools they manage. Whether the culprit is bureaucratic inertia, fear of change, or simple anti-charter bias, it is forcing charter advocates to seek redress in the courts.

Fortunately, there are important exceptions to this rule. Enlightened superintendents and school boards are instituting policies and creating practices that allow charter schools to take over or occupy underutilized and unused public buildings—in the process, benefitting taxpayers and rescuing neighborhoods from blight by keeping school buildings bustling and busy.

This report shines a light on seven cities where innovative, affirmative policies and practices are making public facilities available to all public schools. Our hope is that “the actual proves the possible”—and that seeing these efforts in action will spur productive relationships and collaborative practices in many more communities around the allocation of school facilities. For each city, the report describes the policies and practices in place, the processes used, the lessons learned, and the challenges that remain—even where laws are favorable to charter schools.

To guide future advocacy toward fair and equitable allocation of public school buildings, this report also identifies strong policies to ensure charter schools have equitable access to surplus school district space. We hope that charter school advocates will use these model principles as they tackle facilities challenges in their own states and communities. ●

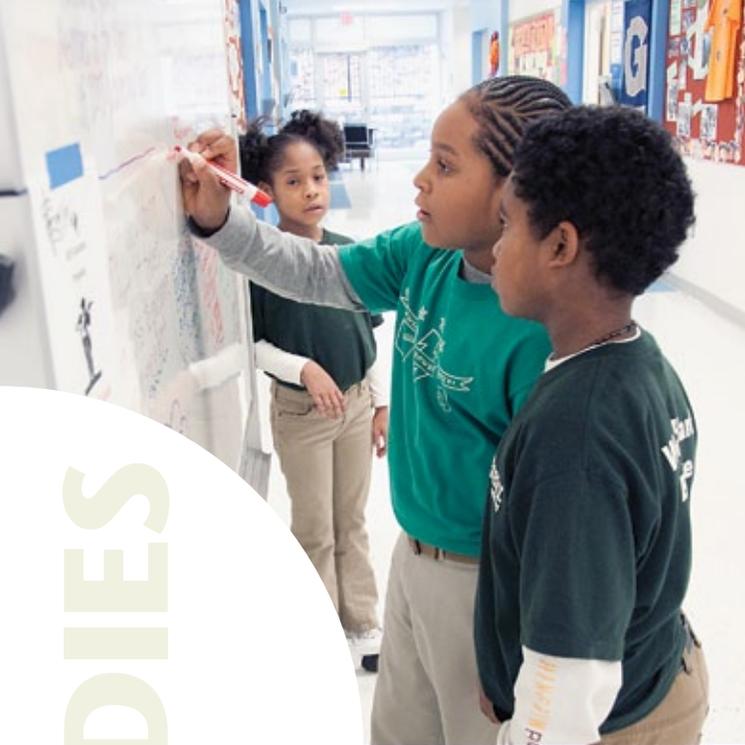


RESEARCH METHODOLOGY

The research for this report was developed through a multifaceted process that began with the examination of state charter school laws and school district policies, and included interviews with individuals from state charter school associations, local charter resource organizations, school districts, charter schools, community development financial institutions, an educational think tank and authorizers.

Our policy research specifically examined the various states' statutory provisions for facilities, including the local school boards' facilities responsibilities for charter schools in their districts. We also verified whether school districts had policies on co-location of charters in district buildings.

The second step of our research involved interviews with subject matter experts. We conducted the first round of interviews with staff of state charter school associations and local charter resource organizations, who is often in the best position to understand facilities issues on the ground. Next, we spoke with school district staff, typically those charged with oversight of charter schools. We discussed their policies for sharing facilities and impediments to successful implementation. Finally, we interviewed charter school operators and authorizers to get a sense of their experience with accessing public buildings. Once the case studies were written, we shared the draft with these experts to correct any inaccuracies and misinterpretations. ●



Atlanta, Georgia

Charter Schools: 14. Thirteen were approved by Atlanta Public Schools (APS) and one by the Georgia Charter Schools Commission (Commission).¹

Students: In the 2010–11 school year, APS has 4,461 charter school students, or 9 percent of Atlanta’s total public-school enrollment. This compares to 3,286 charter school students in the 2009–10 school year.

State Law: In 2009, Georgia enacted House Bill 555 (HB 555), which, among other things, revised certain statutory provisions concerning charter schools’ use of surplus school-district property. Georgia now requires local school boards to make unused facilities available to charter schools they authorize. Local school boards also need to renovate, repair and maintain charter school facilities to the same extent as other public schools in the district if the school board owns the building, unless otherwise agreed upon by the charter school and local school board. The terms of facilities-use are subject to negotiation between the school board and the charter school, and the charter cannot be charged a lease or rental fee. The law also prohibits the charter school from selling or disposing the facility without the written permission of the local school board.

Georgia law provides a per-pupil, needs-based, capital-funding program that is distributed through a competitive grant process. The state appropriated approximately \$2 million to the program for the 2009–10 school year. Georgia law also provides charters with access to tax-exempt debt through county development authorities.

District Practices: Of the 12 district-authorized charter schools in APS operating at this time, seven are housed in APS buildings under lease agreements, two own buildings they bought from APS before the new law took effect and

¹ The Commission is a state-level, independent charter school authorizing entity established by the state legislature in 2008. The Commission ensures that charter schools of academic quality are approved and supported throughout the state in an efficient manner. There is a pending Georgia Supreme Court case, filed by seven local districts, that questions the constitutionality of the Commission and its ability to approve and fund new schools. To date, the Commission has chartered eight schools, one of which is in Atlanta.

Atlanta

three lease facilities from third parties. One charter school that is scheduled to open this coming school year will be located in an APS building.

All three APS-approved charter schools that opened in 2010 are in APS buildings. One of these schools is located in an APS facility along with a traditional public school, and APS paid for the improvements. The second has sole use of a recently closed APS school, which required no improvements and is fully equipped. The third is located in an APS building that was previously empty for six months. This school will be responsible for any improvements they want to make to the facility. For all three schools, there are no lease or rental charges, pursuant to the law. However, these schools are charged ongoing building expenses, including utilities and maintenance, based on their actual (proportionate) costs. The term of the lease agreements match the length of the charter contract, typically five years.

