NATIONAL CHARTER SCHOOL RESOURCE CENTER
AT SAFAL PARTNERS

FINDING SPACE

Charter Schools in District-Owned Facilities

The National Charter School Resource Center (NCSRC) is dedicated to supporting the development of high-quality charter schools. The NCSRC provides technical assistance to sector stakeholders and has a comprehensive collection of online resources addressing the challenges charter schools face. The website hosts reports, webinars, and newsletters focusing on facilities, funding opportunities, authorizing, English learners, special education, military families, board governance, and other topics. The NCSRC is funded by the U.S. Department of Education and led by education consulting firm Safal Partners.

National Charter School Resource Center (http://www.charterschoolcenter.ed.gov/)

Safal, meaning "good outcomes" in Sanskrit, is a mission-driven strategy consulting firm that supports education reform efforts at the federal, state, district, and school level. We bring deep domain knowledge in the charter sector, human capital management systems, and next generation learning. Safal Partners' clients include the U.S. Department of Education, leading foundations and non-profits, and state and district agencies.

Safal Partners (http://www.safalpartners.com/)

Project Contributors

Project Director
Mukta Pandit

Author
Jim Griffin, Leona Christy and Jody Ernst

Acknowledgments
The authors wish to thank the many individuals involved in the production of this report: Stefan Huh, Soumya Sathya, and Erin Pfeltz of the U.S. Department of Education for guidance and feedback; the multiple experts interviewed by the authors for their invaluable insights; Marina Walne, Shreena Punwasi and Alyssa Wagoner of Safal Partners for research and writing support; and Randi Daniels for report design.

Safal: Griffin, J., Christy, L., Ernst, J. (2015).

Finding Space: Charter Schools in District-Owned Facilities.

TABLE OF CONTENTS

Introduction

Accessing affordable facilities has long been identified as one of the most significant challenges facing charter schools.[1] In response to this challenge, an array of policy and market-based approaches has emerged over the years. Examples of these approaches include: public and private credit enhancement, tax-exempt bond financing, community development lending, commercial facilities development, state per pupil facilities aid, constitutional mandates for fair treatment, state facilities grant programs, federal tax credits, co-location with other public schools, and charter schools accessing vacant district facilities.[2] This paper explores the data and experiences involved in one of those categories – charter school utilization of district-owned facilities.

Charter school access to district-owned facilities is an increasingly important issue for the nation's charter community. Charter schools in district facilities now constitute a significant proportion of the overall charter landscape. Data available from the Charter School Facilities Initiative's (CSFI) collection of national facilities information reveal that 22% of charter schools in the 14 surveyed states occupy district-owned facilities.[3] As an illustration, if that percentage is similarly applied across the balance of the nation's charter community, it would amount to more than 1,400 charter schools across the country.[4,5]The relative costs involved elevate the topic further. Recent CSFI data show that the median annual facilities expenditures, as a percent of per pupil revenue, for charter schools in district-owned space is 0.9%, compared with a median expenditure of 5.8% for charter school facilities owned or rented from private sources. In real dollars, this translates into a difference of about $420 per student.[6] For the average sized charter school that enrolls 399 students, access to district-owned facilities would mean a savings of $167,580, annually.[7] The substantial cost savings enjoyed by charter schools in district facilities lower funding pressure and enable them to invest more in programs, services and resources for students.[8]

In January of 2014, New York City Mayor, Bill DeBlasio, put forward a proposal to no longer allow charter schools to use district-owned facilities at no cost. Instead, he proposed to charge charter schools rent for the use of these facilities. The resulting debate has brought national attention to this topic and highlighted the need for more data and a common framework for understanding the nature of transactions between charter schools and districts for the use of district-owned facilities.

Against this backdrop, the National Charter School Resource Center has developed this paper to provide policy-makers and sector stakeholders with a more data-driven and nuanced exploration of the issue.

This white paper is organized as follows:

- Section I provides information about our primary data source: the CSFI survey and dataset.
- Section II describes the landscape of charter schools in district-owned facilities using data from the CSFI dataset.
- Section III provides a framework for financial transactions between charter schools and districts for the use of district-owned facilities and shares data on these transactions.
- Section IV highlights trends in the use of district-owned facilities by charter schools over time and explores possible reasons for the growth of this phenomenon.
- Section V concludes the paper by noting key considerations for policymakers and charter sector stakeholders.

SECTION ONE
Data

In order to conduct our analysis, we primarily relied on data from the Charter School Facilities Initiative (CSFI) dataset. CSFI is a national project to research and quantify charter school access to adequate space and funding for educational facilities. It originated from a facilities survey, developed by the Colorado League of Charter Schools (League) to collect reliable data on the condition and cost of charter school facilities.

The first survey was administered in Colorado in 2007. In 2010 and 2011, the League administered the survey in three additional states, in partnership with the National Alliance for Public Charter Schools (NAPCS) and state support organizations. In 2011, the League launched the CSFI project through a subcontract under the National Charter School Resource Center, funded by the U.S. Department of Education. Subsequent surveys were conducted through this contract in 2012, 2013 and 2014.

Survey Process: The charter school facilities survey consists of two parts: 1) an online survey completed by school administration and 2) site visits during which charter school educational spaces including total facility size are measured. The League works in conjunction with each state's charter support organization to customize the survey to the local context. More information about CSFI is available online at http://www.charterschoolcenter.org/priority-area/facilities-initiative.

As of June 2014, the League and CSFI have collected comprehensive data on 2,518 charter school facilities across 14 states. Table 1 provides a list of the 14 states as well as detail on the number of facilities covered by the survey.

Table 1: CSFI dataset summary, by state

	Year of Survey	Number of Charter Schools (When Surveyed)	Number that Participated in the Survey	Percent of Participating Charter Schools
Colorado	2007	141	106	75%
Georgia	2010	43	36	84%
Indiana	2010	59	35	59%
Texas	2010	537	193	36%
New York	2011	200	172	86%
Tennessee	2011	36	31	86%
Idaho	2012*	53	51	96%
Massachusetts	2012*	69	63	91%
Michigan	2012*	298	200	67%
New Jersey	2012*	92	69	75%
South Carolina	2013*	49	48	98%
Rhode Island	2013*	20	20	100%
Arkansas	2013*	20	20	100%
California	2014*	901	496	55%
Totals		**2518**	**1540**	**61%**

* Survey conducted under subcontract to the National Charter School Resource Center

Source: CSFI data; author analysis

Two caveats to Table 1 are necessary here: First, we recognize that the dataset spans seven years. However, 13 of the 14 states were surveyed in the last four years. Moreover, the cumulative nature of the CSFI data collection and the consistency in the data collection process provides perspective into the data and patterns over time, thus providing a series of checks on data validity. For instance, some of the data points referenced in this paper, such as average renovation expenditures or responses about the pros and cons of co-location, are consistent from state-to-state and over time. In reviewing other data points where the patterns suggested potential changes over time, such as the number and percentage of charter schools in district buildings, we checked back with state officials to affirm the changes and have presented findings and conclusions that remained valid. Second, we recognize that the dataset does not include all states. For example a few locations that come up often in relevant literature as having a large percentage of charter schools in district facilities (for example, Louisiana and Washington D.C.) are not covered by the dataset. At the same time, other states with large charter populations, but relatively few charter schools in district spaces are also not included (for example, Arizona and North Carolina). Despite these caveats, we believe the dataset provides valuable and relevant insights and the best available glimpse into the world of charter schools in district spaces.

SECTION TWO

The Landscape: Charter School Use of District Owned Facilities

As a starting point, we examined the CSFI dataset to answer key, baseline questions about charter schools in district-owned facilities. For instance, how many charter schools currently use district spaces? Do they have sole use of the space or do they share it with another school or public entity? What is the length of their lease? Our findings related to these and other questions are presented below.

Number of charter schools in district spaces

Of the 1,540 charter schools that participated in the CSFI survey, 343

- 22% of the schools surveyed
- occupied district facilities at the time of the survey. Of the 14 surveyed states, four have a significant proportion of charter schools in district space: California (45%), New York (31%), Georgia (25%), and South Carolina (23%). Table 2 provides a breakdown of schools, by state.

