California Department of Education
Charter Schools Division
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**ADVISORY COMMISSION ON CHARTER SCHOOLS**

AN ADVISORY BODY TO THE STATE BOARD OF EDUCATION

# April 2023 AgendaItem #01

## 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* (*EC*)sections 47612.5 and 47634.2 established the eligibility requirements for apportionment funding for charter schools that offer nonclassroom-based (NCB) instruction. The statutes specify that a charter school that offers NCB instruction in excess of the amount authorized by *EC* Section 47612.5(e)(1) may receive apportionment funding for NCB instruction only if a determination of funding is made by the California 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 by the Advisory Commission on Charter Schools (ACCS), pursuant to relevant *California Code of Regulations*, Title 5 (5 *CCR*).

This item considers determination of funding requests from 141 charter schools.

## Proposed Recommendation

The CDE proposes to recommend that the SBE approve the schools’ determination of funding requests at the percentages and for the time periods as specified in Attachment 1.

## Funding Determination Criteria

*EC* Section 47634.2(a)(1) provides the following:

Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction…shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school’s total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.

*EC* Section 47634.2(a)(4) further states:

For the 2003–04 fiscal year and each fiscal year thereafter, the amount of funding determined by the State Board of Education pursuant to this section shall not be more than 70 percent of the unadjusted amount to which a charter school would otherwise be entitled, unless the State Board of Education determines that a greater or lesser amount is appropriate based on the criteria specified in paragraph (1) of subdivision (a).

Pursuant to the *EC* Section 47634.2 and SBE-adopted regulations, a charter school may qualify for either 70 percent, 85 percent, or 100 percent funding, or may be denied funding (i.e., 0 percent) for its NCB instruction.

To qualify for a proposed recommendation of 100 percent funding, a charter school must meet the following criteria:

* Spend at least 40 percent of the school’s public revenues on salaries and benefits for all employees who possess a valid teaching certificate
* Spend at least 80 percent of all revenues on instruction and related services
* Maintain a ratio of average daily attendance (ADA) for independent study pupils to full-time certificated employees that does not exceed a pupil-teacher ratio (PTR) of 25:1 or the PTR of the largest unified school district in the county or counties in which the charter school operates

The expenditure and PTR criteria for all funding levels for which a charter school may qualify to receive for its NCB instruction are specified in 5 *CCR* Section 11963.4(a). A summary of the criteria is provided in the table below:

Table of Nonclassroom-Based Instruction Funding Levels

NA: Not Applicable

| **Funding Level** | **Percentage Spent on Certificated Salaries and Benefits** | **Percentage Spent on Instruction and Related Services** | **PTR[[1]](#footnote-1)** |
| --- | --- | --- | --- |
| **100%** | ≥ 40 | ≥ 80 | ≤ 25 to 1 |
| **85%** | ≥ 40 | ≥ 70 | NA |
| **70%** | ≥ 35 | ≥ 60 | NA |
| **0%** | < 35 | < 60 | NA |

A determination of funding may not exceed five years, pursuant to *EC* Section 47612.5(d)(2). For a new charter school in its first year of operation, a funding determination shall be for a period of two fiscal years, pursuant to 5 *CCR* Section 11963.6(a). For an existing charter school with an active funding determination, a funding determination shall be in increments of a minimum of two years and a maximum of five years in length, pursuant to 5 *CCR* Section 11963.6(c). For an existing charter school with an active funding determination, it is the CDE’s current practice to recommend a time period of three or four years based on the number of times the charter school has renewed its funding determination with the SBE.

In the past, the CDE recommended five-year periods dependent on a charter school’s Academic Performance Index (API) rank, pursuant to *EC* Section 47612.5(d)(2); however, because API is no longer calculated, the CDE does not currently recommend five-year funding determination periods.

## Analysis of Funding Determination Requests

All schools presented in this item meet the requirements to qualify for their requested level of funding for NCB instruction. Therefore, the CDE proposes to recommend that the SBE approve the schools’ determination of funding requests at the percentages and for the time periods as specified in Attachment 1.

If a school’s determination of funding request is approved, the school will be eligible to receive funding for ADA generated through NCB instruction as approved by the SBE, pursuant to *EC* Section 47634.2(c).

