



TOM TORLAKSON
State Superintendent of
Public Instruction

Nonclassroom–Based Instruction

Request For Funding Determination

Fiscal Year 2015–16

California Department of Education
Charter Schools Division



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Background

- In 2001, Senate Bill (SB) 740 (Chapter 892, Statutes of 2001) was enacted strengthen the fiscal oversight of nonclassroom-based (NCB) charter schools and established the determination of funding process. SB 740 also directed the State Board of Education (SBE) to adopt regulations defining and establishing the process for determining funding of NCB charter schools. The bill amended *Education Code (EC)* Section 47612.5 and added *EC* Section 47634.2
- Under SB 740, a charter school whose reported classroom-based Average Daily Attendance (ADA) is less than 80 percent of the total reported ADA is required to obtain approval from the SBE for a NCB funding determination in order to be funded for its NCB ADA.
- NCB charter schools opening for the first time in the fall of 2015, charter schools with existing funding determinations that expire at the end of FY 2015-16, and charter schools converting from a classroom-based instructional setting to a NCB instructional setting in the FY 2016–17.
- The NCB funding determination request is reviewed by the California Department of Education (CDE) and a recommendation is presented to the Advisory Commission on Charter Schools (ACCS). The CDE and ACCS recommendations on the requests are then forwarded and presented to the SBE for final approval.

Classroom or Nonclassroom-Based Instruction?

A charter school that offers an instructional setting that does not meet the definition of a classroom-based setting is considered a NCB charter school.

Pursuant to California law, classroom-based instruction occurs if the following conditions are met:

- Pupils are under the immediate supervision and control of a certificated credentialed teacher
- At least 80 percent of the instructional time offered must be at a school site
- The school site must be a facility that is used principally for classroom instruction, AND
- Pupils are required to be in attendance at least 80 percent of the minimum instructional time required to be offered by law.

If these conditions are not met, the charter school is considered to offer NCB instruction.

EC Section 47612.5 (e)(1) and California Code of Regulations and 5 CCR Section 11963



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Requesting a Funding Determination

NCB Funding Determination Form (FDF) is located on the CDE Web site:
Nonclassroom-Based Instruction and Determination of Funding

<http://www.cde.ca.gov/sp/cs/as/nclrbifunddet.asp>.

The screenshot shows a web browser window with the URL <http://www.cde.ca.gov/sp/cs/as/nclrbifunddet.asp>. The page title is "Nonclassroom-Based Determination of Funding". The main heading is "Nonclassroom-Based Determination of Funding" in a large, bold, green font. Below the heading is the text "Information for nonclassroom-based instruction schools on how to apply for a funding determination." followed by a horizontal line. The text continues: "Enacted by [Senate Bill 740](#) (PDF) (Chapter 892, Statutes of 2001, [Education Code \[EC\] Section 47612.5](#)) prohibiting charter schools from receiving any funding for nonclassroom-based instruction unless the State Board of Education (SBE) determines its eligibility for funding." Below this is a section titled "SBE Approved Funding Determinations by Fiscal Year" with a list of years: [2014-15](#) | [2013-14](#) | [2012-13](#) | [2011-12](#) | [2010-11](#) and [2001-02 through 2009-10](#). The next section is "Forms and Instructions for Fiscal Year (FY) 2015-16" with a list of five items: 1. [Determination of Funding Requests for Nonclassroom-Based Charter Schools Letter](#), 2. [Reasonable Basis Mitigating Circumstances Request for Nonclassroom-Based Charter Schools Letter](#), 3. [Instructions for Nonclassroom-based Funding Determination Form](#), 4. [Nonclassroom-Based Funding Determination Form](#) (XLS), and 5. [Mitigating Circumstances Request Summary Sheet](#) (XLS).

Filing Deadline



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Late filings will not be accepted by the CDE. The charter school will be required to obtain an SBE approved waiver for missing the filing deadline. The CDE will resume processing late requests after the SBE waiver has been approved. Information on the waiver process is located at: Waiver Process for the SBE <http://www.cde.ca.gov/re/lr/wr>.