Of the total number of charter schools in district owned facilities, 81% come from two large states: California (65%) and New York

(16%). The volume and, to some extent, experiences of charter schools in these two states thus exert a significant influence on the overall findings of this report.

Table 2: Charter Schools in District-owned Space, by State

	Number Surveyed	Number in District-owned Space	Percent in District-owned Space
California	496	224	45%
New York	172	54	31%
Georgia	36	9	25%
South Carolina	48	11	23%
Idaho	51	9	18%
Colorado	106	13	12%
Tennessee	31	3	10%
Texas	193	11	6%
New Jersey	69	4	6%
Rhode Island	20	1	5%
Massachusetts	63	1	2%
Michigan	200	3	2%
Indiana	35	0	0%
Arkansas	20	0	0%
Totals	**1540**	**343**	**22%**

Source: CSFI data; author analysis

Form of occupancy

Fifty-nine percent of the charter schools in district buildings are sole occupants, with the remaining 41% in shared buildings. Of the charter schools that are sharing space, roughly half co-located with another public school, with an equivalent proportion sharing space with a non-school entity and 2% sharing space with both another public school and a non-school entity. Table 3 summarizes this data.

Due to the state's overall proportion of charter schools in the data being considered, we found that California schools constitute both the bulk of schools that have sole occupancy and the bulk of those that share space with another non-school entity. New York has the highest percentage of charter facilities in district space that co-locate with other public schools.

Table 3: Charter schools in district-owned space, by occupancy type

Occupancy Type	N	%
Sole Occupant	204	59%
Shared	139	41%
Sharing with other non-school entity	66	19%
Co-located with other public school	66	19%
Sharing with another public school & a non-school entity	7	2%
Totals	**343**	**100%**
Source: CSFI data; author analysis		

Advantages and disadvantages of shared space

As depicted in Figure 1, respondent charter schools in shared spaces acknowledged several advantages of sharing space with another school or a non-school entity. Thirty-seven percent of respondents agreed that shared facilities provide charter schools and their students with access to amenities – such as gyms, libraries, and cafeterias – that charter schools may otherwise have found too expensive. This perceived advantage is reflected and validated by data on access to amenities which show that a higher percentage of charter schools in district-owned spaces have playgrounds, athletic/play fields, gymnasiums, full-service kitchen facilities, and libraries on the school grounds than charter schools in non-district owned facilities.[9] Shared space can also eliminate the need to focus on facility-related issues like maintenance and repairs (reported by 29 percent of respondents) and provide opportunities for staff from different schools to learn from each other (reported by 23 percent of respondents).

In addition, 16 percent of survey respondents in shared spaces reported that alternative facilities options to meet the school's facility needs are often unavailable in the neighborhood served by the school or, if available, are often prohibitively expensive (20 percent).

Conversely, four out of every five schools in shared spaces also acknowledged significant challenges associated with being in a shared space. Figure 2 depicts survey responses to questions regarding the challenges of sharing buildings. Implementing the school's curriculum and/or educational program given the amount of allocated space and time emerged as the biggest concern across sharing arrangements (selected by 43 percent of respondents). Other major

concerns included: keeping students safe (27 percent); maintaining a school climate conducive to learning and consistent with the school's mission (35 percent); and the uncertainty about whether or not the school will be able to remain in the facility on a longer term basis (27 percent).

Figure 1: Significant advantages of sharing space, survey responses (N=139)
Source: CSFI data; author analysis

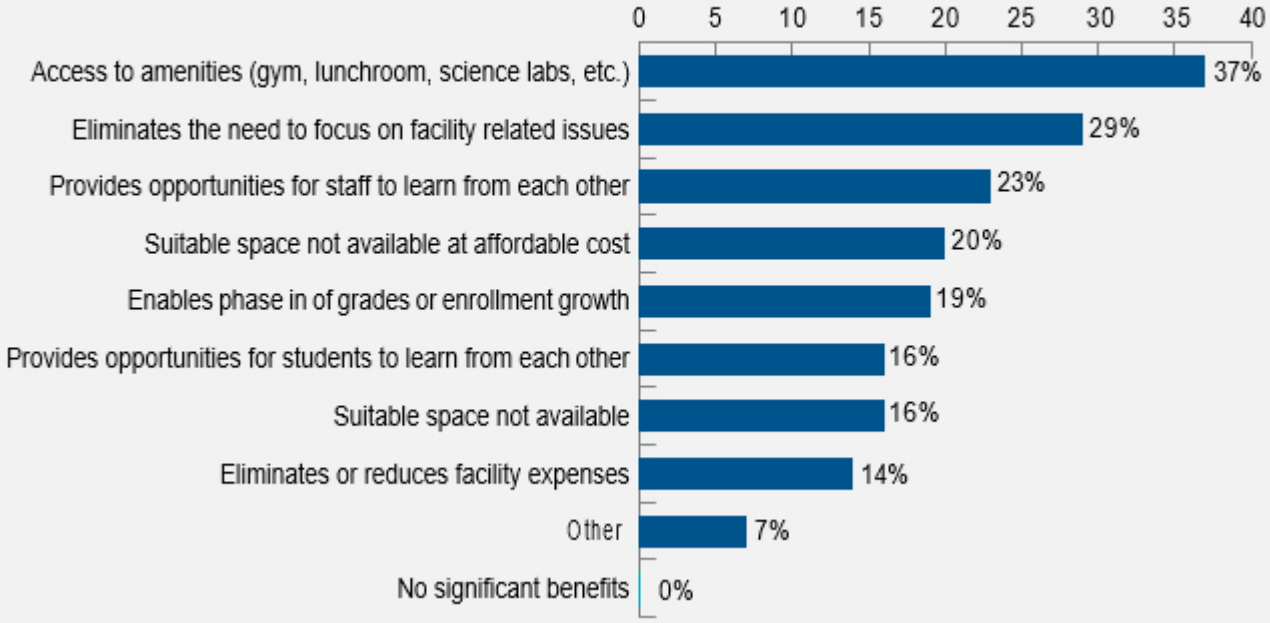
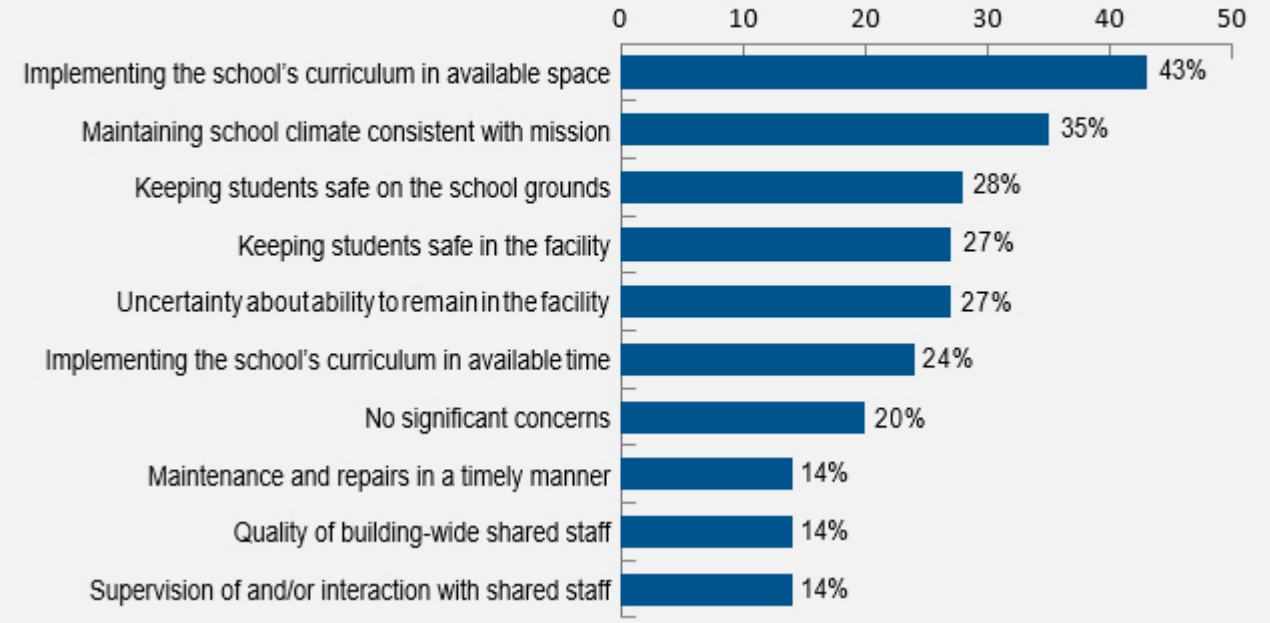