As charter schools continue to grow in Atlanta, one challenge is finding available facilities in neighborhoods where district charter operators want to open their schools. The law requires each local school board to make its unused facilities available—but there is no obligation if there is no available unused facility.

At this time, HB 555 does not cover charter schools approved by the Commission. With five petitions from Atlanta under consideration by the Commission, the issue of providing public-facilities access for state-approved charters is likely to intensify. One question is sure to emerge: If charter schools are public schools, should their access to facilities be denied because they are authorized by a state commission rather than a local district? ●

FACT:

Georgia law provides a per-pupil, needs-based capital-funding program that is distributed through a competitive grant process.

Chicago, Illinois

Charter schools: 38 schools on 103 campuses. All are authorized by Chicago Public Schools (CPS).

Students: In the 2009–10 school year, Chicago Public Schools (CPS) had 33,711 charter school students, up from 28,973 in the 2008–09 school year. By head count, the charter-school enrollment in Chicago is the fifth largest in the country. Charter school students represent 8 percent of the total Chicago public-school enrollment.

State Law: There is no separate facility funding for charter schools under Illinois law, nor is there a mandate to local boards of education to provide unused facilities to charter schools.

District Practices: The increase in the number of charter schools in Chicago has been aided by Renaissance 2010, a bold education initiative launched by then Mayor Richard Daley in 2004 to increase the number of high-quality educational options in communities across Chicago. It encouraged private individuals, local educators, community organizations and other parties to create high-quality small schools in the form of charter, contract or performance schools.² Every year, the Chicago Board of Education (Board) issues a Request for Proposal (RFP) to start up a new school, turn around a failing school or replicate good schools. As part of the process, community members make recommendations to CPS, which enables it to match school proposals with specific buildings.

For the past six years, the Chicago Board of Education has provided facilities to new charter schools resulting from the RFP process. Four charters were placed in CPS facilities during the past year, bringing to 32 the number of charter schools located in CPS facilities. Twenty are in shared space and 12 are sole occupants of their buildings.

² A contract school is a newly created form of school established as a part of Renaissance 2010. Contract schools are managed by independent nonprofit organizations in accordance with a Performance Agreement between the organization and the Chicago Board of Education. Contract schools are free from many CPS policies and requirements, but not from state and federal school laws. Contract school teachers and staff are employees of the nonprofit organizations. Performance schools are schools with freedom and flexibility from many district initiatives and policies, but not state or federal school laws. Teachers and school staff are employees of CPS and are often supported by Area Instructional Offices and other CPS departments in addition to the support they receive from the Office of New Schools.

Chicago

However, the 2010 RFP is the first one that did not offer CPS buildings to new charter schools. At this time, CPS has 21 requests for facilities, from both new and existing schools. Seventeen are from charter schools, three are from contract schools, and one is from a performance school. The lack of available CPS facilities forces many charter schools to lease their own spaces. For charters not housed in CPS buildings, the district provides an annual facility supplement of \$425 per pupil, but that amount does not adequately cover the actual costs of leasing.

CPS adopted a Shared Facility Policy (Policy) in 2005, shortly after the launch of Renaissance 2010, that assures equal status in shared facilities, whether the paired tenants are CPS schools, charters, contract or performance schools. The Policy defines equitable use of the facilities and requires both schools to execute a Memorandum of Understanding and Shared Agreement (Agreements) that are submitted to the Campus Manager (a CPS administrator). The Agreements define the principles by which each school operates and identify what portions of the campus are designated as common areas, the space to be utilized by each individual school and the financial obligations of the schools.

Prior to the release of each year's RFP, the district in collaboration with the Department of Demographics and Planning assess the district's underutilized buildings and reports the results to the Board's CEO. The results are then reviewed to determine whether any of the buildings are appropriate for inclusion in the RFP and the possible conversion into a shared facility. If a building is identified as a potential shared facility, a comprehensive space analysis is conducted. The analysis includes, among others, a review of the proposals submitted by the new schools, specific programmatic needs of these schools, and the utilization and allocation of space within the building.



When a match is selected, the Board completes capital renovations at its expense to ensure the building is compliant with the American with Disabilities Act (ADA). Additional renovations can be requested by the charter school and charged to the Department of Operations capital improvement program. The charter school can also do its own improvements to control costs, but CPS must approve the project.

FACT:

Chicago State Law does not establish a separate facilities-funding stream for charter schools in Illinois.

A charter school that is in a shared facility pays a rent of \$1 a year, but is assessed a CPS facilities service fee based on the percentage of space occupied by the charter school. It covers safety and security, technology infrastructure and services, building maintenance, cafeteria services and utilities. Charter schools in shared facilities do not have the option to opt out of any of these costs because of union contracts—a part of the deal they would like to change.

Despite the renovation costs and the facilities service fees that a charter school may spend in a co-location, the \$1 a year lease makes location in a CPS building the most affordable way for charter schools to operate in Chicago. The term of the lease is for a maximum of five years, which is the typical term of CPS charter contracts. However, charter school supporters point out a lease of no more than five years with no right of automatic renewal limits a school's ability to secure financing and commit the investments needed for optimal school performance.

In addition to the Shared Facilities Policy, CPS has provided district buildings for sole use to 12 charter schools. For example, Noble Network of Charter Schools operates 10 charter campuses, three of which are housed in CPS buildings. Prior to becoming Noble's UIC College Prep campus, the district building was 75 percent empty when negotiations began in the summer 2007. The district school was eventually phased out and Noble occupied the building in the fall of 2008 under a five-year lease. CPS paid for a portion of the building renovations and Noble paid for a portion. The lease requires the conventional rent of \$1 a year, but because it has sole use of the building. Noble opted out of the facilities service fee and contracted with non-CPS entities for all services except utilities, for which it pays CPS directly. Noble believes its ability to make autonomous decisions about maintenance and security produces better control of costs.