New NCB charter school's deadline: December 1, 2015

A new NCB charter school that misses the December 1, 2015 deadline will have until the SBE's May 2016 meeting to obtain either the SBE approved funding determination or waiver. If not met, the CDE may not disburse principal apportionment funds for any of the charter school's NCB ADA beginning with the FY 2015–16 Second Principal (P-2) Apportionment.

Continuing NCB charter school's deadline: February 1, 2016

A continuing NCB charter school that misses the February 1, 2016 deadline will have until the SBE's January 2017 meeting to obtain either the SBE approved funding determination or waiver. If not met, the CDE may not disburse principal apportionment funds for any of the charter school's NCB ADA beginning with the FY 2016–17 First Principal (P-1) Apportionment.

A continuing NCB charter school that needs a funding determination for the FY 2015–16 will have until the SBE's January 2016 meeting to obtain either the SBE approved funding determination or waiver. If not met, the CDE will not disburse principal apportionment funds for any of the charter school's NCB ADA beginning with the FY 2015–16 First Principal Apportionment.



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Funding Determinations*

When filing a funding determination request, a NCB charter school is asked to request one of three funding determination levels:

100%

85%

70%

***5 CCR Section 11963.4**



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100% Funding Determination*

To qualify for full funding:

1. At least **40 percent of the charter school's total public revenues must be spent** on Instructional Certificated Salaries and Benefits, AND
2. At least **80 percent of the charter school's total revenues must be spent** on Instruction and Instruction-Related Services,
AND
3. The charter school's Pupil to Teacher Ratio (PTR) cannot exceed:
 - a) 25 to 1 or
 - b) Equivalent PTR of the largest unified school district in county or counties in which the charter school operates

*5 CCR Section 11963.4 (a)(3) and (e)



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Funding Determination Criteria*

Funding Level Percent	Certificated Salary & Benefits	Instruction & Instruction Related Services	Pupil – FTE Teacher Ratio
100	= or > 40% AND	= or > 80% AND	25:1
85	= or > 40% AND	= or > 70%	N/A
70	= or > 35% AND	= or > 60%	N/A
Denial	< 35% OR	< 60%	

*5 CCR Section 11963.4



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Funding Determination Form*

- Funding Determination Form (FDF) is available on the CDE Nonclassroom-Based Instruction and Senate Bill 740 Web page at <http://www.cde.ca.gov/sp/cs/as/nclrbifunddet.asp>. FDF is composed of six sections:
 - I. Charter Information (Slide 12) II. Certification (Slide 13)
 - III. Financial Information (Slides 14 to 17)
 - Revenues (Federal, State, Local, Other)
 - Expenditures (Instructional, Facilities, Administration, Other)
 - Fund Balance and Reserves
 - IV. Supplemental Information (Slide 18)
 - 1. Pupil-Teacher Ratio
 - 2. List of Entities
 - 3. List of Board Members
 - 4. Identification of Transfers and Other Outgo
 - 5. List of Reserves
 - 6. Number of FTE Certificated Employees
 - 7. Explanation of Excess Reserves
 - V. Virtual or On-Line Charters (Slide 19)
 - VI. Funding Determination Calculations (Slide 20)
 - 1. Percent spent on Certificated Salaries & Benefits to Total Public Revenues
 - 2. Percent spent on Instruction & Instruction-Related Services to Total Revenues