## Attachments

* **Attachment 1:** Proposed Recommendations for Nonclassroom-Based Determinations of Funding (9 Pages)
* **Attachment 2:** Determination of Funding Request for Academies of the Antelope Valley, Charter #1415 (9 Pages)
* **Attachment 3:** Determination of Funding Request for Alta Vista Community Charter, Charter #1429 (9 Pages)
* **Attachment 4:** Determination of Funding Request for Antelope Valley Learning Academy, Charter #0841 (10 Pages)
* **Attachment 5:** Determination of Funding Request for Audeo Charter II, Charter #1835 (9 Pages)
* **Attachment 6:** Determination of Funding Request for Audeo Charter School III, Charter #1935 (9 Pages)
* **Attachment 7:** Determination of Funding Request for Big Picture Educational Academy, Charter #1085 (9 Pages)
* **Attachment 8:** Determination of Funding Request for Blue Ridge Academy, Charter #1816 (12 Pages)
* **Attachment 9:** Determination of Funding Request for Brookfield Engineering Science Technology Academy, Charter #2055 (9 Pages)
* **Attachment 10:** Determination of Funding Request for California Connections Academy Central Coast, Charter #2031 (9 Pages)
* **Attachment 11:** Determination of Funding Request for California Connections Academy Central Valley, Charter #0804 (9 Pages)
* **Attachment 12:** Determination of Funding Request for California Connections Academy Monterey Bay, Charter #2056 (9 Pages)
* **Attachment 13:** Determination of Funding Request for California Connections Academy North Bay, Charter #1653 (9 Pages)
* **Attachment 14:** Determination of Funding Request for California Connections Academy Northern California, Charter #1398 (9 Pages)
* **Attachment 15:** Determination of Funding Request for California Pacific Charter - Sonoma, Charter #2037 (9 Pages)
* **Attachment 16:** Determination of Funding Request for California Virtual Academy @ Maricopa, Charter #1490 (9 Pages)
* **Attachment 17:** Determination of Funding Request for California Virtual Academy @ San Diego, Charter #0493 (11 Pages)
* **Attachment 18:** Determination of Funding Request for California Virtual Academy @ San Joaquin, Charter #1489 (9 Pages)
* **Attachment 19:** Determination of Funding Request for California Virtual Academy at Fresno, Charter #1492 (10 Pages)
* **Attachment 20:** Determination of Funding Request for Camino Polytechnic, Charter #1150 (9 Pages)
* **Attachment 21:** Determination of Funding Request for Charter Community School Home Study Academy, Charter #0005 (9 Pages)
* **Attachment 22:** Determination of Funding Request for Citrus Springs Charter, Charter #1831 (9 Pages)
* **Attachment 23:** Determination of Funding Request for Classical Academy, Charter #0199 (9 Pages)
* **Attachment 24:** Determination of Funding Request for Classical Academy High, Charter #0759 (9 Pages)
* **Attachment 25:** Determination of Funding Request for Classical Academy Vista, Charter #2016 (9 Pages)
* **Attachment 26:** Determination of Funding Request for Clovis Online Charter, Charter #1006 (9 Pages)
* **Attachment 27:** Determination of Funding Request for Coastal Academy Charter, Charter #0516 (9 Pages)
* **Attachment 28:** Determination of Funding Request for Come Back Charter, Charter #2002 (9 Pages)
* **Attachment 29:** Determination of Funding Request for Come Back Kids, Charter #1568 (9 Pages)
* **Attachment 30:** Determination of Funding Request for Community Collaborative Charter, Charter #0699 (9 Pages)
* **Attachment 31:** Determination of Funding Request for Compass Charter School of Yolo, Charter #2059 (9 Pages)
* **Attachment 32:** Determination of Funding Request for Connecting Waters Charter, Charter #0477 (9 Pages)
* **Attachment 33:** Determination of Funding Request for CORE Butte Charter, Charter #0945 (9 Pages)
* **Attachment 34:** Determination of Funding Request for Cottonwood, Charter #1964 (10 Pages)
* **Attachment 35:** Determination of Funding Request for Cottonwood Creek Charter, Charter #1183 (9 Pages)
* **Attachment 36:** Determination of Funding Request for Creekside Charter, Charter #1102 (9 Pages)
