

SCHOOL CHOICE MATTERS

California Policy Report

Introduction

PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



Open Enrollment in California

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p>LIMITED</p> <p>Sending and/or receiving districts have discretion over transfers</p>	<p>California previously offered open enrollment, under the state’s former accountability system. Through this program, students enrolled in low-achieving schools had the option to transfer to a different school with a higher API than the student’s school of residence.</p> <p>(Cal. Dept of Education, Programs No Longer Administered by CDE - Open Enrollment)</p> <p>The California Department of Education makes clear that local districts may choose to offer intradistrict and interdistrict open enrollment transfers, but those are the responsibility of the local district governing board and are not within the jurisdiction of the California Department of Education.</p> <p>(Cal. Dept of Education, District Transfers)</p> <p>Through the state’s Pupil Attendance Alternatives law, the governing board of a school district may operate as a school district of choice and may accept transfers from school districts of residence.</p> <p>(Cal. Educ. Code 48301 Pupil Attendance Alternatives)</p> <p>The California Education Code also allows two or more districts to enter into an agreement for the interdistrict attendance of students who are residents of the school districts.</p> <p>(Cal. Educ. Code 46600 Interdistrict Attendance Computation)</p> <p>The California Education Code, relating to charter schools, provides for open enrollment of students in charter schools and provides that “admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil’s parent or legal guardian, within this state...”</p>

		(Cal. Educ. Code 47605 Establishment of Charter Schools)
Transfers Within Districts	YES Mandatory policy allowing students to transfer schools	<p>The California Education Code requires school districts to establish policies of open enrollment within the district for residents. Under these policies, parents must be able to select the school their student will attend, provided capacity exists.</p> <p>(Cal. Educ. Code 35160.5 Powers and Duties)</p> <p>The California Education Code, relating to charter schools, provides for open enrollment of students and provides that “admission to a charter school shall not be determined according to the place of residence of the pupil, or of that pupil’s parent or legal guardian, within this state...”</p> <p>(Cal. Educ. Code 47605 Establishment of Charter Schools)</p>
Year-round Transfer Window	LIMITED Restricted transfer window	<p>Through the state’s Pupil Attendance Alternatives law, school districts that choose to accept transfers must post application information on their websites.</p> <p>(Cal. Educ. Code 48301 Pupil Attendance Alternatives)</p> <p>For schools choosing to accept transfers, the application must be submitted by January 1 of the school year preceding the school year for which the student is requesting to be transferred.</p> <p>(Cal. Educ. Code 48308 Pupil Attendance Alternatives)</p>
Tuition-Free Public Schools	LIMITED Tuition can be charged	<p>Schools may not charge parents under an interdistrict agreement between districts for transfers.</p> <p>(Cal. Educ. Code 46607 Interdistrict Attendance Computation)</p> <p>California policies relating to intradistrict enrollment and Districts of Choice do not address student tuition.</p>
School Capacity Transparency	LIMITED Only some information reported	<p>School districts that choose to participate in the transfer program must report certain information to the governing board of the school district of choice at a regularly scheduled meeting – information includes the number of requests granted, denied, or withdrawn; the number of students who transferred out of the school district of choice; the number of students who transferred into the district of choice; and other information.</p> <p>(Cal. Educ. Code 48313 Pupil Attendance Alternatives)</p>

<p>Transfer Data Transparency</p>	<p>LIMITED Information only collected and/or some data not reported</p>	<p>The California Education Code requires the Superintendent to maintain a list of school districts of choice and collect the information noted under “School Capacity Transparency” from each school district of choice – this information must be posted on the Department’s website.</p> <p>(Cal. Educ. Code 48313 Pupil Attendance Alternatives; see Cal. Dept of Education, District of Choice)</p>
<p>Transparent Appeal Process</p>	<p>LIMITED Restrictive appeal process</p>	<p>Students denied interdistrict transfers pursuant to an interdistrict agreement between districts have the option to appeal the denial to the county board of education within 30 days.</p> <p>(Cal. Educ. Code 46600.2 Interdistrict Attendance Computation)</p> <p>Appeals are not provided for policies relating to intradistrict open enrollment and District Schools of Choice.</p>

