Purpose of the Report

This report was commissioned by the Low Income Investment Fund (LIIF), a leading community development financial institution (CDFI) with offices in San Francisco, Los Angeles and New York. Since 1999, LIIF has provided 122 loans totaling $136 million for charter school facilities. As a result of its work, 38,000 classroom spaces have been generated or supported.

Unlike traditional public schools, charter schools are responsible for seeking out and paying for their own facilities, which consume an average of 13 percent of their budgets. In general, charter schools must cover the costs of facilities on their own rather than through the dedicated capital funding streams that district-operated schools receive for purchasing, renovating or leasing facilities. This places an added financial strain on charter schools, which also, on average, receive less per-pupil funding than traditional public schools.
To mitigate these challenges, LIIF is committed to sharing information that will bring new resources and stakeholders to the table. Since the vast majority of charter schools are housed in leased facilities, this report is geared toward real estate developers, brokers and landlords who may be unfamiliar with charter schools. By providing a guide to charter school fundamentals, economics and facilities requirements, as well as to the key issues and considerations regarding leases, LIIF hopes that this Report to the Community will facilitate better working relationships and increase the supply of quality educational facilities.

Finding a facility is one of the most common and persistent challenges faced by charter schools. School districts are often unable to provide facilities for charter schools. In addition, because of limited operating budgets and the high cost of real estate in markets where charter schools are most concentrated, it is challenging for charter schools to find affordable space. Furthermore, many experts note that even relatively small facilities can require significant renovations to bring them up to local building codes or to convert commercial space to school use. These renovations can be expensive and complex to manage, and most charter school operators lack construction and real estate development expertise. Renovations may also require long lead times if conditional use permits or variances are needed, which is often the case.

Yet, despite these challenges, charter schools are expanding at a rapid pace. Nearly 4,000 charter schools are currently in operation, serving over 1.15 million students in 40 states and the District of Columbia. For the 2006–2007 school year, 381 new charter schools opened in 31 states and the District of Columbia — an increase of 11 percent over the previous year.
The explosive growth of charter schools over the past decade indicates that this trend is likely to continue, which suggests that charters will be entering the real estate market in growing numbers.

Because they have limited real estate development experience and focus, charter school operators will require new partners and increasingly creative space solutions to build and house their schools. Consequently, for real estate developers, brokers and commercial landlords looking to expand their pool of customers, working with charters represents an attractive new opportunity.

Charters bring a unique set of assets that make them strong potential partners in the real estate market. For instance, charter schools can utilize land that is generally deemed undesirable by many housing and retail developers, thus maximizing site development potential. Good schools also serve as anchors for neighborhood revitalization and economic development by keeping families in neighborhoods, which creates a stable and often growing economic base.6

There is burgeoning interest in bringing charter schools together with developers and brokers. A handful of firms specializing in real estate development for the charter market have recently emerged, including Pacific Charter School Development, Civic Builders and EdBuild. Additionally, in recognition of the many community benefits that schools offer in mixed-use developments, several affordable housing developers have begun to explore partnerships with charter schools. (See sidebar for examples of these benefits.) Furthermore, a handful of independent real estate consultants, brokers and brokerage firms have begun to conduct business in this sector.

Why Do Charter Schools Make Good Development Partners?

- Redevelopment of schools and an influx of affordable housing can revitalize underserved communities.
- Charter schools and housing developers are often able to meet more of their clients' needs. For example, locating housing near school sites provides teachers, staff and students with a shorter commute between school and home, and charter schools often open up their facilities to community use.
- Better utilization of shared building space is possible, as community space provided by housing developments is often underutilized during the day and schools are empty after school hours.
- Shared facilities can reduce development costs as well as ongoing operating costs.
- New sources of capital support may be brought to the table and leveraged by each sector.
- There is a stronger community voice in support of community service land use if housing and education sectors join together in entitlement processes.

However, the vast majority of charter schools continue to seek out facilities on their own, and most real estate developers, brokers and landlords have little to no knowledge or awareness of charter schools or their facilities needs. Bridging the gap between these entities represents an exciting opportunity to address facilities challenges faced by charter schools while at the same time creating a valuable new market with significant growth potential.