Figure 2: Significant disadvantages of sharing space, survey responses (N=139)
Source: CSFI data; author analysis



Length of lease

The assurance of a stable location over the medium to long term (five or more years) can enable schools to plan better and establish deeper roots in the communities they serve and also encourage them to invest time and resources into improving facilities. One hundred and seventy-one of the 343 schools in district spaces responded to a question on lease terms.[10] As shown in Table 4, 25% of those schools have a lease agreement of one year and another 9% have a lease agreement of 2 years. Overall, more than 70% of the schools that responded to this question expressed uncertainty about their ability to use the facility over the 5-year planning horizon often used by charter schools.

Table 4: Length of lease, charter schools in district spaces

Length of lease in years	Number of schools	%
1	42	25%
2	15	9%
3-5	64	37%
6-10	27.0	16%
11-20	7	4%
>20	16	9%
TOTAL	171	100%

Source: CSFI data; author analysis

SECTION THREE

Financial Transactions: Between Charter Schools and Districts for the Use of District Space

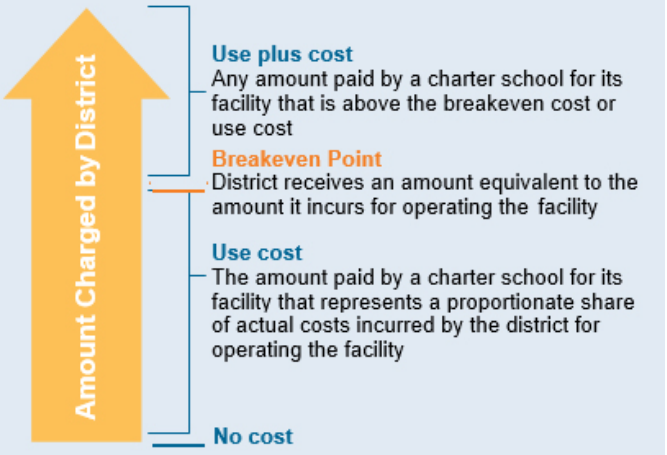
In this section, we outline a simple framework for defining financial transactionsbetween districts and charter schools for the use of district space. We then articulate two different approaches to thinking about how district facilities could be "priced". Finally, using this framework, we present our analysis of financial transaction data from the CSFI dataset.

Defining financial transactions between charter schools and districts

A majority of charter schools pay something to their district-landlord related to their building usage. However, the terminology used to describe those various payments differs depending on the local arrangement. For instance, districts may charge charter schools a "facilities fee" or a "maintenance and upkeep fee" for the use of district space. Figure 3 below presents a simple descriptive model for defining and classifying financial transactions between charter schools and districts for the use of district facilities.

Consider a financial transaction entered into by a landlord and a lessee for a facility. The lowest point is a "no cost" transaction, where lessors pay nothing or pay a nominal fee. At the "no cost" level, landlords may incur a cost for ongoing expenses related to the building, such as maintenance and utilities. At the "breakeven cost", landlords would be cost neutral: they would receive an amount equivalent to the amount they pay out for the ongoing costs.

Figure 3: Defining Transactions Between Charter Schools and Districts



Applying this framework to the context of charter schools using district space, at one end we have districts that charge nothing or a nominal sum (e.g., charter schools in New York City pay a nominal fee of $1 a year) for the use of facilities. We then have districts that work out an arrangement with charter schools whereby charter schools pay an amount that roughly covers the cost associated with the use of the facility. We term this "use cost" and define it as the amount paid by a charter school for its facility that represents a proportionate share of actual costs incurred by the district for operating the facility, including ongoing maintenance, insurance, security, minor capital improvements, and utilities expenses. It is worth noting here that the district may incur many of these costs even if the building is not inhabited.

Finally, we have districts that charge above the breakeven cost. We term any amount charged by districts above the breakeven cost or use cost as "use plus cost." Thus, under this model, all payments made by a charter to a district for the use of district-owned space can be classified into "use cost" or "use plus cost", irrespective of what it might be termed in the actual agreement between the district and the state.

Two approaches to valuing district owned facilities

Given this framework for classifying costs, is there an appropriate cost that charter schools should be charged for the use of a district facility? Statutes, practices and data seem to track one of two different viewpoints as to charter schools paying for district space.

- **School buildings as district asset:** This viewpoint sees district-owned facilities as a district asset to be utilized in a manner most advantageous to the district and district-operated schools (differentiating the schools it operates from charter schools). Using this approach would imply that districts rent the facility out to any entity and charge an amount (use plus cost) that is over and above the use cost and equivalent to the best price they can receive in the market.
- **School buildings as public asset:** An alternative viewpoint sees district-owned real estate as a public asset already paid for by taxpayers, and held "in trust" by the district for the benefit of the community's public school students. This perspective is reflected in the positions taken in Indiana (law allows charter schools to lease or purchase for $1 any unused, closed, or unoccupied school building that is maintained by a school corporation) and New York City.[11]

Traditional school districts are the overwhelming owners of public school buildings, and by default appear to view district-owned buildings as district assets. Even where there is a strong economic argument to be made for providing charter schools with access to district-owned buildings, some districts are reluctant to share assets with a perceived competitor. For instance, in 2010, Milwaukee Public Schools refused to sell surplus school buildings to charter schools even though it was spending more than $1 million a year on maintaining them with the rationale that charter schools were competition for the district's students.[12] At the same time, that perspective is clearly not universal, with some district leaders taking a more expansive view and viewing school buildings as public assets with charter schools as a part of the public education system.[13]

It is worth noting here that one approach that some districts have taken to justify higher or market-based lease costs is to invoke the notion of "opportunity cost" or the value they would have received for the best alternative use of the facility. However, in practice, statutory constraints and a limited market for pre-owned school buildings may limit the opportunity cost for a district-owned school building. These constraints typically result in the real opportunity cost to districts, or the alternate best price they may receive for the property, being far less than that suggested by the prevailing real estate values in the city. For instance, a 2013 study of how 12 cities across the country are disposing of their empty school buildings found that sale prices were significantly lower than initial projections.[14]

Summary of data related to ongoing financial transactions

158 schools (46% of charter schools in district facilities) made no payment for the use of their space. These schools are located across the country, although a large number of these are in New York City. The remaining 185 schools made some kind of payment for the use of the space. The methodology used to collect and categorize costs is described in Appendix 2. We summarize our findings in Table 5 and provide additional detail below on financial transactions by type:

- **Use cost:** This was the most common form of payment with 139 schools paying an amount attributable to the actual cost associated with their use of the facilities, such as, utilities and custodial services and occasionally for services such as transportation, use of equipment, parking, and security. The median "use cost" paid to the district amounted to $118,500 per year.
- **Use plus:** We have classified the remaining forty-six charter schools that reported payments made to the district into the "use plus" category. This category includes charter schools with self-reported lease payments in amounts beyond the range of those paying "use" costs as described above. In contrast to schools in the "use cost" payment category, the median cost per year for the charter schools in the "use plus" payment category was $540,068 — over $400,000 higher than those paying use costs.

Table 5: Charter Schools Payments for Use of District-owned Space, by Payment Type

Payment Type	Number	Percent	Median cost in dollars
No Payment	158	46%	$0
Payment	185	54%	$156,000
Use Cost	139	41%	$118,500
Use Plus	46	13%	$540,068
TOTAL	**343**	**100%**	

Source: CSFI data; author analysis

Renovation cost

In addition to the ongoing payments made by charter schools to school districts for the use of facilities, charter schools may also have to invest more resources into the district-owned facilities before they can occupy the buildings. Charter operators may need to undertake renovations to modify the existing building to meet the curricular needs of the charter school or they may need to make major repairs to bring facilities up to code.

