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June 3, 2021

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RE: CTA COMMENTS REGARDING Item #1: Consideration of a Request for Determination of Funding as Required for Nonclassroom-Based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

Dear ACCS Commissioners:

The California Teachers Association would like to express our continued concerns with the funding determination process for Nonclassroom-based charters (NCBs).

We continue to believe that the State is asking the commissioners of the Advisory Commission on Charter Schools (ACCS) and the members of the State Board of Education (SBE) to provide public oversight on these funding determinations in a manner that is impossible given the amount of information, or lack thereof, in the item. Per 5 CCR 11963.3, there is a list of items that are included in the Determination of Funding Request, all of which should be shared with the item. While we appreciate the inclusion of the Determination of Funding Request form with the item, we still believe that the FY 2019-20 audited financial data that was used to develop and evaluate the funding determination form should also be a part of the agenda item.

In the past there have been statements made at the ACCS that the NCB funding determination process is "pro forma". CTA believes that this process cannot be a mere formality or done in a perfunctory manner.

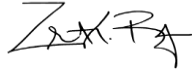
This approach to NCB funding determinations is extremely problematic and given the egregious past practices of some NCBs, CTA believes that there must be heightened oversight and transparency regarding these charters. While the most famous example of these practices is the A3 Charter School scandal, a more robust review process would likely either identify other bad actors or at least cause others to be wary of similar business practices that we saw from A3.

Currently, there is a moratorium on NCBs and CTA believes that during this time the CDE and SBE should be investigating whether NCBs are using funds appropriately and how the funding determination process can be overhauled.

Specific to the NCB in the item, MAAC Community Charter, we recommend that the CDE err on the side of transparency and share information that would be useful to the public and the ACCS members for their deliberations. An explanation for why the NCB opted to not pursue a funding determination at the end of FY 2017-18 would be helpful as the gap in a funding determination for FY 2018-19, FY 2019-20, and FY 2020-21 raises significant questions. We are, however, glad to see a rare funding request that complies with the existing rules around funding levels, and does not ask for a waiver for 100% funding that is not warranted.

CTA believes that for the ACCS members to be able to appropriately make recommendations to the SBE, all the information that NCBs are required to submit to the CDE should be shared with the item. Additionally, any back and forth communication between the CDE and the NCB should also be shared with the ACCS and public.

Sincerely,



E. Toby Boyd, President
California Teachers Association

db:ETB

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