

**Opening the Schoolhouse Door:
Helping Charter Schools Access
Space in District-Owned Facilities**

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Introduction

Many cities are trying to find ways to dramatically increase the number of high-quality schools and to allow parents to find a good fit for their child’s unique learning needs. Charter schools are an important part of many citywide improvement strategies, yet the growth of high-quality charters is too often constrained. Promising schools can’t reduce their waitlists if they don’t have access to suitable buildings. Meanwhile, district-owned buildings too often sit idle or underenrolled, at significant cost to taxpayers. This situation is inefficient from a resource use perspective. More importantly, it artificially limits the array of public school options for families.

Finding facilities has long been a concern for charter schools and their supporters. Most charter schools must find a location on their own, and hope that a combination of state funding and philanthropic dollars reduces their need to tap into operational dollars they would otherwise use for instruction and student services. Typically, school districts are not eager to share their buildings with schools they see as competitors, even when the buildings are underutilized or empty. Not surprisingly, surveys of charter school operators suggest approximately only 20 to 25 percent of them operate in district facilities.¹ Education scholars and policy

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analysts have argued that charter schools will not grow—thus shutting down the potential for more quality options—with the current default facilities arrangement. Indeed, evidence is growing that charter school growth is slowing, and lack of access to facilities may be a reason.²

The primary focus of policy and national advocacy efforts has been to fund new school buildings via revolving loan funds, credit enhancement, and access to state bonds.³ However, funding an entirely new set of school buildings to house charter schools is redundant and costly, especially in cities where the overall school-age population is stable or declining, leaving districts with excess space. A cottage industry of development corporations and consultants help some charter schools navigate the complicated tasks of building new facilities or renovating old ones. Some charter schools rely heavily on philanthropic support to finance their buildings, often a temporary but unsustainable solution. Even worse, many charter schools that can’t build new facilities are forced to locate in subpar commercial spaces and locations, with students and their families paying the price.

Charter schools’ interests in accessing district buildings are readily apparent, but the public also has an interest in supporting facilities-sharing policies. Both charter and district schools serve public school students and receive taxpayer dollars. Likewise, since the establishment of public schooling, the public has provided taxpayer dollars for land and the construction and upkeep of public school buildings. But while district school leaders are assigned to school buildings from day one, charter school leaders typically must find and finance their own space. This cost has been debilitating to many charter school leaders who must look to private financing to pay for a facility. Inequitable facilities access should concern taxpayers and voters, who have already financed a set of public school buildings and whose votes indicate their belief that charter schools can help increase the number of high-quality public school options available to students and their families.

Districts can benefit from facilities sharing, especially if they view charter schools as playing a role in citywide school improvement, as leaders do in many portfolio cities. Renting or selling space can be a source of revenue or a way to reduce ongoing costs. Districts like Denver, CO, and Philadelphia, PA, sell or rent unused buildings to charter schools, especially if the charter schools are willing to give enrollment preference to neighborhood students. Charter schools provide new options for families and can be effective partners, developing solutions to share with other public schools. In New York City, NY, Los Angeles, CA,

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and Spring Branch, TX, district and charter schools that share space have collaborated around effective instructional and cultural practices.⁴ Authors like Paul Hill, Michael DeArmond,⁵ and Nelson Smith⁶ have proposed a bolder solution in which third party trusts would manage all public school buildings in a city, but to date, this approach has only been tested for short time periods on small scales. This is unfortunate. If cities and locales accept the shared values of universal education and choices for families, it seems reasonable that they would reduce the facilities burden on charter schools.

Methods

We began this project by interviewing six facility and charter school experts to 1) identify leading state policy mechanisms designed to support facilities access; 2) understand how better facilities sharing arrangements can be incentivized and supported; and 3) identify cities that are using creative solutions. From these interviews and our scan of existing literature on charter school facility access policy, we identified 11 categories of state-level policies designed to ease charter schools' facilities burden. We then reviewed laws in all 44 states with charter schools and the District of Columbia to determine if these 11 key aspects were present.