The CSFI facilities survey asked charter school leaders about renovations that had been completed over a five-year period. Of the schools in district-owned facilities, 102 undertook some kind of renovation. Of these, 63% renovated or upgraded an existing facility, 45% undertook major facility repairs, and 17% constructed an addition to an existing facility. The median amount spent on these capital projects was $200,000. It is worth noting here that the larger investments can significantly raise the asset value of the building, ultimately benefiting the district as the owner of the building. For instance, the Beaufort County Board of Education, SC, reached an agreement with Riverview Charter School under which the charter school will no longer pay rent for the use of a district-owned building. Instead, annual payments will be used to pay back a loan from the district, needed to renovate and expand the building, cover routine maintenance and fixes at the school, and build up a fund to cover any large capital improvements to the building over the course of the 30-year lease.[15]

Sources of funding for the renovations included: school per pupil revenue (PPR) and reserve funds generated from PPR; gifts and fundraising; bond(s) and/or loan(s); local tax revenue (e.g., district bonds, sales or property tax), and; cash from school district (other than bond dollars). Of these, the first three were the most widely used sources of funding.

SECTION FOUR

Trends & Triggers: Charter Schools in District Spaces

Charter schools have gained access to district buildings in significant numbers relatively recently. A report by the U.S. General Accounting Office (GAO) in 2000 found few charter schools operating in district properties.[16] The report identified two possible reasons for the lack of support for the idea of charter schools in district spaces: the tension between districts and charter schools, rooted in the perception that charter schools were competition, and the belief that providing oversight for charter use of district space would be an additional burden for district staff.[17] Consequently, at that time charter schools in district-owned spaces were more of an anomaly created by various site-specific factors.[18]

Denver Public Schools is a case in point. Although the district is seen today as a leader in providing charter schools access to district buildings, the district's approach towards the issue has evolved over time from sporadic instances to one that is more policy based and systemic. Former Denver Assistant Superintendent, Wayne Eckerling, who oversaw the district's charter school facilities transactions from 1993-2005, describes the early days of charter schools in district space thus: "In those initial years, there was no formal policy on charter schools accessing district buildings. If there were such a thing as an "unwritten" policy, it would have been that charter schools are not entitled to district space. Where exceptions occurred, it was usually a fortuitous combination of district needs and charter schools' political influence that led to the few charter schools in district buildings in the first decade of Denver's charter school experience."[19]

The last decade or so has seen significant growth in the number of charter schools in district-owned facilities, from the few schools identified in 2000 by the GAO report referenced earlier to hundreds of schools today. This growth can be seen most vividly at the district level. Greg Richmond, President and CEO of the National Association of Charter School Authorizers and former Chief Officer for New School Development with Chicago Public Schools, attests to the momentum behind the phenomenon of charter schools in district buildings in Chicago: "In the earl1.y years of the city's charter school experience — in effect, for the first 15 schools that opened — the idea of charter schools accessing school district buildings really wasn't a part of the conversation. It wasn't until 2003 when then Superintendent Arne Duncan's district reform efforts included a charter school strategy that use of district buildings became common."[20] Today, there are 43 charter schools leasing facilities from Chicago Public Schools.

Factors driving the increase in number of charter schools in district space

The increase in charter schools accessing district buildings can be attributed to five factors: (1) state policy; (2) school district reform efforts; (3) authorizing setting; (4) private sector advocacy and support; and (5) demographic and fiscal pressures. We elaborate below.

1. State Policy

State level policy increasingly supports charter schools accessing district space. Of the 43 states (including the District of Columbia) with charter laws, 27 have enacted policies that try to provide charter schools with better access to district facilities.[21] Of these, at least 12 have updated their guidance on providing charter schools with access to district space since 2000.[22] The three states with recently enacted charter school legislation – Maine, Mississippi and Washington – all have provisions that try to address the issue of charter school access to district facilities.[23] Todd Ziebarth, Senior Vice President for State Advocacy and Support for the National Alliance of Public Charter Schools (NAPCS), characterizes the increasing role of states in this area thus: "Over the past 15 years, there have been a wide variety of state policy efforts focused on better meeting charter schools' facility needs, including some seeking to improve charter school access to school district buildings. As a result of these efforts, an increasing number of charter schools are able to locate in school district buildings, although more work needs to be done on this front."[24]

The impact of state policy is especially visible in California. In 2000, California voters approved Proposition 39, a constitutional provision requiring districts to provide charter schools that serve a minimum of 80 students with facilities that are "sufficient" in size given the charter's enrollment and "reasonably equivalent" to facilities occupied by traditional public schools in the district.[25] Proposition 39 ranks as the nation's strongest statewide policy statement mandating charter school access to district-owned space, and is the major reason for the large number and percentage of charter schools occupying district spaces in the state. Given the importance of Proposition 39, we provide additional context on its passage and impact in the state spotlight below.

Other states have also taken legislative action pertaining to the use of district-owned facilities, although none with the weight of a state constitution, and none whose impact reaches the scale of California. We categorize the approaches taken by state policy provisions into three groups: (1) provisions requiring information and disclosure about the availability of facilities; (2) provisions mandating terms or at least the parameters of agreements between charter schools and districts; and (3) provisions mandating specific outcomes. These three categories are explained further below:

1. **Information and Disclosure:** Identifying surplus available district space is not always as straightforward as it might sound. To help charter schools access space, states like Georgia and Indiana require districts to publish a list of all vacant or unutilized spaces.[26, 27]
2. **Terms and Conditions:** States vary in the strength of their requirements on the provision of space by districts to charter schools. For example, the District of Columbia and Maine provide charter schools with a "right of first refusal" in the event that space is available for rent or purchase. Others dictate certain terms or conditions of lease agreements applicable to charter schools such as Colorado's prohibition on districts charging rent for space otherwise available.[28, 29, 30]

3. **Mandated outcomes:** As discussed above, California's Proposition 39 involves the strongest and most comprehensive mandate, resulting in the highest rate of charter schools in district space among the surveyed states. New Mexico requires the school district in which a charter school is geographically located to provide a charter school with available facilities for the school's operations unless the facilities are currently used for other educational purposes.[31] However, the state's ability to enforce the mandate has been limited because it has no jurisdiction over the local school district in regards to the local school district providing the charter school with a facility.[32]

***State Spotlight on California**: California features the most extensive example of charter schools in district space, and is the product of a combination of factors:*

the most ambitious policy framework mandating charter access to district facilities; statutory and regulatory implementation of that provision by districts, and extensive private sector support around implementation and enforcement.

According to the recently completed CSFI survey in California, 45% of surveyed charter schools in the state occupy district facilities. Proposition 39, passed in 2000 and also known as the School Facilities Local Vote Act of 2000, has shaped much of this landscape. Voters approved it as part of a larger measure to reduce the threshold for the state or a local school district to pass local facilities bond issues from two-thirds to 55%. Proposition 39 requires school districts to provide charter schools with "sufficient" space that is "reasonably equivalent" to the facilities of occupied by other public schools in the district. It also requires facilities to be contiguous, furnished, equipped, and located near the area in which the charter wishes to locate.[33] Districts are prohibited from charging rent; however, a district may charge a charter school a pro-rata share of the facilities costs expended by the district using unrestricted general fund revenues.[34]

Despite the passage of Proposition 39, implementation of its regulations has not been trivial. Courts have ruled on at least eight lawsuits, reinforcing and clarifying the provisions of Proposition 39 over time.[35]

The impact of Proposition 39 has been significant. As discussed elsewhere in this paper, 45% of California's charter schools are in district-owned buildings, the highest percentage among surveyed states. Those schools involve arrangements with 79 different authorizing school districts, from big cities like Los Angeles and San Diego to small towns like Nevada City.[36] At the same time, interviews with local leaders surface a variety of challenges faced by charter schools in district buildings: varying costs; annual agreements constraining long-term planning; inconvenient locations; and sharing challenges. Moreover, not all charter schools that need space have received access to district-owned buildings. Taken together, the data and stakeholders interviewed for this paper paint a picture of policy that has had impact within limits, a view that resonates in the cautious optimism shared by sector stakeholders interviewed for this paper.