**Charter School Fundamentals**

**What is a charter school?**
Charter schools are public schools that operate under a contract, or “charter,” with state-approved entities, such as school districts, county and state offices of education, and, in some states, state chartering boards. Charter schools are tuition-free, nonsectarian and open to all students on a first-come, first-served basis. Unlike traditional public schools, charter schools are given flexibility over fiscal, operational and curricular issues. This increased autonomy is intended to enable charter schools to implement innovative practices that provide parents and students with a choice among diverse educational options.

**How likely is it that a charter school can be shut down?**
Charter schools can be closed for reasons including low enrollment, financial mismanagement, legal issues or poor academic performance. However, these cases are rare, and fewer than six percent of closures pose any real estate risk to lenders, developers or landlords, according to a real estate study conducted by the Kauffman Foundation. In addition, the reuse rate of charter school facilities is very high. The Kauffman study found that more than 95 percent of the vacated properties were in use by new tenants on terms such that the landlords did not suffer financially from the closure.

**What does a “good” charter school look like?**
There is no one answer to this question, given the wide variety of charter schools in operation and the diverse nature of student populations served and programmatic goals. However, important indicators of a high-quality charter school include:

- Sound fiscal operations (e.g., stable cash flow, strong balance sheet, good credit history)
- Stable or growing student enrollment (has a waiting list)
- Low teacher turnover
- Track record of strong academic performance
- Diverse and experienced management and governing board

**How are charter schools funded?**
Like traditional public schools, charter schools are funded according to enrollment; the level of funding from the district and the state is typically contingent on the number and age of the students. Funding formulas vary from state to state. In California, charters receive an average of $6,000 to $7,000 per student in attendance (not including additional public funding that may be available), based on the student population and the services provided by the school. As in most states, this level is less than that received by traditional public schools because charter schools do not automatically receive funding for capital needs or from several federal and state categorical programs. To make up the difference, many charter schools seek out grant funding from government and foundation sources. To acquire or renovate space, some schools also obtain loans through nonprofit or commercial lenders, as well as through state bond funds.
What types of facilities do charter schools occupy?

Charter schools can be very flexible and creative about the types of space they occupy. In most cases, unless charter schools are located on local school district property or are using state bond funds to finance construction, their facilities need only adhere to local building codes. They occupy a wide range of facilities, including school buildings, former grocery stores, churches, warehouses, former manufacturing plants, commercial spaces and portable units. For California charters, school buildings and religious facilities are the most commonly used sites, followed by portable units and office buildings.9

Due to the high costs of purchasing facilities and the time and expertise required for new construction, the vast majority of charter schools occupy leased sites. For example, Aspire Public Schools, an organization that operates a network of charter schools throughout California, leases 17 of its 21 existing sites.10 While they own one property and have developed three additional properties under state bond or local district financing programs, Director of Real Estate Charles Robitaille says that they prefer to lease because it often makes more economic sense, in part because up-front down payments are not required as they are for purchases.

According to LIIF’s 2006 facility development and financing survey, 95 percent of California charter school respondents leased their properties.11 However, 85 percent of respondents who leased still incurred costs for renovations, such as meeting seismic and Americans with Disabilities Act regulations, or reconfiguring spaces to accommodate school-specific needs (e.g., adding bathrooms or additional classrooms).12

Creative Use of Space

Alliance, a Los Angeles-based charter school management organization, recently partnered with Pacific Charter School Development, a nonprofit real estate developer, to renovate a former public storage facility west of downtown Los Angeles that had been vacant for over a year. The 64,394 square foot facility sits on 1.35 acres of land. The property houses a 375-student middle school and will also house a 500-student high school.

Sharing space with another school or tenant is also fairly common. For example, Huntington Park (California) College-Ready Academy High School, a 500-student high school operated by Alliance, is co-located in a 77,000 square foot former manufacturing facility with Centennial College Preparatory Academy, a 400-student middle school run by Aspire Public Schools. The two schools have separate entrances and occupy separate classrooms. However, the schools share common space, such as a library, serving kitchens and parent center.