Secondly, we conducted site-specific interviews with district and charter education leaders in Indianapolis, IN, Rochester, NY, and San Diego, CA, to explore facilities access in three cities that represent a range of political circumstances and state policy frameworks. Charter school leaders in Rochester operate in the context of a charter school law designed to ease facilities access burdens, but they face fierce local opposition; charter leaders in San Diego are backed by forward-thinking state and district policy; and education leaders in Indianapolis have pursued a new (non-charter) autonomous schools law that both addresses charter school operators' facilities challenges and improves facilities sharing incentives for the district. Through these interviews, we explored how state laws that are meant to give charter schools more equitable access to district buildings play out in practice.

Summary of Findings

Overall, vague language and weak enforcement mechanisms in laws have frequently led to differences between what is required by law and actual facilities sharing arrangements. Districts are not monolithic—they range from hostile to charters to enthusiastic collaborators, and where a district falls on this spectrum has a big impact on the facilities situation for charter schools in the region. Few states require districts to provide charter schools with facilities space. A majority of states instead give charter schools a limited claim to facilities via laws that say districts must first offer “surplus” facilities space to charter schools. “Surplus” lacks specific meaning in most laws and districts remain the decisionmakers, often reluctant to let go of facilities they feel they might later need. A handful of states go beyond the concept of a surplus decision, but districts retain the upper hand—they still have the most power to make decisions about which facilities will be utilized by charter schools. Currently, only a small number of districts appear to adopt policies that go beyond state legal requirements.

If states or districts want to go further in solving the facilities conundrum that limits charter school growth, they will need to do more. There are a variety of approaches that states, districts, and charter schools with a collaborative spirit could take to shift this dynamic, including passing and enforcing new laws, creating incentives and agreements for districts to share facilities, and pursuing arrangements in which third parties broker facilities access.

In this paper, we discuss national trends in facilities access laws, then draw from our case studies of Indianapolis, Rochester, and San Diego to discuss key reasons that even facilities access laws that appear on the surface to be equalizers often result in charter schools struggling to find space. We end by discussing how these shortcomings provide opportunities for policymakers, district and school leaders, funders, and other support groups.

About This Report

This paper is part of a series on district-charter cooperation, which CRPE has studied for more than five years. School choice is growing in cities with the addition of charter schools, and more district leaders are adopting a portfolio approach to schooling: giving district schools autonomy over their design and delivery, and giving families choices among these schools. Policymakers hope that in a flexible and decentralized system, both district and charter schools will offer innovative approaches to learning that allow families to find a “great fit” for their children.⁷ CRPE’s studies have focused most closely on district-charter relationships in 23 cities with District-Charter Collaboration Compacts supported by the Bill & Melinda Gates Foundation. In a January 2017 report, we recommended that in cities with sizeable charter school student populations, cross-sector policy coordination is a necessity, not a nicety. However, despite the urgent need, cooperation on common issues is too often treated as a time-limited, forced marriage rather than a sustained effort and long-term relationship.⁸ This paper specifically explores the issues of district-charter cooperation on facilities access for public charter schools.

Findings

A review of charter school laws reveals that most states have approached the facilities issue by giving charter schools priority to buildings when districts decide they no longer need them. There are few legal barriers that prevent districts from making more facilities available to charter schools, but there are also few incentives for districts to ensure charter schools have the space they need. States could help improve facilities shortages and inefficiencies by creating clear legal incentives for cooperation. Local leadership can also build on legal requirements by creating cross-sector solutions that address context-specific needs.

Although state laws don’t prohibit facilities sharing, common facilities access laws are often unclear and lack teeth.

Many states have passed laws that aim to help charter schools access district facilities. Table 1 provides a summary of the policies included in these laws, and Appendix A breaks out the policies in each state. We reviewed state laws to see if they granted charter schools access to surplus or existing facilities, set limits on the sale price or rental costs, required districts to publish a list of facilities, or required state review of district actions when it came to access decisions. We also looked to see if there were barriers or incentives for districts to share space with charter schools, including through more formal partnerships.

