California Department of Education  
Charter Schools Division  
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**ADVISORY COMMISSION ON CHARTER SCHOOLS**

AN ADVISORY BODY TO THE STATE BOARD OF EDUCATION

# April 2024 Agenda Item #01

## Subject

Consideration of Requests 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.

## Type of Action

Action, Information

## Summary of the Issue

California *Education Code* (*EC*)sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based (NCB) instruction. The statutes specify that a charter school that offers NCB instruction in excess of the amount authorized by *EC* Section 47612.5(e)(1) may receive apportionment funding for NCB instruction only if a determination of funding is made by the California State Board of Education (SBE).

The California Department of Education (CDE) reviews a charter school’s determination of funding request and presents it for consideration by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*).

This item considers determination of funding requests for 76 charter schools.

## Proposed Recommendation

The CDE proposes to recommend that the SBE approve 76 schools’ determination of funding requests at their requested level of funding as specified in Attachment 1.

## Funding Determination Criteria

*EC* Section 47634.2(a)(1) provides the following:

Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction…shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school’s total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.

*EC* Section 47634.2(a)(4) further states:

For the 2003–04 fiscal year and each fiscal year thereafter, the amount of funding determined by the State Board of Education pursuant to this section shall not be more than 70 percent of the unadjusted amount to which a charter school would otherwise be entitled, unless the State Board of Education determines that a greater or lesser amount is appropriate based on the criteria specified in paragraph (1) of subdivision (a).

Pursuant to the *EC* Section 47634.2 and SBE-adopted regulations, a charter school may qualify for 70 percent, 85 percent, or 100 percent funding, or may be denied funding (i.e., 0 percent) for its NCB instruction.

To qualify for a proposed recommendation of 100 percent funding, a charter school must meet the following criteria as outlined in 5 *CCR* Section 11963.4(a)(3):

* Spend at least 40 percent of the school’s public revenues on salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students)
* Spend at least 80 percent of total revenues on instruction and related services
* Maintain a ratio of average daily attendance (ADA) for independent study pupils to full-time certificated employees responsible for independent study that does not exceed a pupil-teacher ratio (PTR) of 25:1 or the PTR of the largest unified school district in the county or counties in which the charter school operates

The expenditure and PTR criteria for all funding levels for which a charter school may qualify to receive for its NCB instruction are specified in 5 *CCR* Section 11963.4(a). A summary of the criteria is provided in the table below:

Nonclassroom-Based Instruction Funding Levels

| **Funding Level** | **Percentage Spent on Certificated Salaries and Benefits** | **Percentage Spent on Instruction and Related Services** | **PTR[[1]](#footnote-1)** |
| --- | --- | --- | --- |
| **100%** | ≥ 40 | ≥ 80 | ≤ 25 to 1 |
| **85%** | ≥ 40 | ≥ 70 | Not Applicable |
| **70%** | ≥ 35 | ≥ 60 | Not Applicable |
| **0%** | < 35 | < 60 | Not Applicable |

A determination of funding may not exceed five years, pursuant to *EC* Section 47612.5(d)(2). For a new charter school in its first year of operation, a funding determination shall be for a period of two fiscal years, pursuant to 5 *CCR* Section 11963.6(a). For an existing charter school with an active funding determination, a funding determination shall be in increments of a minimum of two years and a maximum of five years in length, pursuant to 5 *CCR* Section 11963.6(c).

It is the CDE’s current practice to recommend a funding period of three or four years for an existing charter school with an active funding determination, based on the number of times the school has renewed its funding determination with the SBE. In the past, the CDE recommended five-year periods dependent on a charter school’s Academic Performance Index (API) rank, pursuant to *EC* Section 47612.5(d)(2); however, because API is no longer calculated, the CDE does not currently recommend five-year funding determination periods.

## Analysis of Funding Determination Requests

All schools presented in this item meet the regulatory requirements to qualify for their requested level of funding for their NCB instruction based on reported fiscal year (FY) 2022–23 data. Therefore, the CDE proposes to recommend that the SBE approve the schools’ determination of funding requests at the percentages and for the funding periods as specified in Attachment 1.

If a school’s determination of funding request is approved, the school will be eligible to receive funding for its ADA generated through NCB instruction as approved by the SBE, pursuant to *EC* Section 47634.2(c).