* **Attachment 37:** Determination of Funding Request for Crescent View West Public Charter, Charter #0746 (9 Pages)
* **Attachment 38:** Determination of Funding Request for Denair Charter Academy, Charter #0357 (9 Pages)
* **Attachment 39:** Determination of Funding Request for Desert Sands Charter, Charter #0411 (9 Pages)
* **Attachment 40:** Determination of Funding Request for Diego Valley East Public Charter, Charter #1934 (9 Pages)
* **Attachment 41:** Determination of Funding Request for Elite Academic Academy - Lucerne, Charter #1923 (9 Pages)
* **Attachment 42:** Determination of Funding Request for Elite Academic Academy - Mountain Empire, Charter #1924 (9 Pages)
* **Attachment 43:** Determination of Funding Request for Elk Grove Charter, Charter #0027 (9 Pages)
* **Attachment 44:** Determination of Funding Request for EPIC Charter (Excellence Performance Innovation Citizenship), Charter #1807 (10 Pages)
* **Attachment 45:** Determination of Funding Request for Ernest Kimme Charter Academy, Charter #1839 (9 Pages)
* **Attachment 46:** Determination of Funding Request for Escondido Charter High, Charter #0109 (10 Pages)
* **Attachment 47:** Determination of Funding Request for Evergreen Institute of Excellence, Charter #1754 (9 Pages)
* **Attachment 48:** Determination of Funding Request for Excel Academy Charter, Charter #2053 (11 Pages)
* **Attachment 49:** Determination of Funding Request for Excelsior Charter, Charter #1910 (11 Pages)
* **Attachment 50:** Determination of Funding Request for Excelsior Charter School Corona-Norco, Charter #1993 (9 Pages)
* **Attachment 51:** Determination of Funding Request for Feather River Charter, Charter #1801 (10 Pages)
* **Attachment 52:** Determination of Funding Request for Five Keys Charter (SF Sheriff's), Charter #0567 (9 Pages)
* **Attachment 53:** Determination of Funding Request for Forest Charter, Charter #1427 (9 Pages)
* **Attachment 54:** Determination of Funding Request for Gateway College and Career Academy, Charter #1602 (9 Pages)
* **Attachment 55:** Determination of Funding Request for Glacier High School Charter, Charter #0479 (9 Pages)
* **Attachment 56:** Determination of Funding Request for Granite Mountain Charter, Charter #2033 (10 Pages)
* **Attachment 57:** Determination of Funding Request for Grizzly ChalleNGe Charter, Charter #0566 (9 Pages)
* **Attachment 58:** Determination of Funding Request for Harvest Ridge Cooperative Charter, Charter #1179 (9 Pages)
* **Attachment 59:** Determination of Funding Request for Heartland Charter, Charter #1998 (9 Pages)
* **Attachment 60:** Determination of Funding Request for Heritage K-8 Charter, Charter #0556 (10 Pages)
* **Attachment 61:** Determination of Funding Request for Heritage Peak Charter, Charter #0687 (9 Pages)
* **Attachment 62:** Determination of Funding Request for Imperial Valley Home School Academy, Charter #1249 (9 Pages)
* **Attachment 63:** Determination of Funding Request for Ingenuity Charter, Charter #1719 (9 Pages)
* **Attachment 64:** Determination of Funding Request for Insight School of California, Charter #1491 (9 Pages)
* **Attachment 65:** Determination of Funding Request for iQ Academy California-Los Angeles, Charter #1135 (10 Pages)
* **Attachment 66:** Determination of Funding Request for IvyTech Charter, Charter #1202 (9 Pages)
* **Attachment 67:** Determination of Funding Request for Keyes to Learning Charter, Charter #0085 (9 Pages)
* **Attachment 68:** Determination of Funding Request for Kings Canyon Online, Charter #1074 (9 Pages)
* **Attachment 69:** Determination of Funding Request for Lake View Charter, Charter #2069 (10 Pages)
* **Attachment 70:** Determination of Funding Request for Lassen-Antelope Volcanic Academy (LAVA), Charter #1813 (9 Pages)
* **Attachment 71:** Determination of Funding Request for Learning Choice Academy, Charter #0659 (9 Pages)
* **Attachment 72:** Determination of Funding Request for Learning Choice Academy - Chula Vista, Charter #2001 (9 Pages)