TABLE 1. Policies That Could Help Charter Schools Access District Facilities Spaces

Policy provision	Number of states* that include full provision in charter school law	Number of states that include partial provision in law	Number of states that do not address/require provision in law
Districts are required to provide charter schools the right of first refusal to surplus facilities.**	19	3	23
If facilities space is provided to charter schools, it must be at or below fair market value.	17	4	24
Rent must be based on true operational costs for the district.	13	5	27
Districts are required to publish a list of surplus space in facilities.	12	6	27
Charter schools are included in district capital planning/bonds.	7	2	36
Length of lease is congruent with length of charter (5 years).	3	1	41
State reviews district surplus facilities space determinations.	2	0	43
Districts are required to provide facilities space or alternative stipend.	2	2	41
State offers incentives for facilities sharing.	1	1	43
Districts are prohibited from sharing or collaborating on facilities.	1	1	43
Public facilities are managed by a third party.	0	1	44

*Of the 44 states that have a charter school law, plus the District of Columbia.

**Conversion charter schools were not included as a “yes” in this analysis, but some states make clear that districts must allow conversion charter schools to stay in the original building.

Because state charter school laws are often unclear and lack mandates, districts almost always retain the power to decide when to provide facilities to charter schools. It would be a stretch to say, in almost every state, that districts must ensure that charter schools have the facilities space they really need rather than the space districts have left over. Nor are there requirements that districts and charter schools work together to establish criteria, timetables, or processes for deciding how existing buildings should be divided between the two sectors. State charter school laws generally do not say that the percentage of children enrolled in charter schools should impact how district facilities are used nor do they say that a certain percentage of charter schools should be located in district facilities. Instead these laws generally give districts the ability to decide when or which school buildings to make available, if they make them available at all. We discuss the two primary policy approaches in the next sections. Further, 11 states have no laws that address charter schools' access to district facilities space. If we accept the principle that existing public school buildings are assets that belong to all public school students, students at charter schools remain at a clear disadvantage compared to their counterparts at district schools.

Few states prohibit districts from housing charter schools in existing buildings, so districts don't need to wait for the state to act. In fact, only two states (Minnesota and Nevada) have any kind of a restriction on sharing.⁹ Restrictions on sharing make little sense from an operational or policy perspective. Why limit the ability of districts to share when they have the desire to? The good news is most localities can explore more innovative solutions, which we discuss in the last two sections of this paper.

The “right of first refusal” provides a viable option only if districts are willing to declare facilities space as surplus.

The most common provision in charter school laws regarding facilities access is known as the “right of first refusal.” As shown in table 1, 22 states have this provision for all or some charter schools. Right of first refusal laws say that when the district has surplus facilities space it must first offer the space to charter schools before selling it or leasing to other buyers. These laws are also usually accompanied by rules establishing that the school must be offered at a fair price—lest a district set a price that no charter school could afford. Additionally, 18 states require districts to provide a list of surplus facilities space so that charter schools know what facilities are available.¹⁰

A right of first refusal can help charter schools, but only if surplus facilities space is available. The approach allows districts to keep a tight grip on buildings when it suits other interests. For example, education leaders in Rochester told us that New York State's right of first refusal law had little practical benefit to charter schools in their city. In Rochester, school buildings are technically owned by the city, but under the control of the school district. Despite shrinking enrollment and costly maintenance of underused facilities, the district has relinquished only two buildings in the last few years that were then purchased by charter schools. Other charter schools in the city have purchased former Catholic schools or relocated in Rochester suburbs, even though they serve primarily Rochester students.

In some districts, there are neither financial nor political incentives to shutter unused or underused buildings. At least some of Rochester City School District's revenues comes from the city and are not calculated based on current enrollment, so the district faces little financial incentive to close buildings that are no longer full. Additionally, education leaders in Rochester believe that the local teachers union, with allies on the school board, sees charter schools as competition and doesn't want to do anything to help the charter sector grow. With weak financial pressure to close underenrolled schools and strong political pressure to keep facilities out of charter school hands, one education leader in the

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city told us that the district has clung to excess space. In a particularly egregious case, we heard that a recently renovated high school was closed due to underenrollment, yet the Rochester City School District has refused to allow charter schools into the space. The district is using the facility to house a small all-boys school, but this program only occupies about half of the school’s capacity.