SOURCE CITATIONS

Statutes

- [Cal. Educ. Code 35160.5 Powers and Duties](#)
- [Cal. Educ. Code 46600 Interdistrict Attendance Computation](#)
- [Cal. Educ. Code 46607 Interdistrict Attendance Computation](#)
- [Cal. Educ. Code 47605 Establishment of Charter Schools](#)
- [Cal. Educ. Code 48301 Pupil Attendance Alternatives](#)
- [Cal. Educ. Code 48308 Pupil Attendance Alternatives](#)
- [Cal. Educ. Code 48313 Pupil Attendance Alternatives](#)

State Department of Education

- [Cal. Dept of Education, Programs No Longer Administered by CDE - Open Enrollment](#)
- [Cal. Dept of Education, District Transfers](#)
- [Cal. Dept of Education, District of Choice](#)



Charter Schools in California

POLICY	RATING	POLICY OVERVIEW
<p>Multiple Charter Authorizers</p>	<p>LIMITED</p> <p>No real authorizer options</p>	<p>The California Education Code provides that governing boards of school districts are authorizers of charter schools.</p> <p>To establish a new charter school in California, the California Education Code requires a petition to be circulated by one or more individuals who would like to establish the school. This petition will be submitted to the governing board of the school district for review.</p> <p>The governing board of the school district must then hold a public hearing. Following this, the governing board will either grant or deny the charter within 90 days of receipt of the petition.</p> <p>If the governing board of a school district denies the petition, the petitioner may submit the petition to the county board of education.</p> <p>If the governing board of a school district denies the petition and the county board of education has jurisdiction over a single school district, the petitioner may choose to submit the petition for the establishment of a charter school to the State Board.</p> <p>(Cal. Educ. Code 47605 Establishment of Charter Schools)</p>
<p>Charter Appeal Process</p>	<p>YES</p> <p>Independent appeals process</p>	<p>California Education Code provides that in situations where governing boards of school districts deny a petition, the petitioner may appeal the petition to the county board of education.</p> <p>If the county board of education denies the petition, the petitioner may appeal that denial to the state board.</p> <p>Alternately, if the governing board of a school district denies a petition, and the county board of education has jurisdiction over a single school district, the petitioner may submit the petition for the establishment of a charter school to the state board.</p> <p>Where a county board of education denies a petition, the petitioner may appeal that denial to the State Board.</p>

		<p>Where an appeal is filed with the State Board, the Board’s Advisory Commission on Charter Schools will hold a public hearing to review the appeal and documentary record.</p> <p>(Cal. Educ. Code 47605 Establishment of Charter Schools)</p>
<p>Charter Regulatory Flexibility</p>	<p>LIMITED</p> <p>Some or no exemptions</p>	<p>The California Education Code makes clear that charter schools must comply with charter school laws, but are otherwise exempt from the laws governing school districts, except for the following:</p> <ul style="list-style-type: none"> • Section 47611 (State Teacher’s Retirement Plan) • Section 41365 (Charter School Revolving Loan Fund) • All laws establishing minimum age for public school attendance • California Building Standards Code <p>(Cal. Educ. Code 47610 Charter School Operation)</p> <p>The California Education Code provides that teachers must hold the Commission on Teacher Credentialing certificate, permit, or other document required for the teacher’s certificated assignment. The Code makes clear this requirement may not be waived.</p> <p>(Cal. Educ. Code 47605 Establishment of Charter Schools)</p> <p>Note that the California Education Code is silent on issues relating to collective bargaining.</p>
<p>Equitable Charter Funding</p>	<p>LIMITED</p> <p>Disparities exist</p>	<p>The California Education Code provides the intent of the legislature to be that each charter school is provided with operational funding that is “equal to the total funding that would be available to a similar school district serving a similar pupil population...”</p> <p>California charter schools receive the average daily attendance rate, calculated under California Education Code 2574, which provides for the county local control funding formula.</p> <p>(Cal. Educ. Code 47630 Funding)</p> <p>California has also established a Charter School Block Grant, effective through 2033, which is a general purpose entitlement funded through both state aid and local funds. Sponsoring local educational agencies must annually transfer to each charter school funding in lieu of property taxes, and the formula is provided.</p> <p>(Cal. Educ. Code 47633 Charter School Block Grant)</p>