## Attachments

* **Attachment 1:** Proposed Recommendations for Nonclassroom-Based Determination of Funding
* **Attachment 2:** Determination of Funding Request for Alta Vista Innovation High, Charter #1895
* **Attachment 3:** Additional Attachment for Alta Vista Innovation High, Charter #1895
* **Attachment 4:** Determination of Funding Request for Altus Schools Audeo, Charter #406
* **Attachment 5:** Determination of Funding Request for Altus Schools Charter School of San Diego, Charter #28
* **Attachment 6:** Additional Attachment for Altus Schools Charter School of San Diego, Charter #28
* **Attachment 7:** Determination of Funding Request for Altus Schools East County, Charter #1889
* **Attachment 8:** Determination of Funding Request for Altus Schools South Bay, Charter #1903
* **Attachment 9:** Determination of Funding Request for Ambassador Phillip V. Sanchez II Public Charter, Charter #1905
* **Attachment 10:** Determination of Funding Request for Arete Charter Academy, Charter #1898
* **Attachment 11:** Determination of Funding Request for ASA Charter, Charter #677
* **Attachment 12:** Determination of Funding Request for Assurance Learning Academy, Charter #1458
* **Attachment 13:** Additional Attachment for Assurance Learning Academy, Charter #1458
* **Attachment 14:** Determination of Funding Request for Audeo Valley Charter, Charter #2118
* **Attachment 15:** Determination of Funding Request for Cabrillo Point Academy, Charter #1748
* **Attachment 16:** Additional Attachment for Cabrillo Point Academy, Charter #1748
* **Attachment 17:** Determination of Funding Request for California Pacific Charter - San Diego, Charter #1758
* **Attachment 18:** Determination of Funding Request for California Pacific Charter- Los Angeles, Charter #1751
* **Attachment 19:** Determination of Funding Request for California Virtual Academy @ Los Angeles, Charter #838
* **Attachment 20:** Additional Attachment for California Virtual Academy @ Los Angeles, Charter #838
* **Attachment 21:** Determination of Funding Request for California Virtual Academy @ Sonoma, Charter #653
* **Attachment 22:** Determination of Funding Request for California Virtual Academy at Kings, Charter #840
* **Attachment 23:** Determination of Funding Request for California Virtual Academy at Sutter, Charter #1606
* **Attachment 24:** Determination of Funding Request for California Virtual Academy San Mateo, Charter #802
* **Attachment 25:** Determination of Funding Request for Carter G. Woodson Public Charter, Charter #378
* **Attachment 26:** Determination of Funding Request for Charter Alternative Program (CAP), Charter #360
* **Attachment 27:** Determination of Funding Request for Circle of Independent Learning, Charter #152
* **Attachment 28:** Determination of Funding Request for Clarksville Charter, Charter #1891
* **Attachment 29:** Determination of Funding Request for College and Career Prep Academy, Charter #1761
* **Attachment 30:** Determination of Funding Request for Compass Charter School of Los Angeles, Charter #1651
* **Attachment 31:** Determination of Funding Request for Compass Charter School of San Diego, Charter #1454
* **Attachment 32:** Determination of Funding Request for CORE Charter, Charter #165
* **Attachment 33:** Determination of Funding Request for Crescent Valley Public Charter II, Charter #1894
* **Attachment 34:** Determination of Funding Request for Crescent View South II, Charter #1893
* **Attachment 35:** Additional Attachment for Crescent View South II, Charter #1893
* **Attachment 36:** Determination of Funding Request for Da Vinci RISE High, Charter #2017
* **Attachment 37:** Determination of Funding Request for Diego Hills Central Public Charter, Charter #1909
* **Attachment 38:** Determination of Funding Request for eCademy Charter at Crane, Charter #1309
* **Attachment 39:** Determination of Funding Request for Eleanor Roosevelt Community Learning Center, Charter #395
* **Attachment 40:** Determination of Funding Request for Golden Eagle Charter, Charter #983
* **Attachment 41:** Determination of Funding Request for Golden Valley Charter, Charter #356
* **Attachment 42:** Determination of Funding Request for Greater San Diego Academy, Charter #261
* **Attachment 43:** Determination of Funding Request for Guajome Learning Centers, Charter #1351
* **Attachment 44:** Determination of Funding Request for Hearthstone, Charter #110