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FDF - General

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1	California Department of Education												
2	Charter Schools Division												
3	Revised August 2015												
4	California Department of Education												
5	Nonclassroom-Based Funding Determination Form (FDF)												
6	Fiscal Year 2015-16												
7	CDE Nonclassroom Based Instruction and SB 740 Web Page: www.cde.ca.gov/sp/cs/as/nclrbifunddet.asp												
8									Check One (X)				
9	New Charter School in FY 2015-16 (Source data: Use FY 2015-16 estimated budget)								Due 12/01/2015		()		
10	Existing Charter School (Source data: Use FY 2014-15 audited financial report)								Due 2/01/2016		()		
11	Existing Charter School New in FY 2014-15								5 CCR 11963.6 (a)		Due 9/30/2015		()
12	Within 90 days after the end of a new charter school's first year of operation, two reports are required to be filed with the CDE: (1) FDF- using FY 2015-16 budget data and (2) Unaudited Actual Report for the FY 2014-15. Note- the FDF due on 9/30/2015 is in addition to the FDF that will be due on or before 2/1/2016.												
13	Other (Enter the fiscal year used as the source data: _____)								Fiscal Year: ____/____		()		
14	A charter school must obtain a waiver from the SBE if the FDF is not filed timely. Information on the waiver process is posted on the Waiver Process for the SBE at www.cde.ca.gov/re/lr/wr . The charter authorizer's governing board of a school district or county office of education will need to request a waiver of parts of the California <i>Education Code</i> and regulations. The SBE may approve such waivers under the non-waivable general waiver authority, sections 33050-33053.												

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FDF – Section I. Charter Information



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Complete Sections I through V												
14												
15	Section I. Charter Information					(Complete Lines 1 to 21)				5 CCR 11963.3 (a)(1) to (4)		
16	1. Charter School Name								2. Charter #			
17	3. Charter Authorizer								4. CDS Code			
18	5. Street Address											
19	6. City				7. State		8. Zip Code					
20	9. Contact Name					10. Title						
21	11. Phone Number				12. E-Mail							
23	13. Requested Funding (Select one):			100% / 85% / 70%								
24	14. Years Requested (Select 2, 3, 4, or 5)			New charters are limited to two years 5 CCR 11963.6 (a)								
25	15. Current Funding Determination Expires						16. Period Requested		Fiscal Year ___/___ to ___/___			
26	mm/dd/yyyy or N/A- New Charter											
27	17. Charter Granted on			mm/dd/yyyy		18. Grade Levels Served						
28	19. Charter Expires on			mm/dd/yyyy		20. P2 ADA		Existing Charters (enter FY 2014-15 Total P2 ADA)				
29						21. Est P2 ADA		New Charters (enter FY 2015-16 Total P2 ADA)				

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FDF – Section II. Certification



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A	B	C	D	E	F	G	H	I	J	
30	Section II. Certification		(Review, sign, and date)				5 CCR 11963.3 (b)(1)			
31	I certify that:									
32	✓	1.	The information provided is true and correct to the best of my ability and knowledge.							
33	✓	2.	This charter school's nonclassroom-based instruction is conducted for and substantially dedicated to the instructional benefit of the school's students.							
34	✓	3.	This charter school's governing board has adopted and implemented conflict of interest policies.							
35	✓	4.	All of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services, and considerations rendered for or supplied to the school.							
36										
37										
38										
39	_____ Print Name of Charter School's Director, Principal, or Governing Board Chairperson									
40										
41	_____ Signature of Charter School's Director, Principal, or Governing Board Chairperson									
42										
43	_____ Title of Authorized Individual						_____ Date			
44										

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FDF — Section III. Financial Information - Resources



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	A	B	C	D	E	F	G	H	I	J	
48	A.	Total Resources (Complete lines A.1.a. to d.)							5 CCR 11963.3 (a)(5)(A) and (6)		
49		1. Revenues and Other Resources									
50		a. Federal Revenues									
51		(i) Enter amount of Public Charter Program included under Federal									
52		LCFF funding sources (State Aid, Education Protection Account, In Lieu of Property Taxes, other LCFF Transfers (8010-8099), and Other State Revenues (8300-8599))									
53		b. State Revenues									
54		c. Local Revenues									
55		d. Other Financing Sources									
56		e. Total Revenues (Sum of lines A1a to A1d.)									