* **Attachment 73:** Determination of Funding Request for Lemoore Online College Preparatory High, Charter #1877 (9 Pages)
* **Attachment 74:** Determination of Funding Request for Lincoln Street, Charter #1667 (9 Pages)
* **Attachment 75:** Determination of Funding Request for Long Valley, Charter #2067 (11 Pages)
* **Attachment 76:** Determination of Funding Request for Marconi Learning Academy, Charter #1970 (9 Pages)
* **Attachment 77:** Determination of Funding Request for Mark West Charter, Charter #0616 (9 Pages)
* **Attachment 78:** Determination of Funding Request for MethodSchools, Charter #1617 (9 Pages)
* **Attachment 79:** Determination of Funding Request for Mirus Secondary, Charter #0885 (9 Pages)
* **Attachment 80:** Determination of Funding Request for Mission Academy, Charter #1972 (9 Pages)
* **Attachment 81:** Determination of Funding Request for Mission View Public, Charter #0888 (9 Pages)
* **Attachment 82:** Determination of Funding Request for Mission Vista Academy, Charter #2049 (10 Pages)
* **Attachment 83:** Determination of Funding Request for Mojave River Academy - Gold Canyon, Charter #1937 (9 Pages)
* **Attachment 84:** Determination of Funding Request for Mojave River Academy - Marble City, Charter #1943 (9 Pages)
* **Attachment 85:** Determination of Funding Request for Mojave River Academy - National Trails, Charter #1938 (9 Pages)
* **Attachment 86:** Determination of Funding Request for Mojave River Academy - Oro Grande, Charter #1939 (9 Pages)
* **Attachment 87:** Determination of Funding Request for Mojave River Academy - Rockview Park, Charter #1941 (9 Pages)
* **Attachment 88:** Determination of Funding Request for Mojave River Academy - Route 66, Charter #1940 (9 Pages)
* **Attachment 89:** Determination of Funding Request for Mojave River Academy - Silver Mountain, Charter #1942 (9 Pages)
* **Attachment 90:** Determination of Funding Request for Monarch River Academy, Charter #2057 (10 Pages)
* **Attachment 91:** Determination of Funding Request for Monterey County Home Charter, Charter #0327 (9 Pages)
* **Attachment 92:** Determination of Funding Request for Mountain Oaks, Charter #0527 (9 Pages)
* **Attachment 93:** Determination of Funding Request for Mt. Lassen Charter, Charter #1185 (9 Pages)
* **Attachment 94:** Determination of Funding Request for Northern United - Humboldt Charter, Charter #1957 (9 Pages)
* **Attachment 95:** Determination of Funding Request for Oakdale Charter, Charter #0103 (9 Pages)
* **Attachment 96:** Determination of Funding Request for Olive Grove Charter - Santa Barbara, Charter #2014 (9 Pages)
* **Attachment 97:** Determination of Funding Request for one.Charter, Charter #1146 (9 Pages)
* **Attachment 98:** Determination of Funding Request for Open Door Charter, Charter #2091 (9 Pages)
* **Attachment 99:** Determination of Funding Request for Opportunities for Learning - Baldwin Park, Charter #0402 (9 Pages)
* **Attachment 100:** Determination of Funding Request for Opportunities for Learning - Capistrano, Charter #0463 (9 Pages)
* **Attachment 101:** Determination of Funding Request for Opportunities for Learning - William S. Hart, Charter #0214 (9 Pages)
* **Attachment 102:** Determination of Funding Request for Options For Youth - Duarte, Inc, Charter #2060 (9 Pages)
* **Attachment 103:** Determination of Funding Request for Options for Youth - San Juan, Charter #0217 (9 Pages)
* **Attachment 104:** Determination of Funding Request for Options for Youth - Victor Valley Charter, Charter #0013 (9 Pages)
* **Attachment 105:** Determination of Funding Request for Options for Youth San Gabriel, Charter #0117 (9 Pages)
* **Attachment 106:** Determination of Funding Request for Options for Youth-San Bernardino, Charter #1132 (9 Pages)
* **Attachment 107:** Determination of Funding Request for Orange County Workforce Innovation High, Charter #1833 (9 Pages)
* **Attachment 108:** Determination of Funding Request for Pathways Charter, Charter #0492 (9 Pages)