How much space does a charter school require?
The size of facilities can vary dramatically depending on enrollment and location (e.g., a school in an urban center will usually occupy a smaller site than a school in a rural area). Typically, charter schools need 50 to 70 square feet of space per student, with elementary schools being on the lower end of this range. An average high school at full enrollment has approximately 500 students, which means about 25,000 to 35,000 square feet of space is required.

In addition to the needs listed below, schools generally require space for a multipurpose room (for lunch, assemblies, recreational activities, etc.), computer and science labs, and meeting rooms. It is important to note that many schools often get by with less-than-ideal space. As reported by charter operators and resource providers, general guidelines for the required square footage for each type of space are as follows:

- Classrooms: 700 to 1,000 square feet
- Administrative Offices: 70 to 100 square feet per office
- Bathrooms and Circulation (including hallways, storage space, etc.): Approximately 30 percent of overall square footage
- Gymnasium: 5 to 6 square feet per student (Note: Dedicated recreational space is generally hard to find, so most schools come up with creative ways to accommodate recreational activities, such as using a multipurpose room, parking lot, or nearby park or recreation center.)
- Cafeteria: 4 to 8 square feet per student (Note: As with gyms, few charter schools have dedicated cafeterias.)
- Library: 3 to 4 square feet per student

Other factors include:
- Access to public transportation
- Availability of parking
- Level of traffic flow in the neighborhood and ingress/egress if site was not previously used as a school
- Safety
- Proximity to educational or cultural institutions (e.g., community colleges, museums)
- Yard space for physical activities, or proximity to parks

What factors determine where a charter school locates?
When thinking about where to locate a school site, considerations vary depending on the school’s mission and priorities. Common considerations include:

- Neighborhood focus (many charter schools target a specific neighborhood)
- Proximity to target student population (schools focusing on a particular demographic will factor this into their location decisions)
- Level of neighborhood need and quality of surrounding schools (many schools base location decisions on where they can make the greatest impact)

Other factors include:
- Parking: One space per 500 square feet for an elementary/middle school, and one space per classroom for a high school (Note: Parking needs vary depending on access to public transportation and local city requirements.)

“We focus on neighborhoods that need the school the most. We also look for locations that are accessible to public transportation or are in a heavily residential area.”

— CHARLES ROBITAILLE, Director of Real Estate, Aspire Public Schools
What can a charter school afford to pay for facilities?

Charter schools typically allocate 10 to 15 percent of their operating funds to facilities. However, most charter operators and other experts, particularly in California, caution against paying more than 10 percent if the school is to remain economically sustainable. Operating funds are determined by Average Daily Attendance, or ADA (student enrollment x attendance rate), multiplied by per-pupil funding. For example, a 500-student high school with a 95 percent attendance rate would have an ADA of 475 and earn per-pupil funding of approximately $6,000. With an operating budget of $2,850,000 (475 ADA x $6,000/student), this school could afford to pay between $285,000 and $427,500 in annual facilities costs.

The range of what is considered affordable is largely a reflection of property values, which differ significantly depending on geographic location and the type of facility. In a tight real estate market, such as Los Angeles, it is virtually impossible to find a commercial property for less than 15 percent of ADA, and this figure may be closer to 20 percent in the San Francisco Bay Area, according to Jo Ann Koplin, Director of Facilities for the California Charter School Association. However, a school in a more rural or suburban area may easily be able to lease a religious facility or a former school building for 10 percent or less of ADA.

What other funding sources are used to cover charter school facility costs?

Beyond operating funds, charter schools fund facilities through a combination of loans, public funds and charitable contributions. While acquiring facilities financing is a persistent challenge due to the limited pool of capital and the fragmentation of the financing community, options have expanded significantly as the charter school movement has grown. More and more lenders, both nonprofit and for-profit, have begun to specialize in financing the development or renovation of charter school facilities. In addition, various federal, state and local programs have been introduced to help subsidize the cost of real estate development for charter schools. Finally, some private foundations and individual donors provide grants for this purpose.
Loans
Charter schools can borrow money from nonprofit lenders and commercial banks to help fund new construction on permanent facilities as well as tenant improvements on leased properties. Obtaining bank loans has been difficult because of the perceived credit risks associated with charter schools, including concerns that a charter will not be renewed and the uncertainties of public funding. While some financial institutions are increasingly comfortable mitigating these risks, on the whole, debt financing is reliably available only to charter schools that have been in operation for a number of years or to those that have strong parent companies or partners. Debt financing is also available to those who seek alternative sources of financing from public and nonprofit sources to guarantee or credit-enhance private debt.