---

2. School District Reform Efforts

At the district level, the movement of charter schools into district facilities has been encouraged by a variety of superintendents, school boards, and even mayors, who have embraced charter schools as part of an overall district improvement strategy:

- In New York City, NY, 62% of the city's 197 schools are in district spaces, encouraged in part by a use cost of $1 a year.[37] Former Mayor Michael Bloomberg and former Chancellor of the New York City Department of Education Joel Klein are widely credited with ensuring the large-scale presence of charter schools in district spaces.[38]
- In Chicago, IL, former Mayor Daley and former Superintendent Arne Duncan launched Renaissance 2010, a citywide initiative to increase quality education options in the city, in 2004. The district's efforts eventually included the Shared Facility Policy in 2005, which assured charter schools equal status in shared facilities.
- In Michigan, Detroit Public Schools is an example of what may be a new set of cities (including Cleveland and Indianapolis) and school districts looking to provide charter schools with access to district-owned facilities. According to Dan Quisenberry, President of the Michigan Association of Public School Academies, "Detroit Public Schools is taking some positive, initial steps towards seeing charter schools as part of their overall reform and recovery strategy, including recently opening up a few district facilities to charter school use."[39]

3. Authorizing setting

Of the charter schools in the dataset that are in district buildings, local districts authorized 296 or 86% (See Figure 4). As Table 6 shows, the states with the greatest percentage of charter schools in district facilities are also states where district authorizing predominates. On the other hand, states with relatively few charter schools in district buildings – for example, Indiana, Massachusetts, and New Jersey – tend to have state authorized charter schools. New York is a notable exception to the pattern; however, the New York numbers are driven by New York City (see State Spotlight below for more detail on the state and city). The large numbers of charter schools in district buildings in New York City can in turn be attributed to mayoral control and three terms of Mayor Bloomberg's policies providing charter schools with no-cost access to district buildings.

Figure 4: Charter schools in district-owned facilities, by authorizer type

Source: CSFI data; author analysis

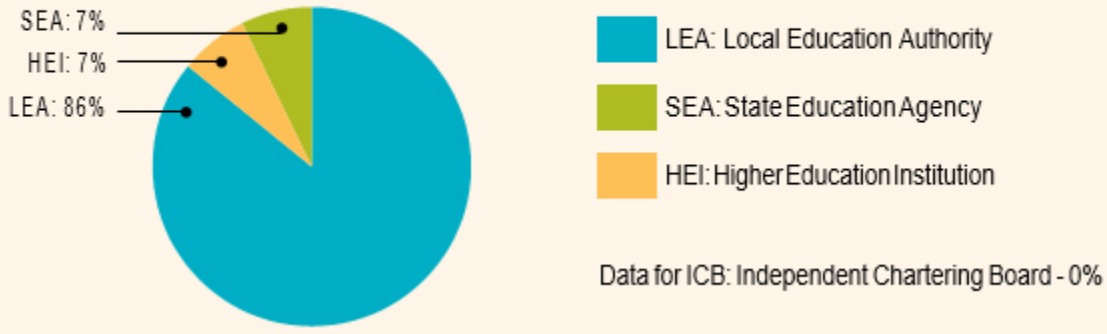


Table 6: Predominant authorizing structure, by state		
	Percent of Surveyed Charter Schools in District Facilities	Predominant District Authorizing (Yes/No)[1]
California	45%	Yes
New York	31%	No[2]
Georgia	25%	Yes
South Carolina	23%	Yes
Idaho	18%	Yes
Colorado	12%	Yes
Tennessee	10%	Yes
Texas	6%	No
New Jersey	6%	No
Rhode Island	5%	No
Massachusetts	2%	No
Michigan	2%	No
Indiana	0%	No
Arkansas	0%	No

1 Majority of charter schools in state are authorized by district authorizers
2 Mayoral control over public school facilities allowed a pro-charter mayor to ensure charter school access
Source: CSFI data; author analysis

One hypothesis for the observed finding is that district authorization creates greater incentives for districts to ensure that the charter schools they oversee thrive and perform. Providing facilities becomes a way for districts to enable charter schools to allocate more funds into meeting the instructional needs of the students and also fosters good will between the authorizer and the school. In particular, when a district takes on the role of an "active" authorizer and sees itself as a portfolio manager managing a portfolio of schools, they may be more vested in the success of charter schools under their care. Further incentives may be at play in cases where the charter school is part of the school district and the academic results of the charter schools contribute to the district's overall accountability results.

***State Spotlight on New York**: The charter school facilities survey was administered in New York in 2011-2012. In that year, there were 184 charter schools in New York State, occupying 200 separate facilities. A substantial number of those were in New York City (136 out of 200), with 108 of the 136 receiving space from the New York City Department of Education. Those buildings were made available for $1 per year under then Mayor Bloomberg's charter school facilities policies. By contrast, no other district in the state was found to provide facilities to charter schools and the average annual per student cost incurred by charter schools in other districts for their facilities was $2,350.*

We provide these numbers to illustrate just how exceptional New York City's arrangement has been, both in terms of the number and percentage of charter schools accessing district space as well as the financial impact of Mayor Bloomberg's $1 a year policy. Our analysis of the current numbers of charter schools in New York City shows that the 136 schools operating under Bloomberg's policy expend a total sum of $136 on annual facilities costs versus an estimated total of $81.6 million spent by the balance of the state's charter schools.

4. Private sector advocacy and support

Additionally, increased efforts by a range of charter advocates and stakeholder groups have played a critical role in facilitating charter access to district buildings. We highlight a few examples below:

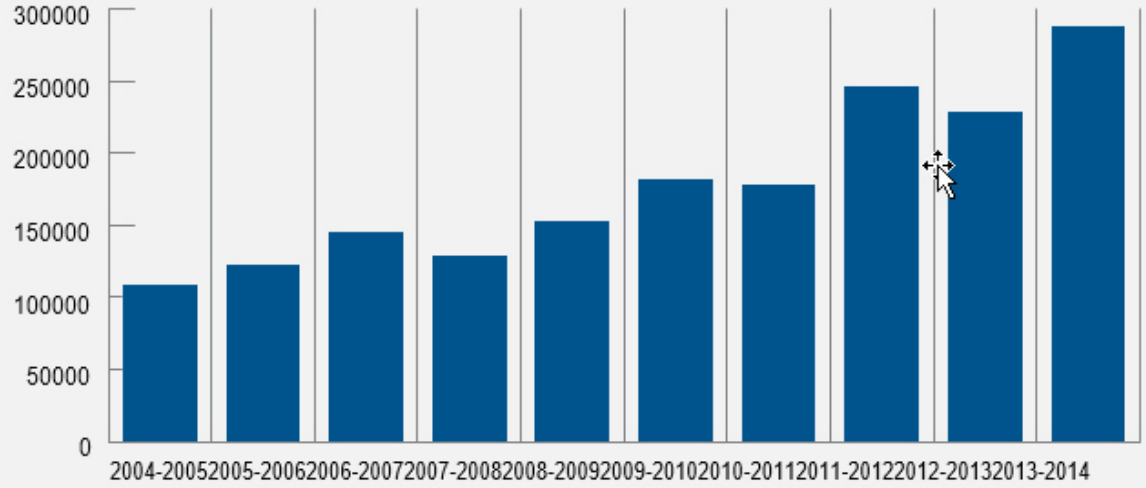
- In California, charter advocates helped ensure that Proposition 39 included the provision on charter schools. Since then, stakeholder groups like the California Charter Schools Association and the Charter School Development Center have played a central role in Proposition 39 implementation efforts. The support provided by these groups has ranged from participation in the state department rulemaking process to the enforcement of Proposition 39's core promise via litigation. Various lawsuits to date brought by or on behalf of charter schools have resulted in several favorable court rulings.[40]
- In New Jersey, the Newark Charter School Fund played a central role in negotiating an agreement with the Newark School District establishing guidance to both the district and local charter schools seeking access to district buildings, including the costs and other terms.[41] Notably, all charter schools in New Jersey are authorized by the state, making Newark a rare instance of a local district deliberately opening space up to non-district authorized charter schools.
- In Tennessee, while state statute has required districts to report any available space, the absence of well-defined criteria resulted in fewer buildings being listed than anticipated. The Tennessee Charter School Center worked with district representatives to develop a standard form for districts to use in reporting their available space, resulting in lists being published on a regular basis.[42]
- In a number of locations, formalized district-charter collaboration has facilitated access to facilities. These collaborations have emerged organically since the early days of the charter movement. However, in recent years – catalyzed to some extent through investments by the Bill and Melinda Gates Foundation and the U.S. Department of Education – collaboration in a few cities has morphed into more formal and systematic structures. These "Compacts" (as they are referred to by the Gates Foundation) have resulted in school districts and charter schools coming together to share practices, resources, policies and systems. For instance, charter use of district facilities in Spring Branch, TX, and Hartford, CT, stemmed from the creation of a Compact in these districts.

