

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-jul18item01

# California State Board of EducationJuly 2018 AgendaItem #11

## 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* sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based instruction. The statutes specify that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination of funding is made by the 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 to the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*).

## Recommendation

The CDE recommends that the SBE approve the determination of funding for the periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

## Advisory Commission on Charter Schools Recommendation

At the June 12, 2018 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determinations of funding and the time periods specified for the nonclassroom-based charter schools as provided in Attachment 1.

## Brief History of Key Issues

The nonclassroom-based charter schools identified on Attachment 1 submitted requests to obtain a determination of funding by the SBE to establish eligibility to receive apportionment funding.

Pursuant to 5 *CCR* Section 11963.4(a), a nonclassroom-based charter school may qualify for either 70 percent, 85 percent, or 100 percent funding, or may be denied. To qualify for a proposed recommendation of 100 percent funding, a nonclassroom-based charter school must meet the following criteria:

* At least 40 percent of the school’s public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate;
* At least 80 percent of all revenues are to be spent on instruction and instruction-related services; and
* The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1 or the pupil-teacher ratio of the largest unified school district in the county or counties in which the charter school operates.

5 *CCR* Section 11963.6(c) specifies that a determination of funding shall be for a minimum of two years and a maximum of five years in length. For new charter schools, the approved funding determination shall be for two fiscal years.

When making a recommendation for a funding determination, the CDE also considers the number of years a charter school has been in operation and the number of years requested for the determination of funding by the charter school. The CDE proposes to recommend two years for new charter schools and four years for charter schools that do not meet the Academic Performance Index requirement and have been in operation for three or more years. The CDE proposes to recommend that the SBE approve the determination of funding and the period specified for the nonclassroom-based charter schools as provided in Attachment 1.

The meeting notice for the June 12, 2018 Advisory Commission on Charter Schools (ACCS) meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice061218.asp>.

## Summary of Previous State Board of Education Discussion and Action

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

## Fiscal Analysis

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the Local Control Funding Formula model.

## Attachment

* **Attachment 1:** Proposed Determination of Funding Recommendation for Nonclassroom-based Charter Schools (1 Page)