



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
May 14<sup>th</sup>, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Kate Harrison and Ben Bartlett  
Subject: Resolution in Support of Charter Reform Assembly Bills

RECOMMENDATION

Adopt a resolution in support of Assembly Bills 1505, 1506, and 1507, which regulate charter schools and give public school boards more authority to resist privatization of schools. Send letters of support to Assemblymember Wicks, Senator Skinner, and Governor Newsom.

BACKGROUND

California is home to one out of every five charter schools in America. In the 2015-2016 school year, 580,000 California students were enrolled in a charter school<sup>1</sup> and that number is expected to increase absent serious regulation. Charter schools receive public education funding but, unlike traditional public schools run by a publicly accountable elected school boards, are run by organizations with self-appointed boards. Charter schools are lucrative<sup>2</sup> for the organizations behind them benefiting from significant tax incentives, public education money from the state, and absence of union representation for many charter school teachers.<sup>3</sup> The evidence is that charter schools do not improve education outcomes.<sup>4</sup>

Both the Oakland<sup>5</sup> and Los Angeles<sup>6</sup> school boards called for moratoriums on new charter schools after the historic teacher strikes this winter centered on the fight against charters and school privatization. However, after city school boards deny charter school petitions, under current state law, the petitioners can appeal to the county board of education. Therefore, school board moratoriums, though a powerful gesture, are not effective at

<sup>1</sup> [https://ballotpedia.org/Charter\\_schools\\_in\\_California](https://ballotpedia.org/Charter_schools_in_California)

<sup>2</sup> [https://www.washingtonpost.com/news/answer-sheet/wp/2014/06/04/why-hedge-funds-love-charter-schools/?utm\\_term=.73a968a7037d](https://www.washingtonpost.com/news/answer-sheet/wp/2014/06/04/why-hedge-funds-love-charter-schools/?utm_term=.73a968a7037d)

<sup>3</sup> <https://eastbaymajority.com/why-billionaires-love-charter-schools/>

<sup>4</sup> [https://www.washingtonpost.com/local/education/charters-not-outperforming-nations-traditional-public-schools-report-says/2013/06/24/23f19bb8-dd0c-11e2-bd83-e99e43c336ed\\_story.html?utm\\_term=.550d960a9395](https://www.washingtonpost.com/local/education/charters-not-outperforming-nations-traditional-public-schools-report-says/2013/06/24/23f19bb8-dd0c-11e2-bd83-e99e43c336ed_story.html?utm_term=.550d960a9395)

<sup>5</sup> <https://sanfrancisco.cbslocal.com/2019/03/04/oakland-district-teachers-strike-moratorium-charter-schools/>

<sup>6</sup> <https://www.reuters.com/article/us-usa-education-los-angeles/l-a-school-board-seeks-pause-on-charter-schools-after-teachers-strike-idUSKCN1PO07A>

Resolution in Support of Charter School Reform Bills

CONSENT CALENDAR  
May 14th, 2019

curbing the growth of charter schools. State legislation is required to slow the privatization of public education.

Under our system of uncontrolled charter school growth, important education decisions are being made by investors and unaccountable organizations. Public education exists to serve students, teachers, parents, and the surrounding community. These stakeholders deserve to make decisions about public education. Taken together, this cluster of charter school laws caps the number of charter schools and ensures that any new charters (petitioning after another charter school closes) are wanted by the community and its school board.

AB 1505<sup>7</sup> (O'Donnell) amends the Charter School Act of 1992 to require charters to get approval from the school district in which the charter school is located. AB 1505 returns control of important decisions about charter school authorizations to elected school board members who, along with parents, students, and teachers, know best the needs of local school communities. It ensures that all matters related to charter school authorization and renewal be made by local school communities after **considering** the economic, facilities, and academic impacts of a charter applicant on students in neighborhood public schools.

Commented [HK1]: Would they be required to make these findings?

AB 1506<sup>8</sup> (McCarty) caps the number of charter schools statewide and by school district to their current number. Charter school expansion often diverts money out of California's neighborhood public schools. California's original 1992 charter school law included a cap of 100 charters statewide and no more than 10 charters per school district. Since the cap was removed in 1998, the number of charter schools in California has skyrocketed to more than 1,300. AB 1506 establishes a one-in-one-out policy: the only way to authorize new charters is if existing ones close. By also establishing caps in individual school districts, the bill prevents individual districts from being dominated by charter interests.

AB 1507<sup>9</sup> (Smith) closes a loophole that allows a charter school to operate in a district where it has not been authorized. It is a common-sense solution that will ensure charter schools are authorized and operated by their local districts.

#### FISCAL IMPACTS OF RECOMMENDATION

No impact. Clerk time necessary to send letter.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

#### ATTACHMENTS

- 1: Resolution
- 2: Letters

<sup>7</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1505](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1505)

<sup>8</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1506](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1506)

<sup>9</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1507](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1507)

RESOLUTION NO. ##,###-N.S.

