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CALIFORNIA'S RACE TO THE TOP LEGISLATION EMPHASIZES CONVERSION CHARTER SCHOOLS, BUT RAISES MANY QUESTIONS

The federal Race to the Top program invites states to compete against each other for education funding. In the first round of the competition, which was completed at the end of March 2010, California's application was denied. The State is now preparing to submit an application in the second phase of the competition, and this time the State's application will focus on implementing reforms in six large school districts: Clovis Unified, Fresno Unified, San Francisco Unified, Long Beach Unified, Los Angeles Unified, and Sanger Unified. The application will be submitted by June 1.

In the meantime, legislation passed in support of the State's first application is on the books and may force many school districts to consider converting struggling schools to charter schools. That legislation, adopted earlier this year, focuses on the four "intervention models" identified by the federal Department of Education for emphasis in state Race to the Top applications. The intervention models are:

- Turnaround model: the principal is replaced, the new principal is granted flexibility, at least 50% of the staff is replaced, and other new strategies are put in place;
- Restart model: a school is converted to a charter school operated by a charter school operator, a charter management organization (CMO), or an education management organization (EMO);
- School closure: the school is closed and its students are enrolled in better performing schools; and
- Transformation model: the principal is replaced and broad range of reforms are put in place, including under certain circumstances, merit pay for teachers.

Given the labor-related complexities that would face a California local educational agency ("LEA") that elected any of the other options, it seems likely that the restart model – i.e., conversion to a charter school – may be the most viable for this State's schools.

The State has identified 187 "persistently lowest-achieving schools" (the bottom 5% of those schools that are either receiving Title I and are in improvement, corrective action, or restructuring, or eligible for but not receiving Title I). Under statutes implemented as part of Race to the Top (Ed. Code § 53200 et seq.), the LEA for each of these persistently-lowest achieving schools must select and implement one of the

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intervention models for that school. The LEA must hold at least two public hearings on the question of which model to adopt. At least one of these hearings must be held at a regularly scheduled board meeting, and at least one meeting should take place at the persistently lowest-achieving school.

In addition, if 50% of parents and guardians of students at any "corrective action" school (that is, a school that has not made "adequate yearly progress" or "AYP" under the federal No Child Left Behind Act ("NCLB") for two years) sign a petition requesting that the school's LEA implement one of the intervention models, the LEA must do so (Ed. Code § 53300). This method of transformation has been identified in the media as the "parent trigger" or "parent empowerment" law. The LEA may adopt a different model than that requested if, in a regularly scheduled public hearing, the LEA makes a finding in writing stating the reason it cannot implement the specific recommended option and instead designates in writing which of the other turnaround options it will implement in the subsequent school year. An LEA that receives such a petition from parents and guardians must notify the State Board of Education ("SBE"), and must notify the SBE of the final disposition of the matter. No more than 75 schools annually can be transformed in this manner.

These changes may make conversion charter schools – charter schools that used to be regular public schools – much more common in the state. (Interestingly, according to the state's application for Race to the Top funding, only 122 of the state's 810 charter schools are currently conversion charter schools.) But at the same time, the new legislation leaves open several questions. For instance, it is not clear that parents and guardians who advocate for conversion of their school to a charter school with the "parent empowerment" law must support their request for change with a charter petition meeting the requirements of the State's existing Charter Schools Act (Ed. Code § 47600 et seq.).

To date, the State's push to submit a second Race to the Top application has not led to additional legislation, but proposed changes in the law could follow the submission of the application on June 1. The State has promised to set forth a detailed educational reform plan as part of that application. In the meantime, the statutes discussed above are already in effect, and will likely soon begin to change how LEAs deal with their struggling schools.

For additional information on the charter school-related implications of the Race to the Top process, or for questions regarding your LEA's interaction with charter schools generally, please contact one of our [seven offices](#) located statewide or consult our [website](#).

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