A lack of specificity and perverse incentives can also be a problem, even in states or cities thought to be more favorable to charter schools. Like New York State, Indiana law requires school districts to offer the right of first refusal and to publish a list of surplus facilities spaces. As a further benefit to charter schools, the price of facilities is set at the nominal fee of \$1. However, the law does not require a timeline for when districts must offer facilities to charter schools or define surplus space. Education leaders in the state reported that without these specifications very few districts make the determination of surplus facilities space.

In Indianapolis, there is little incentive for the district to give up buildings, especially if the district retains the hope that it will compete with or recapture children “lost” to charter schools.

Indianapolis is a favorable place for charter schools—the mayor can authorize charters and the district is moving toward a portfolio management approach.¹¹ However, an education leader told us that the access law doesn’t really help charter schools get space in district facilities in Indianapolis. There is little incentive for the district to give up buildings, especially if the district retains the hope that it will compete with or recapture children “lost” to charter schools.

Some laws actually create perverse incentives. In Indiana’s case, the nominal facilities fee—a law meant to be beneficial to charter schools—might actually serve as a disincentive. Unused facilities create excess costs for districts to maintain, but the value of property might be substantial. Among other things, these assets can help ensure the financial stability of the district, allowing them to borrow money on more favorable terms. Deals must also pass the “common sense” test with the public. Without a clear benefit—such as a reasonable payment—for giving up this asset, it isn’t hard to see why districts don’t do so unless forced.

The right of first refusal is well intentioned. The approach probably does not hurt charter schools, but it has limits if the goal is to provide fair access to publicly funded education facilities. States could potentially make these laws more powerful by incentivizing districts to share and by providing clearer definitions of surplus space and timelines. States could also subject district’s space utilization to review or check up on districts with declining enrollment that don’t place facilities on a surplus list.

Is there a way to provide a clearer right to facilities—not just when they are “surplus”? We discuss policies that go beyond right of first refusal in the next section.

Policies that go beyond the right of first refusal help charters but still give districts considerable discretion.

Charter schools in California and New York City have rights to facilities that extend beyond the right of first refusal—the intention is that space isn’t just provided if deemed by the district to be surplus. But even these approaches face challenges. Under California law, districts are required to make available to charter schools space in facilities that is “reasonably equivalent” to what district students have. California voters adopted this law in November 2000 as part of Proposition 39.¹² This language is much more powerful than the right of first refusal approach—it sets a baseline expectation of sharing and can be powerful where districts and charter schools already hold a willingness to collaborate. However, charter schools still must rely on the willingness of school districts to accommodate them as public education partners rather than interlopers. Challenges related to facilities sharing in Los Angeles are well documented in the news media.¹³ Although there have been several lawsuits related to the timing and the definitions of the law, “reasonably equivalent” remains open to interpretation, and what districts could offer charter schools may not meet charter school needs.

In part because of Proposition 39, the majority of charter schools in San Diego are in district-owned facilities spaces. But even in this relatively charter-friendly context, charter school leaders told us that the process can be opaque and frustrating. The district determines which facilities space to offer, which may be located outside of the neighborhood that the school is serving or hopes to serve. In some cases, offers may require charter schools to locate a single school across multiple campuses. Despite the best efforts of San Diego School District’s central office staff to be neutral, charter school leaders have reported they can perceive that the desires of district schools to retain spaces—classrooms, offices, etc.—for their own use are given preference.

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Uncertainties around facilities allocation can ultimately outweigh the benefits that charter schools might receive from using district facilities. Most California districts make offers to charter schools under Proposition 39 that only provide facilities for one year. As a result, the process becomes an annual worry for charter schools. The uncertainty makes planning difficult for school leaders and impacts their ability to recruit families, who often prioritize school location over educational program.¹⁴ A breakthrough that resulted from Sacramento’s District-Charter Collaboration Compact led to

facilities leases being timed to charter renewal. Tying lease length to charter terms would be an easy way to reduce uncertainty. However, we found only five states where this was required fully or partially by law (see Appendix A, column 7).