As owner of the shared facilities and leased buildings, CPS is responsible for major improvements and capital replacements. These capital expenditures are included in the district's multi-year capital improvement plan. However, the lease provision is vague and it is not uncommon for a charter school to pay for necessary capital improvement project without knowing when CPS will be able to reimburse them.

There have been 103 new schools created under Renaissance 2010. The question now is what's next? School officials have stated the continued need to open new schools and replicate successful charters, but specific plans have not been formalized. Conversely, CPS, like many school districts, is facing tough financial times, with access to capital dollars becoming more challenging. Due to a change in CPS leadership and the absence of a concrete facility plan, it is likely CPS will not offer facilities to new schools next year, mirroring the 2010 RFP. ●

Colorado law provides limited credit enhancement for eligible, highly rated bond transactions for charter schools by using the state's moral obligation to back up to \$400 million in debt.

Denver, Colorado

Charter Schools: 28. All are authorized by Denver Public Schools (DPS)

Students: In the 2010–11 school year, DPS has 8,500 charter school students, an increase from 7,412 in the 2009–10 school year. Charter school students represent 11 percent of the district's total enrollment.

State Law: Colorado is one of the national leaders in providing facilities support to charter schools. This has included an annual allocation in the State School Finance Act. In 2010, Colorado appropriated \$5 million in the Charter Schools Capital Construction Fund. All charter schools are eligible for funding based on their October 1 student headcount. The aid can be used for construction, renovation, financing, purchase or lease of facilities. However, as the charter school enrollment has increased, the funding per-pupil has decreased. According to the 2010 Charter School Facility Finance Landscape Report by the Local Initiatives Support Corporation (LISC), the funding was as high as \$327 per-pupil in 2003 and has dropped to an estimated low of \$98 per pupil in 2010.

Colorado law provides limited credit enhancement for eligible, highly rated bond transactions for charter schools by using the state's moral obligation to back up to \$400 million in debt. State law also provides the Colorado Educational and Cultural Facility Authority (CECFA) may issue bonds on behalf of charter schools. The charter school debt-reserve fund, backed by the moral obligation pledge of the state, enhances charter schools' ability to borrow funds from CECFA and to obtain more favorable rates.

Colorado also established the Building Excellent Schools Today (BEST) Grant Program in 2008, whereby all public schools—including charter schools that have been operational for at least five years—are eligible to apply for competitive grants for the design and construction of new schools, renovation of existing school facilities, and improvements to address safety hazards, health concerns and overcrowding. In 2009, six charter schools received grant awards totaling \$16 million.

Denver

Under Colorado laws, charter schools housed in district facilities cannot be charged with rent. Colorado law also requires school districts to invite charter schools to discuss their capital construction needs before the district submits a bond request to voters for facilities funding. Districts, however, are not required to include the charter schools' needs in their ballot requests.

District Practices: Of the 28 charters operating in Denver, 12 are located in DPS buildings. Seven of the 12 are in shared campuses. In August 2011, an additional five charter schools will take up residency in district facilities, three of them in shared campuses. This will increase the number of charter schools in DPS buildings to 17, representing 61 percent of all Denver charter schools.

The first instance of a charter school operating in a DPS building was in 1997, and various other arrangements have followed. In November 2008, a Facility Sharing Plan was approved by the DPS Board of Education but charter advocates say it remains unpredictable as to whether or not charter schools will obtain facilities from DPS. Also in 2008, DPS issued its first Request for Proposals, later renamed as a "Call for Quality Schools," that uses a data-driven approach to identify specific needs in each region of the city, based on demographic trends, school performance, growth data and facility utilization. The Call for Quality schools focuses strategically on the need to create and align strong feeder patterns from preschool through high schools in each neighborhood.

As part of the Call for Quality Schools process, DPS annually identifies buildings that are operating significantly below full capacity, and they are considered for campus sharing by DPS pursuant to its Shared Campuses Policy. The objectives of the Policy are to defray the cost of underutilized space (enabling a greater proportion of the district's education budget to be used for classroom instruction), avoid unnecessary new construction and maintenance costs, promote high-performance school choices to students and their families, and allow for the creation of new schools without the significant cost of building new facilities. Charter schools that are located in DPS facilities are charged a facility-use fee, which is the same rate across all DPS-owned facilities and covers operation and

FACT:

Colorado is one of the national leaders in providing facilities support to charter schools.

maintenance expenses. The facility-use fee rate is reviewed annually by the district and adjusted according to actual operating costs.

Determining available space for shared campuses is a multi-step process. The Board examines and assesses underutilized buildings with the Planning and Research Department, the Office of School Reform & Innovation, and the Chief Operating Officer. The review considers a variety of inputs including regional demographic and data trends, enrollment and performance trends of the potentially affected schools, community views, preferences and compatibility of new and existing schools, availability of school choices in each region, geographic feeder patterns, and the ability to accommodate a given program and provide reasonable separation between schools in the facility.

If and when space is determined available, it is matched with a charter school. This matching process is facilitated through the Office of School Reform and Innovation, a department within DPS that oversees charter and performance schools³. District officials contend determining and matching available space with charter schools is a complex and challenging process.

When a match occurs, a Facility Use Agreement is signed, which includes a Memorandum of Understanding and a Shared Campus Plan guiding both schools to their responsibilities and space designations. The period in which the charter school can stay in the DPS building typically matches the length of the charter contract. There is also a Shared Campus Building Leadership Team, whose members include principals or school leaders of both schools. Over the first couple of years as a shared campus evolves, both the Chief Operating Officer and the Office of School Reform and Innovation provide ongoing support to ease the transition

³ Performance schools are new schools designed from the ground up by local educators, parents, and community stakeholders. Performance schools develop their academic design and model in alignment with the academic needs of their students. Performance schools may take advantage of the Colorado Innovations Schools Act to maximize their control over their staffing, scheduling, and finances to best meet student needs and drive high academic achievement.



into this new arrangement. In cases where disputes arise and the Team is not able to resolve the issue, the Office of School Reform and Innovation steps in. If the issue remains unresolved, the decision rests with the Superintendent of DPS (or his designee).

