

# Charter School Must Operate Within the Boundaries of Authorizing District

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In *Anderson Union High School District v. Shasta Secondary Home School* (October 17, 2016, C078491) \_\_ Cal.App.4th \_\_ [2016 WL 6069487] (hereinafter “*AUHSD v. Shasta*”), the California Court of Appeal affirmatively held that charter schools may not locate outside of their authorizer’s boundaries unless an exception applies, and the Charter Schools Act provides no exception for resource centers to locate within the authorizer’s county, but outside the authorizing district’s boundaries.

## BACKGROUND

Shasta Secondary Home School (“SSHS”) was a nonclassroom-based charter school authorized by the Shasta Union High School District in Shasta County. SSHS provided its program through home study and three resource centers, which provided educational services, labs, a meeting place for students, work spaces, and optional classes. One of the resource centers was located in Shasta County, but outside of the boundaries of Shasta Union High School District and within the boundaries of Anderson Union High School District (“AUHSD”).

AUHSD brought suit against SSHS, seeking injunctive and declaratory relief and contending that the location of this resource center violated the Charter Schools Act and SSHS’s charter. AUHSD claimed it was harmed by the location of the resource center because it lost funding when District-residing students attended the charter school. The trial court ruled in favor of SSHS.

## DECISION

The Court of Appeal reversed the trial court, explaining that in 2002 the California Legislature made significant amendments to the Charter Schools Act, placing “stringent geographical restrictions” on the operations of charter schools. The geographic restrictions on a charter school’s operations helped “clarify a district’s sovereignty over public education provided within its boundaries” and enhanced oversight of charter schools. Among the restrictions enacted by those amendments were requirements that a charter school identify a “single charter school that will operate within the geographic boundaries of that school district,” (Ed. Code, § 47605, subd. (a)(1).) or, if multiple sites would be operated within the district, that all locations be identified in the charter petition. (*Ibid.*)



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The Court further clarified that these geographical restrictions apply to *all* charter schools, including independent study charters, and that the exceptions to the restrictions are limited. Where a charter school provides a majority of its educational services in, and a majority of its pupils are residents of, the county in which it is authorized, it may establish “a resource center, meeting space, or other satellite facility” in an *adjacent county*, provided the facility is used exclusively for educational support of pupils enrolled in nonclassroom-based independent study. (Ed. Code, § 47605.1, subd. (c).)

The Court rejected SSHS’s attempts to distinguish a “resource center” from a school site, holding that the geographic limitations of the Charter Schools Act apply equally to classroom based or nonclassroom-based program facilities. The Court determined that the intent of the Act is to apply geographic limitations upon where the charter school *operates*. Finally, the Court held that a charter operator that desires to operate multiple locations within one county could do so by applying for a countywide benefit charter through a local county board of education. In the matter at hand, because in-county resource centers are not an exception to the geographic requirements for a district-authorized charter, SSHS violated the Charter Schools Act by locating within AUHSD’s boundaries.

## **IMPACT**

The decision in *Anderson Union High School District v. Shasta Secondary Home School* is certain to be vigorously challenged by charter advocates in California, as many charter schools have operated out of compliance with geographic restrictions of the Charter Schools Act for many years. As the Court of Appeal stated, the Charter Schools Act “evinces the unambiguous legislative intent that a charter school authorized by a school district shall be located and operate entirely within the boundaries of the authorizing school district, whether at one or multiple locations.” DWK will keep you apprised of the status of this decision and any appeal that may be filed. In the meantime, if you need help understanding the implications of this decision on a charter school your district has authorized, or on a charter school operating in your district’s boundaries that your district did not authorize, please contact us for further information.

## **PRACTICE AREAS**

- Charter Schools
- Litigation