<p>Charter Facilities Funding</p>	<p>LIMITED</p> <p>Some or no facilities funding</p>	<p>California Education Code states that it is the “intent of the people in ... that public school facilities should be shared fairly among all public school pupils, including those in charter schools.” School districts are required to make available facilities “sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.”</p> <p>Facilities do remain the property of the school district, which may charge the charter school a pro rata share of the school district facilities costs.</p> <p>Charters that desire the use of facilities from a school district must provide the district with a “reasonable projection of the charter school’s average daily classroom attendance by in-district students for the following year.” The facilities will be allocated based on that projection – if the school generates less average daily classroom attendance than projected, the charter school must reimburse the district for the over-allocated space.</p> <p>(Cal. Educ. Code 47614 Charter School Operation)</p> <p>California has created the Charter School Facility Grant Program – these grant funds may be used to pay for rent and lease costs for students in charter schools. This funding is subject to available funding in the annual Budget Act. Schools will receive one of the following, whichever is less:</p> <ul style="list-style-type: none"> • 75% of annual facilities rent and lease costs for the charter school; • The amount of funding provided per unit of average daily attendance in the preceding fiscal year. <p>(Cal. Educ. Code 47614.5 Charter School Operation)</p>
<p>Options for High-Performing Charters</p>	<p>YES</p> <p>High-performing charter schools receive incentives and a favorable regulatory environment</p>	<p>California Education Code establishes a requirement that charter schools are ranked based on their performance. High-performing charter schools may renew their charters for 5-7 years; middle-performing charter schools may be renewed for a 5-year term; and low-performing charter schools may be renewed for 2 years, provided certain conditions are met.</p> <p>(Cal. Educ. Code 47607 Establishment of Charter Schools; Cal. Dept of Education, Performance Categories)</p>

<p>Charter Zoning Exemptions</p>	<p>LIMITED</p> <p>Less than full protections</p>	<p>Government Code provides that school districts are not required to comply with the zoning ordinances of a county or city unless the zoning ordinance makes provision for the location of public schools and unless the city or county has adopted a general plan.</p> <p>(Cal. Gov. Code 53094 Regulation of Local Agencies by Counties and Cities)</p> <p>Recent case law in California holds that charter schools that are authorized by county offices of education may not seek exemptions from zoning laws through the county office of education, because only governing boards of local school districts may approve these types of exemptions.</p> <p>(Courts Reject Attempts to Exempt Charter Schools from Local Zoning Requirements)</p>
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SOURCE CITATIONS

Statutes	Administrative Code	State Department of Education	Other Resources
<p>Cal. Educ. Code 47605 Establishment of Charter Schools</p> <p>Cal. Educ. Code 47607 Establishment of Charter Schools</p> <p>Cal. Educ. Code 47610 Charter School Operation</p> <p>Cal. Educ. Code 47614 Charter School Operation</p> <p>Cal. Educ. Code 47614.5 Charter School Operation</p> <p>Cal. Educ. Code 47630 Funding</p> <p>Cal. Educ. Code 47633 Charter School Block Grant</p> <p>Cal. Gov. Code 53094 Regulation of Local Agencies by Counties and Cities</p>	<p>Cal. Dept of Education, Charter School Regulations</p>	<p>Cal. Dept of Education, Charter Schools</p> <p>Cal. Dept of Education, Performance Categories</p>	<p>Courts Reject Attempts to Exempt Charter Schools from Local Zoning Requirements</p>