DPS supports many requested improvements and renovations for shared campuses, with the level of support negotiated according to the availability of resources. According to DPS officials, over the past two years the average support per shared campus has been approximately \$750,000, covering targeted improvements and in some cases additional furniture, fixtures and equipment to support the new academic programs. This support has been provided even though the law does not require the district to dedicate additional facility resources to charter schools.

In addition to providing charter schools with facilities via co-location or sole use of its buildings, DPS recently completed the construction of two new school buildings on the Evie Garrett Dennis Campus (a \$48 million dollar, college-style education complex) for the use of two charter schools in 2010. This state-of-the-art facility was the first of its kind for DPS and it represents an initial effort on the part of the district to create facilities that can accommodate multiple educational tenants. The campus was made possible by voter approval in 2008 of a \$454 million bond issue, the largest construction bond in the state's history, which earmarked \$20 million specifically for use in the development of shared campuses and new schools. Other charter schools housed in DPS facilities have also benefited from improvements financed by this bond issue. ●

Minneapolis, Minnesota

Charter Schools: 36. Only one is authorized by Minneapolis Public Schools (MPS); the other 35 are authorized by non-district entities.⁴

Students: In the 2009–10 school year, MPS has 9,962 charter school students, representing 22 percent of public-school enrollment. These figures are not materially different from the prior year.

State Law: Minnesota law provides lease aid to charter schools equal to 90 percent of the lease cost, up to \$1,200 per-pupil. This aid requires legislative appropriation every two years. Charter schools that own their facilities are not entitled to the lease aid—but it is rare for charters to own their facilities in Minnesota. The law provides with approval from the state commissioner of education, a charter school meeting certain criteria (i.e., operating for a minimum number of years with adequate fund balances and other requirements) can create an affiliated nonprofit building corporation to renovate or purchase an existing facility or construct a new school facility. As owner of the facilities, the non-profit building corporation can lease it to the charter school, which can then use its state-lease aid to pay rent and other occupancy costs. Similar to other nonprofit organizations, nonprofit building corporations are allowed to secure financing through various sources like municipal bonds and mortgages.

District Practices: Currently, four charter schools, all authorized by non-district entities, are located in MPS buildings. A few years ago, MPS performed an inventory of its unused buildings and offered more than 10 of them for sale. Three different charter schools bid on three buildings; two purchased the buildings at market rates, but the third was unable to secure financing and ended up leasing that building instead. There is currently one charter school sharing space with a district school, with a lease that matches the

⁴ Minnesota laws allow various entities to serve as charter authorizers including local and intermediate school boards, charitable nonprofit organizations that meet certain criteria, private colleges, public postsecondary institutions, and up to three single-purpose sponsors that are charitable, non-sectarian organizations whose sole purpose is to charter schools. All entities are subject to approval by the state commissioner of education before they can charter a school.

Minneapolis

length of the charter contract. Lease charges relate to the specific facility and amount of space leased. In general, MPS charges the charter school the maximum amount the school is eligible to receive in state lease aid (\$1,200 per pupil) plus 10 percent (under the assumption that the \$1,200 is a “below market rate” amount). The school is also responsible for covering its own utility and custodial costs.

In 2008, the Minneapolis Board of Education recommitted itself to ensuring all Minneapolis children receive high quality education and become college ready, establishing specific strategies for improving student achievement and closing the achievement gap. The strategy included restructuring the lowest performing 25 percent of schools, increasing the flexibility and autonomy for the lowest and highest performing schools, and creating a portfolio of autonomous school models.

In January 2010, the Board approved Policy 6010 on Autonomous Schools creating an Office of New Schools to develop autonomous new schools via collaboration with high-quality, third-party school operators. These collaborations can take the form of district authorized charter schools, site-governed schools and contracted alternative schools⁵.

Since 2010, MPS has authorized three new charter schools (out of five applications). Two of the new charters will open this year, and the third in 2012. As partners of MPS, these charter schools will receive start-up support for operations, facilities, enrollment and budgeting, in addition to the federal, state and private start-up grants for which charters are otherwise eligible.

Minnesota does not have laws that require school districts or boards to provide facilities to charter schools. However, pursuant to the Policy, the district will offer to locate each school

in unused public buildings, where feasible. Facility options could include co-location with an existing program or space in a facility where the existing program is being replaced under MPS’ turnaround efforts. MPS will not charge rent or lease for these facilities. Similar to district schools, these charter schools will be responsible for paying their share of the on-going costs of operating the building.

With the establishment of the Policy, MPS will be authorizing more charter schools and correspondingly, will increase the number of charter schools located in MPS buildings. At this time, MPS’ priority is to provide facilities for district-authorized charter schools, even though the vast majority of current Minneapolis charters are authorized by non-district entities. ●

FACT:

Minnesota does not have laws that require school districts or boards to provide facilities to charter schools.

⁵ A site-governed school is a district-created school that operates with a high degree of autonomy using district employees but is governed by a site council and is accountable to the district through a specific performance standard. A contracted alternative school is a school operated by a private organization providing an alternative program for students who have experienced or are experiencing difficulty in meeting goals in traditional schools. Educational services are provided to students under the terms of a contract with the MPS and accountable to the district through specific performance standards.



New Orleans, Louisiana

Charter schools: 61 (out of 88 public schools currently operating in New Orleans). In Louisiana, charter schools are classified by type ranging from Type 1 to Type 5⁶. Those currently operating in New Orleans are broken down as follows:

- Forty-six Type 5 charters authorized by the Louisiana Board of Elementary and Secondary Education (BESE) as part of the Recovery School District (RSD)
- Twelve Type 1, 3 or 4 charters that are either authorized or directly managed by the Orleans Parish School Board (OPSB). These include conversion charters (Type 3).
- Three Type 2 charters authorized by BESE outside of the Recovery School District.

Students: In the 2010–11, public charter schools in New Orleans enroll 28,308 students, an increase of 25 percent over the previous year's enrollment. Charter school students represent 71 percent of the city's total public school enrollment of 39,877. In 2009–10, charter school enrollment represented 61 percent of the city's total enrollment. New Orleans has the highest percentage of public school students enrolled in charters in the country.