Given this financing gap, nonprofit community-based lenders have increasingly been serving the charter school market across the country. These entities are accustomed to charter school lending and often offer more flexible terms, tailored to fit the needs of charter schools that may not meet traditional banking standards. To date, there is no reported material difference in the performance of these organizations’ tenant improvement loan portfolios as compared to their real estate secured loans. Nonprofit lenders with a focus on charter school facilities financing include:

- Excellent Education (ExED) and Low Income Investment Fund through the Los Angeles Charter School New Markets Tax Credit Fund (LACSNM)
- Illinois Facilities Fund
- Local Initiatives Support Corporation
- Low Income Investment Fund
- NCB Capital Impact
- New Jersey Community Capital
- Nonprofit Finance Fund
- Raza Development Fund
- The Reinvestment Fund
- Self-Help

Mixed use facilities can provide invaluable resources, significant cost savings and unique learning opportunities for charter schools. Many nonprofit lenders take advantage of the Credit Enhancement for Charter School Facilities program. This federal program, offered through the U.S. Department of Education, provides grants to public and nonprofit entities to leverage funds through credit enhancement initiatives. These initiatives help charter schools access private-sector capital to acquire, construct, renovate or lease academic facilities. Credit enhancements can be used both as collateral and as insurance for lenders that borrowers will not default on loans. As the charter school field matures, it is expected that commercial banks will become a more reliable source of financing options for charter school facilities.
Public Funds
Charter schools can also pursue a variety of federal, state and local initiatives geared toward addressing charter school facility needs. Following is a sample of some of the more widely known programs, particularly in California:

- **Charter School Facility Grant Program (SB 740):** A California-based program that reimburses qualifying schools up to $750 per pupil of actual facility rental and lease costs (does not cover mortgage payments). Eligible schools must either serve a student population or be located within an attendance area in which 70 percent of students are eligible for the federal free or reduced-price lunch program.\(^{17}\)

- **State Charter School Facilities Incentive Grants Program:** A federal program that assists charter schools with school facility costs by providing funds to states to establish or enhance and administer per-pupil facilities aid programs. The program is intended to encourage states to develop and expand per-pupil facilities aid programs and to share in the costs associated with charter school facilities funding. To date, California, the District of Columbia, Minnesota and Utah have been awarded funding through this program.\(^{18}\)

- **Local Bonds:** Facilities funding is sometimes available through bonds issued by the authorizing school district. The inclusion of charter schools is at the discretion of the district and the utilization of these funds by charters often carries additional restrictions.

- **Qualified Zone Academy Bond:** This federal program provides favorable loans for the finance and repair of public school facilities. Charter schools apply directly to the state for these funds, and schools must be located in an Empowerment Zone or Enterprise Community, or serve a student population of which at least 35 percent qualify for the free or reduced-price lunch program.\(^{19}\)

Charitable Contributions
Many charter schools also pursue grants from individual donors and private foundations to support the cost of facilities. According to LIIF’s 2006 facility development and financing survey, nearly 40 percent of respondents engaged in organized capital campaigns to acquire or upgrade facilities, with individual goals of between $100,000 and $20 million in charitable contributions earmarked specifically for facilities.\(^{20}\) Some schools have also successfully encouraged board members or philanthropists to pledge money to a fund to be used as collateral to secure loans.\(^{21}\)
Some charter schools have been successful in negotiating purchase options that can be exercised once they have stable enrollment and reserves.

**Tips and Strategies for Successful Leasing Arrangements**

Given that the vast majority of charter schools lease properties, it is important that charter school partners and operators have a solid understanding of what both parties seek when structuring and negotiating a lease, and how to go about the process of negotiating a successful landlord/tenant relationship.

**What are considered reasonable terms?**

Factors that should be considered for charter school leases include:

- **Length of the lease term and options to renew.** For charter schools that plan to remain in a leased site on a long-term basis, a five-year lease with the option to renew every five years is optimal. This renewal option is particularly important when the building requires a great deal of tenant improvements, a common occurrence especially for sites not originally built to serve as schools.

