

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-mar19item07

# California State Board of EducationMarch 2019 AgendaItem #11

## Subject

Consideration of a Retroactive 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*).

Pursuant to 5 *CCR* Section 11963.6(c), any determination of funding request approved by the SBE for an existing nonclassroom-based charter school must be prospective (not for the current year). Camino Polytechnic charter school submitted the determination of funding request after the required deadline, thereby making the request retroactive.

## Recommendation

The CDE recommends that the SBE approve the determination of funding at 100 percent for the time period specified for Camino Polytechnic as listed on Attachment 1.

## Advisory Commission on Charter Schools Recommendation

At the February 2019 meeting, the ACCS voted unanimously to approve the CDE recommendation that the SBE approve the determination of funding request at 100 percent for the time period specified for Camino Polytechnic as listed on Attachment 1.

The meeting notice for the February 2019 ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice020519.asp>.

## Brief History of Key Issues

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.

Camino Polytechnic is a classroom-based charter school with an independent study program.  The school has seen an increase in nonclassroom-based enrollment in fiscal year (FY) 2018–19 and classroom-based average daily attendance could fall lower than the required 80 percent requiring a determination of funding. Camino Polytechnic submitted the determination of funding request after the February 1 deadline, thereby making the request retroactive.

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

The SBE is responsible for approving a determination of funding request 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, Camino Polytechnic would receive apportionment funding under the Local Control Funding Formula model.

## Attachment

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