California’s approach is rare. More state laws that require districts to give charter schools access to facilities would likely help some charters find space to operate—but states moving in this direction will still need to consider the impact of leaving the district as the decisionmaker. States could potentially increase the power of these laws by providing clearer definitions of surplus facilities space and timelines. They could also subject districts’ facilities space utilization to state review. Again, it begs the question, is there a better way—one that makes sharing feel like less of an obligation for school districts and more of an opportunity? We discuss two approaches in the next section.

With the right incentives and favorable leadership, more proactive sharing is possible.

Districts and charter sectors don’t need to wait for state intervention to cooperate, but better state-level incentives for sharing can help nudge forward districts that are open to sharing space. Indianapolis and San Diego are places where supportive district leaders have leveraged such incentives and point the way to more proactive processes.

Recognizing that the Indiana charter school law provides insufficient opportunities for facilities sharing and can be politically difficult, Indiana adopted the Innovation Network Schools (INS) law, which flips the traditional sequence of a charter school being authorized first and finding a facility second. The INS law presents an option for independent entities, including those operated by charter school networks, to operate autonomous schools in partnership with local school districts. Each school has its own unique INS agreement with the district, although many INS schools hold charters as well. While INS school leaders have more freedom than district schools, they must negotiate many aspects of their operation with the school district, which could be more restrictive than a charter otherwise would be. Districts must themselves opt in to the law, underscoring the need for favorable school board leaders. But because Innovation Network Schools remain district schools for the purposes of state funding and accountability, districts have greater incentives to opt into INS laws than to support local charter schools. (For more on partnership schools in other cities, see CRPE’s brief, *Partnership Schools: New Governance Models for Creating Quality School Options in Districts.*)

There is a risk for charter school operators when they operate outside of charter laws—which start with the assumption of autonomy rather than require it to be negotiated with the district—but the tradeoffs are worth it for many charter schools. In Indianapolis, the model has shown much more promising results for charter-like schools than the surplus facilities law. There are 16 Innovation Network Schools operating in district buildings, including two associated with KIPP and one associated with Purdue University. Further, the district retains “credit” for Innovation Network Schools’ successes, meaning the schools’ test scores are included in the district’s reporting on state assessments. By cleaving closer to the district, INS campuses may create fewer fears among the public that school campuses have been “privatized.” This could ultimately create a more politically sustainable pathway for localities looking to create school choices for families.

When San Diego needed voter approval for a facilities modernization package, the district included charter schools’ facilities needs. Charter school supporters helped campaign for the bond’s passage and the initiative passed with 61 percent of the vote.

In San Diego, charters and districts worked together symbiotically to finance facilities, pooling their respective political clout. The policy approaches we discuss in this paper often assume a never-changing set of buildings, but districts seek to modernize, update, and expand with some regularity. California districts traditionally finance new facilities through voter-approved bonds.¹⁵ When San Diego needed voter approval for a facilities modernization package, the district included charter schools’ facilities needs. Charter school supporters helped campaign for the bond’s passage and the initiative passed with 61 percent of the vote. Subsequently, the school board established an oversight committee that determines which projects to finance in a way that is more transparent and objective than traditional district methods for

offering charter schools space. And charter schools received new or refurbished facilities that the district’s facilities office built under this initiative. The process is not perfect for everyone—given the size and scope of the bonds involved, the oversight committee chose to give facilities preference to large, proven charter school operators and facilities are still limited to those that could be financed under the particular bond. But the cross-sector partnership and subsequent bond was surely a win for both sectors.

Locales and states that are interested in strengthening partnerships between districts and charter schools can look to Indianapolis and San Diego as places where the sectors are closer to truly partnering to create a systemwide approach to facilities access. State charter laws can help, particularly when it comes to giving districts credit for charter school students’ academic success under state accountability provisions. Colorado state law specifically outlines provisions for including charters in district bond elections, which has led to new and remodeled buildings for charter schools. Localities could also look to develop agreements like Collaboration Compacts that define these relationships for themselves.¹⁶ But would there be a benefit to having facilities decisions made with a much greater measure of independence and neutrality? We discuss third party trusts in the next section.

