

LEASING FACILITIES FROM RELIGIOUS ORGANIZATIONS FREQUENTLY ASKED QUESTIONS (“FAQ”)

Thank you for your interest in leasing your facility to Responsive Education Solutions (“ResponsiveEd”) to operate a public charter school. Many of ResponsiveEd’s schools are currently located in facilities leased from religious organizations. Such facilities have provided ResponsiveEd with suitable, cost-effective, and centrally located options for serving communities with high-quality public charter schools.

The purpose of this FAQ is to provide you with answers to the most frequently asked questions we receive from leaders of religious organizations who, like you, are contemplating entering into a lease with ResponsiveEd.

Q1: “Can a public charter school lease facilities from a religious organization?”

Yes. Where the facility is chosen based on religion-neutral criteria (e.g., suitability, cost, location, etc.) and the charter school remains non-religious, a charter school may lease facilities from a religious organization. As explained by the U.S. Department of Education:

A charter school may use the facilities of a religious organization to the same extent that other public schools may use these facilities. Generally, this means that a charter school may lease space from a religious organization so long as the charter school remains non-religious in all respects, including its programs, operations, and physical environment.¹

Q2: “Will the school be religious in nature?”

No. While the school will allow religious expression by students to the same extent as in other public schools; may teach about religion from a secular perspective; and will play an active role in teaching civic values, character, and leadership principles, the school will not be religious in nature. As explained by the U.S. Department of Education:

As public schools, charter schools must be non-religious in their programs, admissions policies, governance, employment practices and all other operations, and the charter school’s curriculum must be completely secular. As with other public schools, charter schools may not provide religious instruction but may teach about religion from a secular perspective and play an active role in teaching civic values. Further, . . . religious expression by students is allowed in charter schools to the same extent as in other public schools.²

Q3: “May our organization provide religious programs or activities for the school’s students?”

While students are free to participate in your organization’s religious programs and activities away from the leased premises before or after school, such activities “may not be conducted, promoted, or encouraged during charter school activities by charter school employees or by other persons working with charter schools.”³ This is because, as noted above, “[a]ll activities of a charter school must be non-religious, as is the case for all public schools.”⁴

Q4: “Will ResponsiveEd agree to not teach anything at the school that might conflict with our organization’s religious beliefs?”

No. Not only can ResponsiveEd not anticipate what topics may or may not conflict with your organization’s religious beliefs, we are prohibited from permitting “a landlord affiliated with a religion [to] exercise any control over what is taught . . . in the charter school.”⁵ In addition, as noted in our answer to Q2 above, a “charter school’s curriculum must be completely secular.”⁶

Q5: “Will I be required to remove religious symbols or messages from my facility?”

ResponsiveEd must be permitted to cover all religious symbols or messages displayed in either student classrooms or those areas designated for the school’s exclusive use. Also, as explained by the U.S. Department of Education, “a landlord affiliated with a religion may not exercise any control over what is . . . displayed in the charter school.”⁷ Of course, religious symbols or messages displayed in those areas of the facility not under the school’s control do not reflect the endorsement, sponsorship, position, or expression of the school—they are the private expression of your organization and do not need to be removed.

Q6: “What will the monthly rent be?”

Unlike traditional leasing arrangements, which base monthly rent on the square footage of the leased premises, ResponsiveEd’s leases with religious organizations are based on the number of students in attendance (with a guaranteed minimum monthly payment). This is one of the primary reasons that such leases are so cost-effective, i.e., rent is based on actual income. A typical lease provision regarding rent reads as follows:

On or before the first day of each month during this Lease, Tenant will pay Landlord the greater of: (1) [DOLLAR AMOUNT] (\$[DOLLAR AMOUNT]) per student Average Daily Attendance (“ADA”) as documented on the most current Public Education Information Management System (“PEIMS”) report, or (2) [DOLLAR AMOUNT] (\$[DOLLAR AMOUNT]) (“Base Monthly Rent”).

The amount of the rent is based on many factors, including, but not limited to: the quality and size of the facility; whether taxes, insurance, and maintenance are included in the rent; etc.

Q7: “Will ResponsiveEd give priority admission to the school to the children of my members?”

No. While ResponsiveEd appreciates your desire to provide priority admission to the school for the children of your organization’s members, it is prohibited from doing so. Priority admission is only permitted for students who are already admitted under the school’s charter; siblings of students already admitted under the school’s charter; and children of the charter’s founders, teachers, and staff.⁸

We hope this information has been helpful. If you have additional questions, please feel free to contact us at info@responsived.com.

¹ U.S. Department of Education, Charter Schools Program, Title V, Part B of the ESEA Nonregulatory Guidance, p. 23 (January 2014).

² Id. at 22.

³ Id. at 23.

⁴ Id.

⁵ Id.

⁶ Id. at 22.

⁷ Id. at 23.

⁸ Id. at 20-21.