- **Maintenance and tenant improvement costs.** Common tenant improvements include wiring and cabling for technology usage, painting, adding disability ramps, and expanding bathroom facilities.

- **Other expenses, such as the owner’s share of property taxes, insurance and utilities.**

Charter school experts generally recommend securing a minimum lease of two years to provide adequate stability and to minimize upheavals during early stages of growth. If renovations are required, the school is generally responsible for covering these costs. Some charter operators strongly advise negotiating a rent reduction or an extension on the lease if significant tenant improvements are required.

A landlord may also agree to fund renovations in exchange for higher monthly rent payments. It is critical that both parties carefully evaluate the time and expense associated with leasehold improvements and the potential impact on the school’s budget before deciding which route to take. Some charter schools have been successful in negotiating purchase options that can be exercised once they have stable enrollment reserves.
When leasing commercial properties, tenants often sign a “triple net” lease, in which the lessee pays taxes, insurance and maintenance in addition to rent. The specifics will vary from one lease to another, but these costs may include a percentage of property taxes (although charter schools can apply for a property tax exemption), as well as personal liability insurance, and fire and casualty insurance. For noncommercial sites, such as churches, maintenance is often included in the cost of the rent, though this can be a useful negotiating point.

How can leases be structured to accommodate charter schools’ growing space needs?
Since many charter schools increase enrollment over time, securing a leased property that can accommodate growing space needs and changing operating budgets is a common challenge. Some operators have been able to successfully negotiate step-up leases, those in which rent increases are based on growing enrollment.

For example, in Los Angeles, the Multicultural Learning Center and the New Heights Charter School lease space in religious facilities on a per-student basis. This arrangement has provided the schools with the flexibility to grow over time, and to structure rent payments based on operating funds rather than fixed costs.

Another example of a step-up lease is the Urban Renaissance School of Arts & Technology (also known as “Urban”), a newly opened charter high school in Oakland, California, operated by Envision Schools. The school is leasing space from the Oakland YMCA, an historic building in downtown Oakland that recently underwent a major renovation. The landlord agreed to gradually step-up the rent over a four-year period, as the school adds one grade each year until it reaches its maximum enrollment.

How Landlords Benefit from Leasing to Charters

- Space Maximization and Increased Income Streams: Charter schools can help provide additional income streams by filling otherwise vacant space. For example, Aspire Public Schools has proactively identified cost savings for local Archdioceses through the combination of two small parochial schools into one site, and the leasing of the other site to Aspire, with additional income generated by the Aspire lease.

- Reliable Income Stream: Charter schools may be considered stable tenants compared to a more risky retail client reliant on seasonal business or demand. In growing areas, where space is in short supply, it is often relatively easy to find charter schools with similar space needs to become replacement tenants.

- Tenant Improvements: Charters can take care of needed tenant improvements (e.g., wiring and cabling, painting and Americans with Disabilities Act upgrades) that will increase the value of the property.

- Tax Benefits: Churches and other nonprofit landlords are eligible for a property tax exemption if they lease to charters.
Consider whether the charter school will have a “first right of refusal” on additional space or ownership rights.

Such cases, however, are unusual, particularly when dealing with commercial properties in tight real estate markets. If a building has been on the market for a long time, a landlord is generally more willing to negotiate, and owners of noncommercial properties are often more willing to be flexible, particularly if they purchased the property at below-market cost, as was the case in Urban’s situation.

What are some tips for successful lease negotiations?

Following are considerations that charter schools, landlords and brokers should take into account to facilitate a win-win arrangement:

- Be clear about shared spaces. If a school is sharing space with another tenant, it is important to clarify who has the right to a particular space, such as the library, cafeteria, computer labs or restrooms, and during what hours.

- Consider whether the charter school will have a “first right of refusal” on additional space or ownership rights. Schools should seek language in the lease that gives them priority access to additional space or the opportunity to purchase the property if the owner decides to sell.

- Discuss a possible rent reduction or an extension of the lease term for charter schools that pay for mandatory tenant improvements. If charter schools finance the improvements through a loan from a nonprofit or commercial lender, the lender will require that the charter school have the ability to assign the lease to the lender and/or provide the lender with a leasehold mortgage interest in the property.