5. Demographic and fiscal pressures

Finally, when combined with a strong push from one or more of the factors outlined above, the availability of vacant district spaces and strong fiscal pressures have acted as motivators for action.

Demographic changes: Underlying changes in demographics and sharp declines in enrollment have resulted in district schools being closed and district buildings remaining vacant in cities like Detroit, Cleveland, and the District of Columbia. When local factors result in a confluence of district spaces sitting empty and a charter sector poised to make use of the space, charter schools are more likely to gain access. For example, faced with vacant school buildings, Cleveland announced a four-year strategy calling for more charter partnerships and explicitly addressing challenges to expanding charter school access to district facilities.[43] At the very extreme, New Orleans provides the example of a city where, as a result of Hurricane Katrina and the de facto end of the New Orleans School District, large numbers of public school buildings became available and were reopened as charter schools. Consequently, almost all charter schools in New Orleans are in public school facilities for which they pay no rent.[44]

Figure 5: Charter school enrollment, changes by year
Source: National Alliance for Public Charter Schools; author analysis



Based on recent national enrollment trends, the same dynamic is likely to play out in more and more cities. Figure 5 shows the change in enrollment by year at charter schools. As illustrated above, charter schools have shown a steady increase in the number of students enrolled per year, with enrollment increasing by approximately one million students from 2007-08 to 2012-13.[45] In contrast, district schools saw a decrease in enrollment of approximately 473,000 over the same period. Mirroring these trends, the number of charter schools has been steadily growing and the number of traditional public schools declining. If the trend continues at the average rate for charter school and traditional public school enrollment, we should see a continued and growing need for facilities for charter schools and a continued excess of district owned school buildings.

The following calculation illustrates this point further: Using a standard figure of 120 square feet per student in public school buildings and the average annual change in the number of students, we estimate that charter schools will need an additional 27 million square feet of space to house their students each year, while at the same time traditional public schools need 15 million fewer square feet of space per year.[46] Over an extended period of time, this dynamic of charter schools needing more space and districts having excess space available is likely to increase pressure to provide charter schools access to underutilized district spaces.

State fiscal pressures: The continued fiscal pressure on state budgets is yet another reason for states taking on a more visible role in pushing districts towards providing charter schools with space.[47] Thirty states provide mechanisms for facilities funding or financing through state statutes.[48] As charter school enrollment numbers increase along with facilities needs, the pressure on those 30 state programs are also likely to increase. Faced with a financial constraint, states may look towards unused or underused district facilities as one way to provide for charter school facilities needs without sole reliance on state funding allocations.

The fiscal impact of leveraging district facilities can be seen in a simple comparison between two states, New York and Michigan, with similar numbers of charter schools but very different experiences with charter schools in district buildings. As per the CSFI dataset, fewer than 2% (three schools) of Michigan's charter schools had access to district facilities in 2012. New York's comparable percentage when surveyed in 2011 was 31%. If Michigan's charter schools were to access district space at the same rate as in New York, that would translate into an additional 59 Michigan charter schools in district facilities and approximately 15,750 more charter students in district buildings (59 schools multiplied by the average enrollment of Michigan charter schools not in district space of 267). Under this scenario, using the $420 per student savings gained by charter schools in district-owned buildings mentioned in the introduction of this paper, Michigan's charter schools would realize savings of $6.6 million a year.[49, 50]

Local fiscal pressures: Economics can be a driver to open up district facilities to charter schools at the local level as well. Nelson Smith, Senior Advisor and Acting Vice President of Research and Evaluation at the National Association of Charter School Authorizers (NACSA) describes the dynamics: "Through the first decade or so of the charter school experience, districts found it relatively easy to exclude charter schools because they owned the buildings. But as charter schools have increased in number and districts hungry for revenue have realized that leasing to charter schools can help defray facilities costs, it has gotten harder for districts to keep the doors shut – even though the basic ownership rules haven't changed."[51] A recent arrangement from Nashville, TN, illustrates one innovative approach to balancing district and charter school interests. Metropolitan Nashville Public Schools (MNPS) has established a formula whereby charter schools in district buildings can pay their proportionate share of applicable district facilities costs; however, approved charter school expenditures on deferred maintenance, renovations, and building upgrades will be credited against those costs (up to one-half the annual amount).[52]

Conclusion

As noted in the introduction to this paper, finding suitable and affordable space remains a central challenge for charter schools. Providing charter schools with access to district-owned facilities can be an effective and cost-efficient response to this challenge and can ensure that sufficient resources are going where they are most needed—the classroom. For policymakers and charter sector stakeholders interested in understanding how to increase charter access to district space, we put forward some key considerations.

- **State policy matters:** For a variety of reasons discussed elsewhere in this paper, states have increasingly taken on the task of developing policy related to the use of district-owned buildings by charter schools. Whether in the form of disclosure laws providing information on the availability of space or laws setting parameters around the transaction or laws that mandate outcomes, state policy has often provided the foundational framework guiding charter access to district facilities. However, to assure impact, policymakers also need to ensure that the policies they craft are unambiguous and enforceable.
- **Ultimately, all real estate is local:** Although state policy can set the tone, its ability to enforce change is often limited. The California experience shows that even the most far-reaching mandate takes time before it can have an impact. Districts interpret and implement state policies within their own contexts, and political and financial incentives and constraints at the local level. Contextual factors such as the level of advocacy and support, the availability of space, district capacity to manage the process, and relationships between the district and local charter schools also play a major role in determining how many charter schools end up occupying district-owned buildings. Districts that view charter schools as a part of their overall district improvement strategy and see district-owned buildings as public assets in the service of all public school students are more likely to navigate these local dynamics and provide charter schools with access to available district-owned facilities.
- **Creating incentives that encourage districts to adopt a more expansive vision of facilities may help:** Charter sector stakeholders have typically focused on state policies as a lever to increase charter school access to district buildings. However, as discussed above, using policies as “sticks” to compel districts to open up district-owned buildings to charter schools may not be sufficient. While more limited in scope, the use of incentives or “carrots”, either individually or in combination with the sticks, may prompt district action in such situations. For instance, as discussed in this paper, investments by the Bill and Melinda Gates Foundation and the U.S. Department of Education have nudged districts and charter schools in this direction, and in some cases, resulted in charter schools gaining access to district-owned facilities. Although it is still too early to draw conclusions on the impact of

these efforts, they hold out the promise of creating a deeper and more sustained change in district mindsets and policies towards charter schools in district-owned buildings.

- **Combining influences and factors helps:** Finally, progress and success are often the byproducts of multiple forces working simultaneously. Finding solutions to the problem of finding facilities for charter schools will require a variety of stakeholders and approaches to work together to ensure a strong state policy, interpreted by districts with fidelity to meet local contexts, and supported by private sector advocacy.