State Law: Louisiana law requires local school boards to make available to chartering groups, at market value, any vacant school facilities or any facility slated to be vacated. The Louisiana Charter School Start-Up Fund provides zero-interest loans of up to \$100,000 to both new and existing charter schools, with terms of up to three years. The loans can be used for facility acquisition, upgrade and repairs. Louisiana law also provides charter schools are eligible to access tax-exempt financing through the Louisiana Public Facilities Authority.

⁶ There are five types of charter schools in Louisiana: Type 1 charters are new start-ups authorized by a local school board; Type 2 charters are new start-ups or conversions authorized by state board of elementary and secondary education; Type 3 charters are conversions authorized by a local school board; Type 4 charters are new start-ups or conversions authorized by the state board of elementary and secondary education, but only a local school board can apply to be the charter operator; and Type 5 charters are authorized by state board of elementary and secondary education, but these were previously chronically low-performing district schools that were taken over by the state's recovery school district.

New Orleans

District Practices: In order to understand how charters function in New Orleans, it is important to note the unique role the Recovery School District plays, and to understand something about its history. The RSD, a special school district administered by the Louisiana Department of Education, was created in 2003 to turn around the lowest-performing schools across the state. However, after Hurricane Katrina destroyed the majority of the city's public school buildings in 2005, the Louisiana legislature amended the RSD statute to expand its scope. By broadening the definition of a failing school to include all those performing below the state average, the revised RSD statute enabled transfer of the vast majority of New Orleans public schools from the Orleans Parish School Board to the state Board of Elementary and Secondary Education. In the ensuing years, many of these transferred schools have reopened as Type 5 charter schools, although the RSD has retained operation of some traditional public schools. Type 5 schools are under the supervision of the BESE, but the RSD acts as the intermediate educational unit and sometimes carries quasi-authorizer duties over these schools. To date, growth of the charter school sector in New Orleans is driven by Type 5 charters.

Unlike most charter schools elsewhere, almost all charter schools in New Orleans are in public school facilities, free of rent. Pursuant to state laws, all Type 3, 4 and 5 charter schools are entitled to a building when the charter is granted. However, the law offers no guidance or structure as to how facility assignments should be made. Consequently, charter schools have little influence over the location and condition of the facility provided to them, and many are forced to move from year to year.

Orleans Parish School Board, the city's "traditional" school district, holds the title to all the properties, but because the transfer of failing schools to the RSD included the buildings (and land) these schools occupy, the RSD controls approximately 70 percent of the buildings. OPSB collects a per-student debt service fee in order to pay the legacy debt of the school board, which was estimated at over \$200 million

in 2009. The debt service charge is \$735 per pupil in the current fiscal year, down from \$833 per pupil in fiscal year 2010. Every public school that occupies a district building is subject to this charge—all Type 3, 4 and 5 charter schools as well as district schools. By statute, the only schools not subject to this fee are Type 1 and 2 charter schools that ordinarily would not use public school buildings. However, with usable school facilities in short supply since Hurricane Katrina, some Type 1 and 2 schools do occupy district buildings; they are still exempted from this fee. In addition to the debt service fee, maintenance and custodial costs are the responsibility of the schools. Lease terms for OPSB charters match the length of the charter agreement. The RSD grants only one-year leases which are renewable annually.

Even before the storm, New Orleans school buildings were among the oldest and most neglected in the country. According to a 2010 research report by the Scott S. Cowen Institute for Public Education Initiatives at Tulane University the majority of these schools were built during the 1950s, 1960s and 1970s, while only three percent of the schools were built in the last 20 years. The lack of financial commitment to maintain and repair these buildings from both the state and the district resulted in a significantly dilapidated public school building infrastructure in New Orleans.

FACT:

Unlike most charter schools elsewhere, almost all charter schools in New Orleans are in public school facilities, free of rent.

After Hurricane Katrina, the BESE, the RSD and the OPSB jointly developed a School Facilities Master Plan to renovate and rebuild school facilities in New Orleans. RSD manages the project. The Master Plan includes right-sizing the building stock, with approximately 50 school buildings to be demolished and others to be “land banked” or held vacant pending future sale or re-use.

The Master Plan was approved in 2008 and comprises six phases of construction and renovation over a period of 10 years. Phase 1, originally projected to cost approximately \$700 million, is secured by insurance proceeds, Federal Emergency Management Agency (FEMA) funds and Community Development Block Grants. In August 2010, FEMA announced a lump sum settlement agreement of \$1.8 billion for Master Plan projects, an increase of approximately \$1.1 billion from its initial commitment of \$700 million. The increase will fund many but not all of the remaining phases of the Plan, so there is still a need to secure additional financial support. RSD and OPSB officials are currently reviewing the Master Plan and related costs.

In the aftermath of Katrina, the least-damaged schools were repaired first to accommodate returning students. Subsequently, other buildings were repaired and temporary facilities were built in order to provide additional student seats. Temporary facilities take various forms, the most common of which are modular buildings and old campuses leased from the archdiocese. The Master Plan calls for new schools to replace temporary modular schools. At the completion of Phase 1 in 2014, 22 new schools will be constructed and 10 schools will be completely renovated for use of traditional district and charter schools.

The Master Plan builds schools by matching building designs and locations to enrollment projections in a geographic area, not to specific schools. The advantage of this approach is that it provides the RSD with flexibility to assign and move schools to different buildings, which makes sense as new schools are coming online each year.



However, this approach is also problematic in several ways. First, it leaves school operators and families uncertain about their schools' future locations. Second, building assignments are not always known well ahead of time, making it challenging for school operators to plan budgets and hire staff. Third, the plan excludes assignments for the few schools still directly controlled by OPSB. Fourth, in the early going there have been reports a few of the new buildings do not meet the programmatic needs of schools, which may have happened because the new buildings were not designed with a specific school in mind. Lastly, there have been incidents of high utility costs in some of the newly constructed facilities.