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FDF — Section III. Financial Information – Total Expenditures



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	A	B	C	D	E	F	G	H	I	J	
60		B. Total Expenditures and Other Uses	(Complete lines B.1. to B.4.)								
61		1. Instruction and Related Services									5 CCR 11963.3 (a)(5)(B) and (6)
62		a. Salaries and Benefits									
63		(i) Certificated									\$ -
64		(ii) Classified									\$ -
65		b. Books, Supplies, and Equipment									\$ -
66		c. Services and Other Operating Costs									
67		(i) Contracts for Instructional Services									\$ -
68		(ii) Contracts for Instructional Support									\$ -
69		(iii) All other Instruction Related Operating Costs									\$ -
70		d. Total Instruction and Related Services									\$ -
72		2. Operations and Facilities									5 CCR 11963.3 (a)(5)(C) and (6)
87		3. Administration and Other Activities									5 CCR 11963.3 (a)(5)(D) and (6)
98		4. Other Outgo and Other Financing Uses									5 CCR 11963.3 (a)(5)(E) and (6)
104		5. Total Expenditures									\$ -
105		(Sum of lines B1d, B2e, B3d, and B4d)									
106		C. Revenues Over Expenditures- Surplus or (Deficit)	(Line A.1.e minus B.5)								\$ -
107		5 CCR 11963.3 (a)(5)(F)									

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FDF — Section III. Financial Information – Fund Balance and Reserves



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	A	B	C	D	E	F	G	H	I	J	
109	D.	Fund Balance	(Complete line D.a.)								
110											
111		a.	Beginning Fund Balance (July 1)				5 CCR 11963.3 (a)(5)(A)		\$	-	
112		b.	Ending Fund Balance (June 30 / Line C plus Line D.a.)						\$	-	
113											
114	E.	Reserves	(Complete lines E.a. to E.e.)								
115			If reserves listed in lines E.a. or E.b. are more than \$50,000 or over 5% of total expenditures, explain in Section IV.7. the purpose for reserves at such levels. 5 CCR Section 11963.3(a)(5)(F).								
116							% of Expenditures				
117		a.	Designated for Economic Uncertainties				#DIV/0!		\$	-	
118		b.	Facilities Acquisition or Capital Projects				#DIV/0!		\$	-	
119		c.	Reserves required by Charter Authorizer						\$	-	
120		d.	Other Reserves (identify in Section IV.5 below)						\$	-	
121		e.	Unassigned/Unappropriated Fund Balance						\$	-	
122		f.	Total (Sum of lines E.a. to E.e.)	Note- Line E.f. must agree with Line D.b.						\$	-

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FDF — Section IV. Supplemental Information



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1. Report the charter school's Pupil-Teacher Ratio (PTR). PTR cannot exceed 25:1.
2. List name of entity, amounts, and provide explanations for those entities paid \$50,000 or more or at least 10 percent or more of total expenditures in the FY 2014-15 or 2015-16.
3. List the current board members and any affiliations with entities reported in number 2.
4. Identify any reported Transfers or Other Outgo.
5. List and explain purpose of reported Other Reserves.
6. Explain reason for excess reserves designated for economic uncertainties or capital facilities.
7. Indicate the number of FTE Certificated Employees employed at the charter school for FYs 2014-15 or 2015-16.

FDF — Section V. NCB Virtual or On-Line Charters



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A166 : Section V. Nonclassroom-Based Virtual or On-Line Charters

	A	B	C	D	E	F	G	H	I	J
166	Section V. Nonclassroom-Based Virtual or On-Line Charters								(Complete lines 1 and 2. If applicable)	
167	1. Is this charter school a virtual or on-line charter school as defined pursuant to 5 CCR Section 11963.5?									
168	(A virtual or on-line charter school is one in which at least 80 percent of teaching and student interaction occurs via the Internet)									
169	Yes or No		5 CCR 11963.5							
170	2. If Yes to line V.1., can the charter school demonstrate compliance with 5 CCR Section 11963.5 (b) (2) to (8)?									
171	Yes or No		Regulations are available at:			http://www.cde.ca.gov/sp/cs/lr/csregsmar04.asp				

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FDF – Section VI. Calculations



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Section VI. Calculated Funding Determination Percentage

