

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-nov18item01

# California State Board of Education November 2018 Agenda Item #16

## 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 is one charter school for this item:

Ernest Kimme Charter Academy for Independent Learning (EKCAIL) is requesting a determination of funding to continue its eligibility to receive apportionment funding as a nonclassroom-based charter school.

## Recommendation

The CDE recommends that the SBE approve EKCAIL’s determination of funding request at 100 percent funding for the time period specified in Attachment 1.

## Advisory Commission on Charter Schools Recommendation

At the October 9, 2018, meeting, the ACCS voted unanimously to approve the CDE recommendation for EKCAIL that the SBE approve the determination of funding at 100 percent for the time period specified in Attachment 1.

## Brief History of Key Issues

EKCAIL submitted a request for a determination of funding to continue eligibility to receive apportionment funding as a nonclassroom-based charter school. However, EKCAIL filed the determination of funding request after the filing deadline of February 1, 2018. At the September 2018 SBE meeting, the SBE approved a waiver to allow EKCAIL to file a determination of funding request after the filing deadline. The ACCS approved EKCAIL’s determination of funding request at its October 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. The CDE proposes to recommend that the SBE approve the determination of funding at 100 percent for three fiscal years (FYs), 2018–19 through 2020–21.

The meeting notice for the October 9, 2018, ACCS meeting is located on the SBE ACCS web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice100918.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, EKCAIL would receive apportionment funding under the Local Control Funding Formula model.

## Attachment

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