Promising, but elusive: the third-party solution has yet to emerge.

The third-party solution is still largely unexplored. As noted, we did not uncover any city or state where all ownership over facilities, or control of planning or allocation, had been turned over to an independent party like a trust or a joint powers authority. Noting the challenges with securing facilities under existing policy contexts, experts we spoke with agreed that idea remains a good one—but they had a hard time seeing districts agree to such an arrangement without external pushes. In conversations about the San Francisco Bay Area, some leaders have floated the idea of a legal defense fund to sue districts for noncompliance with Proposition 39. Perhaps the threat of frequent legal action is the type of external push needed in combative places.

Alternatively, we did find that organizations like Pacific Charter School Development (PCSD) and The Mind Trust have played important mediation and facilitation roles as charter schools secure facilities. Since states created facilities financing options that charter schools can directly access, charter schools have turned to entities like PCSD to help them navigate the technical and legal aspects of the facilities landscape. In Oakland, CA, PCSD has stepped beyond the charter sector, helping the entire school system to map out demand and potential school locations while mediating facilities discussions between charter schools and the district. Likewise, The Mind Trust, which was traditionally more of “harbormaster” in Indianapolis, helped launch the idea of Innovation Network Schools, and has since helped Indianapolis Public Schools and Innovation Network Schools define each party’s responsibilities to the other. Given that development corporations and harbormasters exist in numerous states and cities, they could be an untapped resource in helping districts and charters untangle their facilities challenges.

Conclusion and Recommendations

Many school districts and charter schools face real challenges in the years ahead. Districts face difficult political battles related to restructuring and “rightsizing” as enrollment decreases—it’s tempting for districts to rule out sharing facilities with charter schools to avoid one more political risk. Although districts have facilities and other assets to offer, the districts can be difficult for charter schools to work with (and perhaps, vice versa). In districts that don’t appear to be open to collaboration, it’s tempting for charter

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schools to say it’s not worth the effort. Even when states have progressive laws, trust between districts and charter schools is often weak and cooperation takes time and patience. But these challenges should not get in the way of achieving a solution that allows facilities to be shared more fairly by students attending district and charter schools. If student success is what matters, the lack of access to suitable facilities should never be the reason a great new public school—charter or district-run—doesn’t open.

If independent, autonomous schools—such as charter schools—remain one of the best hopes for increasing innovation in education and ensuring the supply of high-quality options, society needs to do more to support these schools. Funding an entirely new set of school buildings is redundant and costly. This is especially true in cities where enrollment is stable or declining and relying on philanthropists for financial support is unsustainable. States and locales need clearer policies that acknowledge and address the needs of both the district and charter sectors, and more cross-sector engagement and partnerships that seize upon facilities sharing as an opportunity, not an obligation. More locales need to ask: If we have a set of buildings, how can we best ensure we are maximizing their use as places of learning for children?

Recommendations

State policymakers should:

- Provide incentives for districts to provide space to charter schools, such as credit for charter school success in state accountability measures.
- Provide incentives for district and charter schools to work together on master facilities planning, for example, by giving them joint access to state financing or an easier ability to obtain voter approval for new facilities construction.

- Establish clearer language in laws on why, when, and how districts should provide facilities space to charter schools, including timelines for making offers.
- Strengthen state oversight of districts' facilities planning to examine how districts make facilities offers or determine costs charged to charter schools.
- Provide a dispute resolution process or appeals process for situations when charters disagree with district decisions.
- Consider, in some cities, piloting third-party management of facilities through a trust or separate city agency.

School district and charter school leaders should:

- Work to develop processes that fairly allocate facilities space—not just “surplus” space—between district and charter schools.
- Work to develop standard leases or a schedule of costs that charter schools will pay to the district.
- Not wait for the state to act: instead, look to areas where districts and charter schools are taking a collaborative approach and determine if a facilities access solution can be found, perhaps as part of a grand bargain that addresses more than facilities.

Philanthropic and support groups should:

- Establish third-party brokers or trusts that take a citywide approach to education facilities.