172	Section VI. Calculated Funding Determination Percentage	
173	Ch.#	0
173	Charter:	0
174		1. Percent spent on Certificated Employee Salaries & Benefits to Total Public Revenues
175		Source: 5 CCR 11963.3 (c) (1)
176	#DIV/0!	Formula:
177		Certificated S&B costs Line B.1.a (1) / Federal Revenues Lines A.1.a - PCSGP A.1.a (i) + State Revenues A.1.b.
178		2. Percent spent on Instruction & Instruction-Related Services to Total Revenues
179	#DIV/0!	Source: 5 CCR 11963.3 (c) (2)
180		Formula: Instructional & Related Services costs. Line B.1.d. + Allowable Facilities costs 2.f (iv) / Total Revenues Line A.1.e.
181		
182	Funding Determination Criteria	If the percentages from lines VI.1 OR VI.2 do not meet the minimum spending criteria required of the funding level requested, a Mitigating Circumstances Request Summary Sheet may be filed with the CDE along with the EDF for the request to be considered by the Advisory Commission on Charter Schools. Mitigating worksheet is available at:
183		http://www.cde.ca.gov/sp/cs/as/nclrbifunddet.asp
184	100%	1) Line VI.1. equals or exceeds 40 percent, 2) Line V1.2 equals or exceeds 80 percent, AND 3) Line IV.1.a., charter school's PTR cannot exceed of 25:1 OR the PTR on Line IV.1.c., largest unified school district in the county or counties in which the charter school operates, the ACCS shall recommend approval at 100%, unless there is a reasonable basis to recommend otherwise. [5 CCR 11963.4 (a) (3)]
185	85%	1) Line VI.1. equals or exceeds 40 percent, AND 2) Line V1.2 equals or exceeds 70 percent but less than 80 percent, the ACCS shall recommend approval at 85 percent, unless there is a reasonable basis to recommend otherwise. [5 CCR 11963.4 (a) (2)]
186	70%	1) Line VI.1. equals or exceeds 35 percent, AND 2) Line V1.2 equals or exceeds 60 percent but less than 70 percent, the ACCS shall recommend approval at 70%, unless there is a reasonable basis to recommend otherwise. [5 CCR 11963.4 (a) (1)]
187	Denied	1) Line VI.1. is less than 35 percent, OR 2) Line V1.2 is less than 60 percent, the ACCS shall recommend that the SBE deny the request, unless there is a reasonable basis to recommend otherwise. [5 CCR 11963.4 (a) (4)]

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Duration of Funding Determination



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Charter Type	Minimum Term	Maximum Term	Effective Period
<p>New</p> <p>5 CCR Section 11963.6 (a) states that an approved determination of funding for a new charter school ...shall be for two fiscal years.</p>	2 Years	2 Years	2015–16 2016–17
<p>Existing</p> <p>5 CCR Section 11963.6(c) any determination of funding request approved by the SBE...shall be prospective (not for the current year) and in increments of a minimum of two years and a maximum of five years in length.</p>	2 Years	Up to 5 Years	2016–17 up to 2020–21



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New Charter Schools

Additional reporting requirements*

Report	Due Date	Source Data
Unaudited Actual Report	September 30, 2016	FY 2015–16 Unaudited Actual Report
Funding Determination Form	September 30, 2016	FY 2016–17 Budget

Chronology of Events for New Charter Schools:

- December 1, 2015 - File FY 2015-16 FDF using FY 2015-16 budget data. Funding Determination covers FY 2015-16 and 2016-17
- September 30, 2016 – File FDF using 2016-17 budget data and the FY 2015-16 Unaudited Actual Report
- February 1, 2017 – File FY 2016-17 FDF using FY 2015-16 audited data. Funding Determination will cover FY 2017-18 and beyond (up to 5 years)

*5 CCR Section 11963.6 (a)



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“Reasonable Basis”/ Mitigating Circumstances*

If a charter school’s request does not meet the criteria for the funding determination (Slide 9) requested, regulations allow the ACCS to find a “reasonable basis” (referred to as mitigating circumstances) by which to make a recommendation other than one that results from the criteria specified in the regulations.

