



California Supreme Court Declines Review of Out-of-District Charter School Decision

The debate over whether a charter school may operate outside of the geographical boundaries of its authorizing district, but within the same county, is now over.

On January 18, 2017, the California Supreme Court announced that it will not review the decision in *Anderson Union High School District v. Shasta Secondary Home School* (“Anderson decision”), a case that has been closely monitored by local educational agencies and charter schools alike. The Court of Appeal had previously ruled that charter schools generally may not operate resource centers outside of their authorizing school district’s boundaries even if they are within the same county, unless they fall within one of the narrow statutory exceptions. The California Supreme Court’s decision not to hear this case on appeal means that the *Anderson* decision stands.

Unless a charter school meets one of the limited exceptions set forth in the Education Code, it may not operate a resource center or other site outside of the boundaries of its authorizing district. This restriction applies regardless of whether the charter school is operating a seat-based or nonclassroom-based (e.g., virtual, online, independent study) program. Please view our previous NewsFlash, available [here](#), for a summary of the exceptions.

Given the California Supreme Court’s decision to let the lower court ruling stand, districts will want to carefully review and consider their options and potential legal obligations in the event that they have either authorized a charter school operating a resource center or satellite facility outside of their boundaries, or a charter school is currently operating an unauthorized resource center or satellite facility in their district. Because such options and legal obligations will depend on the unique circumstances of your district, we recommend that you consult with your legal counsel to discuss potential next steps.

If you have any questions regarding this matter, please call one of our six offices.

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Who Does the Anderson Decision Impact?

- Have you authorized a charter school that operates program(s) outside of your district boundaries?
- Do you have any charter school program(s) operating within your boundaries that you did not authorize?
- Are you aware of any waiver requests pending before the State Board of Education seeking relief from the geographical limitations at issue in the *Anderson* case for charters operating in your district?

If you answered “yes” to any of the above questions, the *Anderson* ruling will likely have implications for your district whether you are an authorizer or a district hosting an unauthorized resource center or satellite facility.

This F3 NewsFlash® is a summary only and not legal advice. We recommend that you consult with legal counsel to determine how this legal development may apply to your specific facts and circumstances. Information on a free NewsFlash subscription can be found at www.f3law.com.

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