In the early part of this year, the RSD held five public meetings, one in each New Orleans city council district, to discuss the long-term building assignments for RSD direct-run and charter schools. It also provided the attendees the opportunity to respond to the RSD's preliminary recommendations for final assignments of new and renovated school buildings listed in the Master Plan.

According to the Cowen Institute, deferred maintenance remains a problem just as it was prior to Katrina and a major concern with respect to the future of New Orleans schools. Without proper maintenance, even newly constructed and renovated buildings will begin to deteriorate. As it is, there is a disparity among schools because some are in newly constructed facilities or modulars, while others are in renovated buildings and still others are in old, temporary spaces that are in need of capital repairs.

The question of deferred maintenance is complicated by uncertainty about who is responsible for upkeep. According to the New Orleans School Facility Project, a charter school advocacy group, leases do not define "capital repair," making it unclear who bears responsibility for the costs of plumbing, electrical, heating, ventilating and air conditioning (HVAC), and roofing repairs. While maintenance is the responsibility of the schools, capital improvements rest with the OPSB or the RSD. Whether a problem should be categorized as needing "maintenance or repair" or requiring capital investment can be difficult to determine. Often, schools simply go ahead and fix a problem with their own funds, especially if delay might interfere with students' education. Yet there is no way to predict if reimbursement requests to OPSB or RSD will be granted or denied, and the response time can be lengthy. The latter is especially true if the building in question is slated to be land banked or does not have FEMA money attached to it. For charters overseen by the RSD, uncertainty about the ground rules is compounded by the brevity of their leases; there is always a one-year clock ticking as the school tries to recoup what it has spent.

The aforementioned problems are not minor, but they do need to be understood in the context of what Louisiana is attempting to do. Perhaps for the first time in American public education, a state is setting out to create in its largest city a first-rate stock of public education facilities that will be available to all kinds of public schools, not just those run by the traditional district. ●

The law now requires the NYC schools chancellor to engage in a public process when closing a school, or when locating or co-locating a charter school in a school district building.

New York City, New York

Charter Schools: 125. Sixty-nine are authorized by the New York City Department of Education (DOE), 48 by the State University of New York (SUNY), and eight by the State Department of Education.

Students: In the 2009–10 school year, NYC had 30,049 charter school students, 41 percent higher than the 21,367 charter school students in the 2008–09 school year. The current estimate is 38,000.

State Law: As part of a major package to amend the state’s charter school law in 2010, New York increased the procedural requirements for locating or co-locating a charter school in a school district building in New York City. The law now requires the NYC schools chancellor to engage in a public process when closing a school, or when locating or co-locating a charter school in a school district building. The chancellor must prepare an educational impact statement and a building usage plan. The plan must include, among other items, the actual allocation and sharing of classroom and administrative space between the charter and non-charter schools. It must also include a proposal for the collaborative usage of shared resources and spaces including cafeterias, libraries and gymnasiums, as well as provisions for building safety and security. Once the building usage plan has been made public, the chancellor must hold a public hearing that allows affected and interested parties to present their comments regarding the proposed co-location.

The law also now requires a shared space committee be established in each shared building. The committee is comprised of the principal, a teacher and a parent from each co-located school, and must meet at least four times a year to review the implementation of the building usage plan. Facility improvements financed by public money that benefit charter schools and exceed \$5,000 must be matched dollar-for-dollar for every traditional public school in the same building. (So far that match has been provided by the district, although the law does not specify where the funding source should be from.)

District Practices: Of 125 charter schools operating in New York City, 62 percent are located or co-located in school district buildings. The success in locating and co-locating charter

New York City

schools in DOE buildings is attributable to leadership of and support from New York City Mayor Michael Bloomberg and former Chancellor of the New York City Department of Education Joel Klein.

Because of Mayor Bloomberg and former Chancellor Klein, charter schools that are located or co-located in DOE buildings pay only \$1 a year in rent with no additional costs. The DOE provides utilities, custodial, maintenance and safety services to the building. The charter school pays overtime costs for services beyond the regular open hours of the school, as well as costs for alterations to its dedicated space (upon approval by the DOE).

Assessing and accounting for available space is a challenge throughout the country. In New York City, the Office of Portfolio Planning (OPP), a division of the DOE, identifies available space within school district buildings. Once a charter school is matched for placement in a public facility, a Building Council is established. The Building Council is comprised of the principal of the non-charter school and a representative designated by the charter school. The Building Council is required to meet at least once a month to discuss and resolve issues related to the smooth operation of the schools and the safety of the students. The DOE encourages the Building Council to resolve issues within the campus, but if it cannot, various DOE support systems can be called upon. If the issue remains unresolved, the Building Council can contact the Office of Supervising Superintendent of the DOE. That office will arbitrate and make a final determination of the issue, and will monitor implementation so that co-habitation moves forward.

Charter schools located in DOE facilities do not have the benefit of a lease agreement. Their location in the shared space is at the will of the chancellor.

The DOE is continuously identifying locations where there is a need for new schools. The identified locations include under-utilized facilities, buildings where a school is closing or moving to another location, or new construction. In the absence of existing buildings, the DOE is committed to build new facilities in areas where there is high need. For example, in 2010, the construction of the Mott Haven Educational

Campus in the Bronx was completed. The campus has 280,000 square feet of space and houses 2,300 public school students. There are three district high schools, two charter schools and one district special-education program on the campus. The charter schools are the Knowledge is Power Program (KIPP) Academy Charter School and KIPP New York City College Prep Charter High School. (The latter is on the campus temporarily until a permanent location is identified.)

Despite the support from the DOE, there are many other New York City charter schools in need of affordable facilities. Two of these schools have established arrangements in other public building space.

- Coney Island Preparatory Public Charter School is located in a New York City Housing Authority building. In 2009, the school signed a two-year lease. During the first year, the charter school paid \$10 per square foot in rent and \$3 per square feet in utilities, both increasing 3 percent in the second year of the lease.
- Our World Neighborhood Charter School has a lease for sole use of an Economic Development Corporation building that was vacant when the charter school opened 2002. The lease had an initial term of seven years, with five-year extensions thereafter. The initial rent was for \$9 per square foot, excluding utilities and maintenance. Last year, the lease was extended (to 2015) with a 20 percent increase from the initial rent. ●



STUDIES

CASE

The D.C. charter laws currently provide a \$3,000 facilities allotment per pupil.

