

## Potential Actions to Comply with Anderson Union HSD v Shasta Ruling

The Anderson Union HSD v Shasta ruling affected 229 out-of-district yet in-county nonclassroom-based (NCB) school resource centers, impacting 38,000 public school children (of which an estimated more than 63% are deemed socio-economically disadvantaged and qualify for free and reduced price meals, and more than 46% are Latino and African American), and 2,000 employees (mostly teachers).

School district board members can expect to see a number of new charter petitions as schools attempt to continue to best serve the students who want to attend and thrive at these nonclassroom-based resource centers. This document is intended to explain the history of the law and the current options that charter schools are taking to ensure service delivery is not interrupted and continued for the students.

### Anderson Ruling Implications for NCB Charter Schools

#### What changes?

Many charter schools must now:

- Spend significant resources to ensure compliance of their resource center(s) by submitting new petitions to the local authorizer.
- Work with their current authorizer to seek California Department of Education waivers to ensure student instructional services are not disrupted.
- Re-evaluate whether serving students in their desired location is financially possible under the new interpretation of the law.
- May need to close or move locations.

#### What doesn't change?

Students and parents still:

- Desire to choose the instructional program they want and need from a NCB school at a location that is convenient.
- Remain enrolled at these NCB charter schools because they were not satisfied with other public education options they were provided.

#### What to expect as a school district board member?

- Significantly more new petitions at the local school district from NCB charter schools.
- Significantly more appeals of NCB charter petitions to the County Board of Education and the State Board of Education.

#### New Interpretation of Law Impacts Approximately:

- 229 out-of-district yet in-county charter school resource centers operating in California
- 38,000 public school children
  - 63% socio-economically disadvantaged
  - 46% Latino and African American
- 2,000 employees (mostly teachers).

#### Charter Public Schools Have Limited Options

- Seek charters from the school district where the resource centers are located
- Appeal to the County Office of Education and State Board of Education if locally denied
- Submit a waiver request with their current authorizer to the California Department of Education to gain temporary exemption from the law
- Seek Material Revision of their existing charter to ensure that resource centers are legally authorized
- Close down resource center

For more information please contact: [socaladv@ccsa.org](mailto:socaladv@ccsa.org) or visit [www.calcharters.org](http://www.calcharters.org)

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## Background:

Approximately 250 nonclassroom-based (NCB) charter public schools serve more than 141,000 students in California. These schools often provide instruction to at-risk student populations who either have struggled in traditional site-based schools or have dropped out of the public education system.

NCB schools often operate resource centers, where students can check in and receive face-to-face support. The recent October 2016 appellate ruling significantly changes the 20-year policy of how NCB charter schools have been providing services to students in California and is causing many NCB charter school organizations to take action to continue to ensure the ability to serve many students who choose to attend these school programs.

In August 2013, the Anderson Union High School District filed a complaint against the Shasta Secondary Home School, a NCB charter public school authorized by the Shasta Union High School District. Anderson USD alleged Shasta did not have legal authority to open a resource center within the District's boundaries because of geographic site restrictions found in the Charter Schools Act.

Although the lower court agreed with the charter school, the case eventually made it to the California Court of Appeal in the Third District, which reversed the ruling, in favor of Anderson Union HSD. It ruled NCB charter schools offering independent study were not permitted to establish resource centers outside of the boundaries of the school district that granted the petition but within the county of the school district. In January 2017, the California Supreme Court declined to hear an appeal, leaving the Appeal Court decision in place.

This ruling affects more than 200 resource centers, which were opened within the same county, yet out of the district that authorized the charter, relying on the direction from the California Department of Education in 2002. More than 38,000 students who use these resource centers are impacted.

## SUMMARY

### Anderson USD v Shasta Through the Courts

- 1999: Shasta Secondary Home School is established
- August 2013: Anderson Union HSD sues Shasta Secondary Charter School, alleging resource center is operating illegally in district
- December 2014: Trial court rules in favor of Shasta
- August 2015: Anderson appeals to appellate court
- October 2016: Third District Court of Appeal reverses decision, in favor of Anderson
- November 2016: Shasta appeals to California Supreme Court
- January 2017: California Supreme Court refuses to hear the case, leaving appeals court ruling in place.