RESOLUTION IN SUPPORT OF CHARTER SCHOOL REFORM BILLS

WHEREAS, students, teachers, parents, and district school board members should be empowered to have control over public education policy decisions that affect them; and

WHEREAS, charter schools are run by unaccountable self-appointed boards, rather than elected school boards that represent the interests of the public; and

WHEREAS, research does not indicate that charter schools lead to better educational outcomes for students, only that charter schools can be lucrative investments and lead to significant tax breaks for their financial backers; and

WHEREAS, the successful Oakland and Los Angeles teachers strikes demanded regulation and oversight of charter schools, and the local school boards for both jurisdictions passed moratoriums on approving new charter schools; and

WHEREAS, charter school expansion diverts money away from neighborhood public schools; and

WHEREAS, the Charter School Act of 1992 set a statewide cap of 100 charter schools with no more than 10 charter schools per school district, but 1998 law repealed these caps; and

WHEREAS, the Charter School Act of 1992 allows state and county entities to approve charter schools even after local school boards deny the petition; and

WHEREAS, a loophole in the Charter School Act of 1992 allows charters to operate in jurisdictions in which they have not been approved;

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council urges Senator Nancy Skinner and Assemblymember Buffy Wicks to support, the California Legislature to pass, and Governor Gavin Newsom to sign into law the California State Assembly Bills 1505, 1506, and 1507; and

BE IT FURTHER RESOLVED that copies of this Resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

May 14, 2019

The Honorable Patrick O'Donnell  
California State Assembly  
State Capitol, Room 4001  
Sacramento, CA 95814

**RE: Assembly Bill 1505 (O'Donnell)  
Support from the Berkeley City Council**

Dear Assemblymember O'Donnell:

We, the Berkeley City Council, wish to express our support for Assembly Bill 1505.

It ensures all matters related to charter school's authorization, renewal, and other key decisions be made by the local school communities – those parents, educators, and locally-elected school board members who know the needs of their neighborhood children. The bill repeals provisions allowing the State Board of Education to approve, renew, or hear appeals of charter school petitions. This proposal allows local school boards to consider the economic, facilities, and academic impact of a charter applicant on students in neighborhood public schools when approving charter schools in their communities.

Overturing locally-elected school board decisions harms students and threatens democracy. Default approval of new schools wastes public funding. Studies show that nearly 450 charter schools have opened in places that already had enough classroom space for all students. Giving a school district total control over how public schools operate within its boundaries allows school board members to use resources efficiently and represent the will of the surrounding community.

Thank you for your leadership on this and other reforms for quality public education.

Sincerely,

Berkeley Mayor and City Council

Cc: Assemblymember Buffy Wicks  
Senator Nancy Skinner  
Governor Gavin Newsom

May 14, 2019

The Honorable Kevin McCarty  
California State Assembly  
State Capitol, Room 2136  
Sacramento, CA 95814

**RE: Assembly Bill 1506 (McCarty)  
Support from the Berkeley City Council**

Dear Assemblymember McCarty:

We, the Berkeley City Council, wish to express our support for Assembly Bill 1506.

Placing a cap on the number of charter schools allowed to operate in California will bring the state in line with the intent of the original charter school law, which was to authorize charters upon agreement of the local educators, parents, and community. The unregulated growth of charters has negatively impacted students over the past two decades. Too often, charter school expansion has meant diverting money out of California's neighborhood public schools to fund privately-managed charter schools with little oversight or regulation. This cap would allow school districts to control the educational opportunities and supports within their communities to best meet the needs of their students.

Removing California's charter school cap was a mistake. California's original 1992 charter school law included a cap of 100 charter schools statewide and no more than 10 charter schools per school district. Since the cap was removed in 1998, the number of charter schools operating in California has skyrocketed to more than 1,300. The 1998 law changes also allow private corporations to manage these charter schools.

Our focus must be on improving public education for all students, not on expansion of corporate charter school chains. California currently has nearly twice as many charter schools as any other state in the nation. Networks of California's charter schools are putting profits before kids by prioritizing growth opportunities over educational opportunities for all students. Neighborhood public schools are bearing the cost for unchecked expansion of privately-managed charter schools and it must stop.

Thank you for your leadership on this and other reforms for quality public education.

Sincerely,

Berkeley Mayor and City Council

Cc: Assemblymember Buffy Wicks  
Senator Nancy Skinner  
Governor Gavin Newsom

May 14, 2019

The Honorable Christy Smith  
California State Assembly  
State Capitol, Room 2158  
Sacramento, CA 95814

**RE: Assembly Bill 1507 (Smith)  
Support from the Berkeley City Council**

Dear Assemblymember Smith:

We, the Berkeley City Council, wish to express our support for Assembly Bill 1507.

AB 1507 deletes the authority of a charter school resource center to be located outside of the jurisdiction or geographic boundaries of the chartering school district. This is in effect a loophole that allows a charter school to operate in a district where it has not been authorized. This practice undermines the ability of a local school board to determine the educational practices of its community. It is a commonsense solution that will ensure charter schools are authorized and operated in their local districts.

The law is broken and charter schools in various parts of the state have abused loopholes for financial gains. Abuse of this loophole hurts students as the charter school operates without meaningful supervision and it diverts money away from student supports. This loophole is undemocratic and leads to poor outcomes for students.

Thank you for your leadership on this and other reforms for quality public education.

Sincerely,

Berkeley Mayor and City Council

Cc: Assemblymember Buffy Wicks  
Senator Nancy Skinner  
Governor Gavin Newsom