Appendix A. State-By-State Review of Collaborative Facilities Policies in State Charter School Law

		District-Charter School Facilities Policy										
State/Territory	Charter school law?	1	2	3	4	5	6	7	8	9	10	11
		Districts required to provide facilities space or alternative stipend	Districts required to provide right of first refusal to surplus facilities	If facilities space is provided, must be at or below fair market value	Districts required to publish a list of surplus facilities space	Rent must be based on true operational costs for the district	State review of district surplus facilities space determinations	Length of lease congruent with length of charter (5 years)	Charters included in district capital planning/bonds	Public facilities managed by third party	State offers incentives for facilities sharing	Districts prohibited from sharing or collaborating on facilities
Alabama	Yes	No	Yes	Yes	Yes	No	No	No	No	No	No	No
Alaska	Yes	No	Yes	Partly	No	Yes	No	No	No	No	No	No
Arizona	Yes	No	No	No	Yes	No	No	No	No	No	No	No
Arkansas	Yes	No	Yes	Yes	Yes	No	No	Yes	No	No	No	No
California	Yes	Yes	No	No	No	Yes	No	No	No	No	No	No
Colorado	Yes	No	Partly	Yes	Yes	Yes	No	No	Yes	No	No	No
Connecticut	Yes	No	No	No	No	No	No	No	No	No	Partly	No
Washington, D.C.	Yes	No	Yes	No	Partly*	No	Yes	Yes	Partly	Partly	No	No
Delaware	Yes	No	Partly	Partly	Yes	Partly	No	Yes	No	No	No	No
Florida	Yes	No	Yes	Partly	Yes	Partly	No	No	Partly	No	No	No
Georgia	Yes	No	Yes	Yes	No	No	No	No	No	No	No	No
Hawaii	Yes	No	Yes	No	No	Yes	No	No	No	No	No	No
Idaho	Yes	No	No	No	No	No	No	No	No	No	No	No
Illinois	Yes	No	No	No	Yes*	Partly	Yes*	No	No	No	No	No
Indiana	Yes	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Iowa	Yes	No	No	No	No	No	No	No	No	No	No	No
Kansas	Yes	No	No	No	No	No	No	No	No	No	No	No
Kentucky	Yes	No	Yes	Yes	Partly	No	No	No	Yes	No	No	No
Louisiana	Yes	No	Yes	Yes	No	Yes*	No	No	Yes	No	No	No
Maine	Yes	No	Yes	Yes	No	Yes	No	No	No	No	No	No
Maryland	Yes	No	No	No	Partly	No	No	No	No	No	No	No

Massachusetts	Yes	No	No	No	No	No	No	No	No	No	No	No
Michigan	Yes	No	No	No	No	No	No	No	Yes	No	No	No
Minnesota	Yes	No	No	No	No	No	No	No	No	No	Yes	Partly
Mississippi	Yes	No	Yes	Yes	Partly	No	No	No	No	No	No	No
Missouri	Yes	No	No	No	No	No	No	No	No	No	No	No
Montana	No											
Nebraska	No											
Nevada	Yes	No	No	No	No	Yes	No	No	No	No	No	Yes
New Hampshire	Yes	No	No	No	No	No	No	No	No	No	No	No
New Jersey	Yes	No	No	No	No	No	No	No	No	No	No	No
New Mexico	Yes	Partly	Yes	Yes	No	Yes	No	No	Yes	No	No	No
New York	Yes	Yes*	No	No	Yes*	No	No	No	No	No	No	No
North Carolina	Yes	Partly	Yes	No	No	No	No	No	No	No	No	No
North Dakota	No											
Ohio	Yes	No	Yes	Yes	No	No	No	No	Partly	No	No	No
Oklahoma	Yes	No	No	Partly	No	Partly	No	No	Yes	No	No	No
Oregon	Yes	No	No	No	Partly	No	No	No	No	No	No	No
Pennsylvania	Yes	No	No	No	No	No	No	No	No	No	No	No
Rhode Island	Yes	No	No	No	No	No	No	No	No	No	No	No
South Carolina	Yes	No	Yes	Yes	Yes	Partly	No	No	No	No	No	No
South Dakota	No											
Tennessee	Yes	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Texas	Yes	No	Partly	No	No	Yes	No	No	No	No	No	no
Utah	Yes	No	No	No	No	No	No	No	No	No	No	no
Vermont	No											
Virginia	Yes	No	No	Yes	No	Yes	No	No	No	No	No	No
Washington	Yes	No	yes	yes	Partly	No	No	No	No	No	No	No
West Virginia	No											
Wisconsin	Yes	No	Yes	Yes	Yes*	No	No	No	No	No	No	No
Wyoming	Yes	No	No	Yes	No	Yes	No	Partly	No	No	No	No