Washington, D.C.

Charter Schools: 52 charters, on 93 campuses, all authorized by the District of Columbia Public Charter School Board.

Students: In the 2009–10 school year, Washington D.C. had 27,660 charter school students, 38 percent of the total number of public school students in the district. These figures compare to 25,729 charter students in the 2008–09 school year, which was 36 percent of the total. Washington D.C. has the second largest charter-enrollment market share in the country, second only to New Orleans.

State Law:⁷ Since the enactment of the D.C. School Reform Act in 1996, amendments to Washington D.C.'s charter laws have improved charter schools' chances to purchase or lease the District of Columbia Public Schools' (DCPS) surplus buildings. Washington D.C. Code currently requires the mayor and government to give charter schools the right of first offer to purchase, lease, transfer, or use surplus public facilities or properties.

Washington D.C.'s charter laws currently provide a \$3,000 facilities-allotment per pupil. This amount is based on a rolling average of DCPS per-pupil facilities expenditures over the previous five years, but in recent years the allotment amount was relatively lower due to the challenges in the district's government budget. The facilities allotment per pupil was \$2,800 in fiscal year 2010, and \$3,109 in fiscal years 2009 and 2008.

In addition, Washington D.C.'s law provides several programs that offer facilities financing to charter schools, managed by the Office of Public Charter School Financing and Support (OPCSFS). A \$30 million Direct Loan Fund for Public Charter School Improvement provides flexible loan capital for the construction, purchase, renovation and maintenance of charter school facilities. A \$22 million Credit Enhancement Revolving Fund provides credit enhancement for the purchase, construction, and/or renovation of facilities for charter schools. The City Build Incentive Grant program promotes

⁷ Given its unique non-state status, the District of Columbia is subject to both municipal and federal jurisdiction. Both the US Congress and the DC Council has passed laws creating and regulating charter schools; the federal D.C. School Reform Act prevails in case of conflict. In administrative matters, an Office of the State Superintendent of Education (OSSE) fulfills the District's "state" responsibilities.

Washington, D.C.

community revitalization with a particular emphasis on strengthening public charter schools.

Through a public-private partnership, the OPCFS and the non-profit Building Hope have created a Charter School Incubator Facility Initiative funded in part by federal appropriations and a U.S. Department of Education credit-enhancement grant. It identifies, acquires and renovates facilities for use by new charter schools that serve a student base where at least 50 percent are eligible for the free and reduced-price lunch program. Once a site has been renovated, it is leased to a charter school at below-market rates for one to three years. This program allows schools to focus on academic programs and build internal capital during the early years. The program has six incubator sites and has served 12 schools since its inception.

District Practices: Based on data compiled by Friends of Choice in Urban Schools (FOCUS), a charter school advocacy group based in Washington D.C., there are 30 charter schools located in Washington D.C. public buildings. Of these, 24 are in DCPS surplus buildings: nine of which these were purchased by the charter schools, 18 are under lease agreements and three charter schools are in DCPS buildings through co-location and conversion. There are two other charter schools that are in non-DCPS public facilities, under lease agreements with the Washington D.C. government.

Approximately 38 percent of all charter school students are now being educated in 24 DCPS surplus buildings. Pursuant to the law, lease terms on these buildings are for 25 years, and are renewable thereafter. None of the charter schools has reached the renewal point; the longest current lease is just approaching 15 years. Other charter schools in the district, about 60, are in facilities they own or are leasing from third parties.

On paper, the Washington D.C. statutory provision regarding surplus buildings is one of the strongest in the country. In practice, however, the Washington D.C. government too often ignores it. The surplus buildings that are offered for exclusive bids to public charter schools represent only one part of the entire DCPS surplus inventory. The Washington

D.C. government designates other surplus buildings for sale or lease on the open market, while retaining others for public use. Buildings designated for open bidding on the market are those that have potentially significant economic value. Washington D.C. officials contend selling these properties on the open market provides the government the means to support the per-pupil facilities allotment for charter schools. This allotment, in turn, provides charter schools the means to lease or purchase suitable buildings.

Charter advocates argue DCPS buildings were built as educational facilities and should be used for that purpose if possible. They argue that selling or leasing DCPS buildings to parties other than charter schools is more costly to the general public for three reasons. First, depriving charter schools of DCPS surplus buildings forces them to locate in facilities that require costly improvements (like office buildings, warehouses and factories that lack libraries, cafeterias, playgrounds, and amenities). Charter schools spend time and money to convert these facilities into schools. According to an estimate by the D.C. Public Charter School Board, such improvements can cost up to \$5,000 per student, significantly higher than the current \$3,000 per student facility allotment provided by the Washington D.C. government. Second, small charter schools (i.e., those with enrollment under 200 students) struggle financially when they lease from third parties instead of locating in a DCPS surplus building. The burden of supporting expensive real estate can threaten the viability of these small schools, increasing the risk of charter revocation. Third, if a charter school leases with a third party and eventually closes, all of the investments in that facility revert back to the private landlord. This situation would not occur if the landlord is the Washington D.C. local government.

Another flaw in the district's surplus process is the lack of transparency when a charter school's bid for a vacant building is not accepted. There is no requirement for the government to give a reason why a bid is rejected. Over the years, the Washington D.C. government has not offered any reasons. This flaw partly explains why a low proportion of the district's charter schools are located in DCPS buildings. ●

BEST PRACTICES FOR IMPROVING CHARTER SCHOOL ACCESS TO DISTRICT BUILDINGS

From the case studies, we identified the following best practices for improving charter school access to district buildings. By implementing these best practices, state, school district and charter school leaders will ensure charter schools have equitable access to available district buildings in a transparent, effective and sustainable manner.