APPENDICES

Appendix 1: Acknowledgements

- Colorado League of Charter Schools
- Emily Abarca, Chicago Public Schools
- Mashea Ashton, Newark Charter School Fund
- Andrew Broy, Illinois Network of Charter Schools
- Mary V. Carmichael, Public Charter School Alliance of South Carolina
- Alan Coverstone, Metro Nashville Public Schools
- Wayne Eckerling, Former Assistant Superintendent Denver Public Schools
- Eddie Goodall, North Carolina Public Charter Schools Association
- Lisa Grover, National Alliance for Public Charter Schools
- Andrew Lewis, Georgia Charter Schools Association
- Alex Medler, National Association of Charter School Authorizers
- James Merriman, New York City Charter School Center
- Greg Moser, Procopio
- Bill Phillips, Northeast Charter School Network (Now with Alliance)
- Dan Quisenberry, Michigan Association of Public School Academies
- Karega Rausch, National Association of Charter School Authorizers
- Chad A. Readler, Jones Day Law Firm
- Greg Richmond, National Association of Charter School Authorizers
- Terry Ryan, Idaho Charter School Network
- Lisa Scruggs, Duane Morris LLP
- Eileen Sigmund, Arizona Charter Schools Association
- Russ Simnick, National Alliance for Public Charter Schools
- Nelson Smith, National Association of Charter School Authorizers
- Scott Smith, Arkansas Public School Resource Center
- Ricardo Soto, California Charter Schools Association
- James Taylor, Saul Ewing LLP
- Justin Testerman, Tennessee Charter School Center
- Alison Thomas, Riverview Charter School
- Renita Thukral, National Alliance for Public Charter Schools
- Alicia Urbain, Michigan Association of Public School Academies
- Nicolas Watson, California Charter Schools Association
- Chris Whitson, Sherrard & Roe PLC
- Heather Willey, Barnes and Thornburg LLP
- Todd Ziebarth, National Alliance for Public Charter Schools

Appendix 2: Glossary

District-owned Facility: Refers to public school buildings owned by a traditional school district, as opposed to "other public ownership."

Shared Use: Where a charter school's use of a facility is shared with another distinct entity, such as district administrative or other non-school use.

Co-location: Multiple, distinct schools (whether charter or otherwise) operating in a single facility.

Use Costs: Amounts paid by a charter school for its facility that represent a proportionate share of actual costs incurred by the building's owner for the ongoing maintenance, insurance, capital improvements, and utilities expenses.

Use Plus Costs: Amounts paid by a charter school for its facility use above and beyond what's attributable to use costs, often based on market rates.

Building Maintenance: Ongoing maintenance of structural integrity and health and safety components of a school facility. Often included in use costs.

Site Maintenance: General upkeep of the school grounds, including lawn and tree maintenance, debris removal, and basic exterior maintenance.

Major Capital Improvements: Facility improvements costing $20,000 or more.

Utilities: Include gas/propane/oil, electricity, water, and sewage.

District Financing: Refers to arrangements whereby a school district provides capital for the charter school's acquisition or improvements with a repayment obligation agreed to by the school. In this role the charter school is the borrower and the district a lender, similar to the role a bank would play.

Proportionate Share: Represents an apportionment of facilities costs incurred by the district using a ratio that calculates the charter school's share of those costs based on a formula (e.g. by square foot, or per pupil) designed to calculate a fair share payment by the charter.

Per Pupil Facilities Aid: Funding provided from state sources and allocated to a charter school on a per pupil basis for the purpose of assisting charter schools with their capital needs.

Facilities Related State Statutory Mandates: Provisions of state law directing or mandating public charter school information on or access to publicly owned facilities (e.g., statutes requiring published inventories, right of first refusal).

Facilities Related State Constitutional Mandate: State constitutional provisions directing access to or some sort of obligation on local school districts to provide facilities for charter schools.

Appendix 3: Method of Determining Payment Type

As discussed in the body of the paper, various terms are used across the country to describe the payments charter schools make to school districts for the use of district-owned facilities. To simplify the discussion, we provided a framework for thinking about payment structures. This appendix outlines the method used to classify the payment data from the CSFI database based on the presented framework.

As part of the facilities survey, school leaders were asked to provide the amount they paid annually for the use of the space and identify the amenities (such as utilities, custodial services, building and site maintenance, etc.) included with that annual payment. Schools were also asked to provide the amount of and reason for any additional payments made to the district. Finally, some states included separate items on the rent of off-site gyms and/or athletic fields (MA, SC, CA). In those states, the school leaders were asked to report the annual rent for the use of those off-site facilities as well as the annual cost associated with transporting students to those off-site facilities. All of these payments were added or combined to arrive at a Total Annual Facility Payment.

The Total Annual Facility Payment amounts combined with reported inclusions of utilities and/or other services provided by the school district as part of the Total Annual Facility Payment were considered for the determination of each charter schools' Payment Type. Among the charter schools that paid more than $10 for the use of the districts' facilities, the average charter paid $250,000. In addition, the average number of services and/or amenities provided as part of the payment agreements (1.7) was considered when classifying payment types.

Generally speaking, Total Annual Facility Payments of $300,000 or greater were considered to be use plus payments, unless the school also received three or more services as part of the payment arrangement. Schools paying less than $300,000 generally were classified as paying use costs, though a few paying a bit more that received 3-5 services were classified as use cost payments as well.

To be clear these cut-points were based only on the data that charter schools in the CSFI database reported paying to school districts. These cuts should not be viewed as prescriptive and no data on what districts actually pay for land and facilities were collected to inform districts' actual costs. This process was undertaken to simplify the discussion and analysis of the landscape only.

It should also be noted that just because charter schools make no payments to a school district for the use of a facility does not mean that these schools have no facility related costs. Due to the skip logic in the CSFI survey, schools reporting no annual payment did not receive the follow-up questions on the inclusion of other services or amenities as part of the agreement. Therefore, it is unknown how many of the schools in the No Payment category also receive services from the district at no cost. Many of these charter schools do likely make payments to third party vendors for utilities and maintenance of the school's facility, though James Merriman from the New York City Charter School Center reports that, with rare exception, New York City charter schools in district-owned spaces also receive additional services at no cost.[53]

National **Charter School** **Resource** Center

at Safal Partners

This report was produced by Safal Partners for the U.S. Department of Education under Contract ED-OII-13-C-0065. The content of this report does not necessarily reflect the views or policies of the U.S. Department of Education, nor does any mention of trade names, commercial products, or organizations imply endorsements by the U.S. government. This document does not constitute a formal statement of federal law, legal requirements or ED policy and should not be construed as creating or articulating the legal requirements or policy from the Department.

ENDNOTES

Spellings, Margaret, Amanda Farris, and Dean Kern. "Making Charter School Facilities More Affordable State-driven Policy Approaches Innovations in Education." Accessed April 22, 2014. https://www2.ed.gov/admins/comm/choice/charterfacilities/charterfacilities.pdf.

[2] The term "district-owned" refers to facilities owned by traditional school districts, which constitute the historic owners of the vast majority of public school facilities across the nation. Although there are some examples of charter schools in facilities owned by other public entities, our analysis focuses on charter schools in facilities owned by traditional school districts.

[3] The Charter School Facilities Initiative (CSFI), partially funded by the U.S. Department of Education, informs policy and practice by collecting and disseminating comprehensive data regarding the state of charter school access to quality facilities. See Box 1 for more about CSFI and its annual survey.

[4] Additionally, anecdotal evidence suggests that a meaningful number of charter schools now in private space started in district facilities. Thus, the universe of charter schools that have benefited from the use of district-owned buildings is greater than the absolute number of charter schools in district space at any given time.

[5] National Alliance for Public Charter Schools. "Estimated Number of Public Charter Schools & Students, 2013-2014." Accessed July 22, 2004. http://www.publiccharters.org/wp-content/uploads/2014/02/New-and-Closed-Report-February-20141.pdf

[6] Authors' analysis based on data from: CSFI. http://www.facilitiesinitiative.org.

[7] Average enrollment calculated using the National Alliance for Public Charter School's estimates for number of charter school students (2,569,029) and number of charter schools (6,440) nationally in 2013-2014.

[8] Ascher, Carol, et al. "The Finance Gap: Charter Schools and Their Facilities." New York: The Education Facilities Financing Center of Local Initiatives Support Corporation. 2004. Accessed July 22, 2014.