Private School Choice in California

POLICY	OVERALL RATING	PROGRAM OVERVIEW
Universal Eligibility	<p>NO</p> <p>No choice program</p>	<p>California does not have a private school choice program.</p>
Comparable Student Funding	<p>NO</p> <p>No choice program</p>	
Uncapped Student Access	<p>NO</p> <p>No choice program</p>	
Extended Application Window	<p>NO</p> <p>No choice program</p>	
Student Testing Options	<p>NO</p> <p>No choice program</p>	
School Autonomy	<p>NO</p> <p>No choice program</p>	

Accessible School Participation	NO No choice program	
ESAs and Parent-Directed Spending		
Freedom to Customize	NO No ESA or microgrant program	California does not have an education scholarship account or microgrant program.
Freedom to Access	NO No ESA or microgrant program	
Carry-Over Funding	NO No ESA or microgrant program	
Tax Credits		
Full Tax Credit	NO No choice program	California does not have an education tax credit program.



Homeschooling in California

POLICY	RATING	POLICY OVERVIEW
<p>Homeschool without Prior Approval</p>	<p>YES</p> <p>No permission required</p>	<p>Students are exempt from compulsory attendance laws in California if they are instructed in a “private full-time day school by persons capable of teaching”.</p> <p>(Cal. Educ. Code 48222 Pupil Exempt)</p> <p>To satisfy this exemption, parents may educate their children at home through an existing private school, through a public charter or independent study program, or by opening their own private home-based schooling.</p> <p>California Statute requires parents who choose to operate their own private home-based school to file a Private School Affidavit with the California Department of Education. Permission from the California Department of Education is not required as part of this notification process.</p> <p>(Cal. Educ. Code 33190 Verification of Private School Instruction)</p>
<p>No Extra Homeschool Notifications</p>	<p>NO</p> <p>Annual notification</p>	<p>California Statute requires annual notification by parents. Parents who choose to operate their own private home-based school must file a Private School Affidavit with the California Department of Education.</p> <p>This affidavit must be filed between October 1st and 15th every year.</p> <p>The local school district uses the affidavit as evidence that a student is meeting the state’s compulsory education laws.</p> <p>(Cal. Educ. Code 33190 Verification of Private School Instruction; see Cal. Dept of Education, Private School Affidavit 2023-24)</p>

<p>No Certification to Homeschool</p>	<p>YES</p> <p>No certification requirement</p>	<p>California policy does not require homeschool parents to possess a teacher certification</p> <p>The affidavit that must be filed under California Education Code 33190 must include the name and address of the teacher and the educational qualifications of that individual.</p> <p>(Cal. Educ. Code 33190 Verification of Private School Instruction)</p> <p>California policy provides that homeschool students will be exempt from compulsory attendance if they are instructed in a “private full-time day school by persons capable of teaching”. The Code, however, does not provide for a definition of persons “capable of teaching.”</p> <p>(Cal. Educ. Code 48222 Pupil Exempt)</p>
<p>Flexible Assessment Options</p>	<p>YES</p> <p>Flexible academic accountability</p>	<p>California policy does not provide for assessment of homeschool students.</p>

SOURCE CITATIONS

Statutes

[Cal. Educ. Code 33190 Verification of Private School Instruction](#)

[Cal. Educ. Code 48222 Pupil Exempt](#)

State Department of Education

[Cal. Dept of Education, Schooling at Home](#)

[Cal. Dept of Education, Private School Affidavit 2023-24](#)