1. Right of First Refusal to Lease or Purchase Public School Buildings

While some cities and school districts have enacted local policies to share public school building space with charters, such policies are still too rare. Even in more charter-friendly jurisdictions, charter school operators struggle to gain fair access to unused and underutilized buildings.

State laws and local policies should have unambiguous provisions for providing charter schools the right of first refusal to lease unused and underutilized public school buildings. While 40 states and Washington D.C. have charter laws, only 14 states and Washington D.C. have enacted policies that try to provide charter schools with better access to public school facilities. The strongest (at least on paper) are Arkansas,

California, Delaware, Washington D.C., Georgia, Hawaii, Louisiana, New Mexico and South Carolina. Unfortunately, as discussed earlier in the Washington D.C. example, strong policies should be followed by adherence and/or enforcement.

2. An Objective and Transparent Process for Assessing Available Public School Facilities

Determining what public school building space is actually available to charter schools is a major challenge. Oftentimes, school districts are still wary of charter schools and are reluctant to share building space with them. Even in school districts that are more supportive of charter schools, like Chicago and Denver, the process for determining and making public school buildings available is sometimes confusing and uncertain to charter school operators.

State laws and local policies should include procedural guidelines on how (and how often) cities and school districts should assess available public school building space. The assessment process should be objective and performed annually by a third party intermediary. Once this procedure is complete, the list of available space and buildings should be published and disseminated.

3. No or Low-Cost Leases

Charter schools located in unused and underutilized public buildings should not be charged any rent, just like traditional district schools. If the building is owned by a school district, the district should pay for major capital improvements (like HVAC and roofing) as part of its capital improvement program. In cases of co-location, the district should be willing to negotiate or finance set-up or move-in renovations such as the construction of a separate administrative office, installation of basic technological infrastructure, separate public announcement and bell systems, development and/or construction of separate entrances, and installation of individual signage. A charter school should also have the option to contract for their own building services, as opposed to being required to purchase the school district's services.



State charter school laws and local policies should prohibit school districts from charging any lease costs, but allow school districts to charge charter schools a facility use fee to cover operations and maintenance. Colorado and Georgia have enacted such provisions. An alternative approach would be for districts to charge rent but only if charter schools are provided sufficient public funds to pay for reasonable cost for leases.

4. Long-Term Leases

Of all the cities included in this report, only Washington D.C. provides long-term leases to charter schools. Washington D.C. law requires 25-year renewable leases on surplus DCPS properties. The laws and practices in all of the other cities require short-term leases, typically a maximum of five years. These short-term leases usually coincide with the charter contract terms, making it especially stressful for charter operators as they have to focus on both renewing their charter contract and negotiating their lease.

State laws and local policies should require long-term leases for charter schools. Leases should be for at least 20 years, subject only to the revocation of the charter contract and perhaps, to renegotiation due to fluctuation in student demand or similar factors. By operating under long-term leases, charter administrators can focus their attention on teaching and learning instead of negotiating lease extensions.

Long-term leases benefit school districts too, since they encourage charter schools to invest in the maintenance and care of the facility. Long-term leases also improve a charter school's ability to borrow, potentially providing them the funds for capital improvements. This, in turn, increases a school's prospects to thrive and grow.

5. Access to Other Available Public Buildings

A natural extension of requiring school districts to provide available public school building space is requiring other public agencies (city and state) to provide available facilities to charter schools. To date, however, such requirements are



rare. The only known cases are those from Washington D.C. and New York City that were discussed in previous sections of this report.

Because public agency buildings are not built as instructional spaces, significant investments are needed to convert them into usable school space. Therefore, they are ideal for long-term leases or a lease with the option to purchase. These types of deals will also benefit the lessors because they will receive the benefits of maintained (and possible improved) facilities and a long-term tenant.

State laws and local policies should explicitly allow charter schools to lease other public facilities. These kinds of arrangements will further promote the wise use of taxpayer resources in tight budget times. ●

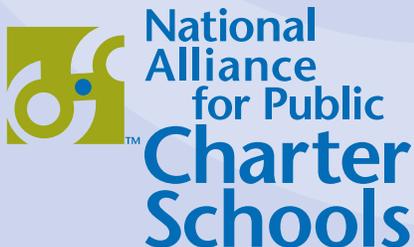
CONCLUSION

Charter school students are public school students and deserve the same quality facilities district public school students enjoy. Despite the growth in charter school enrollment, charter schools have limited choices when it comes to suitable facilities because of their limited financial resources. Yet throughout the country, scores of public school buildings sit empty or are underutilized.

To date, only a handful of states and school districts have policies and practices that address the use of available facilities by charter schools. It is up to state and local policymakers to increase their support for charter school access to public school buildings. It makes considerable sense from a public policy standpoint to redeploy empty classrooms for charter school education. By enacting legislation that addresses equitable access and sharing of available public buildings, charter school students will get the quality facilities they deserve and taxpayer monies will be used effectively. ●



THE NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS (NAPCS) IS THE NATIONAL NONPROFIT ORGANIZATION COMMITTED TO ADVANCING THE CHARTER SCHOOL MOVEMENT. THE ALLIANCE WORKS TO INCREASE THE NUMBER OF HIGH-PERFORMING CHARTER SCHOOLS AVAILABLE TO ALL FAMILIES, PARTICULARLY LOW-INCOME FAMILIES WHO CURRENTLY DO NOT HAVE ACCESS TO QUALITY PUBLIC SCHOOLS. THE ALLIANCE PROVIDES ASSISTANCE TO STATE CHARTER SCHOOL ASSOCIATIONS AND RESOURCE CENTERS, DEVELOPS AND ADVOCATES FOR IMPROVED PUBLIC POLICIES, AND SERVES AS THE UNITED VOICE FOR THIS LARGE AND DIVERSE MOVEMENT. MORE THAN 1.6 MILLION STUDENTS ATTEND NEARLY 5,000 CHARTER SCHOOLS IN 40 STATES AND THE DISTRICT OF COLUMBIA.



1101 15th Street, NW
Suite 1010
Washington, DC 20005

T. 202.289.2700
F. 202.289.4009

www.publiccharters.org