* **Attachment 109:** Determination of Funding Request for Pivot Charter School - North Bay, Charter #1985 (10 Pages)
* **Attachment 110:** Determination of Funding Request for Plumas Charter, Charter #0146 (9 Pages)
* **Attachment 111:** Determination of Funding Request for Provisional Accelerated Learning Academy, Charter #0335 (9 Pages)
* **Attachment 112:** Determination of Funding Request for River Valley Charter, Charter #0120 (9 Pages)
* **Attachment 113:** Determination of Funding Request for Sage Oak Charter - South, Charter #2051 (9 Pages)
* **Attachment 114:** Determination of Funding Request for San Diego Mission Academy, Charter #2020 (9 Pages)
* **Attachment 115:** Determination of Funding Request for San Diego Virtual, Charter #1264 (9 Pages)
* **Attachment 116:** Determination of Funding Request for San Diego Workforce Innovation High, Charter #1832 (11 Pages)
* **Attachment 117:** Determination of Funding Request for San Juan Choices Charter, Charter #0275 (9 Pages)
* **Attachment 118:** Determination of Funding Request for Santa Barbara Charter, Charter #0020 (9 Pages)
* **Attachment 119:** Determination of Funding Request for SAVA - Sacramento Academic and Vocational Academy, Charter #0878 (9 Pages)
* **Attachment 120:** Determination of Funding Request for Scale Leadership Academy - East, Charter #2019 (9 Pages)
* **Attachment 121:** Determination of Funding Request for School of Extended Educational Options, Charter #0914 (9 Pages)
* **Attachment 122:** Determination of Funding Request for Shasta Charter Academy, Charter #0256 (9 Pages)
* **Attachment 123:** Determination of Funding Request for SIATech, Charter #0627 (9 Pages)
* **Attachment 124:** Determination of Funding Request for SLVUSD Charter, Charter #0025 (9 Pages)
* **Attachment 125:** Determination of Funding Request for Spring Lake Charter, Charter #0525 (9 Pages)
* **Attachment 126:** Determination of Funding Request for Stellar Charter, Charter #0490 (9 Pages)
* **Attachment 127:** Determination of Funding Request for Success One!, Charter #1666 (9 Pages)
* **Attachment 128:** Determination of Funding Request for The Heights Charter, Charter #1488 (9 Pages)
* **Attachment 129:** Determination of Funding Request for The Learning Choice Academy - East County, Charter #2039 (9 Pages)
* **Attachment 130:** Determination of Funding Request for Thompson Peak Charter, Charter #2066 (10 Pages)
* **Attachment 131:** Determination of Funding Request for Trivium Charter School Adventure, Charter #1994 (9 Pages)
* **Attachment 132:** Determination of Funding Request for Trivium Charter School Voyage, Charter #1995 (9 Pages)
* **Attachment 133:** Determination of Funding Request for Valley View Charter Prep, Charter #1644 (9 Pages)
* **Attachment 134:** Determination of Funding Request for Visalia Charter Independent Study, Charter #0720 (9 Pages)
* **Attachment 135:** Determination of Funding Request for Visions In Education, Charter #0248 (11 Pages)
* **Attachment 136:** Determination of Funding Request for Vista Norte Public Charter, Charter #1919 (9 Pages)
* **Attachment 137:** Determination of Funding Request for Vista Oaks Charter, Charter #1684 (9 Pages)
* **Attachment 138:** Determination of Funding Request for Vista Real Charter High, Charter #0735 (10 Pages)
* **Attachment 139:** Determination of Funding Request for Vista Springs Charter, Charter #1968 (9 Pages)
* **Attachment 140:** Determination of Funding Request for Whitmore Charter High, Charter #0658 (9 Pages)
* **Attachment 141:** Determination of Funding Request for William Finch, Charter #0634 (9 Pages)
* **Attachment 142:** Determination of Funding Request for Yuba County Career Preparatory Charter, Charter #0092 (17 Pages)
1. The PTR criteria outlined in this table pertain only to charter schools submitting NCB funding determination requests for their NCB instruction. All charter schools offering independent study are required to comply with the ADA-to certificated-employee ratios outlined in *EC* Section 51745.6. [↑](#footnote-ref-1)