Mitigating Circumstances may include, but are not limited to, the following:

- One-time or Unique or Exceptional Expenses
- Size of the Charter School
- Number of Years in Operation

*5 CCR Section 11963.4(e)



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Requesting Mitigating Circumstances*

- Charter schools that opt to request consideration of a mitigating circumstance will need to submit a signed and completed CDE Mitigating Circumstances Request Summary Sheet. The FDF and Mitigating Circumstances Request Summary Sheet along with any supporting documentation are all due at the same time.
- The Mitigating Circumstances Request Summary Sheet is posted on the Nonclassroom-Based Instruction and Determination of Funding Web page at <http://www.cde.ca.gov/sp/cs/as/nclrbifunddet.asp>.
- The CDE may have additional questions and may ask for additional documentation or information in support of the charter school's mitigating circumstances request.
- FDF and Mitigating Circumstances Request Summary Sheet filed after the applicable deadline will not be accepted by the CDE. NCB charter schools will be required to obtain a waiver from the SBE. Information on the waiver process is available on the Waiver Process for the California State Board of Education page at <http://www.cde.ca.gov/re/lr/wr>.

*5 CCR Section 11963.4(e)

Mitigating Circumstances Request Summary Sheet



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15 Enter the reported Charter School's Ratios (source: Form FDF)			
	Certificated Staff Costs to Total Public Revenues Ratio	Instruction and Instruction Related Services Costs to Total Revenues Ratio	Pupil to Teacher Ratio
16			
17	Enter the charter school's calculated ratios from the FDF in Section VI. Line 1. and VI. Line 2 ----->.	%	% : 1
18 If the charter school does not meet the funding determination criteria for the funding level requested, review Section C, complete Section D1., D2., D3. and sign and certify in Section E. Any supporting documentation that provides further clarification should also be filed.			
22 Mitigating Circumstances (attach any supporting documentation)			
23	1. Explain why the charter school did not meet the criteria for the funding determination requested. Include specific measures or actions taken by the charter school to comply.		
25	2. List and explain the mitigating circumstance(s) to be considered by the CDE and Advisory Commission on Charter Schools (ACCS).		
27	3. Provide any other pertinent information that may assist the CDE and ACCS in conducting a detailed review or develop a reasonable basis for a recommendation.		
29			
30 Certification			
31	I hereby certify to the best of my knowledge and belief, that the information is true and correct.		
32			
33			
34	Signature of Charter School's Director, Principal, or Governing Board Chairperson		
35			
36	Print Name of Charter School's Director, Principal, or Governing Board Chairperson		
37			
38			
39	Title of Authorized Individual		Date
40			

Instructions MitigatingForm

READY 100%



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Due Dates

Charter Type	Due	Form(s)	Media
Newly Operational NCB Charter School	December 1, 2015	<ul style="list-style-type: none"> FDF Conflict of Interest Policy If needed, a Mitigating Circumstances Request Summary Sheet 	Both hardcopy and electronic files
Continuing NCB Charter School	February 1, 2016	<ul style="list-style-type: none"> FDF Conflict of Interest Policy If needed, a Mitigating Circumstances Request Summary Sheet 	Both hardcopy and electronic files



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Where to File?

- E-mail electronic files (FDF- Excel file format, Conflict of Interest Policy, and Mitigating Circumstances Summary Sheet, if needed) to the CDE at:
 - Charter-SB740@cde.ca.gov
- Mail signed hardcopies (FDF, Conflict of Interest Policy, and Mitigating Circumstances Summary Sheet, if needed) to the CDE at:

Attention: Nonclassroom-based Funding Determination
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814-5901



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NCB

Laws and Regulations

- California *Education Code* Section 47612.5
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=47612.5
- California *Education Code* Section 47634.2
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=47634.2.
- California *Code of Regulations*, Title 5, sections 11963 to 11963.7 www.cde.ca.gov/sp/cs/lr/csregsmar04.asp



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