*Indicates law applies in part of the state, generally the largest district (e.g., New York City, NY, or Chicago, IL).

Endnotes

1. Jim Griffin, Leona Christy, and Jody Ernst, *Finding Space: Charter Schools in District-Owned Facilities* (Houston, TX: National Charter School Resource Center at Safal Partners, 2015); *Public Charter School Facilities: Results from the NAPCS National Charter School Survey, School Year 2011-2012* (Washington, DC: National Alliance for Public Charter Schools, 2014).
2. Travis Pillow, "Fewer charter schools are opening because fewer are applying," *redefinED*, March 15, 2017; Robin Lake, "As Charter School Growth Slows, Time to Re-examine Bureaucratic, Funding, Political Hurdles," *The 74 Million*, March 5, 2017.
3. Reena Abraham, et al., *2014 Charter School Facility Finance Landscape* (New York, NY: Local Initiatives Support Corporation, Educational Facilities Financing Center, 2014); *Charter School Facilities Initiative: Initial Findings from Twelve States* (Houston, TX: National Charter School Resource Center at Safal Partners, 2013).
4. Sarah Yatkso, Elizabeth Cooley Nelson, and Robin Lake, *District-Charter Collaboration Compact: Interim Report* (Seattle, WA: Center on Reinventing Public Education, 2013).
5. Michael DeArmond, Sara Taggart, and Paul Hill, *The Future of School Facilities: Getting Ahead of the Curve* (Seattle, WA: Center on Reinventing Public Education, 2002).
6. Nelson Smith, "Whose School Buildings Are These, Anyway?" *Education Next* 12, no. 4 (fall 2012).
7. Betheny Gross, et al., *Are City Schools Becoming Monolithic? Analyzing the Diversity of Options in Denver, New Orleans, and Washington, D.C.* (Seattle, WA: Center on Reinventing Public Education, 2017).
8. Robin Lake, et al., *Bridging the District-Charter Divide to Help More Students Succeed* (Seattle, WA: Center on Reinventing Public Education, 2017).
9. In Minnesota, charters cannot lease buildings from their authorizers, so any charter that is authorized by its home district is much more limited in its ability to lease public buildings. In Nevada, charter schools are prohibited from using district buildings during school hours, which effectively restricts charters from leasing space for their use. There is an exception for charters that are part of Nevada's Achievement School District.
10. Twelve states have this requirement in full, six states provide this requirement in certain circumstances.
11. Districts following a portfolio management structure devolve decisionmaking to district schools and evaluate them on student performance. They also usually provide greater choice to parents. These approaches don't require charter schools, but can help level the playing field for them.
12. The charter provision was one part of a larger ballot measure that also modified the process for voter approval of school district bond financing for school facilities. See "Proposition 39," Legislative Analyst's Office, state of California, accessed September 28, 2017.
13. Mike Szymanski, "Exclusive: Charter co-locations across multiple school campuses are down by more than half, but LAUSD process still lacks transparency," *LA School Report*, July 10, 2017.
14. Ashley Jochim et al., *How Parents Experience Public School Choice* (Seattle, WA: Center on Reinventing Public Education, 2014).
15. Incidentally, when California voters approved Proposition 39, the main provision was to lower the voter threshold needed from two-thirds to 55 percent, making the law a win for districts as well as charter schools.
16. Compacts, including those sponsored in 23 cities by the Bill & Melinda Gates Foundation, seek to create a cross-sector framework for district-charter school cooperation and problem solving. See Lake, et al., *Bridging the District-Charter Divide*.

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