[9] Authors' analysis based on data from: CSFI. http://www.facilitiesinitiative.org.

[10] This item was added in 2011 so not all participants had the opportunity to respond to this question.

[11] The discussion here of public school buildings is analogous to language describing the public trust doctrine - the principle that certain resources are preserved for public use, and that the government is required to maintain them for the public's reasonable use.While much of legal application of the public trust doctrine involves environmental protection, its language has also made its way into discussions of other public assets, including education related property (see Love v. City of Dallas (Cite as: 120 Tex. 351, 40 S.W.2d 20).

[12] EducationNext http://educationnext.org/whose-school-buildings-are-they-anyway/

[13] For instance, Indiana governor Mitch Daniels subscribed to the view of school buildings as public assets when in 2011, he signed into law legislation that among other provisions, allows charter schools to lease or purchase for$1 any unused, closed, or unoccupied school building that is maintained by a school corporation. When asked previously whether Indianapolis Public Schools should sell 13 closed buildings to charter schools, he noted that charter schools are public schools and taxpayers have already paid for the buildings and recommended that the buildings be given away to charter schools. http://educationnext.org/whose-school-buildings-are-they-anyway/

[14] Dowdall, Emily, and Susan Warner. "Shuttered Public Schools: The Struggle to Bring Old Buildings New Life." The Pew Charitable Trusts. February 11, 2013. Accessed July 22, 2014. http://www.pewtrusts.org/~/media/Assets/2013/02/11/Philadelphia_School_Closings_Report.pdf?la=en.

[15] Read more here: http://www.islandpacket.com/2014/10/30/3402805_riverview-school-district-reach.html?rh=1#storylink=cpy

[16] "U.S. General Accounting Office, Charter Schools: Limited Access to Facility Financing." U.S. General Accounting Office. 2000. Accessed 2014. http://www.gao.gov/assets/240/230805.pdf.

[17] Spellings, Margaret, Amanda Farris, and Dean Kern. "Making Charter School Facilities More Affordable State-driven Policy Approaches Innovations in Education." Accessed April 22, 2014. https://www2.ed.gov/admins/comm/choice/charter

[18] Anecdotally, some of these schools were conversion schools (district-run schools "converting" to charter status), particularly in California, with the rest being largely the product of schools opening in places with available district buildings and with a supportive authorizing school district.

[19] Eckerling, Wayne. Interview with authors, 2014.

[20] Richmond, Greg. Interview with authors, 2014.

[21] National Alliance for Public Charter Schools. "Thirty-Five States Strengthen Charter School Laws." Accessed July 22, 2014. http://www.publiccharters.org/press/thirty-five-states-strengthen-charter-school-laws/.

[22] "U.S. General Accounting Office, Charter Schools: Limited Access to Facility Financing." U.S. General Accounting Office. 2000. Accessed 2014. http://www.gao.gov/assets/240/230805.pdf.Additional data from: the National Alliance for Public Charter School database of laws. http://www.publiccharters.org/get-the-facts/law-database/.
[23] Data from: the National Alliance for Public Charter School database of laws. http://www.publiccharters.org/get-the-facts/law-database/.
[24] Ziebarth, Todd. Interview with authors, 2014.
[25] California Department of Education. Accessed July 22, 2014. "Proposition 39 and Charter Schools." http://www.cde.ca.gov/sp/cs/as/proposition39.asp.
[26] Data from: National Alliance for Public Charter Schools Charter Law database. http://www.publiccharters.org/get-the-facts/law-database/states/ga/.
[27] Data from: National Alliance for Public Charter Schools Charter Law database. http://www.publiccharters.org/get-the-facts/law-database/states/indiana/.
[28] Data from: National Alliance for Public Charter Schools Charter Law database. http://www.publiccharters.org/get-the-facts/law-database/states/DC/.
[29] Data from: National Alliance for Public Charter Schools Charter Law database. http://www.publiccharters.org/get-the-facts/law-database/states/Maine/.
[30] 30. Data from: National Alliance for Public Charter Schools Charter Law database. http://www.publiccharters.org/get-the-facts/law-database/states/Colorado/.
[31] 31. California Department of Education. "2011 New Mexico Statutes Chapter 22: Public Schools Article 8B: Charter Schools, 22-8B-1 through 22-8B-17.1 Section 22-8B-4: Charter schools' rights and responsibilities; operation." Accessed July 22, 2014. http://law.justia.com/codes/new-mexico/2011/chapter22/article8B/section22-8B-4.
[32] New Mexico Coalition for Charter Schools. "Charter School F.A.Q." Accessed July 22, 2014. http://www.nmccs.org/parents/charter-school-faq.
[33] "About Proposition 39 (Facilities)." CCSA. Accessed 2014. http://www.calcharters.org/2010/09/about-proposition-39.html.
[34] "Proposition 39 and Charter Schools." CA DOE. Accessed 2014. http://www.cde.ca.gov/sp/cs/as/proposition39.asp
[35] Spellings, Margaret, Amanda Farris, and Dean Kern. "Making Charter School Facilities More Affordable State-driven Policy Approaches Innovations in Education." Accessed April 22, 2014.
[36] Authors' analysis based on data from: CSFI. http://www.facilitiesinitiative.org/.
[37] Authors' analysis based on data from: New York City Charter Center and Sazon, Maria. "Making Room for New Public Schools How Innovative School Districts are Learning to Share Public Education Facilities with Charter Schools." Accessed July 22, 2014. http://files.eric.ed.gov/fulltext/ED535317.pdf.
[38] Sazon, Maria. "Making Room for New Public Schools How Innovative School Districts are Learning to Share Public Education Facilities with Charter Schools." Accessed July 22, 2014. http://files.eric.ed.gov/fulltext/ED535317.pdf.
[39] Quisenberry, Dan. Interview with authors, 2014.
[40] Spellings, Margaret, Amanda Farris, and Dean Kern. "Making Charter School Facilities More Affordable State-driven Policy Approaches Innovations in Education." Accessed April 22, 2014. https://www2.ed.gov/admins/comm/choice/charterfacilities/charterfacilities.pdf.
[41] Ashton, Mashea. Interview with authors, 2014.
[42] Justin Testerman, Tennessee Charter School Center. Interview with authors, 2014.
[43] O'Bryan, Megan. "Gates Compact Is Positive Sign for Cleveland Schools." Cleveland.com. September 14, 2014. Accessed 2014. http://www.cleveland.com/opinion/index.ssf/2014/09/gates_compact_is_positive_sign.html.
Additional data from: Dowdall, Emily, and Susan Warner. "Shuttered Public Schools: The Struggle to Bring Old Buildings New Life." The Pew Charitable Trusts. February 11, 2013. Accessed July 22, 2014.
[44] Sazon, Maria. "Making Room for New Public Schools How Innovative School Districts are Learning to Share Public Education Facilities with Charter Schools." Accessed July 22, 2014. http://files.eric.ed.gov/fulltext/ED535317.pdf.
[45] Data from: NAPCS. http://dashboard.publiccharters.org/dashboard/reports.
[46] Wohlers, Art. "Gross Square Feet Per Student. IssueTrak: A CEFPI Brief on Educational Facility Issues." ERIC. November 1, 1995. Accessed January 1, 2014. http://eric.ed.gov/?id=ED426574.
[47] Dowdall, Emily, and Susan Warner. "Shuttered Public Schools: The Struggle to Bring Old Buildings New Life." The Pew Charitable Trusts. February 11, 2013. Accessed July 22, 2014. http://www.pewtrusts.org/~/media/Assets/2013/02/11/Philadelphia_School_Closings_Report.pdf?la=en.
[48] Data from: http://ecs.force.com/mbdata/mbquestNB2?rep=CS1423.
[49] Authors' analysis based on data from: CSFI on Michigan and New York.
[50] We note that the percentage of NY charter schools in district buildings today is 51%, which if applied to the calculation above would increase numbers significantly.
[51] Smith, Nelson. Interview with authors, 2014.
[52] Safal interview with Alan Coverstone, Executive Director of Metro Nashville Public Schools
[53] Merriman, James. Interview with authors, 2014.