

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-sep18item02

# California State Board of EducationSeptember 2018 AgendaItem #12

## Subject

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.

## 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*).

There are two charter schools for this item:

Golden Gate Charter School (GG) is requesting a determination of funding to establish eligibility to receive apportionment funding operating as a new nonclassroom based charter school.

Evergreen Institute of Excellence (EIE) charter school’s request for a 100 percent nonclassroom based determination of funding was previously approved by the SBE at its July 2018 meeting. However, the two year period approved at the July 2018 meeting was incorrectly listed as fiscal years (FYs) 2018–19 through 2019–20. The correct time period for approval should be from FYs 2017–18 through 2018–19.

## Recommendation

The CDE proposes to recommend that the SBE approve the determination of funding for the periods specified for the nonclassroom-based charter schools as provided in Attachments 1 and 2.

## Advisory Commission on Charter Schools Recommendation

At the June 12, 2018, meeting, the ACCS voted unanimously to approve the CDE recommendation for EIE that the SBE approve the determinations of funding and the time periods specified as provided in Attachment 1. Also, at the August 14, 2018, ACCS meeting, the ACCS voted unanimously to approve the CDE recommendation for GG that the SBE approve the determinations of funding and the time periods as provided in Attachment 2.

## Brief History of Key Issues

### Golden Gate Charter School

GG submitted a request for a determination of funding to establish eligibility to receive apportionment funding. However, GG filed the determination of funding request after the filing deadline of December 1, 2017. At the July 2018 SBE meeting, the SBE approved a waiver to allow GG to file a determination of funding request after the filing deadline. The ACCS approved GG’s determination of funding request at its August 2018 meeting.

Pursuant to 5 *CCR* Section 11963.4(a), a nonclassroom-based charter school may qualify for either 70 percent, 85 percent, or 100 percent full 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.
* 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 time period of two years and a maximum of five years in length. For newly operational charter schools, regulation requires a funding determination period of two fiscal years. GG is a new charter school that began operations on August 1, 2017. Hence, the CDE proposes to recommend that the SBE approve the determination of funding at 100 percent for two years FYs 2017–18 and 2018–19.

The meeting notice for the August 14, 2018, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice081418.asp>.

### Evergreen Institute of Excellence

At the July 2018 SBE meeting, EIE’s request for a determination of funding, with mitigating circumstances, was approved by the SBE at 100 percent for a two year period. However, the two year period (FYs 2018–19 through 2019–20) listed for approval is not correct. The correct period for approval should be for the two year period from FYs 2017–18 through 2018–19.

The meeting notice for the June 12, 2018, 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 Attachments 1 and 2 would receive apportionment funding under the Local Control Funding Formula model.

## Attachments

* **Attachment 1:** Proposed Determination of Funding Recommendation with Corrected Time Period for Evergreen Institute of Excellence (1 Page)
* **Attachment 2:** Proposed Determination of Funding Recommendation for Golden Gate Charter School (1 Page)