POLICY ENHANCERS



Part-time Enrollment in California

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p>LIMITED</p> <p>By type of student, type of course, or district policy</p>	<p>California policy does not provide for homeschool students nor private school students to participate in public school classes. Local districts have the discretion to offer courses but are not required to.</p>
Nonresident Course Access	<p>LIMITED</p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>California does not have a policy relating to part-time enrollment in courses outside a students’ district of residence – it appears some districts may offer this option at the local level. (See Santa Clara High School, Out-of-District Courses)</p>
Virtual Course Access	<p>LIMITED</p> <p>Access denied to some resident students, or students must take at least one class in a public school</p>	<p>California does not have a statewide virtual school. Students are limited to accessing virtual courses offered by their districts or district partners.</p> <p>Students have the option to take individual courses for credit in high school through UC Scout (University of California) – students must confirm their resident schools will accept credits from this program. Students must pay to access these courses.</p>

Extracurricular Access

LIMITED

Access denied to some resident students, or students must take at least one class in a public school

The [California Interscholastic Federation](#) Rule 301 provides that home school students who are not enrolled in a program under the jurisdiction of a member school’s governing body are not eligible to participate in CIF competition. Students enrolled in Independent Study Programs are eligible to participate, provided they meet certain requirements.

Rules further provide that students who attend private and charter schools that partner with CIF-member public schools may be eligible to participate so long as they live within the boundaries of the public school district.

([California Interscholastic Federation, Section III: School Rules](#))

SOURCE CITATIONS

Other Resources

[California Interscholastic Federation](#)

[California Interscholastic Federation, Section III: School Rules](#)

[Santa Clara High School, Out-of-District Courses](#)

[UC Scout](#)



Learn Everywhere in California

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p>NO</p> <p>No program</p>	<p>California has not established a Learn Everywhere program.</p>
Course Credit Standard	<p>NO</p> <p>No program</p>	
Core Course Opportunities	<p>NO</p> <p>No program</p>	
Central State List	<p>NO</p> <p>No program</p>	



Transportation in California

POLICY	RATING	POLICY OVERVIEW
<p>Open Enrollment Transit</p>	<p>LIMITED</p> <p>Less than equitable and/or for some students only</p>	<p>For intradistrict enrollment, the district must provide transportation to the student.</p> <p>(Cal. Educ. Code 35160.5 Powers and Duties)</p> <p>For interdistrict enrollment (District of Choice students), districts have the discretion to provide transportation for students, when requested by the parent, but it is not required.</p> <p>(Cal. Educ. Code 48311 Pupil Attendance Alternatives)</p> <p>Pursuant to an interdistrict agreement, the district of enrollment must provide transportation for nonresident students who are eligible for free or reduced-price meals.</p> <p>(Cal. Educ. Code 46600 Interdistrict Attendance Computation)</p>
<p>Fair Transportation Access</p>	<p>LIMITED</p> <p>Equitable transportation offered to some charter OR private students</p>	<p>California Education Code allows, but does not require, governing boards to allow students entitled to attend the school of the district, but who attend a school other than a public school, to be transported under the same terms, in the same manner, and over the same routes of travel as is permitted students attending the district school.</p> <p>The Code is clear that this does not allow the district to permit, in lieu of transportation, payments of money to parents of private school students.</p> <p>(Cal. Educ. Code 39808 General Provisions)</p>

<p>Vehicle Flexibility</p>	<p>YES</p>	<p>California Education Code allows for the use of 15-passenger vans for the transportation of students, provided the following requirements are met regarding the person driving – the individual driving must:</p> <ul style="list-style-type: none"> • have a valid class B driver’s license; • have an endorsement for operating a passenger transportation vehicle. <p>(Cal. Educ. Code 39800.5 General Provisions)</p>
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SOURCE CITATIONS

Statutes

[Cal. Educ. Code 35160.5 Powers and Duties](#)

[Cal. Educ. Code 39800 General Provisions](#)

[Cal. Educ. Code 39800.5 General Provisions](#)

[Cal. Educ. Code 39808 General Provisions](#)

[Cal. Educ. Code 46600 Interdistrict Attendance Computation](#)

[Cal. Educ. Code 48311 Pupil Attendance Alternatives](#)

State Department of Education

[Cal. Dept of Education, Transportation](#)