* **Attachment 45:** Determination of Funding Request for Horizon Charter, Charter #15
* **Attachment 46:** Determination of Funding Request for iLEAD Online, Charter #1902
* **Attachment 47:** Determination of Funding Request for Insight @ San Diego, Charter #1371
* **Attachment 48:** Determination of Funding Request for Insight @ San Joaquin, Charter #1762
* **Attachment 49:** Determination of Funding Request for JCS - Cedar Cove, Charter #2022
* **Attachment 50:** Determination of Funding Request for JCS - Manzanita, Charter #2024
* **Attachment 51:** Determination of Funding Request for JCS - Mountain Oaks, Charter #1992
* **Attachment 52:** Determination of Funding Request for JCS - Pine Hills, Charter #2018
* **Attachment 53:** Determination of Funding Request for JCS - Pine Valley, Charter #2021
* **Attachment 54:** Determination of Funding Request for Julian Charter, Charter #267
* **Attachment 55:** Determination of Funding Request for Kings Valley Academy II, Charter #1896
* **Attachment 56:** Determination of Funding Request for Learning for Life Charter, Charter #362
* **Attachment 57:** Determination of Funding Request for Los Angeles College Prep Academy, Charter #741
* **Attachment 58:** Determination of Funding Request for Madera County Independent Academy, Charter #1001
* **Attachment 59:** Determination of Funding Request for Matrix for Success Academy, Charter #1961
* **Attachment 60:** Determination of Funding Request for Method Schools, LA, Charter #1697
* **Attachment 61:** Determination of Funding Request for Ocean Grove Charter, Charter #747
* **Attachment 62:** Additional Attachment for Ocean Grove Charter, Charter #747
* **Attachment 63:** Determination of Funding Request for Opportunities for Learning - Duarte, Charter #1599
* **Attachment 64:** Determination of Funding Request for Opportunity Academy, Charter #1888
* **Attachment 65:** Determination of Funding Request for Options for Youth-Acton, Charter #1911
* **Attachment 66:** Additional Attachment for Options for Youth-Acton, Charter #1911
* **Attachment 67:** Determination of Funding Request for Orchard View Charter, Charter #310
* **Attachment 68:** Determination of Funding Request for Pacific Coast Academy, Charter #1892
* **Attachment 69:** Additional Attachment for Pacific Coast Academy, Charter #1892
* **Attachment 70:** Determination of Funding Request for Pacific View Charter School 2.0, Charter #1884
* **Attachment 71:** Determination of Funding Request for Paseo Grande Charter, Charter #1727
* **Attachment 72:** Determination of Funding Request for Pioneer Technical Center, Charter #460
* **Attachment 73:** Determination of Funding Request for Pivot Charter School Riverside, Charter #1984
* **Attachment 74:** Determination of Funding Request for Placer County Pathways Charter, Charter #1432
* **Attachment 75:** Determination of Funding Request for Rio Valley Charter, Charter #1229
* **Attachment 76:** Determination of Funding Request for Sage Oak Charter, Charter #1885
* **Attachment 77:** Determination of Funding Request for Sage Oak Charter School - Keppel, Charter #1886
* **Attachment 78:** Determination of Funding Request for Santa Rosa Academy, Charter #730
* **Attachment 79:** Additional Attachment for Santa Rosa Academy, Charter #730
* **Attachment 80:** Determination of Funding Request for Stanislaus Alternative Charter, Charter #1607
* **Attachment 81:** Determination of Funding Request for Sutter Peak Charter Academy, Charter #1764
* **Attachment 82:** Determination of Funding Request for Trillium Charter, Charter #891
* **Attachment 83:** Determination of Funding Request for Trivium Charter, Charter #1319
* **Attachment 84:** Determination of Funding Request for Twin Ridges Home Study Charter, Charter #1428
* **Attachment 85:** Determination of Funding Request for W.E.B. DuBois Public Charter, Charter #270
* **Attachment 86:** Determination of Funding Request for Yosemite Valley Charter, Charter #1841
* **Attachment 87:** Additional Attachment for Yosemite Valley Charter, Charter #1841
* **Attachment 88:** Determination of Funding Request for Venture Academy, Charter #423

1. The PTR criteria outlined in this table pertain only to charter schools submitting NCB funding determination requests for their NCB instruction. All charter schools offering independent study are required to comply with the ADA to certificated-employee ratios outlined in *EC* Section 51745.6. [↑](#footnote-ref-1)