- Allow sufficient time for securing permits or variances, and for site feasibility assessments (e.g., traffic flow and impact on the surrounding neighborhood) if a property has not been used for a school, or is not zoned for such use.

- Closely examine the lease’s annual cost increases. Average cost increases higher than three percent per year are likely to outstrip increases to the operations funding charter schools receive and, as such, are likely to be rejected by prospective tenants. An acceptable rent escalator will vary based on location and tenant, so both parties are urged to research local comparables before negotiating the lease.

- Evaluate the ability of the property’s existing infrastructure to support an intensive school program. Is the plumbing adequate? Is there adequate electrical capacity to support an extensive computer program? Will the electrical system be able to support additional energy requirements, such as air conditioning?

Tip for Landlords and Others

If the school is part of a network that operates other charter schools, visiting existing sites can be a great way to gather pertinent information about space requirements and the viability of partnering. Most charter schools are more than happy to arrange a site visit for this purpose.
- Perform an intensive analysis of building components such as windows, roofing, foundation, plumbing, electrical and HVAC. Discuss the degree to which the landlord will make repairs or offer a lower rent in exchange for repairs made by the tenant. Any rent reduction should be in an amount necessary to amortize improvements over the term of the lease and extensions thereof.
- Visit sites operated by other schools to obtain design ideas, and to understand the impact of the prospective education program and its operations on a potential facility.
- Charter schools paying “pass through” property taxes can apply for a property tax exemption. (Few charters take advantage of this money-saving opportunity.)

When evaluating a charter school as a prospective tenant, key issues for landlords include the following:

- Size of enrollment. Is the number of students enrolled in line with the school’s projections? If it is a start-up school, is there a waiting list?
- Academic performance. How is the school performing academically? In California, an API ranking below 4 (on a scale of 1 to 10) at the end of the charter term indicates that the school risks being shut down.
- Fiscal health. How is the school’s financial performance? Audited financial statements and credit references should be furnished upon request.

A helpful reminder for all parties in the negotiation is to identify issues and priorities at the beginning, and have a lawyer review the lease carefully before signing it. This will help ensure that both parties have a clear understanding of the terms and expectations involved before entering into a contract.
Linking charter schools and development partners could have a profound impact on the growth of the charter school movement, as well as on the health and vitality of communities.

### Conclusion

Charter schools play an essential role in revitalizing communities by providing much-needed educational opportunities, keeping families in urban neighborhoods, and transforming dilapidated buildings into state-of-the-art facilities.22 Yet without additional resources to help address key facilities challenges, charter schools will fail to meet their full potential.

Linking charter schools and development partners could have a profound impact on the growth of the charter school movement, as well as on the health and vitality of communities. This report is intended to serve as a helpful tool to stimulate further dialogue and exploration around building these partnerships. For developers and others who are interested in learning more about charter schools as potential development partners, the following organizations offer an array of resources and answers to frequently asked questions about charter schools, facilities and co-location, as well as links to other information sources:

- California Charter Schools Association (myschool.org/charterschools)
- California Department of Education (cde.ca.gov/ds/si/cs/index.asp)
- The Center for Education Reform (edreform.com)
- Los Angeles Unified School District (lausd.net)
- Low Income Investment Fund, including ABCD Constructing Connections, for examples of co-location of affordable housing and child care (liifund.org)
- New Economics for Women (neweconomicsforwomen.org)
- Pacific Charter School Development (pacificcharter.org)
- Southern California Association of NonProfit Housing “SCANPH” (scanph.org)
- U.S. Charter Schools (uscharterschools.org)

Firms specializing in real estate development for the charter market:
- Civic Builders (civicbuilders.org)
- EdBuild (edbuild.org)
- Pacific Charter School Development (pacificcharter.org)
Proposition 39 was passed by California voters in 2003. It requires school districts to provide facilities for charter schools serving 80 or more in-district students, in exchange for a minimal management fee. However, due to district overcrowding and growth plans, few charter schools have been able to secure adequate facilities.


Center for Education Reform, edreform.org.

Ibid.


Ibid.


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